



*City of Arts & Innovation*

## **CULTURAL HERITAGE BOARD** **DRAFT MINUTES**

WEDNESDAY, JUNE 21, 2023, 3:30 P.M.  
PUBLIC COMMENT IN PERSON/TELEPHONE  
ART PICK COUNCIL CHAMBER  
3900 MAIN STREET

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### DISCUSSION CALENDAR

#### Annual Review of the Code of Ethics and Conduct

Anthony Beaumon, Senior Deputy City Attorney, presented the Code of Ethics and Conduct updates.

Motion by Board Member Tobin and Seconded by Board Member Brown, to receive and file the Code of Ethics and Conduct presentation. There were no formal comments from the Cultural Heritage Board to the Board of Ethics.

Motion Carried: 7 Ayes, 0 Noes, 1 Absent, 0 Abstention

AYES: Brown, Carter, Ferguson, Gamble, McDoniel, Sisson, Tobin

NOES: None

ABSENT: Hudson

ABSTENTION: None

### PUBLIC HEARINGS

Chair Gamble asked that Mr. Watson begin his presentation and asked that he provide a highlighted presentation version.

#### PLANNING CASE PR-2022-001145 – ZONE CODE AMENDMENT - CITYWIDE

Proposal by the City of Riverside to consider a comprehensive update to amend Title 20 (Cultural Resources) of the Riverside Municipal Code including, but not limited to: 1) Revisions to Approvals and Hearings processes; 2) Revisions and clarification of the CQA process or Cultural Resources; 3) Clarification on the Designation process; 4) Revisions, streamlining, and clarification of the Certificate of Appropriateness process; 5) Addition of preliminary review process; 6) Codification of Cultural Resource Report requirement for demolition; 7) Addition of an Archaeological and Tribal Consultation Chapter; 8) Clarification of Enforcements and Penalties processes; 9) Revision of Title 20 amendment findings; 10) Clarifications to Definitions; 11) Addition of definition for demolition; and 12) Revision of other technical language as needed. Scott Watson, Historic Preservation Officer, presented the staff report. He stated that staff received two comments one in support of the Title 20 amendment and one identifying there were pages missing from the CLG exhibit. He noted that the pages missing were from an old Title 20 which has



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been updated since the execution of the agreement. There were no public comments, the public hearing was closed.

It was the consensus of the Board to review the selections and provide comments on each section.

Board Member Sisson requested that the handouts he provided prior to the meeting be distributed to the members for easier review.

Mr. Beaumon stated that the public has a right to see documents before they are put up for discussion. He stated he understood board member Sisson's concerns, but this could have been provided at the time of agenda posting.

Mr. Sisson stated he had four items he would like to discuss. Under Section 20.15.050, he suggested adding to the end of the paragraph under D "except for notice requested pursuant to subsection C-3 above".

D. Project mandated by state law to be reviewed ministerially are exempt from all noticing requirements except for notice requested pursuant to subsection C.3 above.

Following discussion, the Board conducted a "straw vote" to gauge the Board's consensus to add this recommendation in the Title 20 amendment, Section 20.15.050.

Consensus vote: 6 Ayes, 1 Noes, 1 Absent, 0 Abstention

AYES: Brown, Carter, Ferguson, Gamble, McDoniel, Sisson

NOES: Tobin

ABSENT: Hudson

ABSTENTION: None

Board Member Sisson continued with his next recommendation regarding Section 20.20.020. He suggested deletion of the paragraph beginning, "~~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. Based on the Board recommendation the City Council's may consider overriding a property owner objection with a 5/7's majority vote, provided a finding can be made that the structure is of unique value.~~



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Following discussion, the Board conducted a "straw vote" to gauge the Board's consensus to add this recommendation in the Title 20 amendment, Section 20.20.020.

Consensus vote: 6 Ayes, 1 Noes, 1 Absent, 0 Abstention

AYES: Brown, Carter, Ferguson, Gamble, McDoniel, Sisson

NOES: Tobin

ABSENT: Hudson

ABSTENTION: None

Board Member Sisson referred to Section 20.25.010 and recommended the following changes: recommended adding a new subsection C to 20.25.010 to read:

Subsection C to read:

C. No demolition permit of a Designated or Eligible Cultural Resource, or Contributors in a Historic District or Neighborhood Conservation Area, absent a 30-day review period with notice given (a) pursuant to Chapter 20.15; (b) persons requesting notice; and (c) posting a placard of durable, weather-resistant material on the property in a conspicuous place within 5 feet of the front property line that: (i) describes the date of the demolition application, (ii) state "NOTICE OF DEMOLITION" in block-style letters a minimum 2-1/2 inches in height, and (iii) specify the permit number, phone number and email to be called for information, means to submit comments, and applicable public hearing information in minor letters at least 1-1/2 inches in height.

Subsection D, with the following modifications:

D. For the demolition of structures not previously identified as Eligible Cultural Resources, including but not limited to structures at least 45 years or older, the Community & Economic Development Director and Historic Preservation Officer may require a Cultural Resources Report be prepared pursuant to Section 20.26.010 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 title. If the subject property is found ineligible, the Historic Preservation Officer or Qualified Designee may issue a demolition permit absent any formal review period but subject to mandatory notice to adjacent property owners/tenants and anyone requesting written notice.



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Subsection G and H to read:

G. When granting a demolition permit, the decisionmaker may consider appropriate conditions to avoid potential impacts to historic resources, including but not limited to: (i) mitigation measures requiring documentation or salvaging of removed structures; (ii) demolition permits being contingent upon applicant securing entitlement and/or building permits for replacement structures; and (iii) other conditions the HPO/Board deems appropriate on a case-by-case basis.

H. For purpose of this Chapter, the following definitions shall apply:

1. Demolition means the destruction, removal, or relocation of a structure not classified as an incidental structure. For purposes of this Chapter, demolition occurs when any of the following takes place at any time over a 5-year period: (a) more than 50 percent of the exterior wall elements are removed; (b) more than 25 percent of the exterior wall(s) (including exterior cladding) facing a public street(s) is removed; (c) enclosure or alteration (i.e., new window, window relocation, exterior cladding) of more than 25 percent of the exterior wall(s) facing a public street; (d) the removal of a building for relocation to another location is considered a demolition and subject to this Chapter in addition to other requirements of the Code (see e.g., RMC §§ 20.15.070, 16.20 et seq.).
2. Demolition by neglect means the process in which the owner of a resource, or designee, allows its ongoing 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, the loss of character-defining features, and/or that constitutes a threat to public health and safety.

Lastly, he suggested that a definition for Demolition by neglect. There was language provided in January in the Exhibit 1. He suggested that this be added to the definitions.

Following discussion, the Board conducted a "straw vote" to gauge the Board's consensus to add this recommendation in the Title 20 amendment, Section 20.20.010.

Consensus vote: 6 Ayes, 1 Noes, 1 Absent, 0 Abstention

AYES: Brown, Carter, Ferguson, Gamble, McDoniel, Sisson



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NOES: Tobin  
ABSENT: Hudson  
ABSTENTION: None

Board Member Sisson referred to Section 20.25.021 - Preliminary Review. He recommended the following revisions to Subsection A:

A. Purpose and intent: Identify concern that may arise during review of the projects, including but not limited to suggestion for obtaining consistency with the Principles and Standards of Site Development and Design Review, as included in Section 20.25.050.

Subsection B-1:

B. Applicability:

1. ~~For projects at a City Landmarks & Structures of Merit, designated or found eligible for pursuant to a Cultural Resources Report or survey, that are subject to Board review:~~ Mandatory Review: Prior to an application being deemed complete, the following projects shall be submitted to the Board as a workshop to seek input and direction on the proposed project as authorized under Title 20.
  - a. ~~City Landmarks & Structures of Merit, designated or found eligible for pursuant to a Cultural Resources Report or survey, that are subject to Board review.~~ b. Contributors to a Historic District or NCA that involves either: (a) demolition, relocation, and/or replacement; (b) addition to structures exceed 50% of its square footage; (c) alterations to 50 % of its exterior walls and/or roof facing a public street; or (d) construction of an additional story.
  - c. Projects within a Historic District that involves either: (a) new construction on vacant land requiring a Certificate of Appropriateness from the Board; or (b) proposed work visible from the public right-of- way that exceeds \$250,000 in value involving a public, commercial, or non-residential project.
2. All Other Projects: Prior to an application being deemed complete, an applicant may request a workshop before the Board to seek input and direction on a proposed project.
3. Board Materials: Whether mandatory or voluntary, the Board shall be provided all documents required for a complete application, including but not limited to



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conceptual site plan, application materials, renderings, and any other relevant documents related to the Project's consistency with applicable standards and guidelines.

Ms. Tinio, City Planner, explained that staff conducts preliminary review/conceptual design review, as part of the planning entitlements. The submittal requirements for a conceptual design review is pretty liberal. The applicant will usually submit a site plan without elevations. The more information they provide, the better feedback they can receive but a lot of property owners do not want to invest additional monies for a project they do not think will have viability going forward. Typically, the applicant will prepare almost the bare minimum site plan to give us an idea of what they are planning on doing. The purpose is to provide some early input from staff and technical staff. Similarly, this is how we would treat preliminary review as part of what the Cultural Heritage Board would look at. Having requirements for board materials as part of preliminary review may be cumbersome for someone trying to get initial feedback because the intent is early input. If it is language the board would like to bring, we can bring that language forward.

Board Member Sisson stated that at a minimum a site plan and some sort of basic rendering and a basic description.

Ms. Tinio stated that based on the discussions, staff can review the language for board materials for what would be beneficial for the Board to review, at an early review.

Following discussion, the Board conducted a "straw vote" to gauge the Board's consensus to add this recommendation in the Title 20 amendment, Section 20.20.010.

Consensus vote: 7 Ayes, 0 Noes, 1 Absent, 0 Abstention

AYES: Brown, Carter, Ferguson, Gamble, McDoniel, Sisson, Tobin

NOES: None

ABSENT: Hudson

ABSTENTION: None

Loss of further Entitlement – Section 20.40.060

Board Member McDoniel referred to Exhibit 2 – Title 20 Modifications (June 21, 2023). Noting the current Title 20 text and the language in the second column, January 31, 2023



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Suggested Modifications (June 21, 2023), page 35, Section 20.40.060. She stated her recommendation was to keep the left column.

Mr. Watson clarified that staff is recommending no changes to this section, Moratoriums would read as it stands under the current Title 20 text.

Board Member Brown suggested keeping the moratorium language as is, opposed to getting into what becomes a very complicated concept.

Board Member McDoniel noted that she would like to add language to the existing Title 20 text with some language from the Suggested Modification column such as:

page 36 - After such time, in no event shall any permit authorize the new construction to exceed the building footprint, height, and square footage, lot coverage, and use of the original structure for a period of twenty years from the unlawful demolition.

No Certificate of Appropriateness or permit to demolish a landmark or structure designated pursuant to this title may be issued unless: (1) a building permit has been issued for a replacement structure or project for the property involved; and (2) the applicant has submitted evidence to the satisfaction of the Cultural Heritage Board that a financial commitment has been obtained by the applicant to assure the completion of the structure or project.

In addition to any other remedies provided herein, in the event a designated historic resource, a resource pending designation as a historic resource, or an eligible historic resource is partially demolished through removal of one or more character defining features in violation of this chapter, the missing features shall be reconstructed and/or replaced in kind to match the original in terms of size, proportions, design, details, materials, and overall appearance. In the event that aspects of the original features cannot be discerned through documentary and/or physical evidence, the Historic Preservation Office shall determine the preferred method of reconstruction or replacement, contingent upon approval by the Board.

Following discussion, Board Member McDoniel agreed with Board Member Brown's suggestion that this topic needs further information and discussion and suggested moving forward with the current language as is.



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Private right of action – 20.40.090

Board Member Sisson stated that he brought this idea forward as a suggestion for board's consideration. He stated that at this stage, he was not moving forward with it since it seemed overwhelmingly unpopular.

Board Members Tobin and Brown recommended leaving this section out at this time.

Following discussion it was moved by Board Member Brown and seconded by Board Member Ferguson to recommend that the City Council: 1) Determine that Planning Case PR-2021-001145 is exempt from further California Environmental Quality Act (CEQA) review pursuant to Sections 15308 (Actions to Protect Environment), 15060(c)(2) (No Physical Change), 15060(c)(3) (Not A Project), and 15061(b)(3) (General Rule), as the proposed amendment will cause no direct or indirect change to the environment, does not meet the definition of a Project under CEQA, and it can be seen with certainty that the proposed amendment will not have an effect on the environment; and 2) Approve Planning Case PR-2021-001145 (Title 20 Text Amendment) as outlined in the staff report and summarized in the Findings Section of this report; with technical modifications, and CHB Suggested policy consideration as discussed by the Cultural Heritage Board; and 3) Introduce, and subsequently adopt, an Ordinance amending Title 20 (Cultural Resources) of the Riverside Municipal Code. 4) The Board elected Chair Gamble to attend the City Council meeting and represent the Board should there be any questions from the City Council.

Motion Carried: 7 Ayes, 0 Noes, 1 Absent, 0 Abstention

AYES: Brown, Carter, Ferguson, Gamble, Horychuk, McDoniel, Sisson, Tobin

NOES: None

ABSENT: Hudson

ABSTENTION: None

Chair Gamble advised of the appeal period.

A City Council public hearing is required for final approval.