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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 20.05.010 of the Riverside Municipal Code is amended as follows:

“Section 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:

...

- L. To work in concert with the City's Zoning 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.”

Section 2: Section 20.10.020 of the Riverside Municipal Code is amended as follows:

“Section 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;

...

- 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;

...

1 B. The Cultural Heritage Board may:

2 1. Recommend zoning and general plan amendments for cultural resources
3 preservation;

4 ...

5 4. By a consensus of the Board, request a workshop to discuss topics under the
6 purview of this Title.”

7 Section 3: Section 20.10.030 of the Riverside Municipal Code is amended as follows:

8 **“Section 20.10.030 Historic Preservation Officer.**

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

11 ...”

12 Section 4: Table 20.15.010 of the Riverside Municipal Code entitled “Approving and
13 Appeal Authority” is amended as shown in Exhibit “A” attached hereto and incorporated herein.

14 Section 5: Section 20.15.020 of the Riverside Municipal Code is amended as follows:

15 **“Section 20.15.020 California Environmental Quality Act (CEQA) Approval.**

16 A. Environmental Impact Report (EIR) Required:

- 17 1. If an EIR is prepared for any Certificate of Appropriateness, designation, modification, or
18 de-designation, or other action under this Title, final approval of that action is with the
19 City Council.
- 20 2. In such cases, the Board shall review the Draft EIR, as it relates to Cultural Resources,
21 and shall make a recommendation to the City Council regarding the following items:
- 22 a. Whether the Draft EIR has been completed in compliance with CEQA;
 - 23 b. Whether the project will have a significant effect on Cultural Resources; and, if so;
 - 24 c. Whether the changes or alterations proposed for the project, together with any
25 changes or alterations that come forth as a part of the public hearing on the Draft EIR,
26 will avoid or substantially lessen the significant environmental effects as identified in
27 the Draft EIR.
 - 28 d. A recommendation that the project be approved or denied.

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

3 B. Environmental Impact Report (EIR) Not Required

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

6 a. Board Final Approval Authority:

7 i. The Board may adopt the ND or MND, and approve, approve with modification,
8 or deny the project.

9 ii. If the Board’s decision is not timely appealed or referred, then the decision
10 becomes final.

11 iii. If the decision is timely appealed or referred, it becomes final upon the City
12 Council’s disposition of the appeal.

13 b. City Council Final Approval Authority

14 i. The Board shall review the Draft ND or MND, as it relates to Cultural Resources
15 only, and provide comments, together with its recommendation that the project be
16 approved, approved with modifications, or denied.

17 ii. The City Council shall consider the Board’s comments and recommendation, and
18 may accept, accept with modification, or decline the Board’s recommendation.

19 C. CEQA Appeals. To the extent this Title authorizes the Board or HPO to take action on the
20 adequacy of the CEQA review, said action shall be appealable to the City Council consistent with
21 Pub. Res. Code § 21151(c) provided that: (1) all administrative appeals were exhausted; (2) appeal is
22 filed within ten (10) days of the decision becoming final; and (3) the appeal is filed in a form and
23 manner required by the Planning Division.”

24 Section 6: Section 20.15.030 of the Riverside Municipal Code is amended as follows:

25 **“Section 20.15.030 Public Hearing and Notice.**

26 A. All designations, modifications of designations, and/or dedesignations require a public
27 hearing ("Hearing").

28 B. All recognitions and derognitions require a Hearing.

1 C. Upon the filing of a complete application, a matter shall be set for hearing before the Board
2 within 90 days. The Board may continue a hearing.

3 D. *Notice of hearing.*

4 1. Notice of the hearing shall be mailed or delivered at least ten days prior to the
5 hearing to:

6 a. The owner of the subject real property or the owner's duly authorized agent,
7 and the project applicant; and

8 b. All owners and occupants of real property on the latest records of the County
9 Assessor within 300 feet of the real property. If the number of owners to whom notice
10 would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or
11 delivering the notice, provide notice by placing an advertisement of a least one-eighth page
12 in at least one newspaper of general circulation within the City at least ten days prior to the
13 hearing.

14 c. Any person or entity that has filed a request for notice to the Planning
15 Division. To the extent permitted under state and local law, the City may use electronic
16 mail as a means to providing notices. The City may require requests for notices to be
17 annually renewed.

18 ...”

19 Section 7: Section 20.15.040 of the Riverside Municipal Code is amended as follows:

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

21 A. *No public hearings are required.* The application shall be set as a discussion calendar item
22 for the Board meeting.

23 ...

24 C. Notice shall be mailed or delivered, at least ten days prior to the meeting, to:

25 1. The owner of the subject real property or the owner's duly authorized agent, and the
26 project applicant.

27 2. All owners and occupants of real property within 300 feet of the real property. If the
28 number of owners to whom notice would be mailed or delivered is greater than 1,000, the

1 City may, in lieu of mailing or delivering the notice, provide notice by placing an
2 advertisement of at least one-eighth page in at least one newspaper of general circulation
3 within the City at least ten days prior to the meeting.

4 3. Any person or entity that has filed a request for notice to the Planning Division. To the
5 extent permitted under state and local law, the City may use electronic mail as a means to
6 providing notice.

7 D. If a Board Certificate of Appropriateness is referred to the Board by the City Council, failure
8 of the Board to report to the City Council within 90 days, or within the time specified by the City
9 Council, shall be deemed as an approval by the Board.”

10 Section 8: Section 20.15.050 of the Riverside Municipal Code is amended as follows:

11 “**Section 20.15.050 Meeting and notice for Administrative Certificates of Appropriateness.**

12 A. *No public hearings are required.* The application shall be considered by the Historic
13 Preservation Officer or Qualified Designee administratively.

14 . . .

15 C. Except as otherwise provided in this Title, notice shall be mailed or delivered, at least ten
16 days prior action to:

- 17 1. The property owner of the subject real property or the owner's duly authorized agent, and
18 the project applicant.
- 19 2. Owners and occupants of adjacent properties or those across a street or alley.
- 20 3. Any person or entity that has filed a request for notice to the Planning Division. To the
21 extent permitted under state and local law, the City may use electronic mail as a means to
22 providing notice.

23 D. Projects mandated by state law to be reviewed ministerially are exempt from all noticing
24 requirements.”

25 Section 9: Section 20.15.090 of the Riverside Municipal Code is amended as follows:

26 “**Section 20.15.090 Appeals and Referrals.**

27 A. Appeals.

- 28 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.
- 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.

1 g. For appeals of Cultural Heritage Board actions, notice of the time and place of the
2 City Council meeting shall be the same as for the original action.

3 B. Referral of Board action.

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

9 Section 10: Section 20.15.100 of the Riverside Municipal Code is amended as follows:

10 **“Section 20.15.100 Effective date.**

11 A. Certificates of Appropriateness shall be effective the first regular business day after the end
12 of the ten day appeal period. Filing of an appeal or referral stays the effective date pending action
13 on the appeal.

14 . . .”

15 Section 11: Section 20.25.010 of the Riverside Municipal Code is amended as follows:

16 **“Section 20.25.010 Certificates of Appropriateness Required.**

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

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

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

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

1 Section 12: Section 20.25.015 of the Riverside Municipal Code is added as follows:

2 **“Section 20.25.015 Certificates of Appropriateness Not Required.**

3 No Certificate of Appropriateness is required for:

4 A. Dangerous Condition:

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

15 B. Structures found ineligible for historic designation in an adopted Cultural resource survey,

16 Section 20.50.010, or a Cultural Resource Report, Section 20.26.010.

17 C. Non-contributors and Non-contributing features in Neighborhood Conservation Areas are not

18 subject to the Certificate of Appropriateness requirements.”

19 Section 13: Section 20.25.025 of the Riverside Municipal Code is added as follows:

20 **“Section 20.25.025 Board Certificates of Appropriateness.**

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

22 Heritage Board.”

23 Section 14: Section 20.25.030 of the Riverside Municipal Code is amended as follows:

24 **“Section 20.25.030 Administrative Certificates of Appropriateness.**

25 The Historic Preservation Officer or Qualified Designee may administratively approve, approve

26 with conditions, refer to the Board, or deny a Certificate of Appropriateness as follows:

- 27 A. For any cultural resources, including landmarks (designated and eligible):
- 28 1. New or replacement fences, walls, awnings, and/or exterior lightings.

1 2. The in-kind replacement of historically-correct architectural features or building
2 elements, including windows, doors, exterior siding, roofs, porches, cornices, balustrades, stairs,
3 and the like, that are deteriorated, damaged beyond restoration, or previously removed.

4 3. The in-kind replacement of historically correct site, or contributing landscape
5 features that are deteriorated, damaged beyond restoration, or previously removed.

6 4. Removal or alteration of landscape features, such as walkways, planter walls,
7 fountains, and in certain circumstances mature foliage, that contribute to the historic character of the
8 resource but are not designated or listed as contributing to a designated resource.

9 5. The removal of inappropriate additions or alterations to restore the original
10 appearance of a structure.

11 6. Paving for driveways, walkways and/or patios, and the addition of or alteration to
12 driveway approaches, subject to WQMP requirements.

13 7. Exterior painting of commercial properties and/or designated landmarks, including
14 only those surfaces allowed to be painted include only those that were originally intended
15 to be painted and exclude all other surfaces, such as brick, concrete, and stone.

16 B. For any cultural resources, excluding landmarks:

17 1. One-story additions to a single-story structure, less than 50 percent of the size of the
18 existing main structure (or 1,000 square feet area, whichever is smaller, for residential), with
19 limited or no visibility from public streets.

20 2. Two-story Accessory Dwelling Unit (ADU) and second-story additions to existing
21 single-story structures, auxiliary structures (excluding attached garages) for an ADU, when the
22 main residence is at least two-stories in height.

23 3. Demolition of a, or the replacement of a previously existing, one-story, detached
24 garage and construction of a new one-story, detached garage that is architecturally compatible with
25 the existing residence and character-defining features of the existing neighborhood and the area
26 devoted to parking does not exceed 400 square feet, or the minimum size for a two-car garage as
27 required by the City Zoning Code, whichever is greater. Maximum size of the structure shall not
28 exceed City Zoning Code requirements.

- 1 C. For non-contributing features and non-contributors in a Historic District, all actions except:
2 1. Demolition.
3 2. New and in-fill construction.
4 3. Large additions (increasing floor area by 50 percent or more).
5 4. Increasing the number of stories (e.g., adding a second story to a single-story
6 structure).
- 7 D. Under A, B and C above, the Historic Preservation Officer or Qualified Designee may
8 waive noticing requirements and/or formal application forms for cases that are immediately
9 determined to meet all required findings because they involve alterations deemed insignificant or
10 having no impact on the significance or integrity of the Cultural Resources, such as fences,
11 landscaping, like-for-like repair, or similar.”

12 Section 15: Section 20.25.050 of the Riverside Municipal Code is amended as follows:

13 **“Section 20.25.050 Principles and standards of site development and design review.**

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

- 16 A. For proposed projects involving individually significant Cultural Resources (i.e. City
17 Landmarks, Structures of Merit, etc.), the proposed project should demonstrate:
- 18 1. Consistency or compatibility with the architectural period and the character-defining
19 elements of the historic building, such as colors, textures, materials, fenestration,
20 decorative features, details, height, scale, massing, and method of construction;
 - 21 2. The proposed project does not destroy or pose a substantial adverse change to an
22 important architectural, historical, cultural or archaeological feature or features of the
23 Cultural Resource;
 - 24 3. Compatibility with context considering the following factors: grading; site
25 development; orientation of buildings; off-street parking; landscaping; signs; street
26 furniture; public areas; relationship of the project to its surroundings;
 - 27 4. Consistency with the principles of the Secretary of the Interior’s Standards for the
28 Treatment of Historic Properties; and

1 5. As applicable, consistency with other federal, state, and/or local guidelines.

2 B. For proposed projects involving contributors or contributing feature within Historic Districts
3 and Neighborhood Conservations Areas, the proposed project should demonstrate:

4 1. Compatibility with the height, scale, or massing of the contributor (or contributing
5 feature) the Cultural Resource;

6 2. Compatibility with colors, textures, materials, decorative features of the contributor (or
7 contributing feature) to the Cultural Resources;

8 3. The proposed change does not destroy or pose a substantial adverse change to an
9 important architectural, historical, cultural or archaeological feature or features within
10 boundary of the Cultural Resource;

11 4. Compatibility with the context of the Cultural Resource regarding grading, site
12 development, orientation of buildings, landscaping, signs, or public areas;

13 5. Consistency with the Citywide Residential Historic District Design Guidelines, approved
14 guidelines for each Historic District, and/or any other applicable Design Guidelines; and

15 6. Consistency with the principles of the Secretary of the Interior’s Standards for the
16 Treatment of Historic Properties.

17 C. For Non-contributors in a Historic District, the proposed project should demonstrate:

18 1. Compatibility with the height, scale, or massing of contributors within the Historic
19 District, and as allowed by Title 19-Zoning;

20 2. Compatibility with the colors, textures, roof forms, and materials of contributors or the
21 architectural period within the Historic District;

22 3. That the proposed project does not pose an adverse change to the Historic District or
23 its context;

24 4. Consistency with the Citywide Residential Historic District Design Guidelines and
25 the Historic District guidelines; and

26 5. Consistency with the principles of the Secretary of the Interior’s Standards for the
27 Treatment of Historic Properties.”

28

1 Section 16: Section 20.25.060 of the Riverside Municipal Code is amended as follows:

2 **“Section 20.25.060 Appeals.**

3 Section 20.15.090 shall apply for appeals of any approval, conditional approval or denial of a
4 Certificate of Appropriateness under this chapter,”

5 Section 17: Chapter 20.26 entitled “Archaeological and Tribal Cultural Resources” is added
6 to the Riverside Municipal Code as shown in Exhibit “B” attached hereto and incorporated herein.

7 Section 18: Section 20.30.030 of the Riverside Municipal Code is amended as follows:

8 **“Section 20.30.030 Historic Preservation Fund.**

9 ...

10 C. The fund shall be administered by a Historic Preservation Fund Committee.

11 1. The Committee membership shall consist of five members, serving two-year terms. The
12 Cultural Heritage Board shall designate two of its members to serve as representatives, and the
13 City Council representative shall be appointed by the Mayor's Nominating and Screening
14 Committee ("Council Committee"). The remaining two shall be City residents affiliated with
15 separate Riverside-specific historic preservation organizations and appointed by the Council
16 Committee. Interested persons must submit applications for appointment no later than 30 days
17 before the meeting during which the Council Committee selects the representatives.

18 ...

19 3. The Committee shall establish meeting rules, application deadlines, and the frequency of
20 meetings; however, the Committee shall schedule a meeting to be held at least once every quarter
21 and shall consider any submitted grant applications semiannually, as needed.

22 ...”

23 Section 19: Section 20.35.010 of the Riverside Municipal Code is amended as follows:

24 **“Section 20.35.010 Duty to maintain.**

25 Every person in possession or control, and the owner, of a Cultural Resource or a building,
26 structure, object or site within a Historic District or Neighborhood Conservation Area shall
27 maintain and keep in good repair the exterior of that resource, and all interior portions necessary to
28 prevent loss or deterioration of any cultural or structural integrity. "Good repair" means that level

1 of maintenance and repair which clearly furthers the continued viability of a resource and/or
2 premises for lawful reasonable uses and prevents loss or deterioration of the resource and/or
3 premises. Such maintenance shall be in compliance with all applicable codes, laws and regulations
4 governing the maintenance of property. In addition to any other remedies available to the City, this
5 section shall also be enforceable by the Code Enforcement Division of the Community &
6 Economic Development Department to the full extent permissible by law.

7 Failure to maintain a Cultural Resource may result in a Determination of Nuisance and Summary
8 Abatement.”

9 Section 20: Section 20.40.010 of the Riverside Municipal Code is amended as follows:

10 **“Section 20.40.010 Violations.**

11 No person shall alter or demolish a Cultural Resource or a building, structure, object or site within
12 a Historic District or Neighborhood Conservation Area in violation of this title, either actively or
13 passively, including through neglect.”

14 Section 21: Section 20.40.040 of the Riverside Municipal Code is amended as follows:

15 **“Section 20.40.040 Stop work orders.**

16 The Community & Economic Development Director or designee has the authority to issue
17 a stop work order for any violation or threatened violation of this title. A stop work order shall be
18 written in the format deemed appropriate by the issuer. The stop work order shall remain in effect
19 until written notice of rescission by the Community & Economic Development Director or
20 designee, or until City Council action to remove or modify the order, in addition to any other
21 enforcement under any other provision of the Municipal Code or law.”

22 Section 22: Section 20.40.050 of the Riverside Municipal Code is amended as follows:

23 **“Section 20.40.050 Remedies.**

24 A. Remedies shall apply to any violation of this Title. All remedies shall be cumulative to
25 each other and not exclusive.

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

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

1 a. A retroactive Certificate of Appropriateness as defined in this Title shall be required;
2 and

3 b. All conditions of the Certificate of Appropriateness shall be satisfied.

4 2. Board Issued Certificate of Appropriateness - Retroactive compliance.

5 a. A retroactive Certificate of Appropriateness as defined in this Title shall be required;
6 and

7 b. All conditions of the Certificate of Appropriateness shall be satisfied.

8 3. *Restoration.*

9 a. A violation may be abated by restoring or reconstructing the Cultural Resource to
10 its original condition prior to the violation.

11 b. The violator must obtain a Certificate of Appropriateness prior to restoration.

12 c. Restoration shall use as much of the original material as possible. The City can
13 compel the violator to perform or provide for the restoration, or the City may perform or provide
14 the restoration and recover all of its costs from the violator.

15 d. The City may place a lien on the property as provided for in Municipal Code
16 Chapter 6.15.

17 4. *Civil penalty.*

18 a. If, in the sole judgment of the City, Restoration is not feasible, the City Council
19 may impose a civil penalty equal to the cost of restoring the cultural resource to its pre-violation
20 condition, and all administrative and enforcement fees.

21 b. The City shall fix the costs through appraisals or by soliciting bids.

22 c. All collected funds shall be set aside and used only for CLG duties and required
23 responsibilities.”

24 Section 23: Section 20.40.080 entitled “Code Enforcement Updates” is added to the
25 Riverside Municipal as follows:

26 “**Section 20.40.080 Code Enforcement Updates.**

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

1 Section 24: Section 20.45.010 of the Riverside Municipal Code is amended as follows:

2 **“Section 20.45.010 Amendment.**

3 Amendments to this title may be initiated in any one of the following manners:

- 4 A. Upon minute action of the City Council.
- 5 B. Upon minute action of the Cultural Heritage Board.
- 6 C. Upon the written request of the Community & Economic Development Director or
- 7 designee.

8 ...”

9 Section 25: Section 20.45.020 of the Riverside Municipal Code is amended as follows:

10 **“Section 20.45.020 Procedures.**

11 A. *Recommendation and approval.* Any proposed amendment to this title must first be sent to
12 the Board for review and recommendation. The Board shall recommend that the City Council
13 amend, not amend, or amend the proposal as modified by the Board. The City Council is the final
14 approving authority.

15 ...

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

- 18 1. The proposed amendment is generally consistent with the goals, policies, and objectives
19 of the general plan; and
- 20 2. The proposed amendment complies with the purposes of this Title.”

21 Section 26: Section 20.50.010 of the Riverside Municipal Code entitled “Definitions” is
22 amended as shown in Exhibit “C” attached hereto and incorporated herein.

23 Section 27: The City Clerk shall certify to the adoption of this Ordinance and cause
24 publication once in a newspaper of general circulation in accordance with Section 414 of the Charter
25 of the City of Riverside. This Ordinance shall become effective on the 30th day after the date of its
26 adoption.

27 //

28 //

1 ADOPTED by the City Council this ____ day of _____, 2024.

2

3

PATRICIA LOCK DAWSON
Mayor of the City of Riverside

4

5

Attest:

6

7

DONESIA GAUSE
City Clerk of the City of Riverside

8

9

I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
____ day of _____, 2024, and that thereafter the said ordinance was duly and regularly
adopted at a meeting of the City Council on the ____ day of _____, 2024, by the
following vote, to wit:

10

11

12

13

14

Ayes:

15

Noes:

16

Absent:

17

Abstain:

18

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
City of Riverside, California, this ____ day of _____, 2024.

19

20

21

DONESIA GAUSE
City Clerk of the City of Riverside

22

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EXHIBIT “A”

Table 20.15.010 Approving and Appeal Authority							
Type of Permit or Action	Approving and Appeal Authority						
	City Historic Preservation Officer (HPO)	Historic Preservation Fund Committee (HPFC)	City Cultural Heritage Board		City Council Consent (1, 2)	City Council Discussion (1)	City Council Public Hearing (1, 2)
<i>Administrative Discretionary Permits/Actions (No Public Hearing Required)</i>							
Administrative Certificate of Appropriateness	F		A/AR/F			A/F	
<i>Discretionary Permits and Actions (Public Meeting or Hearing Required)</i>							
Board Certificate of Appropriateness			F ⁽³⁾			A/F	
HPFC – Grant Application		F	A/F			A/F	
<i>Legislative Actions (Public Hearing Required)</i>							
Mills Act Application					F		
Designation of a Structure or Resource of Merit			R				A/F
Designation of a Landmark			R				A/F
Designation of an 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.							

EXHIBIT “B”

CHAPTER 20.26

ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES

SECTIONS:

20.26.010 CULTURAL RESOURCES REPORT.

20.26.020 TRIBAL CONSULTATION.

Section 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 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.

Section 20.26.020 Tribal Consultation.

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

EXHIBIT “C”

CHAPTER 20.50

DEFINITIONS

For the purposes of this 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 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, 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 Title 20 is expressly not under this definition.

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.

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.