



*City of Arts & Innovation*

# City Council Memorandum

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**TO: HONORABLE MAYOR AND CITY COUNCIL                      DATE: APRIL 23, 2024**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT              WARDS: ALL**  
**DEPARTMENT**

**SUBJECT: WORKSHOP ON PROPOSED AMENDMENTS TO TITLE 20 (CULTURAL RESOURCES) OF THE RIVERSIDE MUNICIPAL CODE AND FOUR POLICY AREA RECOMMENDATIONS BY THE CULTURAL HERITAGE BOARD**

## **ISSUES:**

Conduct a workshop on proposed amendments to Title 20 (Cultural Resources) of the Riverside Municipal Code including, but not limited to, clarification of the Designation process, revisions and clarification of the Certificate of Appropriateness application process, and addition of preliminary review process.

Consider Cultural Heritage Board (CHB) recommended policy areas including noticing for administrative review of ministerial projects, elimination of owner consent for designation, demolition review, and preliminary review.

## **RECOMMENDATIONS:**

That the City Council conduct a workshop and provide direction on proposed Title 20 amendments and Cultural Heritage Board recommended policy considerations.

## **BACKGROUND:**

In 2017, staff began identifying needed revisions and clarifications to Title 20, including Chapter 20.40 – Enforcement and Penalties related to penalties for projects completed without a Certificate of Appropriateness (COA) based on City Council direction. Staff completed the preliminary review of Title 20 and prepared initial recommended amendments for consideration.

From September 2021 through November 2021, Staff worked closely with CHB through workshops at their regularly scheduled meetings. On February 16, 2022, CHB formed a Subcommittee consisting of four members to work with staff on the recommended amendments. The Subcommittee met on a regular basis between March 2022 and April 2023.

The proposed modifications to Title 20 were reviewed in a workshop at the May 17, 2023 CHB meeting. Following the meeting the Subcommittee and staff met to discuss comments from the workshop. Staff completed minor revisions to the proposal based on some of the Board and Subcommittee's comments and presented the redline update to CHB at a public hearing for review and recommendation at the June 21, 2023 CHB meeting. In addition to the proposed amendments

presented by staff, CHB discussed policy areas to be forwarded to the City Council for consideration. For each policy area, CHB determined which policy areas to be included. Subsequently, CHB recommended City Council approve the comprehensive Title 20 update and provided four policy considerations, including the following: 1) Noticing for Administrative Review of Ministerial Projects; 2) Elimination of owner consent for historic designations; 3) Demolition Review; and 4) Preliminary Review. (Attachment 1) Policy considerations 2, 3, and 4 are similar to some of the proposed amendments to Title 20 but included alternate text and/or expansion of the proposed amendment.

The comprehensive update to Title 20 and the four policy areas were presented and discussed at the November 13, 2023 Land Use, Sustainability, and Resilience Committee (LUSR) meeting. LUSRC expressed that the four policy areas warranted discussion with the full City Council. LUSRC recommended the comprehensive update to Title 20 to City Council, and requested staff prepare draft redline code language for the City Council to consider. (Attachment 2)

At the January 23, 2024 meeting, City Council reviewed the comprehensive update to Title 20 and the four policy considerations. As part of Council discussion, it was determined that further discussion was needed regarding the policy considerations. It was moved by Councilmember Cervantes to remove proposed amendments that were similar in nature to the four policy considerations, hold a workshop before the City Council on the four policy areas, and approve the balance of the comprehensive update.

## **DISCUSSION:**

A comparative table was prepared demonstrating the current Title 20 code sections, the proposed amendments, and potential text for the policy consideration. (Attachment 3). The four policy areas with proposed amendments and CHB recommended consideration are summarized as follows.

### **Policy Area 1 – Noticing for Administrative Review of Ministerial Projects**

**Existing Conditions:** Noticing requirements in Section 20.15.050 (Meeting and notice for Administrative COA) require a 10-day notice for Administrative COA. Ministerial Projects, such as demolition of non-historic structures and the construction of an Accessory Dwelling Unit (ADU), do not require noticing.

#### **Proposed Amendments - 1**

There are no proposed amendments for this policy area.

#### **CHB Policy Consideration - 1**

##### **Chapter:**

- 20.15.050.D - Additional noticing requirements

##### **Proposed Change:**

- Amend Section 20.15.050.D to include a notice of action for State mandated ministerially projects, such as ADUs, to be sent to persons or entities requesting notice, upon approval

**Policy Impacts:** This policy consideration would increase public awareness for ministerial projects at historic properties. Mailed notices would be given on projects that are mandated by Assembly Bill 3182 to be reviewed ministerially and streamlined. As such, historic preservation review is completed administratively and is not subject to Title 20 appeals. Therefore, noticing

would be informational rather than to obtain public comment or identify an appeal period. Per state mandate, the approval of a building permit for an ADU must be issued within 60-days of a complete application. Building permits may be appealed as set forth in Section 16.04.590 of the Riverside Municipal Code. Appeals shall be in writing and filed within ten days of any final order or determination made by the building official. As required by State law in relationship to the issuance of the building permit, an appeal of the building permit is not likely to impact state mandated timeline. However, there is the potential to impact the streamlined process, the applicant and project construction should a building permit appeal be filed. This would have a slight impact on staff time and additional cost for preparation of mailings. Cost will vary with each mailing depending on notification type.

**Policy Implementation:** Under this policy consideration, staff would send via postal mail or email to persons or entities requesting notification, within five days of approval of historic preservation review.

## Policy Area 2 –Owner Consent for Historic Designations

**Existing conditions:** Title 20 requires prior written consent of historic property owners before a property can be designated as a City Landmark or Structure of Merit. Cultural Resources Overlay Zones are applied to historical designated properties at the time of City Council approval.

### Proposed Amendments - 2

#### Chapters:

- 20.20.020 – Add City Council override of owner opposition
- 20.20.080 - Revise language regarding Cultural Resources Overlay Zones for clarity
- 20.20.120 – Remove designation process flow chart

#### Proposed changes:

- City Council override of owner opposition by a two-thirds (2/3) vote
- Relocate text related to Cultural Resources Overlay Zones from the definitions chapter. This is a non-substantive code clean-up change for code clarity.
- Remove the designation process flow chart, which can be provided by an informational hand out. This is a non-substantive code clean-up item.

**Amendment Implementation:** Under the proposed Title 20 amendment, City Council authority to override owner opposition by a two-thirds (2/3) vote for unique situations where the property has unique value that necessitates historic preservation efforts. Additionally, when an application for historic designation is submitted without written owner consent, a notice of application would be sent to the property owner for a response. The application would not move forward through the designation process until a written statement of consent or objection is provided by the property owner. Should a response not be received within 90 days the application would move forward to City Council upon recommendation from CHB. This will ensure the property owner is aware of the proposed designation. If a letter of objection is provided or no response received, the project would continue through the COA process and upon recommendation of CHB, it would be at the discretion of City Council to override the objection by a two-thirds (2/3) vote and approve the designation.

### CHB Policy Consideration - 2

#### Chapter:

- 20.20.020 – Removal of text requiring owner consent

## Proposed Change:

- Remove the owner consent requirement for designation applications, including the proposed City Council override of owner consent.
- This would replace the currently proposed amendment language under Section 20.20.020.

CHB agreed to forward this policy to the City Council with a vote of 6 ayes and 1 no.

**Policy Impacts:** The elimination of owner consent would allow a property that meets Landmark or Structure of Merit criteria to be designated without approval of the property owner; thereby, allowing for better protection of the City's Cultural Resources. This policy consideration would apply Title 20 regulations and additional review requirements for proposed modifications to the property that were designated without owner agreement and consent for all projects meeting the criteria including but not limited to COA review and preliminary reviews, as included in the current proposed amendment.

At the January 23 meeting, City Council raised questions regarding takings and the removal of owner consent for historic designations. In Staff's research, case law surrounding historic designation and takings widely varied based on the case specific details and the extent to which the owner was deprived of economic benefit of the property.

**Policy Implementation:** This modification differs from the proposed amendment in that it would allow an historic designation request to be proposed without a written statement from the property owner, either in favor or opposition. The designation request would go to City Council upon recommendation for CHB. Notices and letters will be sent to the property owner regarding the public hearings; however, the process would proceed and would not necessitate a response from the property owner. City Council would be provided the documentation sent to notify the property owner.

**Other Jurisdictions:** Owner consent varies amongst jurisdictions and levels of historic listing. Generally, immediate surrounding jurisdictions require owner consent and those jurisdictions with robust historical programs (e.g. Los Angeles, Pasadena, etc.) do not require owner consent. Several cities surveyed which do not require owner consent, also will not advance designation request if the property owner submits a written objection to the designation. These jurisdictions will send letters to the property owner and attempt to contact property owners via telephone or email. The contact with the property owner will include the benefits and responsibilities associated with historic designation. If contact with the property owner is not able to be made, the designation request will often move forward for approval, but the staff report will reflect the inability to contact the owner. In some jurisdictions, if the owner's objection is received the designation nomination will move forward but the staff report will indicate that the owner has objected to the designation.

The National Park Service does not require owner consent for listing in the National Register of Historic Places or designation as a National Historic Landmark. Additionally, the State Office of Historic Preservation does not require owner consent for listing in the California Register of Historical Resources. Both federal and state law indicate that a privately owned property may not be listed over owner objection. The National Park Service requires owner objection to be notarized.

## Policy Area 3 – Demolition Review

**Existing conditions:** Under Title 20, the demolition of historic resources that have been designated or found eligible for designation requires a COA to be reviewed by CHB. The

demolition of a historic resource would include CEQA review, including a 20 to 45 day comment public period, depending on the level of environmental review. A notice of the public meeting would be sent to property owners and occupants within 300-feet of the property at least 10 days prior to the CHB meeting. The notice includes information regarding the proposed demolition, the proposed project, an invitation to provide comment, and the CHB meeting time and location.

The demolition of structures ineligible for designation does not require review or noticing. Currently, when a demolition permit request is submitted to the Planning division, Historic Preservation staff reviews all demolition permit requests over the counter to confirm the structure is not eligible for designation and/or require an evaluation for eligibility as necessary. If the structure is found ineligible, historic preservation and planning staff will sign off on the demolition permit request to be submitted to Building & Safety.

A definition of Demolition by Neglect is not currently included in Title 20. However, the code does include language regarding upkeep and maintenance and demolition by neglect is included by reference. Specifically, Section 20.40.010 (Violations), states “No person shall alter or demolish a cultural resource in violation of this title, either actively or passively, including through neglect.” Section 20.35.010 (Duty to Maintain) states that an owner of a historic property “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.” Additionally, Title 20 currently allows the City to cite violations and impose remedies on historic properties as specified in Chapter 20.40 (Enforcement and Penalties), such as restoration, civil penalties, and moratoriums.

### **Proposed Amendments - 3**

#### **Chapters:**

- 20.25.010 - Add cultural resource report requirement for the demolition of properties not previously evaluated for historic designation

#### **Proposed changes:**

- Codify existing processes and allow the Community & Economic Development Director and Historic Preservation Officer to require a cultural resources evaluation for the proposed demolition of properties, as necessary

**Amendment Implementation:** Under the proposed amendment, historic preservation staff would review demolition permit request. If the proposed demolition will have impact to a structure that has not been formally evaluated for historic listing but appears to meet one or more of the City, State, or National Register historic listing, the Historic Preservation Officer in consultation with the Community & Economic Development Director or designee would require an historic designation eligibility assessment completed.

### **CHB Policy Consideration - 3**

#### **Chapters:**

- 20.15.055 – Add demolition review noticing section
- 20.25.010 – Modify proposed cultural resources report requirement to include a 45-year rule and include reference to noticing section
- 20.50.010 – Add Demolition by Neglect definition

#### **Proposed Change:**

- Amend Section 20.25.010 (Certificate of Appropriateness Required) to include a 30-day review/comment period for the demolition the primary structure(s) of a property Designated or Eligible Cultural Resource, properties within a Historic District, or contributors to a

#### Neighborhood Conservation Area

- Require posting of a Notice of Demolition on the property
- For properties found ineligible for designation, a notice of action will be mailed or delivered to adjacent property owners and those requesting notice.
- Adds a demolition by neglect definition including lack of maintenance and inadequate measures to prevent structural collapse.

**Policy Impacts:** The addition of demolition review noticing requirements would increase public awareness of and opportunity to comment on the demolition of existing and eligible Cultural Resources. Noticing for demolition of ineligible structures is currently not required and processed over the counter. Notice for COAs related to demolition would increase to 30 days from the current 10-day noticing period required for all COAs. The 30-day notice would be completed prior to CHB review and would generally be concurrent with public comment period for CEQA document review, if required. The noticing time would be in addition to the review of the COA application, which is at minimum 30 days.

For properties found ineligible for designation, this policy consideration would require a notice of action upon approval by Historic Preservation Staff of a demolition request for all primary structures throughout the city. Demolition of accessory structures, such as patio covers, garages, and gazebos, would be exempt from noticing requirements. This may affect processing times for submission of building permits and future construction. For properties posing a dangerous condition as determined by the City Building Official a notice of action (after the fact) would be sent to persons or entities requesting notice. The addition of a definition of demolition by neglect would provide a prescriptive method of determining when demolition by neglect has occurred. The definition includes the failure to prevent continued deterioration of a structure through lack of maintenance, inadequate prevention of water ingress, and protection from pests.

**Policy Consideration Implementation:** Under this policy consideration, for the demolition of a designated or eligible structure is proposed, the applicant will be provided a “Notice of Demolition” to be posted on the property within 5-feet from the property and visible from the public right-of-way. The notice shall be posted at least 30 days prior to the CHB meeting. A notice will also be mailed to property owners and occupants within 300-feet of the property.

For the demolition of structures found ineligible for historic designation, within 5 days of the approval of the demolition staff will mail or deliver a notice of action to adjacent property owners and person or entities requestion notice. The notice would be informational only.

For structures posing a Dangerous Condition in accordance with Section 20.25.015, a notice of action will be sent within 5 days of determination to person and entities requesting notice.

**Other Jurisdictions:** Demolition permit review levels vary among jurisdictions. Some jurisdictions require historic preservation commission review for the demolition of any structures 50-years of age or older. Other jurisdictions demolition is reviewed at the staff level. Noticing type and periods also vary.

### Policy Area 4 – Preliminary Review

**Existing Conditions:** The application requirements included in Section 20.25.020 of the Riverside municipal code are minimal and specify that application for a COA shall be submitted to the Planning Division but does not provide application procedures.

Additionally, Title 20 does not currently include CHB preliminary review of project prior to final

action. COA applications are reviewed by staff during an initial review period for consistency with Title 20, applicable design guidelines, and the Secretary of the Interior Standards for the Treatment of Historic Properties. During the initial review period, staff provides comments to the applicant to bring the project into consistency with Title 20 and applicable design guideline. For larger projects and projects including a prominent historic structure or districts, staff strongly encourages the applicant to hold to request a workshop with CHB early in the process.

#### **Proposed Amendments - 4**

##### **Chapters:**

- 20.25.020 – Revise application process for clarity and add applicant requested preliminary review.
- 20.25.021 – Add preliminary review process

##### **Proposed changes:**

- Clarify and outline the application process, mirroring the application process identified for other planning entitlements and current procedures.
- Add preliminary review for CHB reviewed COA requests for projects at City Landmarks and Structures of Merit. This would not include Administratively reviewed projects as specified in Section 20.25.030, such as fences, repairs, landscaping, restoration of historic features, ADUs, and small additions or accessory structures at Structures of Merit.

**Amendment Implementation:** This policy consideration would require a CHB workshop during the initial review period for CHB reviewed COAs at City Landmarks and Structures of Merit and would be voluntary for all other CHB reviewed projects. When a COA application is received for a project requiring preliminary review, staff will complete a 30-day review. The project would subsequently be scheduled for workshop with CHB. Following the workshop, staff would work with the applicant to address CHB suggestions and bring the project into consistency with applicable code and guidelines. When the application is deemed complete by staff, it will be added to the CHB agenda for final action.

#### **CHB Policy Consideration - 4**

##### **Chapter:**

- 20.25.021 – Modify proposed preliminary review section

##### **Proposed Change:**

- Expands the proposed preliminary review requirement to include:
  - All projects subject to CHB review involving:
    - Designated and Eligible Landmarks and Structures of Merit
    - Properties within Historic Districts and Neighborhood Conservation Areas
  - Non-residential projects within a Historic District when visible from the public right-of-way and exceeds \$250,000 in valuation

**Policy Impact:** This policy would require a workshop for projects subject to CHB review, allowing CHB to provide early feedback to the project applicant on the proposed project. Workshops on proposed projects are currently not addressed in Title 20 but have been held through an ad-hoc process when requested by the applicant and/or recommended by staff. The proposed amendment would add a preliminary review for CHB reviewed projects at City Landmarks and Structures of Merit. This proposed policy consideration would expand preliminary review to all projects subject to CHB review and some that would be reviewed administratively (non-contributors in a historic district). This policy would increase processing times, require additional review time and cost to the entitlement process. The policy would also add CHB preliminary review for projects at non-residential contributors and non-contributors to historic districts that would

typically be administratively reviewed by staff, when the project exceeds a valuation of \$250,000; therefore, adding additional review time for certain administrative COAs.

**Policy Implementation:** The process for preliminary review would follow the same as previously discussed. This policy consideration differs from the proposed amendment as the proposed Title 20 amendment will introduce preliminary review by CHB for projects specifically at City Landmarks and Structures of Merit (Section 20.25.021) and the policy consideration would expand preliminary review to all CHB reviewed projects. Additionally, for non-residential projects within a Historic District when visible from the public right-of-way and exceeds \$250,000 in value that are not subject to CHB review, staff would work with the applicant following the workshop to meet suggestions and requirements, then will issue final approval.

**Other Jurisdictions:** Preliminary review of projects is generally completed at the staff level in most jurisdictions. Staff reviews proposed projects for consistency with applicable codes and guidelines, then make recommendation to appropriate approving body.

### **STRATEGIC PLAN ALIGNMENT**

The proposed Title 20 Text Amendment aligns with Strategic Priority No. 2 – Community Well-Being, and more specifically with Goal 2.3 – Strengthen neighborhood identities and improve community health and the physical environment through amenities and programs that foster an increased sense of community and enhanced feelings of pride and belonging citywide. In addition, the project aligns with the five Cross-Cutting Threads as follows:

1. **Community Trust** – The Title 20 comprehensive update aligns with the Community Trust Cross-Cutting Thread as the amendment is reviewed at a public meeting, allowing for public comment.
2. **Equity** – The Title 20 comprehensive update aligns with the Equity Cross-Cutting Thread as it applies to all historic properties throughout the City.
3. **Fiscal Responsibility** – The Title 20 comprehensive update aligns with the Fiscal Responsibility as no General Funds, outside of staff time, are being used for the update.
4. **Innovation** – The Title 20 comprehensive update aligns with the Innovation Cross-Cutting Thread as it incorporates new approaches to historic preservation review.
5. **Sustainability & Resiliency** – The Title 20 comprehensive update aligns with the Sustainability & Resiliency Cross-Cutting Thread as it works to maintain the historic character of the City for generations to come.

### **FISCAL IMPACT:**

On September 8, 2015, City Council approved Resolution No. 22904, which included no cost recovery associated with the review of COA and Historic Designation to encourage historic preservation efforts. The proposed amendments to Title 20 will have no additional fiscal impact as the update will clarify and streamline processes already completed by staff, which are included in the approved Community & Economic Development Department Budget.

Policy considerations 1, 3, and 4 will increase staff time for the review of COA and demolition permit requests with an average of an additional 30-days or review time being added each review.



Staff processes an average of three to four ministerial projects monthly. The preparation and transmittal of noticing would require approximately one to two hours of staff time. Staff reviews an average of approximately eight demolition permits monthly. Review of demolition permit requests will vary based on the complexity of the project with an average of four to eight hours staff time per review and transmittal of notices. The Cultural Heritage Board reviews approximately three to four COA annually. Preliminary review would require approximately eight to ten hours for the preparation and presentation of workshop materials.

Additionally, policy considerations 3 would increase noticing costs by adding notices for reviews that currently do not include this requirement. Notices cost will vary based on the cost of postage and the number of notices to be mailed. Policy consideration 1 could be accomplished via email; therefore, no additional noticing cost would be required for this policy consideration. Policy consideration 2 will have no additional fiscal impact as it could be included as part of review of Historic Designation requests.

Prepared by:	Scott Watson, Historic Preservation Officer
Approved by:	Jennifer A. Lilley, Community & Economic Development Director
Certified as to availability of funds:	Kristie Thomas, Finance Director/Assistant Chief Financial Officer
Approved by:	Rafael Guzman, Assistant City Manager
Approved as to form:	Phaedra A. Norton, City Attorney

Attachments:

1. CHB Minutes – June 21, 2023
2. Policy Consideration Potential Redlines
3. Amendment-Policy Area Comparison
4. Letter Received
5. Presentation
6. CHB Chair Presentation



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

### 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 COA 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



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

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



*City of Arts & Innovation*

## CULTURAL HERITAGE BOARD DRAFT MINUTES

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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.





City of Arts & Innovation

## CULTURAL HERITAGE BOARD DRAFT MINUTES

WEDNESDAY, JUNE 21, 2023, 3:30 P.M.  
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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.

## Policy Area Amendments and Consideration Comparison

Area #	Section	Current Title 20	Proposed Amendment	Proposed Policy Consideration
1	20.15.050	<p><b><u>Meeting and notice for Administrative Certificates of Appropriateness.</u></b></p> <p>A. No public hearings are required. The application shall be considered by the Historic Preservation Officer or Qualified Designee administratively.</p> <p>B. Within 60 days, the Historic Preservation Officer or Qualified Designee must act upon a complete application or refer the application to the Board.</p> <p>C. Except as otherwise provided in this Title, notice shall be mailed or delivered, at least ten days prior action to:</p> <ol style="list-style-type: none"> <li>1. The property owner of the subject real property or the owner's duly authorized agent, and the project applicant.</li> <li>2. Owners and occupants of adjacent properties or those across a street or alley.</li> <li>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.</li> <li>D. Projects mandated by state law to be reviewed ministerially are exempt from noticing requirement</li> </ol>	No proposed changes	<p><b><u>Meeting and notice for Administrative Certificates of Appropriateness.</u></b></p> <p>A. No public hearings are required. The application shall be considered by the Historic Preservation Officer or Qualified Designee administratively.</p> <p>B. Within 60 days, the Historic Preservation Officer or Qualified Designee must act upon a complete application or refer the application to the Board.</p> <p>C. Except as otherwise provided in this Title, notice shall be mailed or delivered, at least ten days prior action to:</p> <ol style="list-style-type: none"> <li>1. The property owner of the subject real property or the owner's duly authorized agent, and the project applicant.</li> <li>2. Owners and occupants of adjacent properties or those across a street or alley.</li> <li>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.</li> <li>D. Projects mandated by state law to be reviewed ministerially are exempt from noticing requirement <b>except for notice of action pursuant to subsection C.3 above, within five calendar days of decision.</b></li> </ol>
2	20.20.020	<p><b><u>Designation application.</u></b></p> <p>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.</p>	<p><b><u>Designation application.</u></b></p> <p>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.</p>	<p><b><u>Designation application.</u></b></p> <p>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.</p>

## Policy Area Amendments and Consideration Comparison

Area #	Section	Current Title 20	Proposed Amendment	Proposed Policy Consideration
		<p>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.</p> <p><b><u>Overlay Zone.</u></b></p> <p>Pursuant to Title 19, upon any designation, the Cultural Resources Overlay Zone applies to the subject property or parcel.</p>	<p>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. <b>Based on the Board recommendation the City Council's may consider overriding a property owner objection with a 2/3 vote of the total membership of City Council (five votes minimum), provided a finding can be made that the structure is of unique value.</b></p> <p><b><u>Overlay Zone.</u></b></p> <p>A. Pursuant to Title 19, upon any designation, the Cultural Resources Overlay Zone applies to the subject property or parcel.</p> <p><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 zone to the properties within the district. This process shall follow the requirements outlined in Title 19.</b></p> <p>Eliminate flow chart</p>	<p><b>All decisions of the City Council to designate, modify, or repeal (dedesignate) a Landmark, Structure, of Merit, or Historic District shall require an affirmative vote of 2/3 vote of the total membership of City Council (five votes minimum).</b></p> <p>No proposed amendments to this section under the policy consideration</p>
	20.20.120	<p><b><u>Designation process in flow chart form</u></b></p> <p>Not in current Title 20</p>	<p>No proposed changes</p>	<p>No proposed amendments to this section under the policy consideration</p> <p><b>Notice for Demolition Permit Review</b></p> <p>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.</p> <ol style="list-style-type: none"> <li>1. In accordance with Section 20.15.040;</li> <li>2. Posting a placard of durable, weather-resistant material on the property in a conspicuous place within five (5) feet of the front property line that:</li> </ol>
3	20.15.055			

## Policy Area Amendments and Consideration Comparison

Area #	Section	Current Title 20	Proposed Amendment	Proposed Policy Consideration
				<p>a) Describes the date of the demolition application;</p> <p>b) State "NOTICE OF DEMOLITION" in block-style letters a minimum 2-1/2 inches in height; and</p> <p>c) 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.</p> <p>B. Primary structures found ineligible for designation – A notice of action shall be mailed or delivered within five (5) calendar days of determination to:</p> <ol style="list-style-type: none"> <li>1. Owners and occupants of directly adjacent properties or those directly across a street or alley.</li> <li>2. 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.</li> </ol> <p>C. Structures posing a Dangerous Condition in accordance with Section 20.25.015 - A notice of action shall be mailed or delivered within five (5) calendar days of determination to:</p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. Noticing is not required for the demolition of accessory structures, such as patio covers, gazebos, garages, etc.</li> </ol> <p><b><u>Certificates of Appropriateness Required.</u></b></p>
	20.25.010	<p><b><u>Certificates of Appropriateness Required.</u></b></p> <p>A. In addition to any and all other City permit requirements a Certificate of Appropriateness is required before any person restores, rehabilitates,</p>	<p><b><u>Certificates of Appropriateness Required.</u></b></p> <p>A. In addition to any and all other City permit requirements a Certificate of Appropriateness is required before any person restores, rehabilitates,</p>	<p>A. In addition to any and all other City permit requirements a Certificate of Appropriateness is required before any person restores, rehabilitates,</p>

## Policy Area Amendments and Consideration Comparison

Area #	Section	Current Title 20	Proposed Amendment	Proposed Policy Consideration
		<p>alters, develops, constructs, demolishes, removes, or changes the appearance of any:</p> <ol style="list-style-type: none"> <li>1. Designated Cultural Resource;</li> <li>2. Eligible Cultural Resource; or</li> <li>3. Any element in a geographic Historic District (contributing and non-contributing) or contributor to Neighborhood Conservation Area (contributor).</li> </ol> <p>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.</p> <p>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.</p>	<p>alters, develops, constructs, demolishes, removes, or changes the appearance of any:</p> <ol style="list-style-type: none"> <li>1. Designated Cultural Resource;</li> <li>2. Eligible Cultural Resource; or</li> <li>3. Any element in a geographic Historic District (contributing and non-contributing) or contributor to Neighborhood Conservation Area (contributor).</li> </ol> <p>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.</p> <p><b>C. For the demolition of structures not previously identified as Eligible Cultural Resources, the Community &amp; 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.</b></p> <p>D. 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.</p>	<p>alters, develops, constructs, demolishes, removes, or changes the appearance of any:</p> <ol style="list-style-type: none"> <li>1. Designated Cultural Resource;</li> <li>2. Eligible Cultural Resource; or</li> <li>3. Any element in a geographic Historic District (contributing and non-contributing) or contributor to Neighborhood Conservation Area (contributor).</li> </ol> <p>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.</p> <p>C. For the demolition of structures not previously identified as Eligible Cultural Resources, <b>such as structures at least 45 years old and not included in previous surveys</b>, the Community &amp; 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. <b>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 noticing requirements in Section 20.15.055.</b></p> <p>D. 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.</p> <p><b>E. When granting a demolition permit for a Designated or Eligible Cultural Resource, a property within an</b></p>

## Policy Area Amendments and Consideration Comparison

Area #	Section	Current Title 20	Proposed Amendment	Proposed Policy Consideration
				<p>Historic District, or contributors within a Neighborhood Conservation Area, additional conditions may be added as appropriate, to avoid potential impacts to historic resources, including but not limited to:</p> <ol style="list-style-type: none"> <li>1. Documentation or salvaging of removed structures;</li> <li>2. Demolition permits being contingent upon applicant securing entitlement and/or building permits for replacement structures; and</li> <li>3. Other conditions the Historic Preservation Officer/Board deems appropriate on a case-by-case basis.</li> </ol>
	20.50.010	Not included in current Title 20	No proposed changes	<p><b>Demolition by neglect</b> 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.</p>
4	20.25.020	<p><b>Application.</b></p> <p>Applications for a Certificate of Appropriateness shall be made on forms provided by the Planning Division. Applications shall include plans and specifications showing the design, materials, colors, landscaping, and irrigation relating to the proposed improvements. Where required, applications shall also show the relationship of the proposed work to the surrounding environs. Applications for new construction in a</p>	<p><b>Application.</b></p> <p>A. Submittal requirements.</p> <ol style="list-style-type: none"> <li>1. Applications for a Certificate of Appropriateness shall be made on forms provided by the Planning Division. Applications shall include:                             <ol style="list-style-type: none"> <li>a) Plans and specifications showing the design, materials, colors, landscaping, and irrigation</li> </ol> </li> </ol>	<p>No proposed amendments to this section under the policy consideration</p>

## Policy Area Amendments and Consideration Comparison

Area #	Section	Current Title 20	Proposed Amendment	Proposed Policy Consideration
		<p>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. 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.</p>	<p>relating to the proposed improvements.</p> <ul style="list-style-type: none"> <li>b) Where required, applications shall also show the relationship of the proposed work to the surrounding environs.</li> <li>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.</li> <li>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.</li> </ul> <p>2. Signature and fees required.</p> <ul style="list-style-type: none"> <li>a) Applications will not be accepted by the Planning Division without required signed application forms and permit.</li> <li>b) Any owner, owner's authorized representative or the City Manager, or his/her designee, may sign an application.</li> <li>c) Applicable fees shall be those established by City Council Resolution and published in the Schedule of Fees available from the Planning Division.</li> </ul> <p>3. Indemnification.</p> <ul style="list-style-type: none"> <li>a) With the submittal of any application, the owner and/or applicant agrees that upon approval of its application the owner and/or</li> </ul>	

## Policy Area Amendments and Consideration Comparison

Area #	Section	Current Title 20	Proposed Amendment	Proposed Policy Consideration
			<p>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:</p> <ul style="list-style-type: none"> <li>i. Any such approval of the City; and/or</li> <li>ii. An action taken to provide environmental clearance under CEQA by its advisory agencies, appeal boards or City Council.</li> </ul> <p>b) The owner and/or applicant shall execute an indemnification agreement in a form acceptable to the City Attorney.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> <li>i. The counsel to so defend the City;</li> <li>ii. All significant decisions concerning the manner in which defense is conducted; and</li> <li>iii. Any and all settlements, which approval shall not be unreasonably withheld.</li> </ul>	



## Policy Area Amendments and Consideration Comparison

Area #	Section	Current Title 20	Proposed Amendment	Proposed Policy Consideration
			<p>e) The City shall also have the right to not 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.</p> <p>B. Preliminary Review: Prior to an application being deemed complete, a workshop before the Board may be held as specified in Section 20.25.021.</p> <p>C. 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:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. Withdrawals.</li> </ol>	

## Policy Area Amendments and Consideration Comparison

Area #	Section	Current Title 20	Proposed Amendment	Proposed Policy Consideration
			<p>a) Submittal of withdrawals. All withdrawal requests shall be submitted in writing to the Planning Division, identifying the application being withdrawn.</p> <p>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.</p> <p>4. City inactivity determination.</p> <p>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.</p> <p>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.</p> <p>c) Subsequent to an application being deemed complete, the City may terminate an application due to inactivity consistent with the above procedures.</p> <p>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.</p> <p>D. Relationship to other Discretionary Approvals: If a project requires other Planning Entitlements under Title 19, the Certificate of Appropriateness review shall occur concurrent with or prior to the review of the associated</p>	

## Policy Area Amendments and Consideration Comparison

Area #	Section	Current Title 20	Proposed Amendment	Proposed Policy Consideration
			Entitlements, by the appropriate approval authority.	
	20.25.021	Not included in current Title 20	<p><b><u>Preliminary Review</u></b></p> <p>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</p> <p>B. Applicability:</p> <ol style="list-style-type: none"> <li>1. For projects at a City Landmarks &amp; Structures of Merit, designated or found eligible for pursuant to a Cultural Resources Report or survey, that are subject to Board review: Prior to an application being deemed complete, the project shall be submitted to the Board as a workshop to seek input and direction on the proposed project, as authorized under Title 20.</li> <li>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.</li> </ol>	<p><b><u>Preliminary Review</u></b></p> <p>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</p> <p>B. Applicability:</p> <ol style="list-style-type: none"> <li>1. Prior to an application being deemed complete, the following projects shall be submitted to the Board as a workshop to seek input on the proposed project as authorized under Title 20.                             <ol style="list-style-type: none"> <li>a) Board reviewed projects at Landmarks and Structures of Merit, designated or found eligible pursuant to a Cultural Resources Report, Historic Preservation Officer finding, or survey;</li> <li>b) Projects within a Historic District or Neighborhood Conservation Area that are subject to Board review; and/or</li> <li>c) Projects within a Historic District that involving proposed work visible from the public right of way that exceeds \$250,000 in value involving a public, commercial, or non-residential project in value involving a public, commercial, or non-residential project.</li> </ol> </li> </ol>

## Policy Area Amendments and Consideration Comparison

Area #	Section	Current Title 20	Proposed Amendment	Proposed Policy Consideration
				<p>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.</p>

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**Subject:** FW: CHB's Proposed Title 20 Changes  
**Attachments:** Boston Landmarks Commission.pdf

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**From:** Dave Stolte <[president@oldriverside.org](mailto:president@oldriverside.org)>  
**Sent:** Friday, April 5, 2024 11:27 AM  
**To:** 2Mayor <[2MAYOR@riversideca.gov](mailto:2MAYOR@riversideca.gov)>; Falcone, Philip <[PFalcone@riversideca.gov](mailto:PFalcone@riversideca.gov)>; Cervantes, Clarissa <[CCervantes@riversideca.gov](mailto:CCervantes@riversideca.gov)>; [STEVEN@robillard4cc.com](mailto:STEVEN@robillard4cc.com); [sean@seanforriverside.com](mailto:sean@seanforriverside.com); Hemenway, Steve <[SHemenway@riversideca.gov](mailto:SHemenway@riversideca.gov)>; Futrell, Mike <[MFutrell@riversideca.gov](mailto:MFutrell@riversideca.gov)>; Tinio, Maribeth <[MTinio@riversideca.gov](mailto:MTinio@riversideca.gov)>; Watson, Scott <[SWatson@riversideca.gov](mailto:SWatson@riversideca.gov)>  
**Cc:** [camcdaniel@sbcglobal.net](mailto:camcdaniel@sbcglobal.net)  
**Subject:** [EXTERNAL] CHB's Proposed Title 20 Changes

Mayor Lock-Dawson, Councilmembers, and Staff:

At City Council on January 23, Old Riverside Foundation was encouraged to hear Councilmember Conder's statements about the importance of historic preservation. We took note of his praise for the City of Boston's preservation approach as an example of best practices, stating they are "*allowing the city to grow, to have development, without getting in the way of people and companies.*" We reached out to Dorothy Clark, Assistant Survey Director for Boston Landmarks Commission, to learn how Boston handles the four policy recommendations that are currently proposed by Riverside's Cultural Heritage Board:

### **1. Who can nominate a landmark?**

Public participation is key here. Our enabling legislation calls for residents/registered Boston voters to nominate a site for landmark consideration. We require a petition signed by at least 10 Boston citizens. Also, the mayor or one member of the appointed Boston Landmarks Commission (BLC) may submit a petition. The petition requires research to preliminarily establish the historical and architectural import of the site. That research is conducted by the petitioners, not the BLC staff, to ensure public engagement.

### **2. What happens if the owner of a cultural resource objects to landmark designation?**

A petition to designate a property as a Landmark does not require owner permission. Once a study report is drafted for the proposed Landmark, the owner has an opportunity to oppose the designation. The BLC can move forward with designation regardless. An important part of our work is educating owners about the benefits of landmark status so that by the time of the vote of designation, we have addressed owners' questions/concerns.

### **3. Is there public notice of ministerial review on proposed changes to a cultural resource? If so, what is the time period?**

The Commission's approval is required for any changes proposed for any landmarked property, as well as any properties with pending Landmark petitions and those awaiting a decision on designation ([link](#)). Proposed changes to designated Boston Landmarks and properties located in a designated local historic district requires a design review application and a public hearing. Public notices for hearings are sent to interested parties and abutters, and posted with the city clerk 10 business days prior to each hearing.

**4. Is there public notice of demolitions in historic neighborhoods / districts? If so, what is the time period?**

Proposed demolitions of designated Boston Landmarks and properties located in a designated local historic district follow the same design review process described above. All other proposed demolitions require an Article 85 Demolition Delay application. For more information please go to: [Article 85 Demolition Delay](#).

**5. How is preliminary review of proposed changes to cultural resources handled, and by what department?**

Property owners and developers are encouraged to meet with Boston Landmark Commission staff early when considering changes to designated Landmarks and properties located in designated local historic districts. Informal design reviews with the Boston Landmarks Commission and District Commissions are also offered to property owners and developers as an opportunity for informal feedback on proposed projects prior to full design development. These take place at regularly scheduled commission hearings.

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Regarding landmark designation without owner consent, we appreciate Boston’s well-reasoned position. Riverside could be joining many other Southern California cities that do not require owner consent for landmark designation: Los Angeles, Long Beach, Pomona, Pasadena, South Pasadena, Huntington Park, Whittier, Culver City, Monrovia, Beverly Hills, Calabasas, Claremont, Santa Monica, West Hollywood, San Dimas, San Gabriel, Baldwin Park, Commerce, Rolling Hills Estates, Irwindale, Southgate, Rosemead, and Manhattan Beach.

California’s state-mandated timelines were an area of additional concern for Councilmember Hemenway. CHB member Jordan Sisson advises that the proposed notification periods would not exceed the state’s requirements.

We note that Boston’s policies mirror exactly what the Cultural Heritage Board is proposing for Riverside. We also note that with all the value that our cultural resources bring to our city – as economic drivers, in particular – it would be beneficial for Riverside to “walk the talk” and enact best practices in the historic preservation of these irreplaceable assets.

Old Riverside Foundation encourages City Council to approve all policy recommendations as proposed by the Cultural Heritage Board.

Sincerely,

Dave Stolte  
President  
Old Riverside Foundation  
[president@oldriverside.org](mailto:president@oldriverside.org)  
(949) 378-5520

cc Mayor  
City Council  
City Manager  
City Attorney  
ACMs  
CEDD Director



April 4, 2024

Mayor Lock-Dawson, City Council, and Staff  
City of Riverside  
3900 Main Street  
Riverside, CA 92501

Mayor Lock-Dawson, Councilmembers, and Staff:

At City Council on January 23, Old Riverside Foundation was encouraged to hear Councilmember Conder's statements about the importance of historic preservation. We took note of his praise for the City of Boston's preservation approach as an example of best practices, stating they are "allowing the city to grow, to have development, without getting in the way of people and companies." We reached out to Dorothy Clark, Assistant Survey Director for Boston Landmarks Commission, to learn how Boston handles the four policy recommendations that are currently proposed by Riverside's Cultural Heritage Board.

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*1. Who can nominate a landmark?*

Public participation is key here. Our enabling legislation calls for residents/registered Boston voters to nominate a site for landmark consideration. We require a petition signed by at least 10 Boston citizens. Also, the mayor or one member of the appointed Boston Landmarks Commission (BLC) may submit a petition. The petition requires research to preliminarily establish the historical and architectural import of the site. That research is conducted by the petitioners, not the BLC staff, to ensure public engagement.

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Old Riverside Foundation encourages City Council to approve all policy recommendations as proposed by the Cultural Heritage Board.

Sincerely,

Dave Stolte, President  
Old Riverside Foundation





## TITLE 20 WORKSHOP

Community & Economic Development Department

City Council  
April 23, 2024

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## BACKGROUND

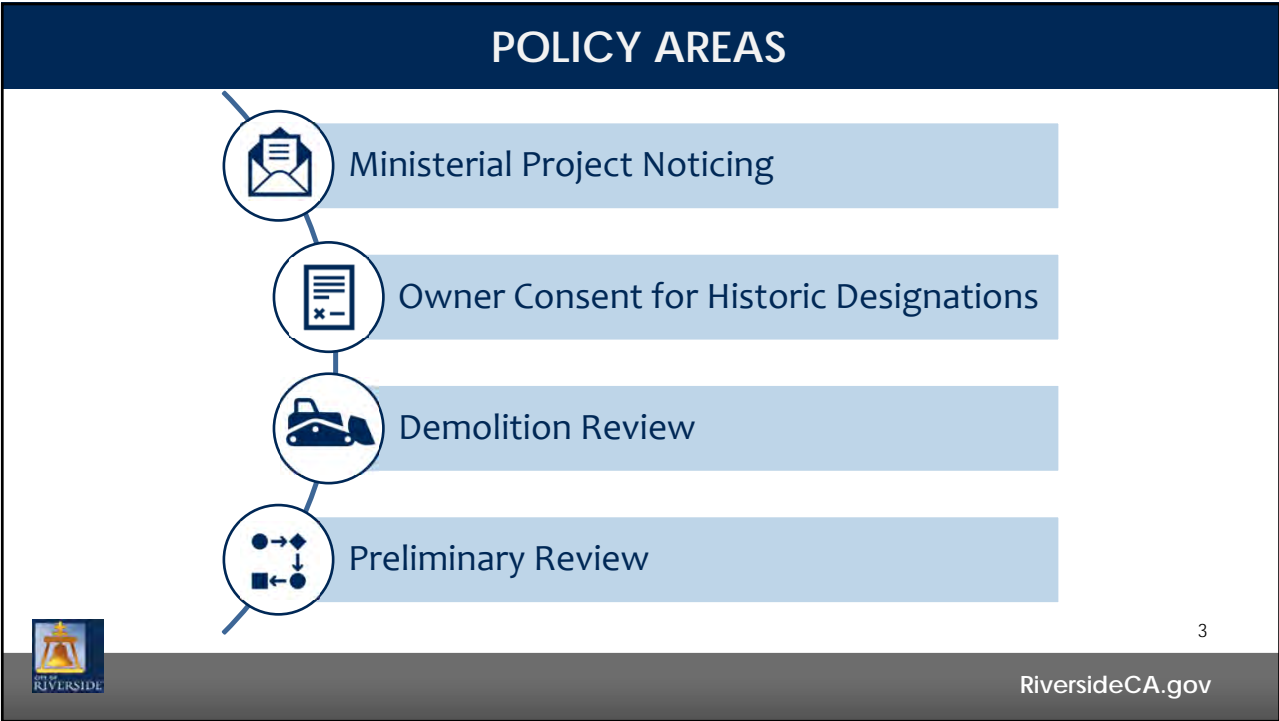
- January 2024 – CC heard Title 20 update
  - Included 4 policy considerations
- Council tabled policy considerations and related amendments.



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## POLICY AREA 1: MINISTERIAL PROJECT NOTICING

**CODE SECTION:**  
• 20.15.050.D (Noticing)



CURRENT	AMENDMENT	POLICY CONSIDERATION	RESULTS
<ul style="list-style-type: none"> <li>10-day notice</li> <li>No noticing for Ministerial Review</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Require noticing for Ministerial review</li> </ul>	<ul style="list-style-type: none"> <li>Increase public awareness</li> <li>Notice information only</li> <li>Action not appealable</li> <li>Increase processing time</li> <li>Potential to impact approved building permit</li> </ul>


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## POLICY AREA 2: OWNER CONSENT

### CODE SECTION:

- 20.20.020 (Designation Application)
- 20.20.080 (Overlay Zone) (non-substantive)
- 20.20.120 (Designation Process Flow Chart Form) (non-substantive)



CURRENT	AMENDMENT	POLICY CONSIDERATION	RESULTS
<ul style="list-style-type: none"> <li>• Written consent required</li> <li>• Current amendment includes CC override</li> </ul>	<ul style="list-style-type: none"> <li>• Add City Council override of owner opposition, by 2/3s vote</li> <li>• Revise CR Overlay Zones text for clarity</li> <li>• Remove flow chart</li> </ul>	<ul style="list-style-type: none"> <li>• Remove owner consent and override</li> <li>• LUSRC recommends 2/3 vote to approve all historic designation</li> </ul>	<ul style="list-style-type: none"> <li>• Increase protection of historic structures</li> <li>• Add regulations and review</li> <li>• Increase time for modifications</li> <li>• Increase cost for modifications</li> <li>• No consent</li> </ul>



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## POLICY AREA 2: OWNER CONSENT



### Amendment

- Requires Consent or Objections
- Proceed only with owner contact or after 90 days
- Allows Council to override owner objection with 2/3 vote



### Policy Consideration

- No consent required
- Proceed with or without owner response
- 2/3 vote required for Landmark or Structure of Merit



### Other Jurisdictions

- Jurisdictions vary w/owner consent
- NR/CR consent not required
- Many programs w/no owner consent will not proceed if owner objects



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## POLICY AREA 3: DEMOLITION REVIEW

### CODE SECTION:

- 20.15.055 (Noticing)
- 20.25.010 (COA Required)
- 20.50.010 (Definitions)



CURRENT	AMENDMENT	POLICY CONSIDERATION	RESULTS
<ul style="list-style-type: none"> <li>• COA required for historic structures</li> <li>• Non-COA for non-historic</li> <li>• HP staff reviews demo request for historic status</li> <li>• Demo by neglect is referenced</li> </ul>	<ul style="list-style-type: none"> <li>• Add CR report requirement</li> </ul>	<ul style="list-style-type: none"> <li>• Add 30-day notice for COAs with demolition</li> <li>• Add on structure notice</li> <li>• After-the-fact notice for ineligible, unsafe, &amp; accessory structures</li> <li>• Add demolition by neglect</li> </ul>	<ul style="list-style-type: none"> <li>• Increase Public awareness</li> <li>• Increased review time on demolition</li> <li>• Increased property owner cost</li> <li>• Increased cost for noticing</li> <li>• Enforcement of historic property maintenance</li> </ul>



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## POLICY AREA 3: DEMOLITION REVIEW



### Amendment

- HP Officer/CEDD Director Cultural Resources report determination for certain properties that may meet criteria
- Current noticing requirements remain (10-days)



### Policy Consideration

- Suggests 45-year rule
- 20 extra days to notice
- Notice of Action for Dangerous conditions



### Other Jurisdictions

- Local Jurisdiction Vary



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# POLICY AREA 4: PRELIMINARY REVIEW

**CODE SECTION:**

- 20.25.020 (COA Application Process)
- 20.25.021 (Preliminary Review)



CURRENT	AMENDMENT	POLICY CONSIDERATION	RESULTS
<ul style="list-style-type: none"> <li>• Application procedures not fully detailed</li> <li>• CHB preliminary review not included</li> <li>• Staff preforms initial review</li> <li>• Applicant can request workshop</li> </ul>	<ul style="list-style-type: none"> <li>• Revise/Codify application process</li> <li>• Add preliminary review process for Landmarks and Structures of Merit</li> </ul>	<ul style="list-style-type: none"> <li>• Preliminary review for all CHB projects</li> <li>• Add CHB workshop to non-residential projects valued above \$250,000, publicly visible.</li> </ul>	<ul style="list-style-type: none"> <li>• Increase Public awareness</li> <li>• Allows CHB early opportunity for feedback</li> <li>• Increased time</li> <li>• Increased applicant cost</li> <li>• CHB review all non-residential projects visible from the public right-of-way</li> </ul>



# POLICY AREA 4: PRELIMINARY REVIEW



## Amendment

- Preliminary Review for Landmarks & SoM
- Excludes minor admin projects



## Policy Consideration

- Preliminary Review for all CHB projects
- Includes some admin review



## Other Jurisdictions

- Preliminary review not codified

Community & Economic  
Development Department  
Planning Division

3900 Main Street, 3<sup>rd</sup> Floor • Riverside, CA 92522  
(951) 826-5800  
RiversideCA.gov/Planning

**CERTIFICATE OF APPROPRIATENESS**

The Cultural Heritage Certificate of Appropriateness process applies to historic and potentially significant historic properties and is intended to assure that the historic integrity of these properties is maintained whenever exterior improvements are made. Municipal Code Title 20 provides the authority and standards of this process.

- All projects should demonstrate compliance with Title 20 and the Historic District Design Guidelines (copies of both documents are available upon request on order at <http://www.riversideca.gov/CommunityDevelopment/Planning>).
- Title 20 outlines when an Administrative or Board Case is required, see Chapter 20.25.
- Please make sure compliance with authority regarding private ownership and ability to make decisions in present of the Cultural Heritage Board (where applicable).
- We will mail our report regarding your application several days preceding the scheduled hearing (if applicable).
- Please make sure your application is complete per the following checklist:

**PROCEDURES**

**Administrative Review:** City staff reviews an application to ensure that all of the requested information is provided and evaluates the project including a preliminary review of the project's impact to the associated cultural resources. At the end of this 30-day review period, staff provides written comments identifying deficiencies that need to be addressed or denying the project ("complete") to move into the next phase of review. If the application is complete, your application will be reviewed for historic compatibility and compliance with Title 20 of the Riverside Municipal and the Citywide Historic Preservation Design Guidelines. Within 30 days staff will provide a written determination for the project.

**Cultural Heritage Board Review:** This review occurs that of the Administrative Review, but the final determination on the project will be by the Cultural Heritage Board rather than staff. Once the application document is "complete," staff schedules the application for a Public Hearing before the Cultural Heritage Board. This process usually takes 6-8 weeks. The Cultural Heritage Board meets on the third Wednesday of the month. All legal notices as prepared as required by state law and the meeting is scheduled. There are very minor or no other changes during this phase. Staff prepares the staff report and a copy of the staff report is sent to you before days prior to the public hearing.

**FILING FEES**

See current fee schedule (filing fees are generally non-refundable). Additional fees may be required to be submitted PRIOR to scheduling a project for hearing. Check with the Planning Division for current fees.



# STRATEGIC PLAN ALIGNMENT



## Strategic Priority No. 2 – *Community Well-Being*

Goal No. 2.3 - Strengthen neighborhood identities and improve community health and the physical environment through amenities and programs that foster an increased sense of community and enhanced feelings of pride and belonging citywide.

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# RECOMMENDATION

- That the City Council conduct a workshop and provide direction on proposed Title 20 amendments and Cultural Heritage Board recommend policy consideration.

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# Title 20 Workshop

**City Council**, April 23, 2024

Jennifer Gamble, Chair, Cultural Heritage Board

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## BACKGROUND

### Cultural Heritage Board:

- Reviewed Title 20 beginning August 2021 at board meetings and in subcommittee
- Incorporated best practices and standards set forth by the State Office of Historic Preservation (SHPO)
- Reviewed guidelines/recommendations from
  - National Association of Preservation Commissions
  - National Park Service
  - Los Angeles Conservancy
- Researched more than 20 city municipal codes
- Met with residents to hear concerns and goals

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## BACKGROUND

### CHB Goals

- Incorporate national and statewide best practices
- Increase public engagement and input
- Support Riverside's historic places
- Protect valuable resources and cultural heritage
- Accommodate sensitive development
- Respond to residents' concerns

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## Policy Area 1: Ministerial Project Noticing

- Noticing should be concurrent with existing permit/review process; no additional time.
- Can be implemented once the process can be automated, therefore not requiring additional staff time.
- Increases transparency, public participation, and trust.
- Allows residents to learn of projects in their neighborhoods and get questions answered before the topic goes to CHB, Planning, or Council for a vote.
- Avoids a Council Chamber full of people who feel they have not been informed or heard before a decision is made.

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## Policy Area 2: Landmark Nominations

- Allows CHB to consider landmark nomination from any resident
- Many cities do not require owner consent for nominations
- Nomination process is collaborative
  - Owners learn the benefits of designation
- Owners could object to the designation
- Rare, not common; for unique properties of cultural value
- Supreme Court has ruled repeatedly
  - A property owner's personal choice does not outweigh public good
  - Property owners are subject to land use controls

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## Policy Area 2: Landmark Nominations

- Previously, Riverside had budgeted funds to survey and designate historic districts.
  - That budget no longer exists.
  - Expecting the community to bear that burden has been challenging.
- Allowing others to nominate landmark designations:
  - gives nonprofits the option to help with the cost of identifying/surveying/designating landmarks
  - could result in historic districts and landmarks outside of Ward 1, giving more of the community access to Mills Act
- CHB use to take on this challenge we no longer offer this service as there is no budget.

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## Policy Area 2: Landmark Nominations

- Results:
  - “Increase time for modifications”
  - “Increase cost for modifications”
  - Amortized over time, maintenance and restoration of existing features are less costly than modifications.

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## Policy Area 3: Demolition Review

- Clarifies processes, ensures the public is informed, increases transparency and public trust.
- On-site posted notification of potential demolition ensures the public is informed.
- Expanded definition of “demolition” provides clarity for property owners, staff, and the public.
- All items in the Presentation slide 7 "Results" column are things that should already be happening (review time, noticing, maintenance). These are not unreasonable in order to make sure cultural resources and neighborhoods are protected.

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## Policy Area 3: Demolition Review

- City is taking on a lot of liability by expecting one staff member, though well-qualified, to know everything about city, state, and cultural history.
  - Without allowing the public time and opportunity to share their knowledge, the city is at risk of making a mistake that cannot be undone.
- Increased time for review is the minimum any city should do
  - Ensures thorough review and that public has a chance to comment
  - Ensures we do not make any mistakes - Demolition is PERMANENT - the time for review is warranted

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## Policy Area 4: Preliminary Review

- Early notice of upcoming projects to public and CHB benefits City and Applicant by identifying issues, concerns, and objectives early in the planning process in order to deliver well-planned projects that will garner public support.
- Developers spend a lot of time and money on projects. By the time the CHB and the public see it, it can be very costly to make changes. If developers can receive input earlier, they can address concerns and avoid problems.
- When the public feels uninformed, it becomes the Council's problem. This change would allow CHB to help inform public earlier so residents feel informed and involved.
- Development process is already very long, this should not add any time.

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Questions?

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