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VIA E-MAIL AND U.S. MAIL

City of Riverside Cultural Heritage Board
Art Pick Council Chamber, City Hall
3900 Main Street
Riverside, California 92501

Re: *Planning Case DP-2025-00269 (COA) - 4472 Orange Street*

To the Honorable Members of the Cultural Heritage Board:

Larson LLP represents the Riverside County Office of Education ("RCOE") in connection with its pending application for a Certificate of Appropriateness, Planning Case DP-2025-00269 (the "Project"), to demolish the structure located at 4472 Orange Street (the "Property").

The purpose of this letter is to address four related issues relevant to the Board's ongoing consideration of the Project.

First, this letter will address the specific categories of additional information the Board requested before it will consider granting a Certificate of Appropriateness ("COA"). Following the Board's June 18, 2025 meeting, RCOE has invested significant time and resources obtaining this information, including additional inspections of the Property and retaining outside experts to conduct further assessments regarding the Property's historic value and the feasibility of conducting a full restoration. The findings from these experts are submitted for the Board's consideration concurrently herewith.

Second, this letter will address the Board's question regarding the applicability of the California Environmental Quality Act ("CEQA"). The proposed Project is exempt from CEQA on the basis that the Project requires only ministerial actions by the City and/or otherwise merely proposes demolition of a Class 1 Existing Facility and construction of a categorically exempt small structure. Accordingly, RCOE requests that the Board file, as necessary, a Notice of Exemption pursuant to RMC section 20.15.020, subdivision B and California Code of Regulations, Title 14, section 15062.

Third, this letter will suggest an alternate course of action should this Board decline to grant a COA. Given the Property's current designation as a cultural resource, and in an effort to uphold the integrity of the Prospect Place Historic District ("PPHD"), RCOE pursued a COA, ensuring that all applicable requirements were satisfied before obtaining a demolition permit. In furtherance of this effort, RCOE retained a licensed civil engineer to conduct a Structural

Damage Evaluation Report that was previously submitted to the Board. In light of the findings therein, however, it is evident that the Property constitutes a "dangerous building" under the Uniform Code for the Abatement of Dangerous Buildings and actually is exempt from the COA requirement pursuant to Riverside Municipal Code ("RMC") section 20.25.015. As such, if the Board declines a COA, RCOE RCOE requests that the Board direct the City's Building Official to evaluate the Property and issue findings, consistent with the foregoing, that the Property satisfies the criteria under RMC section 20.25.015 and is therefore exempt from the COA requirement.

Lastly, this letter will address suggestions made by the Board and various public commenters that RCOE sell the Property to an individual or organization interested in undertaking the necessary repairs to restore the building to its pre-damage condition. Setting aside the fact that restoration is both technically and economically infeasible, RCOE is not prepared to sell the Property as doing so would impair the use of RCOE's adjacent administrative office building, which is critical to RCOE's continued operations. Any requirement imposed by the Board that RCOE sell or restore the Property would give rise to a claim for inverse condemnation. Similarly, due to the severity of the fire damage and the associated cost of conducting the necessary repairs, any continued refusal by the Board to authorize demolition would constitute a regulatory taking further giving rise to a claim for inverse condemnation. RCOE is nevertheless more than willing to permit interested community members or organizations to salvage any and all materials from the building prior or subsequent to demolition.

For these reasons, and because there is ample evidence that demolition is the only viable option remaining, RCOE respectfully requests that the Board grant the requested COA or, alternatively, determine that the Project is exempt from the COA requirement.

I. FACTUAL BACKGROUND

A. Evidence Presented to the Board

The Property was acquired by RCOE in July 2023 along with the adjacent Thompson/Colegate Building. RCOE leased the Property to a commercial tenant until December 11, 2023 when a transient individual set the structure on fire causing extensive damage. RCOE sought to determine the feasibility of restoring the Property due to its designation as a Cultural Resource, including as a Structure of Merit and contributor to the PPHD.

In furtherance of this effort, RCOE engaged numerous subject matter experts to evaluate the structure. This included the commissioning of Structural Damage Evaluation Report prepared by Brad Lander, a licensed civil engineer with Insight Forensics LLC. RCOE also retained Michael J. Stephens, AIA NCARB, an architect and managing partner with SGH Architects to conduct an architectural survey. Further, RCOE engaged Casey Tibbet, M.A., with LSA to conduct an Historic Resource Assessment of the Property.

RCOE gave a detailed presentation of the findings made by these experts at the Board's June 18 regular meeting, during which the following evidence was submitted for the Board's consideration:

1. Structural Damage Assessment

RCOE's civil engineer, Mr. Lander, conducted a thorough inspection of the Property, which revealed that:

- Structural Damage: The extent of the damage caused by the fire satisfies the criteria under the California Building Code for "substantial structural damage" classification, meaning that 60% of the Property's structural systems have been compromised. In addition, less than 40% of the remaining structural components are considered salvageable. Because of this classification, the Code requires that repairs to both the compromised components and the remaining salvageable components must meet current code requirements in order to satisfy applicable safety standards, meaning that the Property cannot be restored under its prior building standards.

- Roof System: 60% of the roof framing is charred/burned or suffered excessive sapping and is therefore compromised. The remaining elements are not reusable and would not meet current code requirements. Based on the damage in the roof system, the entirety of the roof would require replacement either due to fire damage or implementation of current standards of building.

- Floor System: The fire severely damaged components under the floor and damaged a substantial portion of the overall floor system. More than 50% of the floor system exhibited cross-sectional charring or excessive sapping/glazing and was compromised by exposure to heat/fire.

From these findings, Mr. Lander concluded:

- Based on the extensive fire damage to the structure and the unsalvageable conditions of the remaining/undamaged framing members and components, any repair scope/recommendations associated with an anticipated/expected repair and code upgrade estimate as a result of the event would be considered infeasible/impractical.

- Due to the severity of damage and demolition requirements of the remaining framing, it is "*technically infeasible*" under section 202 of the California Building Code to implement repairs and salvage the existing materials that were not damaged by the fire.

- Based on the extent of structural damage, limited salvageability of the remaining structure and impact of the building code update/upgrade requirements on reuse, it is expected that the subject building will be required to be demolished entirely.

2. Architectural Findings

The Property was also inspected by RCOE's architectural expert, Mr. Stephens, who agreed with Mr. Lander's assessment and further concluded that:

- Moving the building would be incredibly difficult and would likely result in irreparable damage to the Property. In fact, there would be no guarantee that the Property could be moved effectively, and once moved, the Property may nevertheless require demolition at its new site.

- Salvageable historical building components of the Property are extremely limited. There are only half a dozen unique components that could be salvaged.

- The extent of the fire damage to floor and roof structure prohibits a partial re-build.

- Undertaking new construction to replicate the existing structure could cost taxpayers an estimated $2 million. Conversely, insurance proceeds are limited to the Property's fair market value, which RCOE's insurer estimated to be approximately $750,000.

Mr. Stephens further concluded that, in his professional judgment, the building is not suitable for repurposing for any manner.

3. Historic Resource Assessment

Aside from the severe damage to the Property, RCOE's historic preservation expert, Ms. Tibbet, separately evaluated the Property to determine whether it should maintain its current designation as a Cultural Resource. Ms. Tibbet shared the following findings with the Board:

- Radically altered spatial relationships have led to a lack of visual continuity with the PPHD and created an inappropriate historic context that is not associated with the district.

- The spatial relationships that identified it as part of the PPHD no longer exist. The parking lot and the change to the parkway contribute to a break in the visual continuity of the PPHD. Therefore, the Property does not contribute to a significant and distinguishable entity whose components on their own lack individual distinction, namely the PPHD.

- Architectural integrity has been diminished by loss of windows and alterations to the front porch to accommodate an ADA-complaint ramp.

- This is not a rare resource as there are many examples of Neoclassical cottages in the city, including in the PPHD and the nearby Mile Square neighborhood.

- The Property is not architecturally significant.

- This property does *not* retain enough integrity to meet any of the Landmark or the Structure of Merit criteria.

4. Additional Evidence Presented to the Board

To further inform the Board's consideration of the Project, Dr. Scott Price, Associate Superintendent of RCOE, provided additional information to the Board, including that:

- RCOE has afforded the Old Riverside Foundation the opportunity to salvage any materials that can feasibly be recovered. This includes two exterior porch columns and possibly one dormer window that the Old Riverside Foundation has determined to be salvageable.

- Beyond these items, the only other undamaged material is certain portions of the Property's exterior siding, which the Old Riverside Foundation determined that it would not be practical to salvage.

- Although moving the Property would not be possible, RCOE is willing to have any interested person or organization, in addition to the Old Riverside Foundation, salvage any materials they like.

- If demolition is approved, RCOE intends to explore the construction of a small greenspace and shade structure on the existing lot to serve as an outside break area for RCOE staff.

B. The Board Deferred Decision on a Certificate of Appropriateness

Despite the foregoing evidence demonstrating that demolition is the only viable option remaining, the Board nevertheless concluded that it needed more information to determine whether the Project should be approved. Rather than granting the COA, the Board continued the matter for ninety days and further requested that RCOE submit substantial additional information before it would consider granting the COA, including:

- The feasibility of completing a restoration of the building consistent with Chapter 8 of the California Historic Building Code (as well as the Secretary of the Interior's Standards for the Treatment of Historic Properties). Yet, RCOE's subject matter experts already evaluated the Property and determined that restoration is technically infeasible. The findings of these experts were presented to the Board at the June 18 meeting, as summarized above.

- Aside from the *technical* infeasibility of restoration as defined by the Building Code, the Board further requested information as to whether it would *actually* be feasible to replace the damaged portions of the building, including the roof system, the floor system, the interior, the windows, and the studs. The Board requested this information despite the fact that applicable law speaks in terms of technical feasibility and does not mandate restoration whenever it is *theoretically* possible to do so.

- RCOE's efforts to find an individual or organization interested in purchasing the Property or salvaging the individual components of the building. As explained during the Board's June 18 meeting, RCOE has been actively working with the Old Riverside Foundation to salvage certain components of the building.

- The Board also requested information regarding the estimated cost of restoration, even though Mr. Stephens provided a $2 million estimate at the June 18 meeting. As discussed below, RCOE has since obtained a formal cost estimate for the restoration.

- Whether the building's neoclassical style supports its status as a contributor to the Prospect Place Historic District and whether the structure itself has elements that support its historic status. However, Ms. Tibbet already addressed both issues in her report and specifically concluded that there are many other examples of neoclassical buildings in the surrounding area and that there is nothing historically significant about the Property.

- Whether the proposed project would fall within a CEQA exemption, which it does. The proposed demolition and greenspace are exempt.

- The Board also requested additional information regarding the proposed green space that RCOE intends to construct in place of the existing structure. As discussed below, RCOE has prepared a rendering of the proposed greenspace for the Board's consideration.

II. RCOE HAS NOW PROVIDED ALL ADDITIONAL INFORMATION REQUESTED BY THE BOARD

Below is an overview of the additional documentation incorporated herein that RCOE has obtained in response to the Board's comments at its June 18, 2025 meeting. These additional materials—together with the substantial volume of information that has already been presented to the Board—amply establish that RCOE has satisfied all principles and standards of site development and design review, thereby entitling RCOE to its requested COA.

Conceptual Cost Estimate (Exhibit A)

Attached hereto as Exhibit A is a Conceptual Cost Estimate prepared by HL Construction Management that extensively details the various items that RCOE would be forced to incur in order to fully restore the Property. The total estimated cost of restoration is **$1,596,322**—more than double the Property's fair market value of $750,000.

Critically, as noted in Exhibit A, the cost estimate excludes numerous additional expenses that RCOE would incur as part of the restoration, including soft costs such as architectural and engineering fees, building permits and plan reviews, insurance costs, furniture and equipment, and project management fees. After speaking with the subject matter experts, RCOE has determined that these additional expenses in addition to the cost estimate in Exhibit A will total **$2 million**—consistent with the estimate that RCOE previously provided to the Board.

Peer Review of Historic Resources Assessment (Exhibit B)

Attached hereto as Exhibit B is a Peer Review Memorandum prepared by Bill Wilman, an architectural historical with Wilman Historical Services. Mr. Wilman reviewed the original Historic Resources Assessment prepared by Ms. Tibbet of LSA, which was previously submitted to the Board. In the Memorandum, Mr. Wilman agrees with Ms. Tibbet's assessment that the Property is ineligible for designation as a either a Structure of Merit or contributor to the PPHD. This Memorandum provides further evidence that RCOE has satisfied all principles and standards of site development and design review set forth in RMC section 20.25.050.

Conceptual Rendering of Proposed Greenspace (Exhibit C)

Attached hereto as Exhibit C is a conceptual rendering of the proposed greenspace that RCOE intends to build in place of the existing structure on the Property. As demonstrated by the rendering, the proposed greenspace will be consistent with the PPHD's architectural and aesthetic values and will thus meaningfully contribute to the surrounding neighborhood. The rendering also includes a proposed monument that will discuss and memorialize the historical significance of the PPHD.

III. THE PROJECT IS EXEMPT FROM CEQA

When approving a project, a local agency, such as the Board, must "decide whether the project is exempt from the CEQA review process under either a statutory exemption or a categorical exemption set forth in the CEQA Guidelines." (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 382, citations omitted.)

As to statutory exemptions, by its own definition, CEQA applies only to "discretionary projects" and does not apply to "ministerial projects." (Pub. Resources Code, § 21080, subds. (a), (b)(1).) Thus, if a project is ministerial, it is exempt from CEQA. (*Id.*) Second, even if a project is discretionary, CEQA nevertheless contains various "categorical exemptions" for certain types of projects.

Here, because the Property has been locally designated as a Cultural Resource, CEQA considerations come into play. During the Board's June 18 meeting, certain Board members questioned whether the Project would be exempt from CEQA's requirements. As discussed below, the Project—including the demolition of the Property and the subsequent proposal to construct a greenspace on the existing lot—is both statutorily and categorically exempt from CEQA.

A. Statutory Exemption for Ministerial Projects

A project is ministerial when it "describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out." (Cal. Code Regs., tit. 14, § 15369.)

In contrast, a "'[d]iscretionary project' means a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances or regulations." (Cal. Code Regs., tit. 14, § 15357.)

A proposed demolition of a Cultural Resource in Riverside would ordinarily be considered a discretionary project because it typically requires an applicant to obtain a COA, which requires the Board to make specific findings that are inherently discretionary.

However, as will be discussed further below, if the Board analyzes the Project in light of the Property's status as a dangerous building under RMC section 20.25.015, the decision before the Board is ministerial in nature. Under this framework, RCOE need only obtain a demolition permit before proceeding with the Project, and the procedure for obtaining such a permit is purely ministerial. (*Friends of Juana Briones House v. City of Palo Alto* (2010) 190 Cal.App.4th 286, 305 ["Under the plain language of the governing municipal code provision, issuance of the demolition permit was ministerial."]; *Bottini v. City of San Diego* (2018) 27 Cal.App.5th 281, 295, 301 ["The Municipal Code also establishes procedures that apply to abatement actions involving designated historical resources, which require a property owner to obtain a permit and ensure compliance with all applicable regulations and ordinances prior to the alteration, demolition, or relocation of the designated historical resource. . . . [T]he demolition permit that [the city] authorized the [petitioners] to obtain was, as all parties agree, ministerial."].)

The requirements for obtaining a demolition permit are set forth in RMC section 16.20.130, which requires only ministerial acts by the City, including the determination as to whether "the sewer has been properly capped" and whether "all concrete, weeds, debris, stones or other loose material has been removed from the site." In other words, the Code affords no discretion to City officials to withhold a building permit once the objective criteria under RMC section 16.20.130 have been met. Once these criteria are satisfied, the applicant is entitled to a demolition permit as

a matter of right, thereby rendering the demolition permit process ministerial. (See *Friends of Juana Briones House, supra*, 190 Cal.App.4th at p. 305-306 ["Under the referenced chapter, there are two prerequisites for a permit to demolish any residential structure: the residence must be vacant and any tenants must be notified. . . . Those prerequisites impose fixed standards, capable of objective assessment. There is no dispute that appellants satisfied those prerequisites here."].)

Furthermore, following demolition of the Property, RCOE intends to construct a greenspace on the existing parcel. This too is ministerial because the proposed construction merely requires RCOE to obtain a building permit. (*Friends of Westwood, Inc. v. City of Los Angeles* (1987) 191 Cal.App.3d 259, 277 ["Run of the mill building permits *are* "ministerial" actions not requiring compliance with CEQA."], emphasis in original.)

Accordingly, due to the Property's status as a dangerous building, the Project is ministerial in nature and therefore is statutorily exempt from CEQA.

B. Categorical Exemption for Class 1 Existing Facilities and Class 3 Small Structures

Alternatively, even if the Project is construed as discretionary under the COA framework, it nevertheless satisfies the categorical exemption for class 1 existing facilities. (Cal. Code Regs., tit. 14, § 15301.) This exemption applies to certain proposed alterations to existing facilities. It specifically exempts projection involving the "[d]emolition and removal of individual small structures" including "[o]ne single-family residence" or a "store, motel, office, restaurant, and similar small commercial structure if designed for an occupant load of 30 persons or less." (*Id.*, subd. (*l*)(1)-(3).) Furthermore, as to the proposed greenspace, this Project component satisfies the categorical exemption for class 3 new construction or conversion of small structures. This exemption specifically includes "construction and location of limited numbers of new, small facilities or structures" and also "include[s] but [is] not limited to" the construction of "[a]ccessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences." (Cal. Code Regs., tit. 14, § 15303.)

The Project therefore falls within categorical exemptions to CEQA.

However, it should be noted that "[u]nlike statutory exceptions, categorical exemptions are subject to exceptions." (*Bottini v. City of San Diego, supra*, 27 Cal.App.5th at p. 292.) For instance, projects involving historical resources are not necessarily categorically exempt. (Cal. Code Regs., tit. 14, § 15300.2, subd. (f) ["A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource."]

Nevertheless, the historical resource exception does not apply here. The Property is not included in the California Register of Historical Resources but is instead designated only at the local level as a Cultural Resource. Under CEQA, "[h]istorical resources included in a local register of historical resources . . . are *presumed* to be historically or culturally significant for purposes of this section, *unless the preponderance of the evidence demonstrates that the resource is not*

historically or culturally significant. (Pub. Res. Code § 21084.1.) Thus, it is sufficient for RCOE to demonstrate by a preponderance of the evidence that the Property is not historically or culturally significant. RCOE has plainly made such a showing. Indeed, the Cultural Resource Assessment prepared by LSA concluded that the Property does not retain enough integrity to meet any of the Landmark or the Structure of Merit criteria and does not meaningfully contribute to the PPHD. The thorough analysis and documentation in the Cultural Resource Assessment provides ample evidence—well beyond the preponderance of the evidence standard—upon which the Board could determine that the Property is not historically or culturally significant for the purposes of CEQA.

Accordingly, the historical resource exception does not apply to the Property, and the Project therefore is categorically exempt from CEQA. In light of the statutory and categorical exemptions applicable to the Project, RCOE requests that the Board file, as necessary, a Notice of Exemption pursuant to RMC section 20.15.020, subdivision B and California Code of Regulations, Title 14, section 15062.

IV. SHOULD THIS BOARD DECLINE A COA, DEMOLITION IS STILL APPROPRIATE

Chapter 20 of the Riverside Municipal Code sets forth the procedures for designating, altering, and maintaining Cultural Resources located within the City. Once a structure is designated as a Cultural Resource, any proposed alteration, including demolition, typically requires the owner to obtain a COA pursuant to RMC section 20.25.010, which is issued by the Board, or in some cases, by the City's Historic Preservation Officer. Although no formal public hearing is required, once an application for a COA is submitted, the Board must then set the application as a discussion calendar item during one of the Board's regularly scheduled meetings and must further provide public notice. (RMC § 20.15.040.) Any such COA application must satisfy the applicable "principles and standards of site development and design review" set forth in RMC section 20.25.050, which further requires the Board to make specific findings under each of the applicable criteria. Separately, if the COA applicant further seeks to demolish a designated Cultural Resource, the proposal is also subject to additional notice requirements pursuant to RMC section 20.15.055.

Critically, however, Chapter 20 also *exempts* certain Cultural Resources from the foregoing COA requirements and procedures. Specifically, as relevant here:

> Modifications to a Cultural Resource does [sic] *not* require a Certificate of Appropriateness, 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.

(RMC § 20.25.015.A.1-3. [emphasis added].)

Thus, no COA is required if the City's Building Official determines that a Cultural Resource presents either (i) an unsafe or dangerous condition constituting an imminent threat under the California Building Code or (ii) a dangerous building under the Uniform Code for the Abatement of Dangerous Buildings ("Uniform Code"). (*Id.*)

Here, it is readily apparent that the Property meets the latter condition—i.e. a "dangerous building" under the Uniform Code. The definition of a "dangerous building" is contained in Section 302 of the Uniform Code, which states as follows: "For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered." Section 302 further enumerates various conditions under which a structure would be deemed a dangerous building, including, but not limited to:

- Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

- Whenever any portion thereof has been damaged by fire . . . to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

- Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(Uniform Code §§ 302(4), 302(11)-(12).)

RCOE has already submitted ample evidence to the Board demonstrating that the Property satisfies each of the above conditions. For instance, the Structural Damage Evaluation Report prepared by a licensed civil engineer found that:

> It is believed that *more than 60-percent of the structural load-carrying elements capacity has been compromised due to the fire event*, diminishing the reserve strength of the lateral-force-resisting system to resist wind and seismic loads and *imposing an immediate*

> *hazard to life safety.* Based on the extensive fire damage to the structure and the unsalvageable conditions of the remaining/undamaged framing members and components, any repair scope/recommendations associated with an anticipated/expected repair and code upgrade estimate as a result of the event would be considered infeasible/impractical.
>
> …
>
> Based on the extent of structural damage, limited salvageability of the remaining structure and impact of the building code update/upgrade requirements on reuse, *it is expected that the subject building will be required to be demolished entirely and reconstructed from the ground up to ensure safety, functionality/code compliance.*

(emphasis added.)

As such, the damage to the Property's supporting members significantly exceeds the 33% requirement under the Uniform Code. (§ 302(11).)

Furthermore, as RCOE representatives testified at the Board's June 18 meeting, since the fire occurred, vagrants have continued to break into the Property on numerous occasions. Thus, as a result of the fire, the Property has been rendered a "harbor for vagrants" and further "enable[s] persons to resort thereto for the purpose of committing unlawful or immoral acts," thereby constituting a dangerous condition under section 302(12) of the Uniform Code.

The evidence presented to the Board therefore conclusively establishes that the Property constitutes a "dangerous building" under the Uniform Code and is therefore ***exempt*** from the COA requirement pursuant to RMC section 20.25.015.

For this reason, although RCOE is confident that its application fully satisfies the principles and standards of site development and design review necessary for obtaining a COA, the reality is that the resulting fire damage to the Property has relieved RCOE of the legal obligation to do so.

Accordingly, if the Board declines to issue the requested COA, RCOE requests that the Board direct the City's Building Official to evaluate the Property and issue findings, consistent with the foregoing, that the Property satisfies the criteria under RMC section 20.25.015 and is therefore exempt from the COA requirement.

V. INVERSE CONDEMNATION CONSIDERATIONS

Based on the foregoing, RCOE has readily established its entitlement to proceed with the proposed Project as a matter of law. To the extent the Board determines otherwise as it continues to consider the Project, such a determination necessarily implicates constitutional concerns that could result in legal action against the Board and City.

Both the United States and California Constitutions guarantee real property owners "just compensation" when their land is taken for a public use. (Cal. Const., art. I, § 19; U.S. Const.,

5th Amend.) If the Board refuses to permit the demolition of the Property, doing so would constitute a "regulatory taking" giving rise to a claim for inverse condemnation. This cause of action lies for the taking of or damage to real property, *including real property owned by a public agency*. (*Marin Mun. Water Dist. v. City of Mill Valley* (1988) 202 Cal.App.3d 1161, 1165 [a city must compensate a water district franchise in inverse condemnation for unintentional physical damage to water lines.].) It is well established that, "while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking." (*Pennsylvania Coal Co. v. Mahon* (1922) 260 U.S. 393, 415; see also, *Prentiss v. City of South Pasadena* (1993) 15 Cal.App.4th 85, 94 ["[M]andatory zoning and land use restrictions raise issues of governmental taking of property."].)

Based on comments by the Board during its June 18 regular meeting, there are two categories of regulatory action by the Board that would constitute a regulatory taking, both of which are discussed below.

First, certain Board members, as well as various public commenters, suggested that RCOE could simply sell the Property as an alternative to demolition. Relatedly, the Board also referenced a letter from a community member offering to salvage certain components of the Property. However, as RCOE explained at the June 18 meeting, RCOE has already met with the author of that letter, and the proposed salvage project would also require the Property to be sold and would further require splitting the adjacent parking lot. RCOE does not intend to voluntarily sell the Property at this time because doing so would negatively impact RCOE's continued use of the neighboring administrative office building, which—together with the Property itself—is integral to RCOE's current operations. Consequently, any requirement imposed by the Board that RCOE sell the Property would constitute a *per se* regulatory taking. "[R]egulatory action [is] generally deemed [a] *per se* taking[] for Fifth Amendment purposes . . . where [the] government requires an owner to suffer a permanent physical invasion of her property—however minor. (*Dryden Oaks, LLC v. San Diego County Regional Airport Authority* (2017) 16 Cal.App.5th 383, 394-395.)

Thus, to the extent that the Board insists on the sale of the Property, this determination would constitute a *per se* regulatory taking, and RCOE would have an immediate claim for inverse condemnation.

Nevertheless, as RCOE has already made clear, it is more than willing to allow interested organizations or community members to salvage any portion of the Property to the extent that technical considerations permit. Indeed, RCOE has been actively working with the Old Riverside Foundation for this very purpose.

Second, in addition to the forced sale of the Property, any continued refusal by the Board to permit demolition would further constitute a regulatory taking. This would also include any requirement that RCOE restore the Property in lieu of demolition. (See *Prentiss, supra*, 15 Cal.App.4th at p. 94, 98 ["[A] properly drafted historical preservation ordinance . . . must carefully draw the line between 'regulation' and 'taking" and "outright denial of the demolition permit might constitute inverse condemnation."].)

Here, the Property in its current state is presently unusable in light of the extensive fire damage. Moreover, the estimated cost of restoring the Property—$2.0 million—far exceeds the Property's fair market value of $750,000, thereby rendering any proposed restoration economically infeasible. Furthermore, as RCOE's architectural expert testified to the Board, restoring the Property or physically moving the Property to a different location both would be technically infeasible. Due to these realities, any insistence by the Board that RCOE incur the exorbitant cost of restoration or relocation would further constitute a regulatory taking by depriving RCOE of any economically beneficial use of the Property. (*Dryden Oaks, supra*, 16 Cal.App.5th at p. 394-395 [regulatory takings include "regulations that completely deprive an owner of all economically beneficial us[e] of her property."]; see also, *Foundation for San Francisco's Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 916-917 [holding that owner was entitled to demolish of historic building where "the alternatives to demolition were fully considered and reported" and where "there was evidence that restoration was infeasible because of the seismic problems, and that the economics of restoration precluded any reasonable, economic use of the property by the owner."].)

RCOE has diligently pursued all available alternatives, including, at great expense, the commission of architectural surveys, structural damage assessments, and historic preservation studies. These efforts have made clear that demolition is the only technically and economically viable option remaining. To the extent that the Board ultimately disregards this well-supported conclusion and refuses to allow the demolition to proceed, RCOE hereby reserves all available rights and remedies, including bringing an immediate claim for inverse condemnation against the Board and the City.

VI. CONCLUSION

RCOE greatly respects the Board's desire to protect the City's designated Cultural Resources and fully appreciates the rigorous criteria that ordinarily must be satisfied before obtaining a COA. In turn, however, it is important to note that the Board must equally appreciate the unique and difficult circumstances that made the proposed Project necessary in the first place. The Project does not propose the run-of-the-mill alteration of a Cultural Resource, such as a home remodel or structural addition. Rather, the proposed Project entails the demolition of the subject Property because doing so is the *only* technically and economically viable option remaining. RCOE was the victim of a criminal act that resulted in severe and irreparable damage to the Property such that restoration is simply no longer feasible.

It is therefore clear that demolition is necessary, and any further delay or additional conditions imposed by the Board will only require RCOE to expend additional resources and divert critical funds from the thousands of students that it serves throughout Riverside County.

For these reasons, RCOE respectfully requests that the Board take one of the following two actions:

- Determine that the Project satisfies the Principles and Standards of Site Development and Design findings under RMC section 20.25.050.A, approve Planning Case DP-2025-00269, and grant the requested COA.

- Alternatively, because the Project satisfies the criteria for exemption from the COA requirement pursuant to RMC section 20.25.015, RCOE requests that the Board direct the City's Building Official to evaluate the Property and issue findings that the Property satisfies the criteria under RMC section 20.25.015 and is therefore exempt from the COA requirement.

Additionally, in connection with either of the two aforementioned actions, RCOE further requests that the Board:

- Determine that the Project is exempt from CEQA, and file a Notice of Exemption pursuant to RMC section 20.15.020.B and California Code of Regulations, Title 14, section 15062.

- Facilitate and expedite the granting of the requested demolition permit.

Thank you for your attention to this matter, and please do not hesitate to contact this office should you have any questions.

Sincerely,

Hilary Potashner

EXHIBIT A

HLCM

HLCMINC.COM

Building Partnerships

Conceptual Cost Estimate

September 24, 2025

Riverside county

Office of education

4472 Orange Street, Riverside, CA

Prepared for SGH Architects

INTRODUCTION

BASIS OF ESTIMATE

This Cost Estimate is based on existing photographs and reports (historical assessment, hazardous abatement, etc.) prepared by others, dated 09/11/2025, provided by SGH Architects to HLCM, along with verbal and written guidance from the design team. There are no detailed public record plans available.

ESTIMATE MARK UPS

The following markups are included in this estimate:

1)	General Conditions	11.81%
2)	Overhead and Profit (OH&P)	9.00%
3)	Bonds & Insurance	3.00%
4)	Design Contingency	20.00%
5)	Escalation to MOC, 07/31/26	4.29%

EXCLUSIONS

The following items are excluded in this estimate.

1) Professional fees, inspections and testing.
2) Escalation beyond the midpoint of construction.
3) FF and E, unless specifically referenced in this estimate.
4) Plan check fees and building permit fees.
5) Construction/Owner's contingency costs.
6) Construction management fees.
7) Soft costs.
8) Off-site work
9) Night time and weekends work.
10) Accelerated construction schedule.
11) Temporary meeting room.

ITEMS AFFECTING COST ESTIMATE

Items that may change the estimated construction cost may include but are not limited to the following:

1) Unforeseen existing building and site condition.
2) Any changes to the scope of work not included in this report. We recommend updating the estimate to capture the value of any changes.
3) Sole source procurement.
4) Any changes or delay from the projected construction schedule.
5) Availability of skilled labor force to execute the specific detailing.

CLARIFICATIONS

1) This estimate is based on the assumption of a competitive bid environment by a minimum of four at the Subcontractor level.
2) This estimate assumes the use of prevailing wages. This estimate also includes a factor for PLA.
3) This estimate does not include the prequalification process for Contractors and Subcontractors. If prequalification is implemented, it will have a cost impact on the project.

Riverside county
Office of education
4472 Orange Street, Riverside, CA
Conceptual Cost Estimate **09/24/25**

CONSTRUCTION COST SUMMARY

Base Scope Elements	Area	Cost / SF	Total
RENOVATION OF EXISTING ASSEMBLY BUILDING	1,460 SF	$1,093.37	$1,596,322
TOTAL ESTIMATED CONSTRUCTION COST			$1,596,322

Renovation of Existing Assembly Building

Riverside county
Office of education
4472 Orange Street, Riverside, CA
Conceptual Cost Estimate **09/24/25**

Renovation of Existing Assembly Building Summary

Element	Gross Floor Area	1,460 SF	Total	Cost/SF
01	**General Requirements**			
02	**Existing Conditions**		**$95,622**	$65.49
03	**Concrete**			
04	**Masonry**		**$3,500**	$2.40
05	**Metals**		**$2,190**	$1.50
06	**Woods, Plastics, and Composites**		**$200,589**	$137.39
07	**Thermal and Moisture Protection**		**$94,088**	$64.44
08	**Openings**		**$124,654**	$85.38
09	**Finishes**		**$105,772**	$72.45
10	**Specialties**		**$5,420**	$3.71
11	**Equipment**			
12	**Furnishings**			
13	**Special Construction**			
14	**Conveying Equipment**			
21	**Fire Suppression**			
22	**Plumbing**		**$52,308**	$35.83
23	**Heating, Ventilating, and Air Conditioning (HVAC)**		**$25,000**	$17.12
26	**Electrical**		**$212,353**	$145.45
27	**Communications**		**$15,090**	$10.34
28	**Electronic Safety and Security**		**$79,603**	$54.52
31	**Earthwork**			
48	**Electric Power Generation**			
	Subtotal		**$1,016,189**	**$696.02**
	General Conditions	11.81%	**$120,000**	**$82.19**
	Subtotal		**$1,136,189**	**$778.21**
	Overhead and Profit (OH&P)	9.00%	**$102,257**	**$70.04**
	Subtotal		**$1,238,446**	**$848.25**
	Bonds & Insurance	3.00%	**$37,153**	**$25.45**
	Subtotal		**$1,275,599**	**$873.70**
	Design Contingency	20.00%	**$255,120**	**$174.74**
	Subtotal		**$1,530,719**	**$1,048.44**
	Escalation to MOC, 07/31/26	4.29%	**$65,603**	**$44.93**
	TOTAL ESTIMATED CONSTRUCTION COST		**$1,596,322**	**$1,093.37**

Renovation of Existing Assembly Building Detail Elements

Element	Quantity	Unit	Unit Cost	Total
01 General Requirements				
General requirements				Included in general condition
Subtotal - General Requirements				
02 Existing Conditions				
Building demolition				
Demolish existing exterior wall for door opening, reframe and refinish, single	1	ea	$844.25	$844
Demolish exterior partition	789	sf	$7.49	$5,904
Demolish interior partition	1,615	sf	$6.86	$11,085
Demolish existing ceiling	1,460	sf	$4.99	$7,288
Demolish existing tile flooring	63	sf	$3.35	$211
Demolish existing wood flooring	1,365	sf	$4.34	$5,921
Remove existing window	436	sf	$7.67	$3,346
Remove existing roof	2,012	sf	$2.92	$5,883
Remove & replace existing door, single	13	ea	$187.54	$2,438
Miscellaneous demolition	50	hr	$75.00	$3,750
Protection of existing to remain	1	ls	$5,000.00	$5,000
Haul out, disposal, and dump charges	1	ls	$13,000.00	$13,000
Hazmat abatement, allowance				
Lead paint encapsulation	1,460	sf	$7.50	$10,950
Temporary scaffolding, braces and shoring, allowance	1	ls	$20,000.00	$20,000
Subtotal - Existing Conditions				***$95,622***
04 Masonry				
Repair to existing chimney	1	ls	$3,500.00	$3,500
Subtotal - Masonry				***$3,500***
05 Metals				
Miscellaneous metal fabrication and supports				
Miscellaneous metal fabrications	1,460	gsf	$1.50	$2,190
Subtotal - Metals				***$2,190***

Renovation of Existing Assembly Building Detail Elements

Element	Quantity	Unit	Unit Cost	Total
06 Woods, Plastics, and Composites				
Wall framing				
Exterior wall framing, 2" x 6" wood studs	789	sf	$12.56	$9,902
Interior wall framing, 2" x 4" wood studs	1,615	sf	$10.57	$17,067
Structural wood framing				
Joist, sistered joist & fascia including wood post	2,012	sf	$68.64	$138,104
Raised floor framing	876	sf	$16.22	$14,212
Sheathing				
Floor sheathing	876	sf	$6.86	$6,013
Plywood sheathing, 15/32"	2,012	sf	$4.43	$8,913
Miscellaneous				
Miscellaneous rough carpentry, hardware and blocking, allowance	1,460	gsf	$4.37	$6,377
Subtotal - Woods, Plastics, and Composites				***$200,589***
07 Thermal and Moisture Protection				
Roofing system				
Asphalt shingles	2,012	sf	$11.16	$22,457
Roof insulation				
Rigid roof insulation, 5" thick	2,012	sf	$7.59	$15,263
Cover board, 1/2" thick	2,012	sf	$2.55	$5,126
Weather barrier	2,012	sf	$0.74	$1,485
Wall insulation				
Exterior, sound batt insulation, unbacked, 6" thick	789	sf	$2.95	$2,329
Interior, sound batt insulation, unbacked, 4" thick	1,615	sf	$2.16	$3,484
Exterior wall finish				
Horizontal wood siding	789	sf	$46.80	$36,902
Miscellaneous				
Miscellaneous caulking and sealants, allowance	2,012	gsf	$3.50	$7,042
Subtotal - Thermal and Moisture Protection				***$94,088***

Renovation of Existing Assembly Building Detail Elements

Element	Quantity	Unit	Unit Cost	Total
08 Openings				
Exterior glazing				
Windows	436	sf	$143.52	$62,575
Exterior doors				
SC wood door panel with wood frame, single including hardware	1	ea	$4,775.31	$4,775
Interior doors				
SC wood door panel with wood frame, single including hardware	12	ea	$4,775.31	$57,304
			Subtotal - Openings	***$124,654***
09 Finishes				
Interior partitions				
5/8" thick gypsum board, type X, finished	3,230	sf	$6.18	$19,967
5/8" thick gypsum board, type X, interior of exterior, finished	1,577	sf	$6.18	$9,748
Interior finishes				
Floors				
Carpet	1,397	sf	$7.49	$10,461
Porcelain tile	63	sf	$26.33	$1,659
Base				
Wood base	467	lf	$16.75	$7,822
Walls				
Paint wall	4,807	sf	$4.37	$20,997
Ceilings				
Gypsum board ceilings, including framing	1,460	sf	$19.06	$27,830
Paint gypsum board ceilings	1,460	sf	$4.99	$7,288
			Subtotal - Finishes	***$105,772***
10 Specialties				
Building specialties				
Miscellaneous building specialties, wall protections, etc.	1,460	gsf	$2.00	$2,920

Renovation of Existing Assembly Building Detail Elements

Element	Quantity	Unit	Unit Cost	Total
Signage and wayfinding, allowance	1	ls	$2,500.00	$2,500
Subtotal - Specialties				***$5,420***
11 Equipment				
Residential appliances				Excluded
Subtotal - Equipment				
21 Fire Suppression				
Demo of existing sprinkler system				Excluded
New sprinkler system				Excluded
Subtotal - Fire Suppression				
22 Plumbing				
Demo of existing plumbing system	1,460	sf	$13.00	$18,980
Equipment				
Water heater, Insta tankless	1	ea	$423.80	$424
Fixtures				
Please note that the costs below include procurement, tax, freight, installation, domestic water, sewer, and waste vent piping systems along with all applicable subcontractor markups.				
Water closet	2	ea	$5,442.00	$10,884
Lavatory	1	ea	$5,663.00	$5,663
Floor drain	1	ea	$673.00	$673
Trap primer	1	ea	$533.00	$533
Water hammer arrestor	1	ea	$533.00	$533
Domestic water distribution				
Domestic water pipe - 3/4"	30	lf	$67.50	$2,025
Domestic water pipe - 1"	30	lf	$81.25	$2,438
Vent pipe distribution				
Vent pipe - 2 "	20	lf	$66.25	$1,325

Renovation of Existing Assembly Building Detail Elements

Element	Quantity	Unit	Unit Cost	Total
Condensate drain pipe distribution	1,460	sf	$2.54	$3,701
Roof drain				
Roof and over flow drain				Excluded
Drainage pipe				Excluded
Miscellaneous				
Clean and test	1	ls	$634.00	$634
Noise and vibration control	1	ls	$705.00	$705
Firestopping	1	ls	$775.00	$775
Seismic supports	1	ls	$846.00	$846
Commissioning assistance only	8	hr	$155.00	$1,240
Testing / start up / adjusting and balancing	6	hr	$155.00	$930
			Subtotal - Plumbing	***$52,308***
23 Heating, Ventilating, and Air Conditioning (HVAC)				
Modification of existing HVAC system for building	1	ls	$25,000.00	$25,000
			Subtotal - Heating, Ventilating, and Air Conditioning (HVAC)	***$25,000***
26 Electrical				
Demo / safe-off / misc. systems identification / labelling	48	hrs	$145.00	$6,960
Demo of light fixtures	1,460	sf	$3.72	$5,432
Service & distribution equipment				
Distribution board & panel boards	1,460	sf	$35.00	$51,100
Feeder for panel boards	1,460	sf	$10.75	$15,694
Feeder for distribution board from point of connection	50	lf	$285.60	$14,280
HVAC equipment connection	1,460	sf	$10.00	$14,600
Convenience power	1,460	sf	$20.67	$30,180
Lighting and lighting control	1,460	sf	$40.00	$58,400
Additional electrical requirements				
Seismic bracing / miscellaneous supports	1,460	sf	$0.83	$1,207

Renovation of Existing Assembly Building Detail Elements

Element	Quantity	Unit	Unit Cost	Total
Electrical temporary power / lighting	1	ls	$8,500.00	$8,500
Commissioning, planning, and coordination	1	ls	$6,000.00	$6,000
			Subtotal - Electrical	***$212,353***
27 Communications				
Voice and data system (infrastructure only)	1,460	sf	$10.34	$15,090
Audio-video system				
AV equipment allowance				Excluded
Public address / clock system				Excluded
			Subtotal - Communications	***$15,090***
28 Electronic Safety and Security				
Closed circuit television system((infrastructure only)	1,460	sf	$7.44	$10,865
CCTV camera cost allowance	1	ls	$12,000.00	$12,000
Access control system	1,460	sf	$8.27	$12,072
Security system	1,460	sf	$9.10	$13,279
Fire alarm system (complete system)	1,460	sf	$21.50	$31,387
			Subtotal - Electronic Safety and Security	***$79,603***
48 Electric Power Generation				
PV & BESS				excluded
			Subtotal - Electric Power Generation	

EXHIBIT B

WILKMAN HISTORICAL SERVICES
3681 SUNNYSIDE DRIVE #2772
RIVERSIDE, CA 92516-2772
951 288-1078
wilkman.history@gmail.com

MEMO

DATE SEPTEMBER 24, 2025

TO:	Lindsay Currier Administrator, Facilities/Operations Riverside County Office of Education	FROM:	Bill Wilkman Wilkman Historical Services
RE:	Peer Review, Historic Resources Assessment, 4472 Orange St, Riverside CA 92501	CC:	Casey Tibbet, LSA Belen Bobadilla, RCOE Shara Perkins, RCOE

On July 9, 2025, the Riverside County Office of Education (RCOE) engaged my services to prepare a peer review of a Historic Resources Assessment of 4472 Orange Street, prepared by Ms. Casey Tibbet of LSA. It is my understanding that based on comments made by the Riverside Cultural Heritage Board at their June 18th meeting Riverside staff recommended that RCOE retain a qualified architectural historian to conduct a peer review of Ms. Tibbet's report. The focus of the peer review is to determine whether Ms. Tibbet's evaluation of the property's historical significance is well-supported by research and field survey observations and that her analysis follows standard best practices for such evaluations. In addition, RCOE requested that I comment on the report's conclusions and recommendations.

Professional Qualifications

I am an architectural historian with seven years experience managing the City of Riverside's cultural resources program and 22 years experience as the owner of Wilkman Historical Services. I have a Masters Degree in Urban Planning with an emphasis on urban history including architectural trends at various points in urban history. I meet the Secretary of the Interior's Professional Qualifications Standards in the fields of history and architectural history.

Peer Review

I have read Ms. Tibbet's report and concur in its findings in reference to 4472 Orange Street in Riverside, CA. In essence, her report finds that the subject property is an outlier in relation to the Prospect Place Historic District of which it is listed as a contributor and lacks integrity because:

- The property is significantly different from the other contributors in the Prospect Place Historic District in that it lacks the urban spatial cohesiveness of the balance of the District. Specifically, it is situated in the midst of an expansive parking lot over 70 feet from the nearest District resource with access provided by a 25 foot wide driveway. The street

widening that eliminated the curbside parkway and reduced the front setback of the subject property also negatively impacts the property's spatial consistency with the balance of the District. Other resources in the District are largely characterized by narrow driveways, landscaped curbside parkways, and 15 to 20 foot separations from resource to resource.

- The building on the subject property has severely compromised integrity, due to damage caused by a recent fire. While the exterior appears to be relatively intact at first glance, plywood coverings mask the true extent of damage, with the interior framing and walls, floor joists, roof, and windows all sustaining major damage. The presence of an ADA-compliant ramp on the north elevation also compromises the integrity of the building.

- When the Historic District was first contemplated the adjacent property at 4480 Orange Street was developed with a residence. This residence was demolished around the time the District was being formulated. The parking lot and carport that replaced the dwelling greatly disrupted the rhythm of the balance of the District.

- The building on the subject property also does not qualify as a Structure of Merit, per the criteria in Riverside's Title 20.

Conclusion and Recommendation

I agree with Ms. Tibbet's evaluation of the 4472 Orange Street property as not significant as a contributor to the Prospect Place Historic District or as a Structure of Merit. I also agree with her recommendation to adjust the boundary of the historic district in the two locations identified in her report.

My only suggestion regarding the report is to add an exhibit consisting of historic aerial photographs focused on the subject property with adjacent properties included to provide context and illustrate the changes to the spatial relationships discussed in the report.

EXHIBIT C