

## Title 20

### CULTURAL RESOURCES

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#### Chapter 20.05 PURPOSE

20.05.010 Purpose.

##### 20.05.010 Purpose.

The purpose of this Title is to promote the public health, safety and general welfare by providing for the identification, protection, enhancement, perpetuation and use of improvements, buildings, structures, signs, objects, features, sites, places, areas, districts, neighborhoods, streets, works of art, natural features and significant permanent landscaping having special historical, archaeological, cultural, architectural, community, aesthetic or artistic value in the City for the following reasons:

- A. To safeguard the City's heritage as embodied and reflected in such resources;
- B. To encourage public knowledge, understanding and appreciation of the City's past;
- C. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources;
- D. To promote the enjoyment and use of cultural resources appropriate for the education and recreation of the people of the City;
- E. To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complementary contemporary design and construction;
- F. To enhance property values and to increase economic and financial benefits to the City and its inhabitants;
- G. To protect and enhance the City's attraction to tourists and visitors, thereby stimulating business and industry;
- H. To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses;
- I. To integrate the preservation of cultural resources and the extraction of relevant data from such resources into public and private land management and development processes;
- J. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.
- K. To implement the City's General Plan.

L. To work in concert with the City's ~~z~~Zoning ~~regulations~~Code.

M. To establish procedures relating to the California Environmental Quality Review Act (CEQA) and Section 106 of the National Historic Preservation Act (NHPA) compliance.

(~~u~~link class="ordbank" print="yes" url="http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank" web="yes">Ord. 7657</del>, § 1, 2024; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

## **Chapter 20.10 AUTHORITY AND RESPONSIBILITIES**

20.10.010 Board created—Membership.

20.10.020 Powers and duties of Board.

20.10.030 Historic Preservation Officer.

### **20.10.010 Board created—Membership.**

Pursuant to the provisions of Article VIII of the City Charter, a Cultural Heritage Board has been created by the City Council. The Board shall be composed of nine members appointed by the Mayor and the City Council. Board members shall have the duties and functions set forth in this ~~C~~hapter~~t~~itle.

- A. All members must have a prior demonstrated interest, competence, or knowledge of historic preservation.
- B. No less than two members should be professionals in architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture, urban planning, American studies, American civilization or cultural geography, to the extent that such professionals are available in the community.
- C. The Board shall elect officers and establish its own rules and regulations which shall be consistent with the Charter, the City Council meeting rules, and this Code. The Planning Division shall provide the necessary staff and support to administer the activities of the Board. The Board shall keep a copy of its procedures with the Planning Division.

(Ord. 7108 §1, 2010; Ord. 6765 §1; 2004, Ord. 6566 §1, 2001; Ord. 6263 §1 (part), 1996)

### **20.10.020 Powers and duties of Board.**

A. The Cultural Heritage Board shall:

1. Make recommendations to the City Council regarding surveys of cultural resources within the City, in conformance with State Office of Historic Preservation survey standards and guidelines;
2. Recommend to the City Council the designation of Landmarks, Historic Districts, Structures or Resources of Merit, and any additional matters pursuant to the provisions of this ~~T~~itle;
3. Have discretionary authority to review and approve applications and actions to alter, relocate or demolish cultural resources pursuant to the provisions of this ~~T~~itle;
4. Hear appeals from the Historic Preservation Officer or Qualified Designee's determinations on Administrative Certificates of Appropriateness or the Historic Preservation Fund Committee's recommendations;
5. Accept referrals from the Historic Preservation Officer or Qualified Designee;
6. Hear appeals taken from formal interpretations made by the Historic Preservation Officer or Qualified Designee;

7. Hear appeals from the Historic Preservation Fund Committee's recommendations;
8. Adopt standards including preservation guidelines to be used by the approval authority, as defined in this [Title](#), in reviewing applications for permits to preserve, alter, relocate or demolish any cultural resource;
9. Work for the continuing education of the citizens of Riverside about the heritage of the City and its cultural resources;
10. At the direction of the City Council, seek means and resources to protect, retain and preserve cultural resources, such as suggesting legislation and seeking financial support from individuals and local, state and federal governments;
11. Consult with and advise the City Council about the Board's duties and functions;
12. Assume the responsibilities and duties assigned to it by the City Council under the Certified Local Government Provisions of the National Historic Preservation Act of 1966; such as National Environmental Protection Act ("NEPA") and California Environmental Quality Act ("CEQA") compliance;
13. As part of the Board's CEQA review responsibilities, the Board shall identify and advise appropriate City departments and governmental entities of known historical, cultural and archaeological resources; assess and advise the City Council whether any proposed project would have an adverse effect on the significance of such Cultural Resources; and recommend to the City Council appropriate action in compliance with the City's adopted CEQA procedures; and
14. Encourage public participation in the Cultural Resources program to identify and inventory significant cultural resources in the City;

B. The Cultural Heritage Board may:

1. Recommend zoning and general plan amendments for cultural resources preservation;
2. Conduct an awards program to recognize and encourage public participation in Cultural Resource efforts; and
3. Nominate eligible City-owned cultural resources to the National Register of Historic Places, and encourage, advise, and guide persons in nominating cultural resources to the National Register of Historic Places.
4. By a consensus of the Board, request a workshop to discuss topics under the purview of this [Title](#).

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 2, 2024; Ord. 7206 §1, 2013; Ord. 7108 §1, 2010; Ord. 6765 §1; 2004, Ord. 6566 §1, 2001; Ord. 6263 §1 (part), 1996)

**20.10.030 Historic Preservation Officer.**

The Historic Preservation Officer or Qualified Designee, in concert with or at the direction of the Community and Economic Development Director, shall:

- A. Provide professional support to the Board.
- B. Administer the Cultural Resources program;
- C. Manage the Boards Certificate of Appropriateness process;
- D. Execute the Administrative Certificate of Appropriateness process;
- E. Coordinate the activities with Riverside County, the State of California, and the federal government;

- F. Compile and maintain a current inventory of all designated Cultural Resources and maintain a database of other properties as appropriate.
- G. Advise the City Council on historic preservation easements, transfer of development rights, property tax incentives, or other Cultural Resource preservation mechanisms;
- H. Assist and support the Board in meeting Certified Local Government requirements; and
- I. Establish criteria for and provide a continuing comprehensive survey of Cultural Resources within the City, conforming with State Office of Historic Preservation Survey Standards and guidelines, and to publicize and periodically update the survey results.
- J. Determine when Cultural Resource reports for specific projects are required for this Title and/or CEQA.

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 3, 2024; Ord. 7248 §1, 2014; Ord. 7206 §2, 2013; Ord. 7108 §1, 2010)

**Chapter 20.15 APPROVALS AND HEARINGS**

- 20.15.010 Approval authority.
- 20.15.020 California Environmental Quality Act (CEQA) Approval.
- 20.15.030 Public hearing and notice.
- 20.15.040 Meeting and notice for Certificates of Appropriateness by Board.
- 20.15.050 Meeting and notice for Administrative Certificates of Appropriateness.
- 20.15.055 Notice for Demolition Permit Review.
- 20.15.060 Meeting and notice for Mills Act Applications.
- 20.15.070 Meeting and notice for Structure Relocations.
- 20.15.080 Meeting and notice for Cultural Resource Surveys.
- 20.15.090 Appeals and Referrals.
- 20.15.100 Effective date.
- 20.15.110 Time limits.
- 20.15.120 Time extensions.
- 20.15.130 Approvals to run with land.
- 20.15.140 Approval(s) on site during construction.

**20.15.010 Approval authority.**

**Table 20.15.010**

**Approving and Appeal Authority**

Table 20.15.010	
Approving and Appeal Authority	
	Approving and Appeal Authority

Type of Permit or Action	City Historic Preservation Officer (HPO)	City Cultural Heritage Board	City Council Consent (1,2)	City Council Discussion (1)	City Council Public Hearing (1,2)
<b><i>Administrative Discretionary Permits/Actions (No Public Hearing Required)</i></b>					
Administrative Certificate of Appropriateness	F	A/AR/F		A/F	
<b><i>Discretionary Permits and Actions (Public Meeting or Hearing Required)</i></b>					
Board Certificate of Appropriateness		F <sup>(3)</sup>		A/F	
<b><i>Legislative Actions (Public Hearing Required)</i></b>					
Mills Act Application			F		
Designation of a Structure or Resource of Merit		R			A/F
Designation of a Landmark		R			A/F
Designation of a Historic District		R			A/F
R = Recommending Authority; F = Final Approving Authority (unless appealable); A = Appeal Authority; AR = Approving Authority as HPO on Referral;					
Notes: (1) Decisions of the City Council are final and cannot be appealed. (2) An item pulled from the City Council Consent Calendar which was originally heard at a public hearing will need to be re-advertised for a public hearing prior to being heard, otherwise it will be a discussion item. (3) The Cultural Heritage Board is the final authority unless an EIR is being processed, in which case the final authority is City Council					

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 4(Exh. A), 2024; Ord. 7108 §1, 2010; Ord. 7042 §1, 2009; Ord. 6786 §9, 2005; Ord. 6263 §1 (part), 1996)

### **20.15.020 California Environmental Quality Act (CEQA) Approval.**

#### **A. Environmental Impact Report (EIR) Required for CEQA Approval:**

1. If an EIR is prepared for any Certificate of Appropriateness, designation, modification, or re-designation, or other action under this Title, final approval of that action is with the City Council.
2. In such cases, the Board shall review the Draft EIR, as it relates to Cultural Resources, and shall make a recommendation to the City Council regarding the following items:
  - a. Whether the Draft EIR has been completed in compliance with CEQA;
  - b. Whether the project will have a significant effect on Cultural Resources; and, if so;

- c. Whether the changes or alterations proposed for the project, together with any changes or alterations that come forth as a part of the public hearing on the Draft EIR, will avoid or substantially lessen the significant environmental effects as identified in the Draft EIR.
- d. A recommendation that the project be approved or denied.

3. The City Council shall consider the Board's comments and recommendation, and may accept, accept with modification, or decline the Board's recommendation.

B. Environmental Impact Report (EIR) Not Required for CEQA Approval

1. If an EIR is not prepared, and a Negative Declaration (ND) or Mitigated Negative Declaration (MND) is prepared, the following shall apply:

a. Board Final Approval Authority:

- i. The Board may adopt the ND or MND, and approve, approve with modification, or deny the project.
- ii. If the Board's decision is not timely appealed or referred, then the decision becomes final.
- iii. If the decision is timely appealed or referred, it becomes final upon the City Council's disposition of the appeal.

b. City Council Final Approval Authority

- i. The Board shall review the Draft ND or MND, as it relates to Cultural Resources only, and provide comments, together with its recommendation that the project be approved, approved with modifications, or denied.
- ii. The City Council shall consider the Board's comments and recommendation, and may accept, accept with modification, or decline the Board's recommendation.

C. CEQA Appeals. To the extent this Title authorizes the Board or HPO to take action on the adequacy of the CEQA review, said action shall be appealable to the City Council consistent with Pub. Res. Code § 21151(c) provided that: (1) All administrative appeals were exhausted; (2) Appeal is filed within ten days of the decision becoming final; and (3) The appeal is filed in a form and manner required by the Planning Division.

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 5, 2024; Ord. 7206 §3, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**20.15.030 Public hearing and notice.**

- A. All designations, modifications of designations, and/or dedesignations require a public hearing ("Hearing").
- B. All recognitions and derecognitions require a Hearing.
- C. Upon the filing of a complete application, a matter shall be set for hearing before the Board within 90 days. The Board may continue a hearing.
- D. *Notice of hearing.*
  - 1. Notice of the hearing shall be mailed or delivered at least ten days prior to the hearing to:
    - a. The owner of the subject real property or the owner's duly authorized agent, and the project applicant; and

- b. All owners and occupants of real property on the latest records of the County Assessor within 300 feet of the real property. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or delivering the notice, provide notice by placing an advertisement of a least one-eighth page in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
- c. Any person or entity that has filed a request for notice to the Planning Division. To the extent permitted under state and local law, the City may use electronic mail as a means to providing notices. The City may require requests for notices to be annually renewed.

- 2. The notice shall be published in at least one newspaper of general circulation within the City at least ten days prior to the Hearing.
- 3. Neither failure to send any notice by mail to any property owner whose address is not a matter of public record, nor the non-receipt of any notice mailed pursuant to this Cchapter, shall invalidate that Hearing or any part of the proposed designation.

(<ulink class="ordbank" print="yes" url="http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank" web="yes">Ord. 7657</ulink>, § 6, 2024; Ord. 7206 §4, 2013; Ord. 7108 §1, 2010)

**20.15.040 Meeting and notice for Certificates of Appropriateness by Board.**

- A. *No public hearings are required for Certificates of Appropriateness by Board.* The application shall be set as a discussion calendar item for the Board meeting.
- B. Upon the filing or referral of a complete application, a matter shall be set for a Board meeting within 90 days. The Board may continue a matter as it deems appropriate.
- C. Notice shall be mailed or delivered, at least ten days prior to the meeting, to:
  - 1. The owner of the subject real property or the owner's duly authorized agent, and the project applicant.
  - 2. All owners and occupants of real property within 300 feet of the real property. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or delivering the notice, provide notice by placing an advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least ten days prior to the meeting.
  - 3. Any person or entity that has filed a request for notice to the Planning Division. To the extent permitted under state and local law, the City may use electronic mail as a means to providing notice.
- D. If a Board Certificate of Appropriateness is referred to the Board by the City Council, failure of the Board to report to the City Council within 90 days, or within the time specified by the City Council, shall be deemed as an approval by the Board.

(<ulink class="ordbank" print="yes" url="http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank" web="yes">Ord. 7657</ulink>, § 7, 2024; Ord. 7108 §1, 2010)

**20.15.050 Meeting and notice for Administrative Certificates of Appropriateness.**

- A. *No public hearings are required for Administrative Certificates of Appropriateness.* The application shall be considered by the Historic Preservation Officer or Qualified Designee administratively.

- B. Within 60 days, the Historic Preservation Officer or Qualified Designee must act upon a complete application or refer the application to the Board.
- C. Except as otherwise provided in this Title, notice shall be mailed or delivered, at least ten days prior action to:
  - 1. The property owner of the subject real property or the owner's duly authorized agent, and the project applicant.
  - 2. Owners and occupants of adjacent properties or those across a street or alley.
  - 3. Any person or entity that has filed a request for notice to the Planning Division. To the extent permitted under state and local law, the City may use electronic mail as a means to providing notice.
- D. Projects mandated by state law to be reviewed ministerially are exempt from all noticing requirements.

(<ulink class="ordbank" print="yes" url="http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank" web="yes">Ord. 7657</ulink>, § 8, 2024; Ord. 7206 §5, 2013; Ord. 7108 §1, 2010)

**20.15.055 Notice for Demolition Permit Review.**

- A. Demolition permit for the primary structure(s) of a property Designated or Eligible Cultural Resource, properties within a Historic District, or contributors to a Neighborhood Conservation Area—Notice shall be given at least 30 days prior to action pursuant to the following:
  - 1. In accordance with Section 20.15.040;
  - 2. Posting a Notice of Application - Demolition Request of durable, weather-resistant material on the property in a conspicuous place within five feet of the front property line. The notice shall specify:
    - a. Date of the demolition application;
    - b. The date of demolition application, applicant, project description, case number, staff contact information, means to submit comments, and applicable public meeting information;
    - c. The placard shall be a minimum of 11" × 17" in size with black block-style letters on contrasting background white or color paper. Project sites with greater than 100 feet of street frontage may require a placard larger than 11" × 17" in size and/or multiple placards, depending on the number of street frontages and width.
- B. Noticing is not required for the demolition of accessory structures such as patio covers, gazebos, garages, etc.

(<ulink class="ordbank" print="yes" url="http://newords.muniCode.com/readordinance.aspx?ordinanceid=1315589&datasource=ordbank" web="yes">Ord. 7684</ulink>, § 1, 2024)

**20.15.060 Meeting and notice for Mills Act ~~a~~Applications.<sup>1</sup>**

- A. No public hearing is required for Mills Act applications.

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<sup>1</sup> **Sec. 20.15.060. Meeting and notice for Mills Act Applications.** Some of the sections in this chapter need appropriate introductory or linking text added. This one and the next several rely on the catchline, an editorial device, to complete the section. I suggest that the sections be rewritten such that the intended regulation is

B. The City Council shall approve or deny the application as a consent item or discussion item. (See also Section 20.30.020.)

C. Notice of City Council meeting shall be sent to the property owner.

(Ord. 7206 §6, 2013; Ord. 7108 §1, 2010)

**20.15.070 Meeting and notice for Structure Relocations.**

A. Structure relocations require a Certificate of Appropriateness.

B. Joint notices for any structure relocations shall made concurrently with and in the same manner required by Chapter 16.20. The area noticed shall be as required by Chapter 16.20, or a 450-foot radius at the destination site, whichever is greater.

(Ord. 7108 §1, 2010)

**20.15.080 Meeting and notice for Cultural Resource Surveys.**

A. No public hearing is required for Cultural Resource Surveys.

B. The City Council shall approve or deny the Cultural Resource Survey findings as a consent item or discussion item.

C. Notice of the City Council action taken shall be sent to owners of affected properties.

(Ord. 7108 §1, 2010)

**20.15.090 Appeals and Referrals.**

A. Appeals.

1. Administrative Action

- a. Any person aggrieved or affected by an Administrative Certificate of Appropriateness decision may appeal that decision to the Board within ten days of the Historic Preservation Officer or Qualified Designee's decision.
- b. The appeal must be made by filing a letter of appeal with the Planning Division and shall be accompanied by a filing fee as established by City Council resolution.
- c. If the tenth day is on a weekend or holiday, the appeal is extended to the end of the next regular business day.
- d. The letter shall set forth the grounds for the appeal.
- e. To the extent feasible, the appeal shall be scheduled on a Board meeting date mutually agreed upon by the person filing the appeal, the applicant and the City.
- f. The Board may recommend affirming reverse or modify the underlying Historic Preservation Officer or Qualified Designee's decision to the City Council.
- g. Board decisions are final unless appealed or referred to City Council within ten days of the Board action.

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encompassed within the section and not dependent on nonsubstantive editorial features. **(FOOTNOTE 355 IN EXHIBIT 2)**

- h. For appeal of Administrative actions, notice of the time and place of the Cultural Heritage Board meeting shall be sent to the Applicant and Appellant, and as set forth in this Title.

## 2. Board Action

- a. Any person affected by the Board action may appeal to the City Council within ten calendar days after the date of the Board's decision.
- b. The appeal must be made by filing a letter of appeal with the Planning Division and shall be accompanied by a filing fee as established by City Council resolution.
- c. If the tenth day is on a weekend or holiday the appeal is extended to the end of the next regular business day.
- d. The letter shall set forth the grounds for the appeal.
- e. The appeal shall be scheduled for a City Council meeting date mutually agreed upon by the person filing the appeal, the applicant and the City.
- f. City Council decisions are final.
- g. For appeals of Cultural Heritage Board actions, notice of the time and place of the City Council meeting shall be the same as for the original action.

## B. Referral of Board action.

- 1. The Mayor or any member of the City Council may refer any action taken by the Cultural Heritage Board for consideration on the City Council's discussion calendar agenda by notifying the Community & Economic Development Director.
- 2. If not referred by the Mayor or City Council, or otherwise appealed within ten days of the Board action, the action of the Board is final.

([ordbank](http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank) print="yes" url="http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank" web="yes">Ord. 7657</a>, § 9, 2024; Ord. 7206 §8, 2013; Ord. 7108 §1, 2010)

### **20.15.100 Effective date.**

- A. Certificates of Appropriateness shall be effective the first regular business day after the end of the ten day appeal period. Filing of an appeal or referral stays the effective date pending action on the appeal.
- B. Designation, modification, and dedesignation shall be effective on the next City business day following City Council action.

([ordbank](http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank) print="yes" url="http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank" web="yes">Ord. 7657</a>, § 10, 2024; Ord. 7108 §1, 2010)

### **20.15.110 Time limits.**

Any Certificate of Appropriateness shall become null and void if not exercised within the time limit specified in the approving document or within one year if no time has been specified.

(Ord. 7108 §1, 2010)

**20.15.120 Time extensions.**

The Historic Preservation Officer or Qualified Designee may administratively extend the term of a Certificate of Appropriateness for one year, no more than twice.

(Ord. 7206 §9, 2013; Ord. 7108 §1, 2010)

**20.15.130 Approvals to run with land.**

Certificates of Appropriateness and other approvals under this Title are transferred upon a change of ownership of the site, business, service, use or structures, provided that the conditions of the original Certificate or approval are fully complied with, and the project is not modified.

(Ord. 7108 §1, 2010)

**20.15.140 Approval(s) on site during construction.**

A copy of all Certificates of Appropriateness or any other approval under this Title shall be kept on site at all times during construction and made available upon request by an official of the City.

(Ord. 7108 §1, 2010)

**Chapter 20.20 DESIGNATION**

20.20.010 Designation criteria.

20.20.020 Designation application.

20.20.030 Factual investigation.

20.20.040 Board recommendation.

20.20.050 City Council; resolution.

20.20.060 Notice of City Council action.

20.20.070 Recording resolutions.

20.20.080 Overlay Zone.

20.20.090 Landmark plaques and covenants.

20.20.100 Dededesignation.

20.20.110 Appeal.

20.20.120 Reserved.

**20.20.010 Designation criteria.**

The criteria to designate, modify the status of, or dedesignate Landmarks, Structures or Resources of Merit and Historic Districts, and to modify or dedesignate Neighborhood Conservation Areas, are set forth in their definitions in Chapter 20.50.

(Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**20.20.020 Designation application.**

The Board, City Council, or any person may apply for the designation, modification, or dedesignation of a landmark, structure or resource of merit, Historic District, or modification or

dedesignation of Neighborhood Conservation Area status. Applications for designation, modification, or dedesignation shall be on forms provided by the Planning Division.

No structure may be designated as a landmark or a structure or resource of merit, nor may any designation be modified or repealed (dedesignated), without the prior written consent of the owner. Consent of property owner(s) is not required, but properties cannot be designated over the objection of a property owner(s). Property owner(s) shall be notified by mail within thirty (30) days of application submittal of a designation request. Any property owner in objection to the application shall submit a notarized letter of objection.

The City no longer allows designation of Neighborhood Conservation Areas.

(Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**20.20.030 Factual investigation.**

The Historic Preservation Officer or Qualified Designee and/or the Planning Division shall make a factual investigation for the designation, modification, or dedesignation as it deems appropriate.

(Ord. 7206 §10, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**20.20.040 Board recommendation.**

At a public hearing the Board shall make written a recommendation based upon the applicable criteria from Chapter 20.50. The Board shall forward its recommendation to the City Council.

(Ord. 7206 §11, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**20.20.050 City Council; resolution.**

Based upon the facts before it and the criteria in Chapter 20.50, the City Council may accept, modify, or reject the Board's recommendation. The City Council, in its discretion, based upon the facts and findings before it, shall designate, dedesignate, or modify the status of a Landmark, Structure or Resource of Merit, or Historic District, or modify or dedesignate a Neighborhood Conservation Area, by a numbered resolution setting forth the relevant facts, criteria and findings supporting its actions.

(Ord. 7206 §12, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**20.20.060 Notice of City Council action.**

A notice of the City Council action shall be sent to the property owner(s). The Planning Division shall update the City's Historic Resources Inventory Database and maps to show the designation, modification, or dedesignation status.

(Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**20.20.070 Recording resolutions.**

The City Clerk shall record all designation-, modification-, or dedesignation-related resolutions with the Riverside County Recorder.

(Ord. 7108 §1, 2010; Ord. 6263 § 1 (part), 1996)

**20.20.080 Overlay Zone.**

- A. Pursuant to Title 19 [of this Code](#), upon any designation, the Cultural Resources Overlay Zone applies to the subject property or parcel.
- B. Upon adoption of a historic district resolution by the City Council, the Planning Division shall initiate a rezoning case to apply the CR-Cultural Resources Overlay ~~Z~~zone to the properties within the district. This process shall follow the requirements outlined in Title 19 [of this Code](#).

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1315589&datasource=ordbank> web="yes">Ord. 7684</a>, § 2, 2024; Ord. 7108 §1, 2010; Ord. 6263 § 1 (part), 1996)

**20.20.090 Landmark plaques and covenants.**

All landmarks shall display and maintain a plaque identifying the Landmark, as provided in a covenant and agreement, recorded with the County Recorder.

(Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**20.20.100 Dededesignation.**

The procedure to modify or repeal the designation of designated Landmarks, Structures or Resources of Merit, Historic Districts, and modify or repeal the designation of Neighborhood Conservation Areas is the same procedure used to designate those resources, as set forth in this [C](#)chapter.

(Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**20.20.110 Appeal.**

For appeals of a Board recommendation on any designation, modification, or dedesignation under this [C](#)chapter, see Section 20.15.090(B). City Council actions are final and non-appealable.

(Ord. 7206 §13, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**~~20.20.120 Reserved.~~**

~~Editor's note — <http://newords.muniCode.com/readordinance.aspx?ordinanceid=1315589&datasource=ordbank> web="yes">Ord. No. 7684</a>, § 3, adopted September 17, 2024, repealed § 20.20.120. Former § 20.20.120 pertained to designation process in flow chart form and derived from Ord. 7108, § 1, adopted 2010 and Ord. 7248, § 2, adopted 2014.~~

**CHAPTER 20.21 RECOGNITION**

20.21.010 Recognition criteria.

20.21.020 Recognition application.

20.21.030 Factual Investigation.

20.21.040 Board recommendation.

20.21.050 City Council; resolution.

20.21.060 Notice of City Council action.

20.21.070 Point of cultural interest plaques.

20.21.080 Derecognition.

20.21.090 Appeal.

**20.21.010 Recognition criteria.**

The criteria to recognize a point of cultural interest are set forth in the definition in Chapter 20.50.

(Ord. 7344 §1, 2016)

**20.21.020 Recognition application.**

The Board, City Council, or any Person may apply for the recognition, modification, or derecognition of a point of cultural interest. Applications for recognition, modification, or derecognition shall be on forms provided by the Planning Division.

(Ord. 7344 §1, 2016)

**20.21.030 Factual Investigation.**

The Historic Preservation Officer or Qualified Designee and/or the Planning Division shall make a factual investigation for the recognition, modification, or derecognition as it deems appropriate.

(Ord. 7344 §1, 2016)

**20.21.040 Board recommendation.**

At a public hearing the Board shall make written a recommendation based upon the applicable criteria from Chapter 20.50 [of this Title](#). The Board shall forward its recommendation to the City Council.

(Ord. 7344 §1, 2016)

**20.21.050 City Council; resolution.**

Based upon the facts before it and the criteria in Chapter 20.50 [of this Title](#), the City Council may accept, modify, or reject the Board's recommendation. The City Council, in its discretion, based upon the facts and findings before it, shall recognize, derecognize, or modify the recognition of a Point of Cultural Interest, by a numbered resolution setting forth the relevant facts, criteria and findings supporting its actions.

(Ord. 7344 §1, 2016)

**20.21.060 Notice of City Council action.**

A notice of the City Council action shall be sent to the owner(s) of property within the point of cultural interest. Notice shall be given according to Section 20.15.030: Public Hearing and Notice. Though not a cultural resource, for the convenience of Planning Department Staff and the public, the Planning Division shall update the City's Historic Resources Inventory Database and maps to show the recognition, modification, or derecognition of interest.

(Ord. 7344 §1, 2016)

**20.21.070 Point of cultural interest plaques.**

A plaque, or other interpretive device satisfactory to the City, shall erected to recognize and explain the point of cultural interest.

(Ord. 7344 §1, 2016)

**20.21.080 Derecognition.**

The procedure to modify or repeal the recognition of a point of cultural Interest is the same procedure used to recognize those resources, as set forth in this Cchapter.

(Ord. 7344 §1, 2016)

**20.21.090 Appeal.**

For appeals of a Board recommendation on any recognition, modification, or derecognition of a point of cultural interest under this Cchapter, see Section 20.15.090(B). City Council actions are final and non-appealable.

(Ord. 7344 §1, 2016)

**Chapter 20.25 CERTIFICATES OF APPROPRIATENESS**

20.25.010 Certificates of Appropriateness, Required.

20.25.015 Certificates of Appropriateness Not Required.

20.25.020 Application.

20.25.025 Board Certificates of Appropriateness.

20.25.030 Administrative Certificates of Appropriateness.

20.25.040 Referral to the Cultural Heritage Board.

20.25.050 Principles and standards of site development and design review.

20.25.060 Appeals.

20.25.070 Application of the State Historic Building Code.

20.25.080 Reserved.

**20.25.010 Certificates of Appropriateness, Required.**

A. In addition to any and all other City permit requirements a Certificate of Appropriateness is required before any person restores, rehabilitates, alters, develops, constructs, demolishes, removes, or changes the appearance of any:

1. Designated Cultural Resource;
2. Eligible Cultural Resource; or
3. Any element in a geographic Historic District (contributing and non-contributing) or contributor to Neighborhood Conservation Area (contributor).

B. Alterations that require Certificates of Appropriateness include changes to the exterior, unless otherwise designated per the designating resolution or per the requirements of the Secretary of Interior's Standards for the Treatment of Historic Properties.

- C. Non-contributors and Non-contributing Features in Historic Districts and individually significant properties are subject to the Certificate of Appropriateness requirements; however, the principles, issues and standards are different than for Contributing features.
- D. For the demolition of structures not previously identified as Cultural Resources, the Community & Economic Development Director and Historic Preservation Officer may require a Cultural Resources Report be prepared pursuant to Section 20.26.010 [of this Title](#) for the demolition of structures not previously identified as Eligible Cultural Resources, but may meet designation criteria, to determine if the structure is eligible for designation. If the subject property is found eligible for designation, a Certificate of Appropriateness and associated CEQA review is required pursuant to this [Chapter](#).
- E. When granting a demolition permit for a Designated or Eligible Cultural Resource, a property within an Historic District, or contributors within a Neighborhood Conservation Area, additional conditions may be added by the Historic Preservation Officer/Board, as appropriate.

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1315589&datasource=ordbank> web="yes">Ord. 7684</a>, § 4, 2024; <http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 11, 2024; Ord. 7206 §14, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

### **20.25.015 Certificates of Appropriateness Not Required.**

No Certificate of Appropriateness is required for:

#### **A. Dangerous Condition:**

1. Modifications to a Cultural Resource does not require a Certificate of Appropriateness, if the Building Official has determined that structure presents an unsafe or dangerous condition constituting an imminent threat as defined in the California Building Code: or
2. A dangerous building as defined by the Uniform Code for the Abatement of Dangerous Buildings, and the proposed action is necessary to mitigate the unsafe or dangerous condition.
3. Before any physical work on any such unsafe structure, the Building Official shall make all reasonable efforts to consult with the Historic Preservation Officer or Qualified Designee to seek feasible alternatives to the proposed action that will adequately protect the public health and safety.

B. Structures found ineligible for historic designation in an adopted Cultural resource survey, Section 20.50.010, or a Cultural Resource Report, Section 20.26.010.

C. Non-contributors and Non-contributing features in Neighborhood Conservation Areas are not subject to the Certificate of Appropriateness requirements.

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 15, 2024)

### **20.25.020 Application.**

#### **A. Submittal requirements.**

1. Applications for a Certificate of Appropriateness shall be made on forms provided by the Planning Division. Applications shall include:

- a. Plans and specifications showing the design, materials, colors, landscaping, and irrigation relating to the proposed improvements.
- b. Where required, applications shall also show the relationship of the proposed work to the surrounding environs.
- c. Applications for new construction in a Historic District or Neighborhood Conservation Area shall also include such relevant information as how the new improvement relates to the existing architectural style, scale, massing, site, streetscape, landscaping, and signage.
- d. The Planning Division may require any additional information deemed necessary to make an informed judgment of the proposed work according to the standards of this Chapter.

*2. Signature and fees required.*

- a. Applications will not be accepted by the Planning Division without required signed application forms and permit.
- b. Any owner, owner's authorized representative or the City Manager, or his/her designee, may sign an application.
- c. Applicable fees shall be those established by City Council Resolution and published in the Schedule of Fees available from the Planning Division.

*3. Indemnification.*

- a. With the submittal of any application, the owner and/or applicant agrees that upon approval of its application the owner and/or applicant shall defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action or proceeding against the City of Riverside, its agents, officers or employees, that attacks, set asides, voids, or annuls, any approval by the City concerning:
  - i. Any such approval of the City; and/or
  - ii. An action taken to provide environmental clearance under CEQA by its advisory agencies, appeal boards or City Council.
- b. The owner and/or applicant shall execute an indemnification agreement in a form acceptable to the City Attorney.
- c. In the event any claim, action or proceeding is brought, the City shall promptly notify the owner and/or applicant of the existence of the proceeding and the City will cooperate fully in the defense of the proceeding. Nothing in this Section shall prohibit the City from participating in the defense of any proceeding.
- d. If the applicant is required to defend the City in connection with any proceeding described in this Section, the City shall retain the right to approve:
  - i. The counsel to so defend the City;
  - ii. All significant decisions concerning the manner in which defense is conducted; and
  - iii. Any and all settlements, which approval shall not be unreasonably withheld.
- e. The City shall also have the right not to participate in the defense, except that the City agrees to cooperate with the applicant in the defense of the proceeding. If the City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City.

B. *Application Completeness Review*: All applications filed with the Planning Division in compliance with this Title shall be initially reviewed by the Historic Preservation Officer, or Qualified Designee. The application shall be processed as follows:

1. *Complete applications*. The applicant shall be notified in writing of the determination either that all the submittal requirements have been satisfied and that the application has been accepted as complete.
2. *Incomplete applications*. The applicant shall be notified in writing of the determination that specific information and or materials are still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with the principles and standards as set forth in this Title.
3. *Withdrawals*.
  - a. Submittal of withdrawals. All withdrawal requests shall be submitted in writing to the Planning Division, identifying the application being withdrawn.
  - b. Resubmittal of withdrawn applications. Any resubmittal of a withdrawn application shall require submittal of a new application along with the appropriate fees and a new case number will be assigned.
4. *City inactivity determination*.
  - a. The City, at its discretion, may deem any application inactive if it remains incomplete for 180 calendar days from the date of the original submittal and no meaningful progress has been taken by the applicant in response to deficiencies with the application.
  - b. The City shall notify the applicant in writing of its intention to deem the application inactive at least 30 calendar days prior to determination.
  - c. Subsequent to an application being deemed complete, the City may terminate an application due to inactivity consistent with the above procedures.
5. *Mutual agreement to extension of time*. Nothing in this Section precludes the applicant and the City from mutually agreeing to an extension of any time limit provided by this Section.

C. *Relationship to other Discretionary Approvals*: If a project requires other Entitlements under Title 19 in addition to a Board Certificate of Appropriateness, the Cultural Heritage Board meeting shall occur prior to the meeting for associated eEntitlements.

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1315589&datasource=ordbank> web="yes">Ord. 7684</a>, § 5(Exh. A), 2024; Ord. 7108 §1, 2010; Ord. 6263 § 1 (part), 1996)

#### **20.25.025 Board Certificates of Appropriateness.**

Except as set forth in this Chapter, Certificates of Appropriateness shall be reviewed by the Cultural Heritage Board.

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 13, 2024)

**20.25.030 Administrative Certificates of Appropriateness.**

The Historic Preservation Officer or Qualified Designee may administratively approve, approve with conditions, refer to the Board, or deny a Certificate of Appropriateness as follows:

A. For any cultural resources, including landmarks (designated and eligible):

1. New or replacement fences, walls, awnings, and/or exterior lightings.
2. The in-kind replacement of historically-correct architectural features or building elements, including windows, doors, exterior siding, roofs, porches, cornices, balustrades, stairs, and the like, that are deteriorated, damaged beyond restoration, or previously removed.
3. The in-kind replacement of historically correct site, or contributing landscape features that are deteriorated, damaged beyond restoration, or previously removed.
4. Removal or alteration of landscape features, such as walkways, planter walls, fountains, and in certain circumstances mature foliage, that contribute to the historic character of the resource but are not designated or listed as contributing to a designated resource.
5. The removal of inappropriate additions or alterations to restore the original appearance of a structure.
6. Paving for driveways, walkways and/or patios, and the addition of or alteration to driveway approaches, subject to WQMP requirements.
7. Exterior painting of commercial properties and/or designated landmarks, including only those surfaces allowed to be painted include only those that were originally intended to be painted and exclude all other surfaces, such as brick, concrete, and stone.

B. For any cultural resources, excluding landmarks:

1. One-story additions to a single-story structure, less than 50 percent of the size of the existing main structure (or 1,000 square feet area, whichever is smaller, for residential), with limited or no visibility from public streets.
2. Two-story Accessory Dwelling Unit (ADU) and second-story additions to existing single-story structures, auxiliary structures (excluding attached garages) for an ADU, when the main residence is at least two-stories in height.
3. Demolition of a, or the replacement of a previously existing, one-story, detached garage and construction of a new one-story, detached garage that is architecturally compatible with the existing residence and character-defining features of the existing neighborhood and the area devoted to parking does not exceed 400 square feet, or the minimum size for a two-car garage as required by the City ~~zZoning regulations-Code~~, whichever is greater. Maximum size of the structure shall not exceed City ~~zZoning Code~~ requirements.

C. For non-contributing features and non-contributors in a Historic District, all actions except:

1. Demolition.
2. New and in-fill construction.
3. Large additions (increasing floor area by 50 percent or more).
4. Increasing the number of stories (e.g., adding a second story to a single-story structure).

D. Under A, B and C above, the Historic Preservation Officer or Qualified Designee may waive noticing requirements and/or formal application forms for cases that are immediately determined to meet all required findings because they involve alterations deemed insignificant or having no impact on the significance or integrity of the Cultural Resources, such as fences, landscaping, like-for-like repair, or similar.

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 14, 2024; Ord. 7206 §15, 2013; Ord. 7108 §1, 2010; Ord. 6263 § 1 (part), 1996)

#### **20.25.040 Referral to the Cultural Heritage Board.**

The Historic Preservation Officer or Qualified Designee may, in its sole discretion, decline to administratively review any application and refer the application to the Board.

(Ord. 7206 §16, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

#### **20.25.050 Principles and standards of site development and design review.**

The Board and Historic Preservation Officer or Qualified Designee shall make findings of the following standards when applicable to approving or denying a Certificate of Appropriateness.

- A. For proposed projects involving individually significant Cultural Resources (i.e. City Landmarks, Structures of Merit, etc.), the proposed project should demonstrate:
  1. Consistency or compatibility with the architectural period and the character-defining elements of the historic building, such as colors, textures, materials, fenestration, decorative features, details, height, scale, massing, and method of construction;
  2. The proposed project does not destroy or pose a substantial adverse change to an important architectural, historical, cultural or archaeological feature or features of the Cultural Resource;
  3. Compatibility with context considering the following factors: grading; site development; orientation of buildings; off-street parking; landscaping; signs; street furniture; public areas; relationship of the project to its surroundings;
  4. Consistency with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties; and
  5. As applicable, consistency with other federal, state, and/or local guidelines.
- B. For proposed projects involving contributors or contributing feature within Historic Districts and Neighborhood Conservations Areas, the proposed project should demonstrate:
  1. Compatibility with the height, scale, or massing of the contributor (or contributing feature) the Cultural Resource;
  2. Compatibility with colors, textures, materials, decorative features of the contributor (or contributing feature) to the Cultural Resources;
  3. The proposed change does not destroy or pose a substantial adverse change to an important architectural, historical, cultural or archaeological feature or features within boundary of the Cultural Resource;
  4. Compatibility with the context of the Cultural Resource regarding grading, site development, orientation of buildings, landscaping, signs, or public areas;
  5. Consistency with the Citywide Residential Historic District Design Guidelines, approved guidelines for each Historic District, and/or any other applicable Design Guidelines; and
  6. Consistency with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- C. For non-contributors in a Historic District, the proposed project should demonstrate:

1. Compatibility with the height, scale, or massing of contributors within the Historic District, and as allowed by Title 19-Zoning;
2. Compatibility with the colors, textures, roof forms, and materials of contributors or the architectural period within the Historic District;
3. That the proposed project does not pose an adverse change to the Historic District or its context;
4. Consistency with the Citywide Residential Historic District Design Guidelines and the Historic District guidelines; and
5. Consistency with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 15, 2024; Ord. 7206 §17, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

#### **20.25.060 Appeals.**

Section 20.15.090 shall apply for appeals of any approval, conditional approval or denial of a Certificate of Appropriateness under this ~~C~~chapter.

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 16, 2024; Ord. 7206 §18, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

#### **20.25.070 Application of the State Historic Building Code.**

Pursuant to the California Health and Safety Code, the Building Official may apply the State Historic Building Code in permitting repairs, alterations and additions necessary for the preservation, restoration, rehabilitation, moving, or continued use of a designated cultural resource.

(Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

#### **~~20.25.080 Reserved.~~**

**Editor's note** — (<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1315589&datasource=ordbank> web="yes">Ord. No. 7684</a>, § 6, adopted September 17, 2024, repealed § 20.25.080. Former § 20.25.080 pertained to certificate of appropriateness process in flow chart form and derived from Ord. 6263, § 1(part), adopted 1996; Ord. 7108, § 1, adopted 2010 and Ord. 7248, § 3, adopted 2014.

### **Chapter 20.26 ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES**

20.26.010 Cultural Resources Reports.

20.26.020 Tribal Consultation.

**20.26.010 Cultural Resources Reports.**

A Cultural Resources Report, meeting the requirements established by the Planning Division, may be required for any discretionary action that meets at least one on the following criteria, as determined by the Historic Preservation Officer or Qualified Designee:

- A. The proposed project has the potential to impact a Cultural Resource (designated or eligible) as defined in this ~~T~~title.
- B. The proposed project has the potential to impact a structure that is over 50 years of age or may be eligible for City, State or National Designation.
- C. The project is located near a known archeological site such as:
  1. Within 1,000 feet of a documented site; or
  2. Within or adjacent to an area of high archeological sensitivity as defined by the City's General Plan.
- D. Contains site features such as:
  1. Steep slopes that are undeveloped;
  2. Canyons;
  3. Arroyos;
  4. Rivers or streams and/or adjacency;
  5. Rock outcroppings: and/or
  6. Undeveloped land at the base of steep slopes.
- E. The Eastern Information Center determination that a Phase 1 Archeological Study is necessary.

(<http://newwords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 17(Exh. C), 2024)

**20.26.020 Tribal Consultation.**

When required, Tribal Consultation shall be completed in accordance with CEQA.

(<http://newwords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 17(Exh. C), 2024)

**Chapter 20.30 PRESERVATION INCENTIVES**

20.30.010 Preservation incentives.

20.30.020 Mills Act Program.

**20.30.010 Preservation incentives.**

The City Council may establish preservation incentives to encourage owners to designate, maintain, preserve, rehabilitate, and improve cultural resources. Only properties designated as cultural resources pursuant to the provisions of ~~this Title Riverside Municipal Code Title 20~~ shall be eligible to apply for preservation incentives.

(Ord. 7108 §1, 2010; Ord. 6778 § 1, 2004; Ord. 6566 §2, 2001; Ord. 6263 §1 (part), 1996)

**20.30.020 Mills Act Program.**

Pursuant to Government Code [Section 50280 et seq.](#) ("the Mills Act"), the City Council has established, by Resolution 20825 (as amended) a Mills Act Program providing for contractual agreement with an owner of a historic property as designated by the City Council or listed on any official federal, state, or county register for the purpose of preservation, rehabilitation, and maintenance of a designated historic resource. A Mills Act Agreement allows an owner to receive a reduction in property taxes in exchange for the property owner's commitment to specific repair, restoration and/or rehabilitation improvements and satisfactory maintenance of the Historic Property. A Mills Act Agreement is for a minimum period of ten years, renewed annually, unless a notice of non-renewal or cancellation is filed. Mills Act applications will be accepted between January 1 and May 31 of the calendar year. A Mills Act application will be acted upon by the City Council before the end of the calendar year during which it was submitted.

(Ord. [<ulink class="ordbank" print="yes" url="http://newords.muniCode.com/readordinance.aspx?ordinanceid=1185576&datasource=ordbank" web="yes">7611</ulink>](#) § 1, 2022; Ord. 7206 §19, 2013; Ord. 7108 §1, 2010; Ord. 6566 §2, 2001; Ord. 6263 §1 (part), 1996)

**Chapter 20.35 DUTY TO MAINTAIN**

20.35.010 Duty to maintain.

20.35.020 Relationship to other provisions.

**20.35.010 Duty to maintain.**

Every person in possession or control, and the owner, of a Cultural Resource or a building, structure, object or site within a Historic District or Neighborhood Conservation Area shall maintain and keep in good repair the exterior of that resource, and all interior portions necessary to prevent loss or deterioration of any cultural or structural integrity. "Good repair" means that level of maintenance and repair which clearly furthers the continued viability of a resource and/or premises for lawful reasonable uses and prevents loss or deterioration of the resource and/or premises. Such maintenance shall be in compliance with all applicable Codes, laws and regulations governing the maintenance of property. In addition to any other remedies available to the City, this [Section](#) shall also be enforceable by the Code Enforcement Division of the Community and Economic Development Department to the full extent permissible by law. Failure to maintain a Cultural Resource may result in a Determination of Nuisance and Summary Abatement.

([<ulink class="ordbank" print="yes" url="http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank" web="yes">Ord. 7657</ulink>](#), § 19, 2024; Ord. 7108 §1, 2010; Ord. 6775 §1, 2004 (part); Ord. 6263 §1 (part), 1996)

**20.35.020 Relationship to other provisions.**

Any duties or obligations set forth in this [Title](#) are in addition to those set forth in Title 6 [of this Code](#), including Chapters 6.11 ("Maintenance and Rehabilitation of Vacant and Neglected Buildings"), 6.14 ("Property Maintenance"), and 6.15 ("Abatement of Public Nuisances"). If there is any conflict between this [Title](#) and any other provision of [this the Municipal](#) Code, except as provided herein, Title 20 shall prevail.

(Ord. 7108 §1, 2010; Ord. 6775 §1, 2004 (part))

## **Chapter 20.40 ENFORCEMENT AND PENALTIES**

20.40.010 Violations.

20.40.020 Criminal penalties.

20.40.030 Nuisance.

20.40.040 Stop work orders.

20.40.050 Remedies.

20.40.060 Moratoriums.

20.40.070 Legal actions.

20.40.080 Code Enforcement Updates.

### **20.40.010 Violations.**

No person shall alter or demolish a Cultural Resource or a building, structure, object or site within a Historic District or Neighborhood Conservation Area in violation of this [Title](#), either actively or passively, including through neglect.

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 20, 2024; Ord. 7108 §1, 2010; Ord. 6263 § 1 (part), 1996)

### **20.40.020 Criminal penalties.**

Any person who violates a requirement of this [Title](#) or fails to obey an order issued by the City, including the Historic Preservation Officer or Qualified Designee and the Board, and/or or comply with a condition of approval of any certificate or permit issued under this [Title](#), shall be guilty of a misdemeanor.

(Ord. 7206 §21, 2013; Ord. 7108 §1, 2010)

### **20.40.030 Nuisance.**

Any alteration or demolition of a cultural resource in violation of this [Title](#) is declared to be a nuisance.

(Ord. 7108 §1, 2010)

### **20.40.040 Stop work orders.**

The Community & Economic Development Director or designee has the authority to issue a stop work order for any violation or threatened violation of this [Title](#). A stop work order shall be written in the format deemed appropriate by the issuer. The stop work order shall remain in effect until written notice of rescission by the Community & Economic Development Director or designee, or until City Council action to remove or modify the order, in addition to any other enforcement under any other provision of the Municipal Code or law.

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 21, 2024; Ord. 7206 §22, 2013; Ord. 7108 §1, 2010)

**20.40.050 Remedies.**

A. Remedies shall apply to any violation of this ~~C~~chapter. All remedies shall be cumulative to each other and not exclusive.

B. Remedies are at the sole discretion of the City and may include one or more of the following:

1. Administrative Certificate of Approvals and Non-contributors in a Historic District:

- a. A retroactive Certificate of Appropriateness as defined in this Title shall be required; and
- b. All conditions of the Certificate of Appropriateness shall be satisfied.

2. Board Issued Certificate of Appropriateness - Retroactive compliance.

- a. A retroactive Certificate of Appropriateness as defined in this Title shall be required; and
- b. All conditions of the Certificate of Appropriateness shall be satisfied.

3. *Restoration.*

- a. A violation may be abated by restoring or reconstructing the Cultural Resource to its original condition prior to the violation.
- b. The violator must obtain a Certificate of Appropriateness prior to restoration.
- c. Restoration shall use as much of the original material as possible. The City can compel the violator to perform or provide for the restoration, or the City may perform or provide the restoration and recover all of its costs from the violator.
- d. The City may place a lien on the property as provided for in ~~Municipal Code~~ Chapter 6.15 of this Code.

4. *Civil penalty.*

- a. If, in the sole judgment of the City, Restoration is not feasible, the City Council may impose a civil penalty equal to the cost of restoring the cultural resource to its pre-violation condition, and all administrative and enforcement fees.
- b. The City shall fix the costs through appraisals or by soliciting bids.
- c. All collected funds shall be set aside and used only for CLG duties and required responsibilities.

([ordbank](http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank) print="yes" url="http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank" web="yes">Ord. 7657</a>, § 22, 2024; Ord. 7108 §1, 2010)

**20.40.060 Moratoriums.**

In addition to Section 20.40.050 above, the City Council may impose up to a five-year moratorium on any City approvals and permits in response to a violation. The purpose of the moratorium is to provide the City an opportunity to study and determine appropriate mitigation measures for the alteration or removal of the Cultural Resource, and to ensure measures are incorporated into any future development plans and approvals for the subject property. Mitigation measures as determined by the City shall be imposed as a condition of any subsequent permit for development of the subject property. All time periods are calculated from the date the City actually learns of the violation. Permits for City-approved restoration of the resource or property are exempt from the moratorium.

If a project is proposed for a site under a moratorium, the City Council may reconsider and expunge or modify the moratorium. Expungement will require, at a minimum, retroactive compliance with the Certificate of Appropriateness Process, and CEQA (including mitigation), and an expungement levy of up to treble damages of the penalty defined in Section 20.40.050.C.

(Ord. 7108 §1, 2010)

#### **20.40.070 Legal actions.**

The City Attorney may maintain an action for injunctive relief to restrain a violation, or seek restoration and/or penalties. The City Attorney may also pursue any other action or remedy authorized under ~~this the~~ **Municipal** Code, state statutes and/or in equity for any violation of this **T**itle. Civil remedies shall be in addition to any criminal prosecution and penalty, or any other remedy provided by law.

(Ord. 7108 §1, 2010)

#### **20.40.080 Code Enforcement Updates.**

The Board may request an update from the HPO regarding any matter subject to an enforcement action pursuant to this Chapter.

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 23, 2024)

### **Chapter 20.45 AMENDMENT ~~AND SEVERABILITY~~**

20.45.010 Amendment.

20.45.020 Procedures.

~~20.45.030 Severability.~~

#### **20.45.010 Amendment.**

Amendments to this **T**itle may be initiated in any one of the following manners:

- A. Upon minute action of the City Council.
- B. Upon minute action of the Cultural Heritage Board.
- C. Upon the written request of the Community and Economic Development Director or designee.
- D. Upon application by a property owner or owners of any parcel subject to this **T**itle and subject to payment of a fee.

(<http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank> web="yes">Ord. 7657</a>, § 24, 2024; Ord. 7206 §23, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

#### **20.45.020 Procedures.**

- A. *Recommendation and approval.* Any proposed amendment to this **T**itle must first be sent to the Board for review and recommendation. The Board shall recommend that the City Council amend, not amend, or amend the proposal as modified by the Board. The City Council is the final approving authority.
- B. *Notice.* The Cultural Heritage Board shall hold a public hearing on any amendment. Notice of the hearing shall be published in at least one newspaper of general circulation within the City at least ten days prior to the hearing.
- C. *Adoption.* Amendments of this **T**itle shall be adopted by ordinance of the City Council, which constitutes final action.

D. Required findings. In acting to approve an amendment, the City Council shall make the following findings:

1. The proposed amendment is generally consistent with the goals, policies, and objectives of the general plan; and
2. The proposed amendment complies with the purposes of this ~~T~~title.

(~~url="http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank" web="yes">Ord. 7657</del>, § 25, 2024; Ord. 7108 §1, 2010)~~

### ~~20.45.030 Severability.<sup>2</sup>~~

~~If any section, sentence, clause, or phrase of this title is for any reason held to be invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title. The City Council declares that it would have passed this ordinance and adopted this title, and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.~~

~~(Ord. 7108 §1, 2010)~~

## Chapter 20.50 DEFINITIONS

20.50.010 Definitions.

20.50.020 Interpretation.

### 20.50.010 Definitions.

For the purposes of this ~~T~~title, these terms are defined as follows:

*Alteration* means any change, modification, or demolition, through public or private action, to the character-defining or significant physical features of properties affected by this ~~T~~title. Such changes may be: changes to, or modifications of, structural or architectural details or visual characteristics; grading; surface paving; the addition of new structures; the cutting or removal of designated trees, landscapes or other natural features; the disturbance of archaeological sites or areas; or the placement or removal of any significant objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, or landscape accessories affecting the significant visual and/or historical qualities of the Cultural Resource.

*Board* means the Cultural Heritage Board.

*Certificate of Appropriateness* means a certificate, issued by the Board or Historic Preservation Officer or Qualified Designee that approves plans, specifications, or statements of work for any proposed alteration, removal, relocation or demolition of any cultural resource.

*Certified Local Government (CLG)* means a local government certified under federal law by the California State Office of Historic Preservation for the purpose of more direct participation in federal and State historic preservation programs.

*Character defining features* means the overall shape of the building, its materials, craftsmanship, decorative details, architectural features, and the various aspects of its site and environment.

*Contributing feature* means a site, improvement, or natural feature that within a Historic District, Neighborhood Conservation Area, or an individually significant property that provides appropriate historic context, historic architecture, historic association, or historic value, or is capable of yielding important information about the period including, but not limited to: streets, curbs, sidewalks, streetlights,

<sup>2</sup> Sec. 20.45.030. Severability. Text duplicative of Title 1 general provisions should be stricken as shown.  
(FOOTNOTE 356 IN EXHIBIT 2)

street furniture, signs, landscaping, monuments, and works of art, gutters, setbacks, signage, parkway, alleys, walls, fencing, and gates.

*Contributor* means a building structure within a Historic District or Neighborhood Conservation Area that provides appropriate historic context, historic architecture, historic association or historic value, or is capable of yielding important information about the period.

*Cultural landscape* means a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.

*Cultural resource* means improvements, natural features, sites, cultural landscapes, or other objects, which may reasonably be of scientific, aesthetic, educational, cultural, architectural, social, political, military, historical or archaeological significance. This includes designated cultural resources, eligible cultural resources, and contributing features to Historic Districts and Neighborhood Conservation Areas. A "Point of Cultural Interest" as recognized under ~~this Title~~[Title 20](#) is expressly not under this definition. Cultural resource has the same meaning as historic resource pursuant to the California Government Code. *Cultural Resources Overlay Zone* means a Title 19 zoning category applied to a property identified as a Designated Cultural Resource.

*Cultural resources survey* means a project that surveys and identifies properties within the City according to the standards set forth in National Register Bulletin #24. Completed surveys shall have findings adopted by City Council, as a consent or discussion item.

*Demolition of a cultural resource* means the removal, over a 5-year period, of more than 25 percent of the wall(s) and roof forms on the primary elevation and/or facing a public street(s) or 50 percent of entire structure.

*Demolition by neglect* means the practice in which the owner of a cultural resource, or designee, allows the continued deterioration of a resource over a period of time as a result of lack of maintenance, failure to protect the resource from pests or vandals, and/or failure to take reasonable measures to prevent ingress of water or wind through the roof, walls, or apertures of the resource, leading to deterioration and/or structural failure that results in complete or partial demolition (50% or more), the loss of character-defining features, and/or that constitutes a threat to public health and safety.

*Design guidelines* means the document approved by the Board which illustrates appropriate and inappropriate methods of alteration and construction. The purpose of design guidelines is to promote appropriate design and decision-making and to preserve the integrity and character defining features of cultural resources. The Secretary of the Interior's Standards for the Treatment of Historic Properties shall serve as design guidelines where there exist no other established design guidelines.

*Designated cultural resource* means any cultural resource that has been designated a City landmark, structure or resource of merit, Historic District, or Neighborhood Conservation Area (prior to 2006); County Landmark, County Historic Preservation District, a California Point of Historical Interest or Historical Landmark; a National Heritage Landmark; or is listed in the National Register of Historic Places or the California Register of Historical Resources.

*Eligible cultural resource* means a cultural resource or Historic District which has been determined by the Historic Preservation Officer or Qualified Designee, Board, or City Council to meet the City's designation criteria pursuant to a survey prepared by a professional meeting the Secretary of the Interior's standards which either documents the resource, records the resource on the State Department of Parks and Recreation survey forms, or has been so designated by the California State Historic Preservation Officer.

*Historic District* means an area which contains:

- A. A concentration, linkage, or continuity of cultural resources, where at least 50 percent of the structures or elements retain significant historic integrity, (a "geographic Historic District") or
- B. A thematically-related grouping of cultural resources which contribute to each other and are unified aesthetically by plan or physical development, and which have been designated or determined eligible for designation as a Historic District by the Historic Preservation Officer or Qualified Designee, Board, or City Council or is listed in the National Register of Historic Places or the

California Register of Historical Resources, or is a California Historical Landmark or a California Point of Historical Interest (a "thematic Historic District").

In addition to either A. or B. above, the area also:

1. Exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;
2. Is identified with persons or events significant in local, State, or national history;
3. Embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
4. Represents the work of notable builders, designers, or architects;
5. Embodies a collection of elements of architectural design, detail, materials or craftsmanship that represent a significant structural or architectural achievement or innovation;
6. Reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning;
7. Conveys a sense of historic and architectural cohesiveness through its design, setting, materials, workmanship or association; or
8. Has yielded or may be likely to yield, information important in history or prehistory.

*Historic Preservation Officer* is the person selected by the Community Development Director for the City of Riverside and appointed by the City Manager to administer the cultural resources program, including professional support to the Board, management of both the Board's Certificate of Appropriateness process, and execution of the Administrative Certificate of Appropriateness process. The Historic Preservation Officer shall meet the requirements of the Department of the Interior, National Park Service as set forth in [Appendix A](#) to Title 36, Part 61 (Professional Qualification Standards).

*Improvement* means any building, structure, fence, gate, wall, landscaping, planted tree, work of art, or other man-made physical feature of real property, or any part of such feature which is not a natural feature.

*In-kind replacement* means to match the old in material, design, color, and texture, when sufficient information is known about the original to be replaced. Refer to the Secretary of Interior Standards for Historic Properties for more specific information on in-kind replacement as applies to the appropriate level of treatment (i.e.: preservation, rehabilitation, restoration, or reconstruction). If sufficient information is not known about the original to be replaced, in-kind replacement is not possible.

*Integrity* means the ability of a cultural resource to convey its significance. To retain integrity a cultural resource must retain most of the aspects that closely relate to the resource's significance including location, design, setting, materials, workmanship, feeling, and association.

*Land Use Committee* means the Land Use, Sustainability, and Resilience Committee.

*Landmark* means:

- A. Any improvement or natural feature that is an exceptional example of a historical, archaeological, cultural, architectural, community, aesthetic or artistic heritage of the City, retains a high degree of integrity; and
- B. Meets one or more of the following criteria:
  1. Exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;
  2. Is identified with persons or events significant in local, state or national history;
  3. Embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;

4. Represents the work of a notable builder, designer, or architect, or important creative individual;
5. Embodies elements that possess high artistic values or represents a significant structural or architectural achievement or innovation;
6. Reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning, or cultural landscape;
7. Is one of the last remaining examples in the City, region, State, or nation possessing distinguishing characteristics of an architectural or historical type or specimen; or
8. Has yielded or may be likely to yield, information important in history or prehistory.

An improvement or natural feature meeting one or more of the above criteria, yet not having the high degree of integrity to qualify as a landmark, may qualify as a structure or resource of merit (see [Subsection "Secretary of Interior's Standards for the Treatment of Historic Properties,"](#) below).

An improvement or natural feature meeting one or more of the above criteria, yet not formally designated as a landmark by the City Council, may be an eligible landmark.

*Moratorium* means a suspension of an ongoing or planned development activity or permits.

*Natural feature* means any naturally-occurring tree, plant life, habitat, geographical or geological site or feature, but does not include Improvements.

*Neighborhood conservation area* means an area that:

- A. Provides a contextual understanding of the broader patterns of Riverside's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;
- B. Represents established and familiar visual features of a neighborhood, community, or of the City;
- C. Reflects significant development or geographical patterns, including those associated with different eras of settlement and growth; or
- D. Conveys a sense of historic or architectural cohesiveness through its design, setting, materials, workmanship or association.

Designation of Neighborhood Conservation Areas is no longer allowed. Those designated prior to May 2006 shall remain in effect and subject to this [Title](#), and may be modified or dedesignated.

*Non-contributing feature of a Historic District, Neighborhood Conservation Area, or individually significant property* means a site, improvement, or natural feature within a Historic District or Neighborhood Conservation Area that does not provide appropriate historic context, historic architecture, historic association or historic value, or is not capable of yielding important information about the period, because that element:

- A. Was not present during the district's or area's period of historic significance; or
- B. No longer possesses integrity due to alterations, disturbances, additions, or other changes; and
- C. Does not independently meet the designation criteria as defined in this [Title](#).

*Non-contributor to either a Historic District or a Neighborhood Conservation Area* means a building structure within a Historic District or Neighborhood Conservation Area that does not provides appropriate historic context, historic architecture, historic association or historic value, or is not capable of yielding important information about the period, because that building structure:

- A. Was not present during the district's or area's period of historic significance; or
- B. No longer possesses integrity due to alterations, disturbances, additions, or other changes; and
- C. Does not independently meet the designation criteria as defined in this [Title](#).

*Person* means any natural person, property owner, or occupant; association, company, corporation or other legal entity; local, city, county, or federal agency.

*Point of cultural interest* means

- A. *Criteria.* Point of historical interest means a site, of local significance, meeting one or more of the following criteria:
  1. Has anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value;
  2. The original physical feature(s) no longer exist to an appreciable extent; and
  3. Is found to not qualify as a recognized cultural resource or an eligible cultural resource.
- B. *Not cultural resources.* Points of cultural interest are recognized, not designated, and do not qualify as a cultural resource by virtue of their recognition.
- C. *Intent.* The purpose of points of cultural interest is to recognize otherwise-intangible historic facts about a place in the City. Points of cultural interest are strictly informational in nature.
- D. *Relationship with other laws.* Points of cultural interest are specifically and expressly intended to not have any significance under the California Environmental Quality Act ("CEQA") (Public Resources Code [Section 21000 et seq.](#)) or the State CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.), the National Environmental Protection Act, or any other environmental law, statute, or regulation.

*Preservation* means the identification, study, protection, restoration, rehabilitation, and/or acquisition of cultural resources.

*Qualified designee* means the person(s) designated by the Historic Preservation Officer who meets the requirements of the Department of the Interior, National Park Service as set forth in Appendix A to Title 36, Part 61 (Professional Qualification Standards).

*Resource of Merit* See "Structure (or Resource) of Merit," below.

*Secretary of Interior's Standards for the Treatment of Historic Properties* means the guidelines prepared by the National Park Service for preserving, rehabilitating, restoring, and reconstructing historic buildings and the standards for historic preservation projects prepared by the National Park Service with the most current guidelines for applying the standards.

*Structure (or Resource) of Merit* means:

- A. Any improvement or natural feature which contributes to the broader understanding of the historical, archaeological, cultural, architectural, community, aesthetic, or artistic heritage of the City while retaining sufficient integrity; and:
- B. Meets one or more of the following criteria:
  1. Has a unique location, embodies a singular physical characteristic, or contains a view or vista representing an established and familiar visual feature within a neighborhood, community or area.
  2. Is an example of a type of building which was once common but is now rare in its neighborhood, community or area;
  3. Is connected with a business or use which was once common but is now rare;
  4. Has yielded or may be likely to yield, information important in history or prehistory; or
  5. Represents an improvement or Cultural Resource that no longer exhibits the high degree of integrity sufficient for landmark designation, yet still retains necessary integrity under one or more of the landmark criteria to convey cultural resource significance as a structure or resource of merit.

([Ord. 7684](http://newords.muniCode.com/readordinance.aspx?ordinanceid=1315589&datasource=ordbank), § 7, 2024; [Ord. 7657](http://newords.muniCode.com/readordinance.aspx?ordinanceid=1277065&datasource=ordbank), § 26(Exh. D), 2024; [Ord. 7531](http://newords.muniCode.com/readordinance.aspx?ordinanceid=1036431&datasource=ordbank) §16, 2020; Ord. 7248 §5, 2014; Ord. 7206 §24, 2013; Ord. 7108 §1, 2010)

#### **20.50.020 Interpretation.**

The Historic Preservation Officer or Qualified Designee has the discretion to interpret the above terms, in addition to any other term in applying this **T**itle. In applying this **T**itle, the Historic Preservation Officer or Qualified Designee may, in its discretion, request from the Board a definition, interpretation, or an opinion regarding any defined term, or any other term.

(Ord. 7344 §§ 2, 3, 2016; Ord. 7206 §25, 2013; Ord. 7108 §1, 2010)