



Greens (Ehrenberg), LLC  
Greens Inv 10, LLC

April 28, 2021

City of Riverside  
Community & Economic Development Department - Planning Division  
Attn: Scott Watson  
3900 Main Street  
Riverside, CA 92522

Re: Letter of Appeal for Planning Case P-19-0563 (Certificate of Appropriateness)

Dear Honorable Mayor and City Council:

In accordance with Riverside Municipal Code (“RMC”) section 20.15.090, the following appeal is submitted on behalf of Greens Ehrenberg, LLC, concerning the Cultural Heritage Board’s (“CHB”) review of a Certificate of Appropriateness (“COA”) for Planning Case P19-0563. On April 21, 2021, the CHB considered a COA for the infill construction of a hotel (within the Mission Inn and Seventh Street Historic District) and the adaptive reuse of the former Central Fire Station—a designated cultural resource under the RMC (collectively the “Project”).<sup>1</sup> The COA received four votes in favor, four against, and one abstention. Although a majority of the CHB did not vote against the COA, this appeal is warranted as COAs must be approved by a majority of the decision making body. For the reasons set forth below, the City Council should reverse the CHB action and approve the Project’s COA.

I. The CHB did not make findings supporting any denial of the COA.

The RMC requires a COA before any person may restore, rehabilitate, alter, develop, construct, demolish, remove or change the appearance of any designated cultural resource.<sup>2</sup> The RMC further requires the CHB to make certain findings when approving or denying a COA.<sup>3</sup> Findings requirements like this are important because they “serve[] to conduce the administrative body to draw legally relevant sub-conclusions of its ultimate decision; the intended effect [of which] is to facilitate orderly analysis and minimize the likelihood that the agency will randomly leap from evidence to conclusions.”<sup>4</sup>

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<sup>1</sup> The former Central Fire Station is designated cultural resource as it was added to the California Register of Historic Resources in 2008 [see April 21, 2021 Cultural Heritage Board Agenda Report, at p. 2; see also RMC, § 20.50.010 (M)]

<sup>2</sup> RMC, § 20.25.010 (A)

<sup>3</sup> See RMC, § 20.25.050 (A) – (G) [“The Board... shall make findings of the following standards when applicable to approving or denying a Certificate of Appropriateness”]

<sup>4</sup> *Next Century Associates, LLC v. County of Los Angeles* (2018), 29 Cal.App.5th 713, 723 – 724 (quoting *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506

Here, the CHB did not make any findings identifying why the Project's COA should be denied. At or about the April 21<sup>st</sup> meeting's two hour and seven minute mark (2:07), a motion was made to approve the Project as recommended by staff. As discussed below, the staff recommendation included facts addressing how the Project satisfied the required COA findings. The CHB did not adopt the staff recommendation. Rather, four board members voted in favor of approval, four against, and one abstained. Although a majority of the CHB did not vote against the COA, the motion to approve failed to carry and resulted in the COA not being approved.

Because the CHB went from hearing evidence (e.g., staff and the applicant's presentations, public comments etc.), to voting on the motion to approve, the record does not contain any findings supporting a denial of the COA, as would otherwise be required under RMC section 20.25.050. For this reason, alone, the City Council should reconsider, and after having considered all the evidence, reverse the effect of the CHB's vote by approving the COA.

## II. Planning staff recommended approval of the COA.

As noted above, the RMC requires the CHB to make specific findings when approving or denying a COA.<sup>5</sup> Such findings include, for example, that the proposed project be consistent with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties and consistent with all applicable City design guidelines.<sup>6</sup>

Staffs' CHB memorandum for this item (attached hereto as **Attachment 1**) included a recommendation that the CHB approve the Project's COA.<sup>7</sup> Approval was recommended as "[s]taff was able to make the applicable [COA] findings for the project..."<sup>8</sup> In support of staffs' recommendation, the CHB memorandum included a table – spanning four pages and organized by finding – that set forth the factual basis for why the Project satisfied each required finding (for the sake of brevity, this table is incorporated herein by reference and not reproduced in full).<sup>9</sup> In accordance with staffs' recommendation to the CHB, the City Council should reverse the CHB action and approve the COA.

## III. The Project design is consistent with the principles of the Secretary of the Interior's Standards for Treatment of Historic Properties.

To the extent that there are concerns regarding impacts to the former Central Fire Station, these concerns have been addressed by virtue of the Project's consistency with the Secretary of the Interior's Standards for Treatment of Historic Properties ("Secretary's Standards").

Attached hereto (as **Attachment 2**) is the "Historic Resource Evaluation Assessment Report" prepared for the Project, prepared by an expert historical architect specifically to analyze this Project. The

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<sup>5</sup> See RMC, § 20.25.050 (A) – (G) ["The Board... shall make findings of the following standards when applicable to approving or denying a Certificate of Appropriateness"]

<sup>6</sup> *Id.*, at (F), (G)

<sup>7</sup> April 21, 2021 Cultural Heritage Board Memorandum, at pgs. 1, 4

<sup>8</sup> *Id.*, at p. 4

<sup>9</sup> See *id.*, at pgs. 4 – 7

report introduces the Secretary's Standards and explains how the Project was designed to comply with such standards.<sup>10</sup> For example, the report explains how the Central Fire Station's façade will be retained and preserved (in accordance with Secretary's Standard No. 4) by ensuring that the original brick wall structures will not be painted.<sup>11</sup> Also attached hereto (as **Attachment 3**) are the California Environmental Quality Act ("CEQA") "Responses to Comments" – which were prepared as part of the Planning Commission's consideration of the Project and build on components of the Historic Resource Evaluation Assessment Report's analysis. For example, the Responses highlight how the Project's aspects of rehabilitation (e.g., changing out the fire station's existing roll up garage doors from solid metal roll up doors to divided lite glass doors) fit within the Secretary's Standards for rehabilitating historic buildings.<sup>12</sup> In sum, the Project's consistency with the Secretary's Standards constitutes another reason for the City Council to approve the COA.

#### IV. The Project is Consistent with the Downtown Specific Plan.

The Project is located within the Downtown Specific Plan – Raincross District ("DSP").<sup>13</sup> As such, the Project must comply with the DSP's applicable policies and architectural standards. Section two of the Historic Resource Evaluation Assessment Report (discussed above) is devoted entirely to analyzing the Project's compliance with the DSP. For example section 2.1.3 profiles the Project's consistency with the DSP's historic preservation goals, section 2.1.5 highlights the Project's consistency with the Raincross district's design standards and guidelines, sections 2.1.7 and 2.1.8 examine the Project's consistency with the specified architectural goals and standards, and section 2.1.17 addresses the Project's consistency with the DSP's general design standards and guidelines.<sup>14</sup> The Project's consistency with the DSP constitutes yet another reason for the City Council to approve the COA.

#### V. The Project is categorically exempt from CEQA.

It was unclear whether the CHB's motion to adopt the staff recommendation embraced staff's recommendation that the Project be found exempt from CEQA. However, at the Planning Commission's April 15, 2021 meeting, the Planning Commission determined that the Project is exempt from CEQA under the Class 32 infill development exemption (State CEQA Guidelines, § 15332.) The Planning Commission supported this determination with extensive environmental analysis, including a Class 32 Infill Streamlining Checklist supported by over 600 pages of substantial evidence establishing that the Project meets the prerequisites for the Class 32 exemption; that the project will not have any significant effect relating to historical resources, traffic, noise, air quality, or water quality; and that none of the exceptions to the Class 32 exemption apply. The CHB's April 21<sup>st</sup> action did not overturn the Planning

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<sup>10</sup> *Historic Resource Evaluation Assessment Report*, by George Taylor Loudon - Historical Architect, at pgs. 6 [Secretary's Standards Listed], 12 – 13 [Excerpts from the Secretary of Interior's Standards, with Recommendations], and 53-56 [Summary of Project's Conformance with the Secretary's Standards]. The report is available at the following location: <https://riversideca.legistar.com/View.ashx?M=F&ID=9287175&GUID=BAE0E971-8486-4BA6-A9AA-95315A8D062E>

<sup>11</sup> *Id.*, at pgs. 27 [Description of façade preservation, repair, and rehabilitation], 54 [Secretary's Standard No. 4]

<sup>12</sup> See, e.g., CEQA Responses to Comments, at pgs. 47 – 48

<sup>13</sup> April 21, 2021 CHB Memorandum, at p. 6

<sup>14</sup> *Historic Resource Evaluation Assessment Report*, by George Taylor Loudon - Historical Architect, at pgs. 16-29


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Commission's well-supported determination.<sup>15</sup> The foregoing demonstrates that sufficient environmental analysis has been completed to support the City Council's approval of the COA.

VI. Conclusion and Prayer for Relief

For all the above reasons, we respectfully request that the City Council reconsider the outcome of the CHB process and approve the COA for this important Project.

Name: Ashutosh Kadakia Signature:  Title: CFO  
(Print)

Address: 8815 Research Drive, Irvine, CA, 92618

Daytime Telephone Number: (949) 829-4902

Email: ashutosh.kadakia@greens.com

cc: Charity Schiller, of Best Best & Krieger LLP

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<sup>15</sup> See April 15, 2021 Planning Commission Memorandum for Agenda Item No. 2, available at the following location:  
<https://aquarius.riversideca.gov/clerkdb/0/doc/328010/Page1.aspx>