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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING
NUMEROUS SECTIONS OF TITLE 20 THE RIVERSIDE MUNICIPAL CODE
REGARDING CULTURAL RESOURCES.

The City Council of the City of Riverside, California, does ordain as follows:

Section 1: Section 20.15.055 of the Riverside Municipal Code is added as follows:

“Section 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 thirty (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 (5) 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" x 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" x 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.”

Section 2: Section 20.20.080 of the Riverside Municipal Code is amended as follows:

“Section 20.20.080 Overlay Zone.

A. Pursuant to Title 19, upon any designation, the Cultural Resources Overlay Zone applies to the subject property or parcel.

1 B. Upon adoption of a historic district resolution by the City Council, the Planning Division
2 shall initiate a rezoning case to apply the CR-Cultural Resources Overlay zone to the properties
3 within the district. This process shall follow the requirements outlined in Title 19.”

4 Section 3: Section 20.20.120 of the Riverside Municipal Code entitled “Designation
5 process in flow chart form” is removed in its entirety.

6 Section 4: Section 20.25.010 of the Riverside Municipal Code is amended as follows:

7 **“Section 20.25.010 Certificates of Appropriateness, Required.**

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

11 . . .

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

15 C. Non-contributors and Non-contributing Features in Historic Districts and individually
16 significant properties are subject to the Certificate of Appropriateness requirements; however, the
17 principles, issues and standards are different than for Contributing features.

18 D. For the demolition of structures not previously identified as Cultural Resources, the
19 Community & Economic Development Director and Historic Preservation Officer may require a
20 Cultural Resources Report be prepared pursuant to Section 20.26.010 for the demolition of structures
21 not previously identified as Eligible Cultural Resources, but may meet designation criteria, to
22 determine if the structure is eligible for designation. If the subject property is found eligible for
23 designation, a Certificate of Appropriateness and associated CEQA review is required pursuant to
24 this chapter.

25 E. When granting a demolition permit for a Designated or Eligible Cultural Resource, a property
26 within an Historic District, or contributors within a Neighborhood Conservation Area, additional
27 conditions may be added by the Historic Preservation Officer/Board, as appropriate.”

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1 Section 5: Section 20.25.020 of the Riverside Municipal Code entitled “Application” is
2 amended and replaced in its entirety as shown in Exhibit “A” attached hereto and incorporated
3 herein.

4 Section 6: Section 20.25.080 of the Riverside Municipal Code entitled “Certificate of
5 appropriateness process in flow chart form” is removed in its entirety.

6 Section 7: Section 20.50.080 of the Riverside Municipal Code is amended as follows:

7 **“Section 20.50.010 Definitions.**

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

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

17 ...

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

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

28 ...”

EXHIBIT "A"

Section 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 Entitlements.