



City of Arts & Innovation

# COMMUNITY DEVELOPMENT DEPARTMENT

## Planning Division

### **CULTURAL RESOURCES CODE AMENDMENT**

AGENDA ITEM NO.: 1

WARD: ALL

CULTURAL HERITAGE BOARD HEARING DATE: FEBRUARY 19, 2014

I. CASE NUMBER(S): P14-0096

II. PROJECT SUMMARY:

- 1) **Proposal:** Proposed minor revisions to Municipal Code Title 20 to change how City Council representation on the Historic Preservation Fund Committee is determined and to correct and clarify other minor text and flowchart items.
- 2) **Location:** Citywide
- 3) **Applicant:** City of Riverside, Community Development Dept.
- 4) **Case Planner:** Erin Gettis, City Historic Preservation Officer/Principal Planner  
(951) 826-5463  
egettis@riversideca.gov

III. RECOMMENDATION:

**That the Cultural Heritage Board:**

1. **RECOMMEND** that the City Council **DETERMINE** that Planning Case P14-0096 is exempt from the California Environmental Quality Act (CEQA) per Sections 15308, 15060(c)(2), 15060(c)(3) and/or 15061(b)(3) of the CEQA Guidelines; and
2. **RECOMMEND** that the City Council **APPROVE** Planning Case P14-0096, thereby adopting an ordinance amending Title 20 based on the following findings:

**FACTS FOR FINDINGS:** (From Section 20.45.020 of the Riverside Municipal Code)

Any proposed amendment to Title 20 must first be sent to the Cultural Heritage Board for review and recommendation. In acting to approve an amendment to Title 20, the City Council shall make the following findings:

**FINDINGS:** The proposed Amendment is generally consistent with the goals, policies, and objectives of the General Plan.

**FACTS:** The project complies with this finding. The proposed amendments will further the stated policies and objectives of the General Plan, including the following:

“Policy HP-1.1: The City shall promote the preservation of cultural resources to ensure that citizens of Riverside have the opportunity to understand and appreciate the City's unique heritage.”

“Policy HP-1.3: The City shall protect sites of archaeological and paleontological significance and ensure compliance with all applicable State and federal cultural resources protection and management laws in its planning and project review process.”

“Policy HP-1.4: The City shall protect natural resources such as geological features, heritage trees, and landscapes in the planning and development review process and in park and open space planning.”

“Objective HP-3.0: To promote the City's cultural resources as a means to enhance the City's identity as an important center of Southern California history.”

“Objective HP-4.0: To fully integrate the consideration of cultural resources as a major aspect of the City's planning, permitting and development activities.”

**FINDINGS:** The proposed Amendment will not adversely affect surrounding properties.

**FACTS:** The project complies with this finding. The proposed amendments will correct small inconsistencies in Title 20 and will ensure an open, transparent and streamlined appointment process for the City Council representation on the Historic Preservation Fund Committee, and will have no effect whatsoever on surrounding properties.

**FINDINGS:** The proposed Amendment complies with the purposes of this Title as set forth in Chapter 20.05.

**FACTS:** The project complies with this finding. The proposed amendments will further the stated purposes of Title 20 including the following:

“Section 20.05.010 Purpose.

A. To safeguard the City's heritage as embodied and reflected in such resources;

B. To encourage public knowledge, understanding and appreciation of the City's past;

C. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources;...”

“G. To protect and enhance the City's attraction to tourists and visitors, thereby stimulating business and industry;...”

“I. To integrate the preservation of cultural resources and the extraction of relevant data from such resources into public and private land management and development processes; and...”

“K. To implement the City’s General Plan.”

#### **IV. BACKGROUND/HISTORY:**

Title 20 was recently amended in April 2013; prior to that time, the last major update was in 2010. The 2013 amendment added an incentive to create the Historic Preservation Fund (HPF) with a new committee to administer the HPF. Membership on the HPF consists of five members: two Cultural Heritage Board members designated by the CHB; two City residents affiliated with separate Riverside-specific historic preservation organizations appointed by the Mayor's Nominating and Screening Committee (Council Committee); and one City Council representative who was to be the Chair of the Utility Services, Land Use, and Energy Development Committee. Other omnibus changes were made to correct inconsistencies as well as streamline the review process for minor and insignificant changes to a Cultural Resource as a customer and business friendly measure.

In working with amended Title 20, staff realized that a minor correction was needed to remove a single remaining reference to the Planning Director (now the Community Development Director). In addition, a clarification is being added to accurately reflect the fact that the City maintains a database not only of designated cultural resources, but also of information on other properties including those that have been surveyed or those that require additional research and survey work in the future, etc. (the City's Historic Resources Inventory database). The two flowcharts for the designation and the Certificate of Appropriateness processes also need to be updated to reflect the recent amendments to Title 20, so this is being accomplished at this time. Lastly, a change is proposed in the way that the City Council representation on the HPF is determined. The original idea was that the Chair of the Utility Services, Land Use, and Energy Development Committee (Land Use Committee) would be a member of the HPF since this Committee is the initial referring body for any appeals of CHB actions that would ultimately go to the City Council. However, the HPF is not part of the review process for Certificates of Appropriateness so the connection to the Land Use Committee is not critical. Moreover, a Council Committee appointment to the HPF would allow for flexibility, inclusivity and potentially broader representation by the Council on the HPF over time. There are no other changes being proposed to Title 20 at this time.

#### **V. PUBLIC NOTICE AND COMMENTS:**

A public hearing notice for the Cultural Heritage Board was published in the Press Enterprise. As of this writing, no comments have been received.

#### **IX. EXHIBITS:**

1. Proposed Redlined Title 20
2. Proposed Ordinance
3. Proposed Ordinance Exhibit A, Revised Designation Process Flowchart
4. Proposed Ordinance Exhibit B, Revised Certificate of Appropriateness Process Flowchart

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Teri Delcamp

**Title 20**

**CULTURAL RESOURCES**

**Chapters:**

<b>20.05</b>	<b>PURPOSE.</b>
<b>20.10</b>	<b>AUTHORITY AND RESPONSIBILITIES.</b>
<b>20.15</b>	<b>APPROVALS AND HEARINGS.</b>
<b>20.20</b>	<b>DESIGNATION.</b>
<b>20.25</b>	<b>CERTIFICATES OF APPROPRIATENESS.</b>
<b>20.30</b>	<b>PRESERVATION INCENTIVES.</b>
<b>20.35</b>	<b>DUTY TO MAINTAIN.</b>
<b>20.40</b>	<b>ENFORCEMENT AND PENALTIES.</b>
<b>20.45</b>	<b>AMENDMENT AND SEVERABILITY.</b>
<b>20.50</b>	<b>DEFINITIONS.</b>

**Chapter 20.05**

**PURPOSE**

**Sections:**

**20.05.010 Purpose.**

**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:

- A. To safeguard the City's heritage as embodied and reflected in such resources;
- B. To encourage public knowledge, understanding and appreciation of the City's past;
- C. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources;
- D. To promote the enjoyment and use of cultural resources appropriate for the education and recreation of the people of the City;
- E. To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complementary contemporary design and construction;
- F. To enhance property values and to increase economic and financial benefits to the City and its inhabitants;
- G. To protect and enhance the City's attraction to tourists and visitors, thereby stimulating business and industry;
- H. To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses;
- I. To integrate the preservation of cultural resources and the extraction of relevant data from such resources into public and private land management and development processes;
- J. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.
- K. To implement the City's General Plan.
- L. To work in concert with the City's Zoning Code. (Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Chapter 20.10**

**AUTHORITY AND RESPONSIBILITIES**

**Sections:**

- 20.10.010 Board Created -- Membership.**
- 20.10.020 Powers and Duties of Board.**
- 20.10.030 Historic Preservation Officer.**

**Section 20.10.010 Board Created--Membership.**

Pursuant to the provisions of Article VIII of the City Charter, a Cultural Heritage Board has been created by the City Council. The Board shall be composed of nine (9) members appointed by the Mayor and the City Council. Board Members shall have the duties and functions set forth in this Title.

- A. All members must have a prior demonstrated interest, competence, or knowledge of historic preservation.
- B. No less than two members should be professionals in architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture, urban planning, American studies, American civilization or cultural geography, to the extent that such professionals are available in the community.
- C. The Board shall elect officers and establish its own rules and regulations which shall be consistent with the Charter, the City Council meeting rules, and this Code. The Planning Division shall provide the necessary staff and support to administer the activities of the Board. The Board shall keep a copy of its procedures with the Planning Division. (Ord. 7108 §1, 2010; Ord. 6765 §1; 2004, Ord. 6566 §1, 2001; Ord. 6263 §1 (part), 1996)

**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;
  - 2. Recommend to the City Council the designation of Landmarks, Historic Districts, Structures or Resources of Merit, and any additional matters pursuant to the provisions of this Title;
  - 3. Have discretionary authority to review and approve applications and actions to alter, relocate or demolish cultural resources pursuant to the provisions of this Title;

## P14-0096, Exhibit 1 - Proposed Redlined Title 20

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

B. The Cultural Heritage Board may:

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

## P14-0096, Exhibit 1 - Proposed Redlined Title 20

2. Conduct an awards program to recognize and encourage public participation in Cultural Resource efforts; and
3. Nominate eligible City-owned cultural resources to the National Register of Historic Places, and encourage, advise, and guide persons in nominating cultural resources to the National Register of Historic Places. (Ord. 7206 §1, 2013; Ord. 7108 §1, 2010; Ord. 6765 §1; 2004, Ord. 6566 §1, 2001; Ord. 6263 §1 (part), 1996)

### **20.10.030 Historic Preservation Officer.**

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

- A. Provide professional support to the Board.
- B. Administer the Cultural Resources program;
- C. Manage the Boards Certificate of Appropriateness process;
- D. Execute the Administrative Certificate of Appropriateness process;
- E. Coordinate the activities with Riverside County, the State of California, and the federal government;
- F. Compile and maintain a current inventory of all designated Cultural Resources [and maintain a database of other properties as appropriate.](#)
- G. Advise the City Council on historic preservation easements, transfer of development rights, property tax incentives, or other Cultural Resource preservation mechanisms;
- H. Assist and support the Board in meeting Certified Local Government requirements; and
- I. Establish criteria for and provide a continuing comprehensive survey of Cultural Resources within the City, conforming with State Office of Historic Preservation Survey Standards and guidelines, and to publicize and periodically update the survey results.
- J. Determine when Cultural Resource reports for specific projects are required for this Title and/or CEQA. (Ord. 7206 §2, 2013; Ord. 7108 §1, 2010)



**Chapter 20.15**

**APPROVALS AND HEARINGS**

**Sections:**

- 20.15.010 Approval Authority – Table.**
- 20.15.020 California Environmental Quality Act (CEQA) Approval.**
- 20.15.030 Public Hearing and Notice.**
- 20.15.040 Meeting and Notice for Certificates of Appropriateness by Board.**
- 20.15.040 Meeting and Notice for Certificates of Appropriateness by Board.**
- 20.15.050 Meeting and Notice for Administrative Certificates of Appropriateness.**
- 20.15.060 Meeting and Notice for Mills Act Applications.**
- 20.15.070 Meeting and Notice for Structure Relocations.**
- 20.15.080 Meeting and Notice for Cultural Resource Surveys.**
- 20.15.085 Meeting and Notice for Historic Preservation Fund Committee.**
- 20.15.090 Appeals.**
- 20.15.100 Effective Date.**
- 20.15.120 Time Extensions.**
- 20.15.130 Approvals to Run with Land.**
- 20.15.140 Approval(s) On Site During Construction.**

**Section 20.15.010 Approval Authority.**

<b>Table 20.15.010 Approving and Appeal Authority</b>						
<b>Type of Permit or Action</b>	<b>Approving and Appeal Authority</b>					
	<b>City Historic Preservation Officer (HPO)</b>	<b>City Cultural Heritage Board</b>	<b>Land Use Committee of City Council</b>	<b>City Council Consent</b> (1, 2)	<b>City Council Discussion</b> (1)	<b>City Council Public Hearing</b> (1, 2)
<i>Administrative Discretionary Permits/Actions (No Public Hearing Required)</i>						
Administrative Certificate of Appropriateness	F	AR/F	RR <sup>(3)</sup>		A/F	
<i>Discretionary Permits and Actions (Public Meeting or Hearing Required)</i>						
Board Certificate of Appropriateness		F <sup>(4)</sup>	RR <sup>(3)</sup>		A/F	
<i>Legislative Actions (Public Hearing Required)</i>						
Mills Act Application				F		
Designation of a Structure or Resource of Merit		R	RR <sup>(3)</sup>			A/F
Designation of a Landmark		R	RR <sup>(3)</sup>			A/F
Designation of an Historic District		R	RR <sup>(3)</sup>			A/F
<p>R = Recommending Authority; F = Final Approving Authority (unless appealable); A = Appeal Authority; AR = Approving Authority as HPO on Referral; RR = Recommend and Referral Authority</p> <p>Notes:</p> <p>(1) Decisions of the City Council are final and cannot be appealed.</p> <p>(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.</p> <p>(3) Appeal of any Cultural Heritage Board action must first go to the City Council Land Use Committee with final action by the full City Council.</p> <p>(4) The Cultural Heritage Board is the final authority unless an EIR is being processed, in which case the final authority is City Council.</p>						

(Ord. 7108 §1, 2010; Ord. 7042 §1, 2009; Ord. 6786 §9, 2005; Ord. 6263 §1 (part), 1996)

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

- A. If an Environmental Impact Report (EIR) is prepared for any Certificate of Appropriateness, designation, modification, or dedesignation, or other action under this Title, final approval of that action is with the City Council. In such cases, the Board shall review the Draft EIR, as it relates to cultural resources, and provide comments thereon, together with its recommendation that the project be approved or denied. The City Council shall consider the Board's comments and recommendation, and may accept, accept with modification, or decline the Board's recommendation.
  
- B. Where an EIR is not prepared, and a Negative Declaration (ND) or Mitigated Negative Declaration (MND) is prepared for a Certificate of Appropriateness or case where the Board is the final approval authority, the Board may adopt the ND or MND, and approve, approve with modification, or deny the project. If the Board's decision is not appealed, then the decision becomes final. If the decision is appealed, it becomes final upon the City Council's disposition of the appeal. (Ord. 7206 §3, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.15.030 Public Hearing and Notice.**

- A. All designations, modifications of designations, and/or dedesignations require a public hearing ("Hearing").
  
- B. Upon the filing of a complete application, a matter shall be set for hearing before the Board within ninety (90) days. The Board may continue a Hearing.
  
- C. Notice of Hearing.
  - 1. Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the Hearing to:
    - a. The owner of the subject real property or the owner's duly authorized agent, and the project applicant; and
    - b. All owners of real property on the latest records of the County Assessor within 300 feet of the real property. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City may, in lieu of mailing or delivering the notice, provide notice by placing an advertisement of a least one-eighth page in at least one newspaper of general circulation within the City at least ten (10) days prior to the hearing.
  - 2. The notice shall be published in at least one newspaper of general circulation within the City at least ten (10) days prior to the Hearing.
  - 3. Neither failure to send any notice by mail to any property owner whose address is not a matter of public record, nor the non-receipt of any notice mailed pursuant to this chapter, shall invalidate that Hearing or any part of the proposed designation. (Ord. 7206 §4, 2013; Ord. 7108 §1, 2010)

**Section 20.15.040 Meeting and Notice for Certificates of Appropriateness by Board.**

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

B. Upon the filing or referral of a complete application, a matter shall be set for a Board meeting within ninety (90) days. The Board may continue a matter as it deems appropriate.

C. Notice shall be given to the property owner and to the owners of adjacent properties or those across a street or alley. (Ord. 7108 §1, 2010)

**Section 20.15.050 Meeting and Notice for Administrative Certificates of Appropriateness.**

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

B. Within sixty (60) days, the Historic Preservation Officer or Qualified Designee must act upon a complete application or refer the application to the Board.

C. Except as otherwise provided in this Title, notice shall be given to the property owner and to the owners of adjacent properties or those across a street or alley. (Ord. 7206 §5, 2013; Ord. 7108 §1, 2010)

**Section 20.15.060 Meeting and Notice for Mills Act Applications.**

A. No public hearing is required.

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

C. Notice of City Council meeting shall be sent to the property owner. (Ord. 7206 §6, 2013; Ord. 7108 §1, 2010)

**Section 20.15.070 Meeting and Notice for Structure Relocations.**

A. Structure relocations require a Certificate of Appropriateness.

B. Joint notices for any structure relocations shall made concurrently with and in the same manner required by Chapter 16.20. The area noticed shall be as required by Chapter 16.20, or a 450-foot radius at the destination site, whichever is greater. (Ord. 7108 §1, 2010)

**Section 20.15.080 Meeting and Notice for Cultural Resource Surveys.**

A. No public hearing is required.

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

C. Notice of the City Council action taken shall be sent to owners of affected properties. (Ord. 7108 §1, 2010)

**Section 20.15.085 Meeting and Notice for Historic Preservation Fund Committee.**

A. The Historic Preservation Fund committee meetings shall be held at City Hall, during regular business hours.

B. Notice shall be given to property owner and to the owners of adjacent properties or those across a street or alley. (Ord. 7206 §7, 2013)

**Section 20.15.090 Appeals.**

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. The appeal must be made by filing a letter of appeal with the Planning Division. The letter shall set forth the grounds for the appeal. The appeal shall be scheduled for the next available Board meeting. The Board may recommend to affirm, reverse or modify the underlying Historic Preservation Officer or Qualified Designee's decision to the City Council. Board decisions are final unless appealed as provided for in section 20.15.090 B (below).

B. Appeal of Board action

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. The appeal must be made by filing a letter of appeal with the Planning Division and shall set forth the grounds for the appeal. The appeal shall first be heard by the Land Use Committee at its next available meeting, which shall then make a recommendation to the City Council.

C. Notice.

1. Notice of the time and place of the Land Use Committee meeting shall be sent to the Applicant and Appellant.
2. The notice for the City Council action shall be the same as for the original action. (Ord. 7206 §8, 2013; Ord. 7108 §1, 2010)

**Section 20.15.100 Effective Date.**

A. Certificates of Appropriateness shall be effective the first regular business day after the end of the 10 day appeal period. Filing of an appeal stays the effective date pending action on the appeal.

B. Designation, modification, and dedesignation shall be effective on the next City business day following City Council action. (Ord. 7108 §1, 2010)

**Section 20.15.110 Time Limits.**

Any Certificate of Appropriateness shall become null and void if not exercised within the time limit specified in the approving document or within one year if no time has been specified. (Ord. 7108 §1, 2010)

**Section 20.15.120 Time Extensions.**

The Historic Preservation Officer or Qualified Designee may administratively extend the term of a Certificate of Appropriateness for one year, no more than twice. (Ord. 7206 §9, 2013; Ord. 7108 §1, 2010)

**Section 20.15.130 Approvals to Run with Land.**

Certificates of Appropriateness and other approvals under this Title are transferred upon a change of ownership of the site, business, service, use or structures, provided that the conditions of the original Certificate or approval are fully complied with, and the project is not modified. (Ord. 7108 §1, 2010)

**Section 20.15.140 Approval(s) On Site During Construction.**

A copy of all Certificates of Appropriateness or any other approval under this Title shall be kept on site at all times during construction and made available upon request by an official of the City. (Ord. 7108 §1, 2010)

**Chapter 20.20**  
**DESIGNATION**

**Sections:**

- 20.20.010 Designation Criteria.**
- 20.20.020 Designation Application.**
- 20.20.030 Factual Investigation.**
- 20.20.040 Board Recommendation.**
- 20.20.050 City Council; Resolution.**
- 20.20.060 Notice of City Council Action.**
- 20.20.070 Recording Resolutions.**
- 20.20.080 Overlay Zone.**
- 20.20.090 Landmark Plaques and Covenants.**
- 20.20.100 Dededesignation.**
- 20.20.110 Appeal.**
- 20.20.120 Designation Process in Flow Chart Form.**

**Section 20.20.010 Designation Criteria.**

The criteria to designate, modify the status of, or dedesignate Landmarks, Structures or Resources of Merit and Historic Districts, and to modify or dedesignate Neighborhood Conservation Areas, are set forth in their definitions in Chapter 20.50. (Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.20.020 Designation Application.**

The Board, City Council, or any Person may apply for the designation, modification, or dedesignation of a Landmark, Structure or Resource of Merit, Historic District, or modification or dedesignation of Neighborhood Conservation Area status. Applications for designation, modification, or dedesignation shall be on forms provided by the Planning Division.

No structure may be designated as a Landmark or a Structure or Resource of Merit, nor may any designation be modified or repealed (dedesignated), without the prior written consent of the owner.

The City no longer allows designation of Neighborhood Conservation Areas. (Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.20.030 Factual Investigation.**

The Historic Preservation Officer or Qualified Designee and/or the Planning Division shall make a factual investigation for the designation, modification, or dedesignation as it deems appropriate. (Ord. 7206 §10, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.20.040 Board Recommendation.**

At a public hearing the Board shall make written a recommendation based upon the applicable criteria from Chapter 20.50. The Board shall forward its recommendation to the City Council. (Ord. 7206 §11, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.20.050 City Council; Resolution.**

Based upon the facts before it and the criteria in Chapter 20.50, the City Council may accept, modify, or reject the Board's recommendation. The City Council, in its discretion, based upon the facts and findings before it, shall designate, dedesignate, or modify the status of a Landmark, Structure or Resource of Merit, or Historic District, or modify or dedesignate a Neighborhood Conservation Area, by a numbered resolution setting forth the relevant facts, criteria and findings supporting its actions. (Ord. 7206 §12, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.20.060 Notice of City Council Action.**

A notice of the City Council action shall be sent to the property owner(s). The Planning Division shall update the City's Historic Resources Inventory Database and maps to show the designation, modification, or dedesignation status. (Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.20.070 Recording Resolutions.**

The City Clerk shall record all designation-, modification-, or dedesignation-related resolutions with the Riverside County Recorder. (Ord. 7108 §1, 2010; Ord. 6263 § 1 (part), 1996)

**Section 20.20.080 Overlay Zone.**

Pursuant to Title 19, upon any Designation, the Cultural Resources Overlay Zone applies to the subject property or parcel. (Ord. 7108 §1, 2010; Ord. 6263 § 1 (part), 1996)

**Section 20.20.090 Landmark Plaques and Covenants.**

All Landmarks shall display and maintain a plaque identifying the Landmark, as provided in a Covenant and Agreement, recorded with the County Recorder. (Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.20.100 Dedesignation.**

The procedure to modify or repeal the designation of designated Landmarks, Structures or Resources of Merit, Historic Districts, and modify or repeal the designation of Neighborhood Conservation Areas is the same procedure used to designate those resources, as set forth in this Chapter. (Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

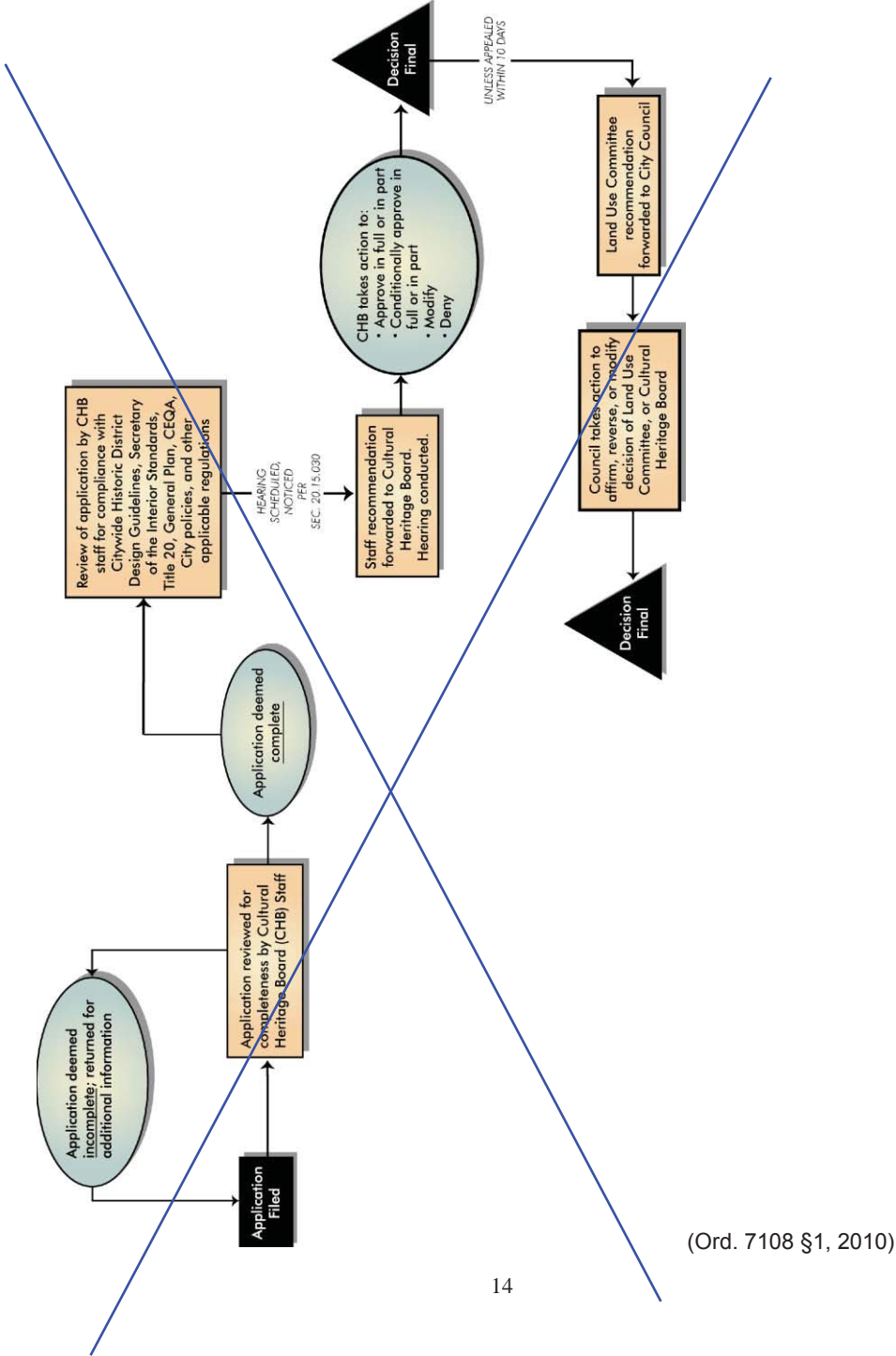
**Section 20.20.110 Appeal.**

For appeals of a Board recommendation on any designation, modification, or dedesignation under this Chapter, see Section 20.15.090(B). City Council actions are final and non-appealable. (Ord. 7206 §13, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)



This flowchart to be replaced with Ordinance Exhibit A (see P14-0096, Exhibit 3)

**Section 20.20.120 Designation Process in Flow Chart Form.**



**Chapter 20.25**

**CERTIFICATES OF APPROPRIATENESS**

**Sections:**

- 20.25.010 Certificates of Appropriateness, Generally.**
- 20.25.020 Application.**
- 20.25.030 Administrative Certificates of Appropriateness.**
- 20.25.040 Referral to the Cultural Heritage Board.**
- 20.25.050 Principles and Standards of Site Development and Design Review.**
- 20.25.060 Appeals.**
- 20.25.070 Application of the State Historic Building Code.**
- 20.25.080 Certificate of Appropriateness Process in Flow Chart Form.**

**Section 20.25.010 Certificates of Appropriateness, Generally.**

A Certificate of Appropriateness is required before any person restores, rehabilitates, alters, develops, constructs, demolishes, removes or changes the appearance of any designated Cultural Resource, eligible Cultural Resource, any element in a geographic Historic District (contributing and non-contributing), or, a contributing feature or contributor to a Neighborhood Conservation Area. The requirements of this Chapter are in addition to any and all other City permit requirements.

Except as set forth in section 20.25.030, Certificates of Appropriateness shall be reviewed by the Cultural Heritage Board.

No Certificate of Appropriateness is required for a historic structure if the Building Official has determined that structure presents an unsafe or dangerous condition constituting an imminent threat as defined in the California Building Code, or a dangerous building as defined by the Uniform Code for the Abatement of Dangerous Buildings, and the proposed action is necessary to mitigate the unsafe or dangerous condition. Before any physical work on any such unsafe structure, the Building Official shall make all reasonable efforts to consult with the Historic Preservation Officer or Qualified Designee to seek feasible alternatives to the proposed action that will adequately protect the public health and safety. (Ord. 7206 §14, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.25.020 Application.**

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

**Section 20.25.030 Administrative Certificates of Appropriateness.**

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

- A. For all Cultural Resources, including Landmarks (designated and eligible):
  - 1. The in-kind replacement of historically-correct architectural features or building elements, including windows, doors, exterior siding, roofs, porches, cornices, balustrades, stairs, and the like, that are deteriorated, damaged beyond restoration, or previously removed.
  - 2. The in-kind replacement of historically correct site, or landscape features that are deteriorated, damaged beyond restoration, or previously removed.
  - 3. Exterior painting of commercial properties, designated landmarks, and landmarks determined eligible for designation. Surfaces allowed to be painted include only those that were originally intended to be painted and exclude all other surfaces, such as brick, concrete, and stone.
- B. For all Cultural Resources, except designated Landmarks:
  - 1. One-story additions, auxiliary structures or similar (excluding attached garages) less than 50% of the size of the existing main structure (or 1000 square feet area, whichever is smaller, for residential), with limited or no visibility from public streets.
  - 2. Fences and walls.
  - 3. Awnings and signs.
  - 4. Removal or alteration of landscape features, such as walkways, planter walls, fountains, and in certain circumstances mature foliage, that contribute to the historic character of the property but are not designated or listed as contributing to a designated resource.
  - 5. Paving for driveways, walkways and/or patios, and the addition of or alteration to driveway approaches, subject to WQMP requirements.
  - 6. Exterior lighting.
  - 7. The removal of inappropriate additions or alterations to restore the original appearance of a structure.
  - 8. Demolition of a, or the replacement of a previously existing, one-story, detached garage and construction of a new one-story, detached garage that is architecturally compatible with the existing residence and character-defining features of the existing neighborhood and the area devoted to parking does not exceed 400 square feet, or the minimum size for a two-car garage as required by the City Zoning Code, whichever is greater. Maximum size of the structure shall not exceed City Zoning Code requirements.

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- C. For Non-contributing Features and Non-contributors in a Historic District, all actions except:
1. Demolition.
  2. New and in-fill construction.
  3. Large additions (increasing floor area by 100% or more).
  4. Increasing the number of stories (e.g., adding a second story to a single-story structure).
- D. Under A, B and C above, the Historic Preservation Officer or Qualified Designee may waive noticing requirements and/or formal application forms for cases that are immediately determined to meet all required findings because they are so minor in nature or involve alterations deemed insignificant. (Ord. 7206 §15, 2013; Ord. 7108 §1, 2010; Ord. 6263 § 1 (part), 1996)

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

The Historic Preservation Officer or Qualified Designee may, in its sole discretion, decline to administratively review any application and refer the application to the Board. (Ord. 7206 §16, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

### **Section 20.25.050 Principles and Standards of Site Development and Design Review.**

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

- A. The application proposal is consistent or compatible with the architectural period and the character-defining elements of the historic building;
- B. The application proposal is compatible with existing adjacent or nearby Cultural Resources and their character-defining elements;
- C. The colors, textures, materials, fenestration, decorative features, details, height, scale, massing and methods of construction proposed are consistent with the period and/or compatible with adjacent Cultural Resources;
- D. The proposed change does not adversely affect the context considering the following factors: grading; site development; orientation of buildings; off-street parking; landscaping; signs; street furniture; public areas; relationship of the project to its surroundings;
- E. The proposed change does not destroy or adversely affect an important architectural, historical, cultural or archaeological feature or features;
- F. The project is consistent with the Citywide Residential Historic District Design Guidelines, approved guidelines for each Historic District, and/or any other applicable Design Guidelines; and

- G. The project is consistent with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties. (Ord. 7206 §17, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.25.060 Appeals.**

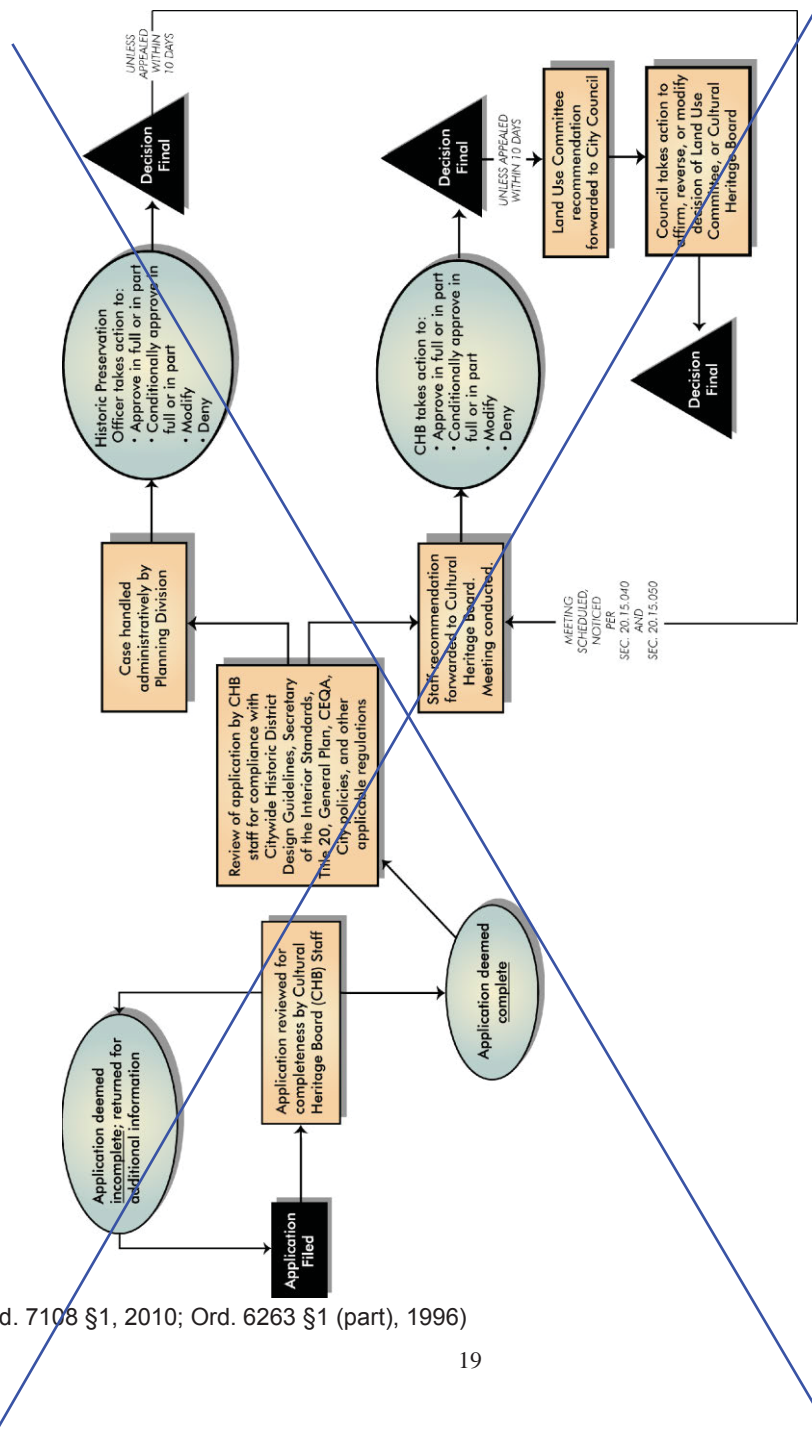
For appeals of any approval, conditional approval or denial of a Certificate of Appropriateness under this Chapter, see Section 20.15.090(A) and/or 20.15.090(B) as applicable. (Ord. 7206 §18, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

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

Pursuant to the California Health and Safety Code, the Building Official may apply the State Historic Building Code in permitting repairs, alterations and additions necessary for the preservation, restoration, rehabilitation, moving, or continued use of a designated Cultural Resource. (Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

This flowchart to be replaced with Ordinance Exhibit B (see P14-0096, Exhibit 4)

**Section 20.25.080 Certificate of Appropriateness Process in Flow Chart Form.**



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

**Chapter 20.30**

**PRESERVATION INCENTIVES**

**Sections:**

- 20.30.010    Preservation Incentives.**
- 20.30.020    Mills Act Program.**
- 20.30.030    Historic Preservation Fund.**

**Section 20.30.010    Preservation Incentives.**

The City Council may establish preservation incentives to encourage owners to designate, maintain, preserve, rehabilitate, and improve Cultural Resources. Only properties designated as Cultural Resources pursuant to the provisions of Riverside Municipal Code Title 20 shall be eligible to apply for preservation incentives. (Ord. 7108 §1, 2010; Ord. 6778 § 1, 2004; Ord. 6566 §2, 2001; Ord. 6263 §1 (part), 1996)

**Section 20.30.020    Mills Act Program.**

Pursuant to Government Code section 50280 *et seq.* ("the Mills Act"), the City Council has established, by Resolution 20825 (as amended) a Mills Act Program providing for contractual agreement with an owner of a historic property as designated by the City Council or listed on any official federal, state, or county register for the purpose of preservation, rehabilitation, and maintenance of a designated historic resource. A Mills Act Agreement allows an owner to receive a reduction in property taxes in exchange for the property owner's commitment to specific repair, restoration and/or rehabilitation improvements and satisfactory maintenance of the Historic Property. A Mills Act Agreement is for a minimum period of ten (10) years, renewed annually, unless a notice of non-renewal or cancellation is filed. Mills Act applications are accepted only during the month of June, and must be actually received by the Planning Division no later than the last business day of the month. A Mills Act application will be acted upon by the City Council before the end of the calendar year during which it was submitted. (Ord. 7206 §19, 2013; Ord. 7108 §1, 2010; Ord. 6566 §2, 2001; Ord. 6263 §1 (part), 1996)

**Section 20.30.030    Historic Preservation Fund.**

- A. A Historic Preservation Fund Program is hereby established to provide funding for the conservation, preservation, restoration, and rehabilitation of Cultural Resources consistent with the purposes of this Chapter.
- B. The Historic Preservation Fund is hereby established to provide funds for Historic Preservation projects within the City of Riverside.
  - 1. The funds shall be used solely for the conservation, preservation, restoration, and rehabilitation of historical resources as provided in this section.
  - 2. The Financial Administrator of the Historic Preservation Fund shall be the Community Development Director, or designee.
  - 3. All monies designated by the City of Riverside for this Program shall be deposited in the Fund, held and administered by the City's Finance Department. Separate accounts may be established within the Fund according to origin or

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intended purpose.

4. In addition to any public moneys appropriated expressly for the Fund, the Program Administrator may apply for grants, gifts, donations, or other financial support, from private sources, pursuant to City policies.

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

1. The Committee membership shall consist of five members, serving two-year terms. The Cultural Heritage Board shall designate two of its members to serve as representatives, and ~~the Chair of the Utility Services, Land Use, and Energy Development Committee shall be~~ the City Council representative shall be appointed by the Mayor's Nominating and Screening Committee (Council Committee). The remaining two shall be City residents affiliated with separate Riverside-specific historic preservation organizations and appointed by the ~~Mayor's Nominating and Screening Committee (Council Committee)~~. Interested persons must submit applications for appointment no later than 30 days before the meeting during which the Council Committee selects the representatives.
2. The Committee shall undertake all discretionary Program acts not in conflict with this Section and Title. The Committee, with City Council approval by resolution, may designate discretionary Program approval authority.
3. The Committee shall establish meeting rules, application deadlines, and the frequency of meetings; however, the Committee shall meet at least quarterly and shall consider any submitted grant applications at least semiannually.
4. The Committee shall develop criteria and a selection process for evaluating applications, including guidelines for matching funds, for City Council review and approval.
5. The Committee shall review and approve or deny applications for grants in accordance with the set criteria.
6. A simple majority is needed for Committee action.
7. If the Committee cannot agree upon an action, the matter shall be forwarded to the Cultural Heritage Board for review and recommendation to the Land Use Committee. Land Use Committee recommendations will be considered by the City Council in making its decision.
8. Appeals shall follow the procedure in section 20.15.090 (C). City Council actions are final and non-appealable.
9. No funds shall be made available until the time to appeal has expired, or until any appeals are final.

### D. Grants.

1. Money in the fund shall be available, for grants to public agencies, nonprofit organizations, and private entities to carry out the purposes of this section.
2. No grant shall be made except pursuant to an agreement with the City, and



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subject to terms and conditions in the grant that ensure that the grant carries out the purposes of this section. Grant agreements shall run with the land, and must be recorded with the County Recorder before any funds may be released.

3. Grants shall be awarded on a competitive basis, except that grants may occasionally be awarded on a noncompetitive basis for emergency purposes only. Provisions for emergency grants will be adopted by the City Council.
4. The Committee may consider and approve applications for grants up to \$25,000, but no more than \$25,000 for any one project, Cultural Resource, or program over any five consecutive years. Applications for grants exceeding those amounts must be considered and approved by the City Council, upon the Committee's recommendation.
5. Matching funds shall make applications more competitive.
6. Excess funds. After completion of a historic preservation project, the grant recipient shall return to the Fund any amount of the grant that exceeds the eligible project costs.

### E. Authorized projects.

Grants are available for the following types of projects:

1. Development projects. These are projects that involve the preservation, restoration, or exterior rehabilitation of a historic property.
2. Acquisition of transferrable development rights (TDRs), conservation easements, and façade easements for the purposes of historic preservation.
3. Planning projects. These are projects that identify, document and record historic resources according to applicable local, state and federal standards, and/or contribute to the development of the City's historic context, and/or contribute to the development of a conservation or preservation plan.
4. Interpretive projects. These are projects that create interpretive media to educate the public on Riverside's history and/or cultural resources. For example, landmark plaques and/or historic district signage and other appropriate means of sharing interpretive information.
5. Designation applications. These are projects that prepare designation applications for state and/or national register designation.
6. All funds must be spent as represented in the application. Spending funds except as authorized shall be considered fraud or theft, and may be criminally prosecuted.

### F. Cultural Heritage Board staff shall assist the Committee in executing this Program. If the Cultural Heritage Board staff is unavailable or unable to do so, then the Program staff shall be provided by the City department then administering the City's Historic Preservation Program.

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- G. The City Council shall have the power to review, modify, approve, disapprove, or otherwise consider all Program and Committee actions or decisions, by appeal or on its own motion. (Ord. 7206 §20, 2013)

**Chapter 20.35**  
**DUTY TO MAINTAIN**

**Sections:**

- 20.35.010 Duty to Maintain.**
- 20.35.020 Relationship to Other Provisions.**

**Section 20.35.010 Duty to Maintain.**

Every person in possession or control, and the owner, of a Cultural Resource shall maintain and keep in good repair the exterior of that resource, and all interior portions necessary to prevent loss or deterioration of any cultural or structural integrity. "Good repair" means that level of maintenance and repair which clearly furthers the continued viability of a resource and/or premises for lawful reasonable uses and prevents loss or deterioration of the resource and/or premises. In addition to any other remedies available to the City, this section shall also be enforceable by the Code Enforcement Division of the Community Development Department to the full extent permissible by law. (Ord. 7108 §1, 2010; Ord. 6775 §1, 2004 (part); Ord. 6263 §1 (part), 1996)

**Section 20.35.020 Relationship to Other Provisions.**

Any duties or obligations set forth in this Title are in addition to those set forth in Title 6, including Chapters 6.11 ("Maintenance and Rehabilitation of Vacant and Neglected Buildings"), 6.14 ("Property Maintenance"), and 6.15 ("Abatement of Public Nuisances"). If there is any conflict between this Title and any other provision of the Municipal Code, except as provided herein, Title 20 shall prevail. (Ord. 7108 §1, 2010; Ord 6775 §1, 2004 (part))

**Chapter 20.40**

**ENFORCEMENT AND PENALTIES**

**Sections:**

<b>20.40.010</b>	<b>Violations.</b>
<b>20.40.020</b>	<b>Criminal Penalties.</b>
<b>20.40.030</b>	<b>Nuisance.</b>
<b>20.40.040</b>	<b>Stop Work Orders.</b>
<b>20.40.050</b>	<b>Remedies.</b>
<b>20.40.060</b>	<b>Moratoriums.</b>
<b>20.40.070</b>	<b>Legal Actions.</b>

**Section 20.40.010 Violations.**

No person shall alter or demolish a Cultural Resource in violation of this Title, either actively or passively, including through neglect. (Ord. 7108 §1, 2010; Ord. 6263 § 1 (part), 1996)

**Section 20.40.020 Criminal Penalties.**

Any person who violates a requirement of this Title or fails to obey an order issued by the City, including the Historic Preservation Officer or Qualified Designee and the Board, and/or to comply with a condition of approval of any certificate or permit issued under this Title, shall be guilty of a misdemeanor. (Ord. 7206 §21, 2013; Ord. 7108 §1, 2010)

**Section 20.40.030 Nuisance.**

Any alteration or demolition of a Cultural Resource in violation of this Title is declared to be a nuisance. (Ord. 7108 §1, 2010)

**Section 20.40.040 Stop Work Orders.**

The Community Development Director or designee has the authority to issue a Stop Work Order for any violation or threatened violation of this Title. A Stop Work Order shall be written in the format deemed appropriate by the issuer. The Stop Work Order shall remain in effect until written notice of rescission by the Community Development Director or designee, or until City Council action to remove or modify the order, in addition to any other enforcement under any other provision of the Municipal Code or law. (Ord. 7206 §22, 2013; Ord. 7108 §1, 2010)

**Section 20.40.050 Remedies.**

The City may impose one or more of the following remedies to address any violation of this Title. Selection is in the sole discretion of the City.

A. **Retroactive Compliance.** Apply for and obtain a Certificate of Appropriateness as defined in Chapter 20.25, including compliance with all conditions.

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

C. Civil Penalty. If, in the sole judgment of the City, Restoration is not feasible, the City Council may impose a civil penalty equal to the cost of restoring the Cultural Resource to its pre-violation condition, and all administrative and enforcement fees. The City shall fix the costs through appraisals or by soliciting bids. All collected funds shall be set aside and used only for CLG duties and required responsibilities. (Ord. 7108 §1, 2010)

**Section 20.40.060 Moratoriums.**

In addition to Section 20.40.050 above, the City Council may impose up to a 5-year moratorium on any City approvals and permits in response to a violation. The purpose of the moratorium is to provide the City an opportunity to study and determine appropriate mitigation measures for the alteration or removal of the Cultural Resource, and to ensure measures are incorporated into any future development plans and approvals for the subject property. Mitigation measures as determined by the City shall be imposed as a condition of any subsequent permit for development of the subject property. All time periods are calculated from the date the City actually learns of the violation. Permits for City-approved restoration of the resource or property are exempt from the moratorium.

If a project is proposed for a site under a moratorium, the City Council may reconsider and expunge or modify the moratorium. Expungement will require, at a minimum, retroactive compliance with the Certificate of Appropriateness Process, and CEQA (including mitigation), and an expungement levy of up to treble damages of the penalty defined in Section 20.40.050 (C). (Ord. 7108 §1, 2010)

**Section 20.40.070 Legal Actions.**

The City Attorney may maintain an action for injunctive relief to restrain a violation, or seek restoration and/or penalties. The City Attorney may also pursue any other action or remedy authorized under the Municipal Code, state statutes and/or in equity for any violation of this Title. Civil remedies shall be in addition to any criminal prosecution and penalty, or any other remedy provided by law. (Ord. 7108 §1, 2010)

**Chapter 20.45**

**AMENDMENT AND SEVERABILITY**

**Sections:**

- 20.45.010 Amendment.**
- 20.45.020 Procedures.**
- 20.45.030 Severability.**

**Section 20.45.010 Amendment.**

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

- A. Upon Minute Action of the City Council.
- B. Upon Minute Action of the Cultural Heritage Board.
- C. Upon the written request of the Community Development Director or designee.
- D. Upon application by a property owner or owners of any parcel subject to this Title and subject to payment of a fee. (Ord. 7206 §23, 2013; Ord. 7108 §1, 2010; Ord. 6263 §1 (part), 1996)

**Section 20.45.020 Procedures.**

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

B. Notice. The Cultural Heritage Board shall hold a public hearing on any amendment. Notice of the hearing shall be published in at least one newspaper of general circulation within the City at least ten days prior to the hearing.

C. Adoption. Amendments of this Title shall be adopted by ordinance of the City Council, which constitutes final action.

D. Required Findings. In acting to approve an amendment to the Zoning Ordinance Text or Map, the City Council shall make the following findings:

- 1. The proposed Amendment is generally consistent with the goals, policies, and objectives of the General Plan;
- 2. The proposed Amendment will not adversely affect surrounding properties; and;
- 3. The proposed Amendment complies with the purposes of this Title as set forth in Chapter 20.05. (Ord. 7108 §1, 2010)

**Section 20.45.030 Severability.**

If any section, sentence, clause, or phrase of this Title is for any reason held to be invalid by a

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decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Title. The City Council declares that it would have passed this ordinance and adopted this Title, and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid. (Ord. 7108 §1, 2010)

## Chapter 20.50

### DEFINITIONS

#### Sections:

- 20.50.010 Definitions.
- 20.50.020 Interpretation.

#### Section 20.50.010 Definitions.

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

**A. "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. In the case of Cultural Resources that are buildings or structures, "alteration" shall 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. 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.

**B. "Board"** means the Cultural Heritage Board.

**C. "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.

**D. "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.

**E. "Character Defining Features"** means the following natural or manmade elements of a Cultural Resource: design general arrangement or components of an improvement, such as site placement, height, scale, and setback; the type, color, and texture of the building materials; construction method; the type and style of windows, doors, lights, signs, and other fixtures. Character Defining Features of buildings or structures are generally external.

**F. "Contributing Feature"** to a Historic District, Neighborhood Conservation Area, or individually significant property means a site, improvement, or natural feature that provides appropriate historic context, historic architecture, historic association or historic value, or is capable of yielding important information about the period. Examples of Contributing Features include, but are 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. Contributing Features in Historic Districts, Neighborhood Conservation areas, or individually significant properties are subject to the Certificate of Appropriateness process.



**G. “Contributor”** to either a Historic District or a Neighborhood Conservation Area 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. Contributors in Historic Districts and Neighborhood Conservation areas are subject to the Certificate of Appropriateness Process.

**H. “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.

**I. “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.

**J. “Cultural Resources Overlay Zone”** means a zoning category applied to a Historic District to notify the owner and the public. 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.

**K. “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.

**L. “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.

**M. “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.

**N. “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.

**O. “Historic District”** means an area which contains:

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1. a concentration, linkage, or continuity of cultural resources, where at least fifty percent of the structures or elements retain significant historic integrity, (a “geographic Historic District”) or
2. 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 1 or 2 above, the area also:

3. Exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;
4. Is identified with persons or events significant in local, State, or national history;
5. 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;
6. Represents the work of notable builders, designers, or architects;
7. Embodies a collection of elements of architectural design, detail, materials or craftsmanship that represent a significant structural or architectural achievement or innovation;
8. 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;
9. Conveys a sense of historic and architectural cohesiveness through its design, setting, materials, workmanship or association; or
10. Has yielded or may be likely to yield, information important in history or prehistory.

**P.** “**Historic Preservation Officer**” is the person selected by the [PlanningCommunity 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).

**Q.** “**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.

**R. “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.

**S. “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.

**T. “Land Use Committee”** means the Utility Services, Land Use and Energy Development Committee.

**U. “Landmark”** means 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 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 **EE**, 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.

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

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

**X. "Neighborhood Conservation Area"** means an area that:

1. Provides a contextual understanding of the broader patterns of Riverside's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;
2. Represents established and familiar visual features of a neighborhood, community, or of the City;
3. Reflects significant development or geographical patterns, including those associated with different eras of settlement and growth; or
4. 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.

**Y. "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:

1. Was not present during the district's or area's period of historic significance; or
2. No longer possesses integrity due to alterations, disturbances, additions, or other changes; and
3. Does not independently meet the designation criteria as defined in this Title.

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

**Z. "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:

1. Was not present during the district's or area's period of historic significance; or

## P14-0096, Exhibit 1 - Proposed Redlined Title 20

2. No longer possesses integrity due to alterations, disturbances, additions, or other changes; and
3. Does not independently meet the designation criteria as defined in this Title.

Non-contributors in Historic Districts are subject to the Certificate of Appropriateness requirements; however, the principles, issues and standards are different than for Contributors. Non-contributors in Neighborhood Conservation Areas are not subject to the Certificate of Appropriateness requirements.

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

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

**CC. "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).

**DD. "Resource of Merit"** see "Structure or Resource of Merit," below.

**EE. "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.

**FF. "Structure or Resource of Merit"** means 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, retains sufficient integrity, and:

1. Has a unique location or singular physical characteristics or is a view or vista representing an established and familiar visual feature of a neighborhood community or of the City
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. A Cultural Resource that could be eligible under Landmark Criteria no longer exhibiting a high level of integrity, however, retaining sufficient integrity to convey significance under one or more of the Landmark Criteria;
5. Has yielded or may be likely to yield, information important in history or prehistory; or
6. An improvement or resource that no longer exhibits the high degree of integrity

sufficient for Landmark designation, yet still retains sufficient integrity under one or more of the Landmark criteria to convey cultural resource significance as a Structure or Resource of Merit. (Ord. 7206 §24, 2013; Ord. 7108 §1, 2010)

**Section 20.50.020 Interpretation.**

The Historic Preservation Officer or Qualified Designee has the discretion to interpret the above terms, in addition to any other term in applying this Title. In applying this Title, the Historic Preservation Officer or Qualified Designee may, in its discretion, request from the Board a definition, interpretation, or an opinion regarding any defined term, or any other term. (Ord. 7206 §25, 2013; Ord. 7108 §1, 2010)

ORDINANCE NO.

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AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,  
AMENDING TITLE 20, SECTIONS 20.10.030, 20.20.120, 20.25.080,  
20.30.030, 20.50.010 OF THE RIVERSIDE MUNICIPAL CODE.

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

Section 1: Section 20.10.030 of the Riverside Municipal Code entitled Historic Preservation Officer is amended in part as follows:

“20.10.030 Historic Preservation Officer.

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

A. Provide professional support to the Board.

...

F. Compile and maintain a current inventory of all designated Cultural Resources **and maintain a database of other properties as appropriate.**”

...

Section 2: Section 20.20.120 - Designation Process in Flow Chart Form is amended in its entirety as depicted on Exhibit “A” attached hereto and incorporated herein.

Section 3: Section 20.25.080 - Certificate of Appropriateness Process in Flow Chart Form is amended in its entirety as depicted on Exhibit “B” attached hereto and incorporated herein.

Section 4: Section 20.30.030 of the Riverside Municipal Code entitled Historic Preservation Fund is amended in part as follows:

**Section 20.30.030 Historic Preservation Fund.**

...

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

1. The Committee membership shall consist of five members, serving two-year terms. The Cultural Heritage Board shall designate two of its members to serve as representatives, and ~~the Chair of the Utility Services, Land Use, and Energy Development Committee shall be the City Council representative~~ **shall be appointed by the Mayor’s Nominating and Screening Committee (“Council Committee”).** The remaining two shall be City residents affiliated with separate Riverside-specific historic preservation organizations and appointed

1 by the ~~Mayor's Nominating and Screening Committee (Council Committee)~~ **Council**  
2 **Committee**. Interested persons must submit applications for appointment no later than 30  
3 days before the meeting during which the Council Committee selects the representatives.”

4 ...

5 Section 5: Section 20.50.010 of the Riverside Municipal Code entitled Definitions is  
6 amended in part as follows:

7 “20.50.010 Definitions.

8 ...

9 “P. “Historic Preservation Officer” is the person selected by the ~~Planning~~ **Community**  
10 **Development Director** for the City of Riverside and appointed by the City Manager to  
11 administer the Cultural Resources program, including professional support to the Board,  
12 management of both the Board’s Certificate of Appropriateness process, and execution of the  
13 Administrative Certificate of Appropriateness process. The Historic Preservation Officer  
14 shall meet the requirements of the Department of the Interior, National Park Service as set  
15 forth in appendix A to Title 36, Part 61 (Professional Qualification Standards).”

16 ...

17 Section 6: The City Council has reviewed the matter and, based upon the facts and  
18 information contained in the staff reports, administrative record, and written and oral testimony,  
19 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),  
20 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title  
21 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change  
22 in the environment nor have a significant impact on the environment.

23 Section 7: 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.  
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ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor of the City of Riverside

Attest:

\_\_\_\_\_  
City Clerk of the City of Riverside

I, Colleen J. Nicol, 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 \_\_\_\_\_, 20\_\_\_\_, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following vote, to wit:

Ayes:

Noes:

Absent:

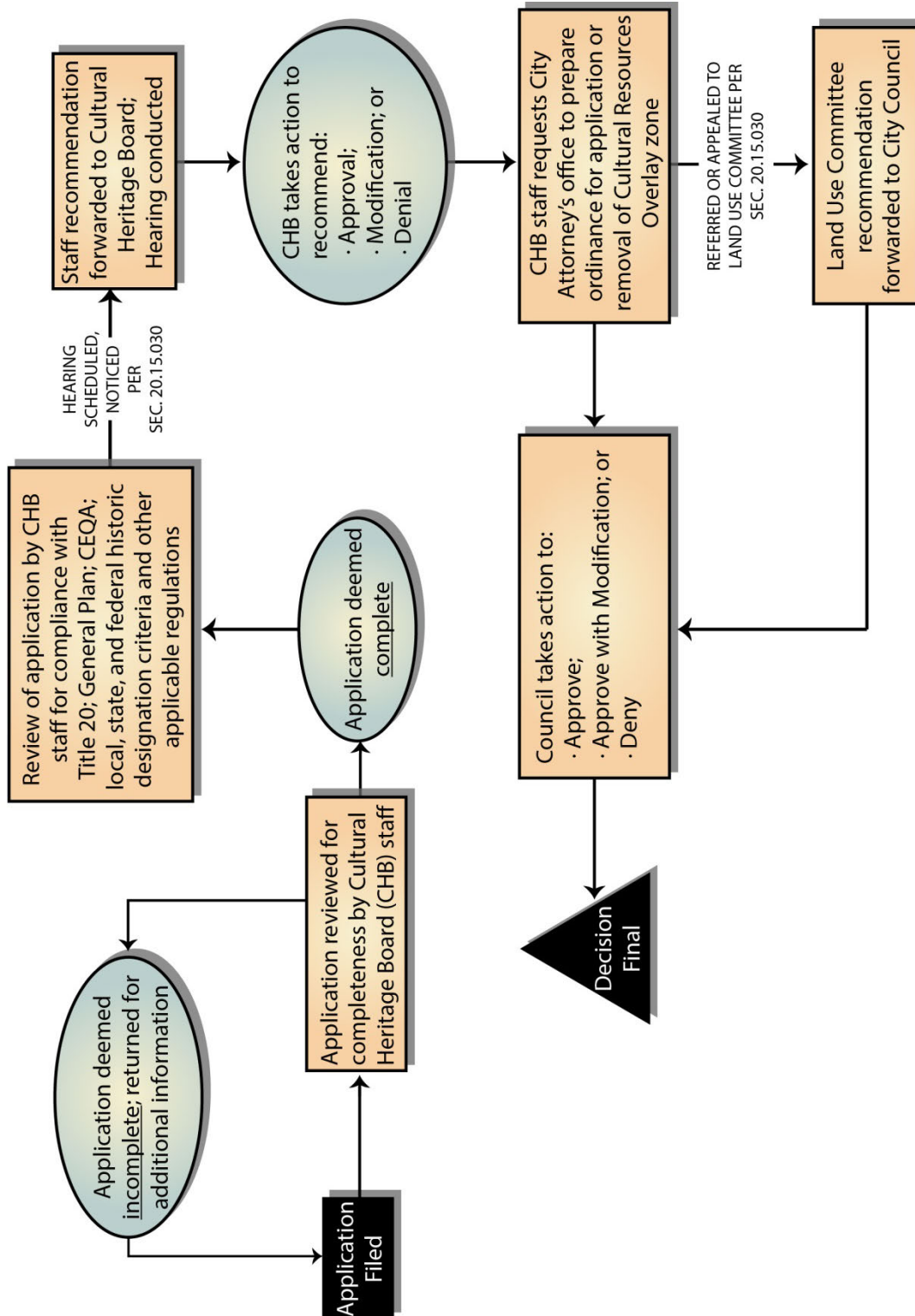
Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Clerk of the City of Riverside

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CA: 14-0219

**Section 20.20.120 Designation Process in Flow Chart Form**



Section 20.25.080 Certificate of Appropriateness Process in Flow Chart Form

