

Date: 01-13-2020

Item No.: 1

From: Edwards, Erin <EEdwards@riversideca.gov>
Sent: Sunday, January 12, 2020 11:31 AM
To: Nicol, Colleen <CNicol@riversideca.gov>
Subject: Fwd: [External] Farm house on Beacon way

Colleen,
Can you please ensure that Linda's feedback is shared with the other Land Use members for tomorrow's meeting? Thank you,
Erin
Get [Outlook for iOS](#)

From: Edwards, Erin <EEdwards@riversideca.gov>
Sent: Sunday, January 12, 2020 11:29:24 AM
To: linda goodman <puppydogteacher@gmail.com>
Subject: Re: [External] Farm house on Beacon way

Thank you, Linda, for your feedback. I will make sure it is shared with the other committee members, as well. Have a nice Sunday,
Erin

Get [Outlook for iOS](#)

From: linda goodman <puppydogteacher@gmail.com>
Sent: Sunday, January 12, 2020 10:21:54 AM
To: Edwards, Erin <EEdwards@riversideca.gov>
Subject: [External] Farm house on Beacon way

My name is Linda Goodman. I have been a resident on Indian Hill Road since 1984. I remember the long, hard fight to turn our area into an Historic District. There were lots of meetings with our council member and with the City Counsel. We had neighborhood meetings as well.

I would like you to know that I am adamantly opposed to anyone who wants come in to this Historic District and violate , or seek "approval" to violate the rules of this beautiful, hard fought for Historic District.

Since I am housebound and unable to attend the meeting, I hope this letter will suffice to express my opinion on the matter of the "Farm House on Beacon Way. My vote is definitely NO!!

Thank you,

Linda Goodman 4764
Indian Hill Road
Riverside 92501
951-784-9070

Date: 01-13-20

Item No.: 1

:

From: Carol McDoniel <camcdoniel@sbcglobal.net>

Sent: Monday, January 13, 2020 10:18 AM

To: CCondor@riversideca.gov; Edwards, Erin <EEwards@riversideca.gov>; Fierro, Ronaldo <RFierro@riversideca.gov>; Nicol, Colleen <CNicol@riversideca.gov>

Subject: [External] Land Use committee meeting Jan 13, agenda item 1

This email's attachments were cleaned of potential threats by The City of Riverside's Security Gateway.
Click [here](#) if the original attachments are required (justification needed).

Dear Council Members and City Clerk,

Please see the attached letter concerning Agenda item 1 for today's Utility Services/Land Use/Energy Development Committee, the Certificate of Appropriateness for the demolition and replacement structure of the home on Beacon Way, Planning Case P19-0487.

Please consider this information prior to today's meeting.

City Clerk, please record this letter with the public comments.

Thank you for the time you give to serving our community.

Sincerely,

Carol McDoniel
Ward 1 resident

cc: Mayor
City Council
City Manager
City Attorney
ACMs
C&ED Director

January 13, 2020

Utility Services/Land Use/Energy Development Committee
c/o City Clerk
3900 Main Street, 7th Floor
Riverside, CA 92522

RE: January 13 meeting, Agenda Item 1, Planning Case P19-0487

Dear Committee Members,

I am writing to oppose the approval of the Certificate of Appropriateness for the demolition and replacement structure of the home on Beacon Way, Planning Case P19-0487.

At their November meeting, the Cultural Heritage Board analyzed the facts of this case and showed true leadership by denying the approval. Utilizing city, state, and local laws and guidelines, they assessed the facts before denying the approval.

One fact of the case is very simple. Beacon Way is located within the Mt. Rubidoux Historic District. In 1993, when the city of Riverside adopted the Mt. Rubidoux Historic District Design Guidelines, it was determined that the entire District is a cultural resource and eligible for listing on the National Register of Historic Places. This determination dictates that the California Environmental Quality Act (CEQA) and Title 20 of the Riverside Municipal Code both apply to this property. The staff report is wrong when it states they do not. The staff report is looking at only the demolished structure when it should also consider the land. **Based on the existing ruling that Title 20 applies, approval of the Certificate of Appropriateness cannot be granted.**

The request for the COA also addresses a replacement structure. The staff report analysis of the replacement structure compares the proposed design to structures that are NON-contributors to the historic district. The city-adopted Design Guidelines state **all new construction within a historic district must be compared to contributing structures**. This is why the guidelines exist. The staff report ignores that guideline.

In addition, **the size of the replacement structure is far larger in height than the demolished structure**. The staff report only addresses the footprint, not the elevation. This is also contrary to the district's Design Guidelines that state the replacement cannot negatively affect existing views.

The CHB's decision on this case is not based aesthetics or opinion—it is based on California law and city regulations. Approval of this case would be contrary to these laws. I urge you to uphold the CHB's decision and deny the request.

Sincerely,



Carol McDoniel
Resident, City of Riverside
MA, Historic Preservation

Date: 01-13-20
Item No.:1

From: cathy decker <bcjldecker@sbcglobal.net>
Sent: Monday, January 13, 2020 10:57 AM
To: Edwards, Erin <EEdwards@riversideca.gov>
Subject: Re: [External] Home on Beacon Way

Thank you Ms. Edwards,

I believe Mr. Neal has been treated very unfairly and vilified by Philip Falcone during the Cultural Heritage Board meetings as well as our neighborhood blog administrator, Don Morris.

Mr. Neal did have a reason that he demolished the home on Beacon Way before the permits came through, because of the homeless population from the river bottom destroying the old home and setting fires on his patio. Yes, he was premature in doing so. My husband and I live next door to his proposed home (in the only contributing home at the top of Beacon Way) and the last two years have been terrible with the nightly party people and vagrants sleeping in there cars in front of the property. We never get the police up here to help!!!! We have given up calling.

Mr. Morris has spread fear in the neighbors, in order to rally their support against Mr. Neal, saying he has endangered the neighborhood. Talk about asbestos flying around the neighborhood and the prospect of boulders rolling down the hill endangering lives. This is all BS since Mr. Neal took appropriate actions hiring an Asbestos removal company and taking care to insure the demolition was done safely. The house that was demolished. did not contribute to the historic district and I hate to sound crass, but it was an ugly little home with a million dollar view.

I think the Cultural Heritage Board is being very unreasonable and I feel Mr. Neal's proposed home will be an asset to the neighborhood.

Thanks for listening.

Cathy Decker

Sent from my iPhone

On Jan 13, 2020, at 9:32 AM, Edwards, Erin <EEwards@riversideca.gov> wrote:

Cathy,

Thank you and Bruce for your comment. I will make sure to send it to the City Clerk so it can be distributed to other committee members, as well.

Have a wonderful week,

-Erin

Councilmember Erin Edwards

City of Riverside

Ward 1

RiversideCA.gov

From: cathy decker <bcjldecker@sbcglobal.net>

Sent: Monday, January 13, 2020 9:26 AM

To: Edwards, Erin <EEwards@riversideca.gov>

Subject: [External] Home on Beacon Way

Hello Council members,

Concerning the meeting today about the proposed home to be built up on Beacon Way, we are in support of the building of Mr. Neal's home, and we live next door to his property. Some of our neighborhood is up in arms because Mr. Neal demolished the home before the appropriate blessings of the city. My husband and I were very happy to see the home torn down as it did absolutely nothing to enhance the neighborhood. There are 3 ranch style homes in the [Mount Rubidoux](#) Historic District and I feel Mr. Neal's home would be a nice addition to our street.

Bruce and Cathy Decker

Sent from my iPhone

cc: Mayor
City Council
City Manager
City Attorney
ACMs
C&ED Director

Date: 1-13-20

Item No.: 1

From: Nancy Parrish <factsgirl@aol.com>

Sent: Friday, January 10, 2020 7:56 AM

To: Nicol, Colleen <CNicol@riversideca.gov>

Subject: [External] Land Use Committee Meeting : Monday, January 13, 2020 Comments

Dear Councilmembers Conder, Edwards & Fierro, Land Use Committee:

I am emailing you my comments because I am unable to attend the meeting listed above where the action item involving the Certificate of Appropriateness (COA) for a property located at 4674 Beacon Way will be discussed (Case P19-0487).

I urge you to read the copious minutes of the November 20, 2019 Cultural Heritage Board meeting where this item was **denied** (pages 6-9 list point by point the objective findings to mark all items "inconsistent" and making this request *consistent* with the requirements of Title 20 & CEQA). Please note, that in every finding category, the CHB had objective *facts* that refuted the opinions of the Historic Preservation Officer's presentation. Much thought and consideration was given to this motion, and it had the unanimous agreement of the entire 8 members in attendance.

It is of the utmost importance, in our city comprised of many historic districts and potential neighborhood conservation areas, that we follow the rules set forth by the City. And that we *objectively* consider the recommendations made by the Cultural Heritage Board, whose representatives are appointed by each council member and the based on the Mt. Rubidoux Historic District Guidelines. As you can see, this agenda item took two meetings of discussion to come to a conclusion. It is also noteworthy that of the 25+ CHB meetings that I have attended, the two concerning the illegal demolition of the Beacon Way house, by far had the greatest attendance of City residents attending to comment. I would estimate that 75% of them were in support of the CHB's findings and recommendations that the Certificate of Appropriateness NOT BE issued.

Thank you for your consideration and if I can answer any questions, please do not hesitate to contact me via email &/or phone.

Sincerely,

Nancy Parrish, Ward 5
8410 Cleveland Avenue
Riverside, CA 92504
(714)803-4315 cell/text
(951)509-7682 home

cc: Mayor
City Council
City Manager
City Attorney
ACMs
C&ED Director

From: Maggie Herrera <maggiej81@gmail.com>
Sent: Friday, January 10, 2020 1:12 PM
To: Nicol, Colleen <CNicol@riversideca.gov>
Subject: [External] Land Use Committee

Regarding the home on Beacon Way on Mount Rubidoux:

If building were delayed, it would be a danger and a liability to have an empty lot surrounded by just a fence, while there are children and skateboarders who could be injured during the time of vacancy and it could also be an invitation for the homeless to move in. And, it would also be an eyesore to the neighborhood for anyone trying to sell their home on Beacon Way.

Let the people build their home. Imposing a delay does not benefit anyone and it is a horrible welcome to the neighborhood. The only people who should have a say in this matter are the ones living on Beacon Way or Little Mount Rubidoux.

We do not object to the Farm House being built on the hill. The property will look much nicer with a home on it. None of the homes on our hill look alike. And, the original home on Beacon Way was not a historic home to begin with.

Santos and Maggie Herrera
Ladera Lane

cc: Mayor
"You're ~~never wrong~~ to do the right thing."
Mark Twain
City Council
City Manager
City Attorney
ACMs
C&ED Director

Attachments:

Sent from my iPhone

Begin forwarded message:

From: Denise Harden <dcharden@mac.com>
Date: January 10, 2020 at 5:59:52 PM PST
To: "Edwards, Erin" <EEdwards@riversideca.gov>, "Fierro, Ronaldo" <RFierro@riversideca.gov>, "Conder, Chuck" <CConder@riversideca.gov>
Cc: "Nicol, Colleen" <CNicol@riversideca.gov>
Subject: [External] 01/13/2020 Land Use Committee Agenda Item #1 - Planning Case P19-0487 (COA) for 4674 Beacon Way

Honorable Council Members:

Attached is a letter with my comments regarding appeal of the Cultural Heritage Board's denial of a certificate of appropriateness for demolition and new construction at 4674 Beacon Way in the Mount Rubidoux Historic District, which is on your Land Use Committee agenda this coming Monday. I recognize my letter is rather lengthy, but I wanted to encapsulate for you certain relevant facts and elements of Title 20 and the Historic District Guidelines omitted from the staff reports. I hope this information will be helpful as you consider this item. I look forward to the meeting on Monday.

Respectfully,

Denise Harden
dcharden@mac.com

"We always may be what we might have been."
~ Adelaide Anne Procter

cc: Mayor
City Council
City Manager
City Attorney
ACMs
C&ED Director

Denise C. Harden
5796 Grand Avenue
Riverside, California 92504
Cell: 951.233.5087 ♦ Home: 951.276.1787

January 10, 2020

Utility Services/Land Use/Energy Development Committee
City of Riverside
3900 Main Street
Riverside, CA 92501

Subject: January 13, 2020, Agenda Item No. 1
Planning Case P19-0487 (COA) for 4674 Beacon Way

Honorable Council Members:

I am writing to oppose Council reversal of the Cultural Heritage Board's denial of the Certificate of Appropriateness (COA) for Planning Case P19-0487 for the property at 4674 Beacon Way, as presented, on two grounds. First, Council's approval of a certificate of appropriateness for the unpermitted demolition of the prior structure should be deferred, because investigation of the illegal demolition remains ongoing and unresolved, and penalties remain unidentified. Second, staff's current and prior reports and conclusions supporting the applicant's proposed replacement structure are fundamentally flawed and do not comply with requirements of Title 20 of the City Municipal Code. For your reference, in the following pages I've outlined in detail pertinent facts and analyses of the proposal and staff reports relative to Title 20 and the Mount Rubidoux Historic District Guidelines that lead me to these conclusions.

To summarize, staff recommended approving, retroactively and without qualification, the unpermitted, illegal demolition of a structure while investigation of it remains open. Any demolition requires approvals and permits in advance under the Municipal Code. When the demolition occurs within a historic district, this includes actions in advance by the Cultural Heritage Board under Title 20. Approval of an unpermitted demolition, for which there was no emergent necessity, would tacitly condone an illegal action, which the Cultural Heritage Board rightly opposed, as it undercuts not only the law, but the purpose for which the Board exists. They correctly recognized this as solely within the authority of the City Council, who has ultimate responsibility for enforcing the Municipal Code.

Secondly, to justify compliance of the proposed replacement structure with Title 20 and the Mount Rubidoux Historic District, the staff report compares the proposal to neighboring non-contributing structures. Staff supports this approach by focusing on a very narrow section of the Historic District Guidelines, while disregarding the purpose and provisions of the Guidelines as a whole, and the legal requirements of Title 20, which as law is superior to the Guidelines.

The Historic District exists to protect the context of the District's Cultural Resources. To accomplish that, under Title 20 new or replacement structures must be assessed for consistency with adjacent or nearby *Cultural Resources*. Comparing the replacement structure to other contemporary, non-contributing structures undercuts the intended preservation of the area's historic context, and the adjacent Cultural Resources within it. Due to this fundamental flaw in their analysis, the staff report's conclusions regarding the proposal's compliance with Title 20's design standards are invalid, and the recommended actions before you are unsound.

Given this property owner's demonstrated propensity to defying the law, I respectfully ask the Committee recommend that the City Council maintain maximum authority to enforce compliance with any criminal and civil penalties deemed applicable under local and state law, including the penalties applicable for willfully violating Title 20; and, only once those violations are identified and penalties paid, that the Council consider moving this matter forward with retroactive approval of the unpermitted demolition.

I also respectfully ask the Committee recommend that the City Council uphold the Cultural Heritage Board's denial of a certificate of appropriateness and categorical exemption under CEQA for the currently proposed design of the replacement residence, because the application is incomplete and does not comply with the requirements of Title 20 and the Mount Rubidoux Historic District Guidelines. Furthermore, I ask the Committee recommend the City Council make clear their support for the Cultural Heritage Board's important role in protecting the City's cultural resources by requiring the property owner to resubmit complete, modified plans to the Cultural Heritage Board that fully comply and conform with the provisions of Title 20; and further, that staff do a complete and thorough review of those plans for the Cultural Heritage Board's consideration.

Following are the relevant facts and analyses that lead to my conclusions and recommendations to you.

Points of Fact:

• **Legal Requirements.**

- The property at 4674 Beacon Way (APN 207-033-033) is located within the Mount Rubidoux Historic District.
- The property is therefore subject not only to the laws of the City Municipal Code generally, but to provisions and requirements of both Title 20 of the Code and design standards in the Mount Rubidoux Historic District Guidelines.
- Title 20 requires property owners obtain approval *in advance* from the Cultural Heritage Board for certificates of appropriateness for demolition of any structure

within a historic district, and for the design of any new construction and/or alteration of the landscape within a historic district, including replacement structures.

- All property owners are responsible for being aware of and following all City laws and legal requirements applicable to their property, including relevant provisions of Title 20 and any applicable historic district guidelines.
- Failure to comply with the requirements of Title 20 is a misdemeanor subject to criminal and civil penalties under §§20.40.20, 20.40.050(C), 20.40.070 of Title 20.
- Provisions for civil penalties under the remedies in §20.40.050(C), which apply to violation of *any* part of Title 20 and are not limited only to Cultural Resources, include imposing a fine equal to the cost of restoring the property to its pre-violation condition, and all administrative and enforcement fees, which fine is to be used only for the City's "duties and required responsibilities."
- Immediately following escrow, this property owner's attorney contacted the Historic Preservation Officer to inquire whether the property is in a historic district, and the Historic Preservation Officer confirmed to the owner's attorney that it is. Furthermore, the property owner testified before the Cultural Heritage Board that he was aware of the legal requirements applicable to this property, and willfully and deliberately disregarded those requirements by choosing to demolish the previous structural without obtaining required City permits or approvals.
- **Intent of Title 20 & Purpose of Historic District.**
 - The intent and purpose of Title 20 and the Mount Rubidoux Historic District are to identify, protect, enhance, perpetuate and use cultural resources of special historical, archaeological, cultural, architectural, community, aesthetic or artistic value. (§20.05.010)
 - The Historic District Guidelines state the specific intent not only to preserve significant architectural features and structures, but the overall historic character of the district. (Introduction, p 1)
 - Regarding new development, the Guidelines state they "are intended to ensure that patterns of new infill development do not destroy the character of the Mount Rubidoux Historic District....The single most important issue of infill development is one of compatibility....New construction should suggest the design principles of the historic district...." (§8.1, p 24)
 - Regarding design review, the Guidelines state: "What the CHB pays special attention to is whether the design, alterations or new construction affecting...

historic districts will complement the historical nature of the...neighborhood.” And further that: “Projects coming to the Cultural Heritage Board for design review should complement their historically and/or architecturally significant surroundings...” (Appendix C, p 48)

- **Application Requirements.**

- Title 20 §20.25.020 requires applications for design review to include plans and specifications that address:
 - Design, materials, and colors of the structure; *and*,
 - Landscaping and irrigation relating to the proposed improvements; *and*,
 - The relationship of the proposed work to surrounding environs; *and*,
 - For new construction within a historic district, how the new improvement relates to the existing architectural style, scale, massing, site, streetscape, landscaping, and signage.
- The Historic District Guidelines (Appendix C, p 28) specifically require applications for design review be complete and include all of the following:
 - “A plot plan, drawn to scale, showing a unified and organized arrangement of buildings, driveways, pedestrian waves, off street parking, landscape areas, fences and walks.”
 - “A landscape plan, drawn to scale, showing the locations of existing trees proposed to be removed and proposed to be retained; schematic drawings indicating the amount, type and location of landscaped areas, planting beds and plant materials, and plant size with adequate provisions for automatic irrigation system.”
 - “Grading plans to ensure development properly related to the site and to surrounding properties and structures.”
 - “Architectural drawings, renderings or sketches, drawn to scale, showing all elevations of the proposed buildings and structures including placement of mechanical equipment as they will appear on completion. All exterior surfacing materials and colors shall be specified.”
 - “Any other drawings or additional information necessary such as material and color samples to adequately illustrate and explain the proposed project.”

- **Applicable Principals & Standards.** Of the seven principles and standards of site development and review contained in Title 20 §20.25.050, six are applicable to this case and require the proposal is consistent and compatible with surrounding Cultural Resources. These standards apply whether the subject property was originally designated as a contributor or non-contributor to the district. Title 20 standards specifically require that the proposal:
 - “... is compatible with existing adjacent or nearby Cultural Resources and their character-defining elements”; (§20.25.050(B))
 - “...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”; (§20.25.050(C))
 - “...does not adversely affect context [of the Historic District] 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”; (§20.25.050(D))
 - “...does not destroy or adversely affect an important architectural, historical, cultural or archaeological feature or features”; (§20.25.050(E))
 - “...is consistent with the Citywide Residential Historic District Design Guidelines, approved guidelines for each Historic District, and/or any other applicable Design Guidelines”; (§20.25.050(F)) and,
 - “...is consistent with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties.” (§20.25.050(G))
- **Landscaping.**
 - The Historic District Guidelines note, “One of the major influences on the landscape philosophy of the Mount Rubidoux area, Frederick Law Olmsted (designer of New York’s Central Park and our very own Fairmont Park), envisioned the landscape as a key component of the community, bringing the strength of nature to urbanized industrial city life.” (§9.1, p 28)
 - The Guidelines further note: “the Cultural Heritage Board, in its review of construction plans for the district, considers the maximum retention of vistas and natural topographic features including ridge lines, slopes, and rock outcroppings.” (§2.2, p 2)
 - The Guidelines focus primarily on front and side yards visible from the street, but acknowledge backyards and enclosed side yards “should also receive careful

consideration and planning with regards to any proposed landscape improvement” and specifically note that “mature trees in all areas of the District, whether public or privately owned, are considered character-defining features of the District and should be preserved.” (§9.1, p 28)

- **Archaeological Significance.** The Historic District includes the Spring Rancheria, a post-contact Native American village on the side of Indian Hill occupied from the 1870's into the 1890's. Relative to this, the Mount Rubidoux Historic District Design Guidelines (p 3) state:
 - “The entire Mount Rubidoux Historic District should be viewed as an archaeologically significant area, according to research done by the University of California, Riverside.”
 - The area within the Historic District has “yielded significant pre-contact materials and remains of earlier Indian habitation.”
 - The Spring Rancheria site was at that time “eligible for listing in the National Register of Historic Places due to its historical and archaeological significance. **It is recommended that any artifacts uncovered during construction in the Historic District be donated to the Riverside Municipal Museum.**” (Emphasis added.)

Analysis:

1. Willful and premeditated unpermitted, illegal demolition of any structure within a historic district in violation of the requirements of Title 20 is serious and subject to both criminal and civil penalties under §20.40.020 and §20.40.050, in addition to any criminal and civil penalties applicable under other permitting requirements of the City Municipal Code. The Cultural Heritage Board did not wish to condone this illegal action through retroactive approval of the requested after-the-fact certificate of appropriateness, because doing so would undermine the purpose and intent of Title 20 and the Historic District, the existence of the Cultural Heritage Board, and rule of law. They rightfully recognized such approval as within the sole authority and purview of the City Council, which is responsible for writing and enforcing the laws within the Municipal Code. **Therefore, the Cultural Heritage Board's denial of retroactive approval a certificate of appropriateness for this unpermitted, illegal demolition of the previously existing structure was entirely valid.**
2. The Cultural Heritage Board also denied approval of the proposed new construction of a replacement structure, on the grounds the proposal does not meet the necessary design requirements. **This action was also entirely valid, as the**

original staff report and findings were both incomplete and inadequate to fulfill the requirements of Title 20. Specifically:

- A. The proposal presents only architectural design drawings, and materials and color swatches. It does not contain a plot plan showing the proposal's relationship to its surrounding environs; a landscaping and irrigation plan; a grading plan; or other information showing how the new structure will relate to the existing architectural style, scale, massing, site, streetscape, landscaping, and signage of Cultural Resources within the historic district, as required by both Title 20 and the Mount Rubidoux Historic District Guidelines. **The application is therefore neither complete nor final, as required.**
- B. Regarding the standard in §20.25.050(B), staff concludes the proposal is compatible with existing adjacent or nearby non-contributing contemporary structures. However, §20.25.050(B) requires the proposal be compatible with existing adjacent or nearby *Cultural Resources* and their character-defining elements. During a Cultural Heritage Board meeting, staff confirmed a non-contributing property cannot be subject to moratorium under §20.40.060, because it is not a Cultural Resource. Applying staff's own logic, neither can non-contributing properties be referenced as the bases for compliance with Title 20 design review standards under §§20.25.050(A)-(G). Therefore, comparing the proposal to non-contributing contemporary structures, while ignoring incompatibility with several immediately adjacent contributing Cultural Resources, is not valid and defeats the intent of both Title 20 and the Historic District to protect those nearby significant historical structures. Specifically:
- The compatibility and consistency of the proposal's "modern interpretation of the Farmhouse Ranch style" with the Craftsman Bungalow and Mission Revival styles of the adjacent Cultural Resources and their character-defining elements was not assessed.
 - The inconsistency in both type and construction method of the proposed limestone cladding with the natural rock, field stones, and river rock that are a character-defining element of several adjacent Cultural Resources was not assessed.
 - Furthermore, use of clapboard siding is not a sufficient element alone on which to conclude satisfaction of this standard.
 - **Therefore, without analysis assessing multiple required elements of compatibility with adjacent or nearby Cultural Resources, the proposal cannot be found in compliance with §20.25.050(B).**

C. Regarding the standard in §20.25.050(C) pertaining to compatibility of design elements with adjacent Cultural Resources, there are a number of notable deficiencies in staff's analysis and findings:

- Use of limestone veneer and shiplap board siding and size of the replacement structure are the only design elements referenced in staff's analysis. As noted above, the limestone cladding proposed is a notably different type and style inconsistent with the natural rock, field stones, and river rock that are distinctive character-defining elements of several adjacent Cultural Resources, which staff does not address.
- With regard to size, staff assesses the proposed structure to be "one-story with a basement," and therefore "matching the height, scale, and massing of the recently demolished residence." However, the basis for evaluation in this standard is not against the demolished structure, but the requirements for new construction in the Historic District Guidelines, which state that: "The maximum height shall be 35 feet." The proposal's elevation drawings indicate the new structure would be over 41 feet in total height, exceeding the Guidelines by more than 6 feet.
- This appears due principally to the steeply pitched roof, the proportions of which were also not assessed for consistency with the rooflines of adjacent Cultural Resources, as required.
- In addition, the gables of the roof proposed are open on the east and west sides with large windows extending from just 3.5 feet under the roofline to first floor grade level. This will effectively create two-story windows 16 feet wide and 19 feet tall, each totaling 238 square feet of glass presumably lit from within the great room at night, a substantial change from the previous structure. No assessment was made of whether the proportions and treatments of these windows are consistent with the fenestration of adjacent and nearby Cultural Resources, nor of the adverse effect light scatter from these two-story windows might have on adjacent and nearby Cultural Resources and the context of the Historic District.
- Furthermore, the demolished house was cantilevered off the hillside with a limited basement storage area, while the proposal expands the footprint of the basement significantly with additional rooms, changing the exterior massing notably. The Site Design Considerations in the Guidelines specifically state that: "Buildings of large mass should be designed to avoid a box-like appearance...." However, the lower two levels of this expanded basement create a large, plain, box-like mass on the south elevation, which would overlook a significant historical Cultural Resource immediately adjacent to the

south. Staff made no assessment of the compatibility of this massing with that Cultural Resource, nor of the visual impact on that and other nearby historic properties.

- Furthermore, staff made no analysis of whether other materials, fenestration, decorative features and details, or methods of construction are compatible with adjacent Cultural Resources. Specifically, there is no assessment regarding the black metal roof proposed, which is a significant design element that diverges substantially from the construction methods and materials used on surrounding Cultural Resources.
 - Furthermore, beyond passing mention, the proposal provides no detailed information regarding plans for the repair and addition of concrete and other hardscape elements, removal of an existing decorative wall, replacement of the mailbox at the curb, or shielding of the new electrical box and other utility equipment from view from the street, as required by the Guidelines.
 - **Therefore, given staff's incomplete and adequate assessment of the proposal's consistency and compatibility with adjacent or nearby Cultural Resources, the proposal cannot be found in compliance with §20.25.050(C).**
- D. The standard in §20.25.050(D) addresses assessing adverse affects of new construction on the context of the Historic District. However, staff's analysis concludes the proposal does not change the relationship to other properties within the district because it is to be built in the same location as the demolished structure. This misses the point of this standard, which is to consider multiple factors involving topography, natural features, and built environment that together comprise the historic context of the district. Noting new construction is to occur on the same location as a demolished structure does not adequately assess whether the new construction as a whole would adversely affect the Historic District's context. **Therefore, staff's analysis provides no basis to conclude the proposal would not adversely affect the context of the Historic District, as required to comply with §20.25.050(D).**
- E. Regarding the standard in §20.25.050(E), staff concludes that because the site was previously developed, the proposal is not likely to negatively affect any archaeological features. However, it is not uncommon when re-excavating a previously developed site to uncover archaeological artifacts. In fact, numerous significant archaeological discoveries around the world have occurred this way.
- As the Historic District Guidelines note, research by the University of California, Riverside, indicated the "entire Mount Rubidoux Historic District

should be viewed as an archaeologically significant area” owing to the former presence of a post-contact Cahuilla village located on the north west slope of Indian Hill.

- In fact, the Guidelines note, “The entire area, especially on the Santa Ana River side of the two hills, has also yielded significant pre-contact materials and remains of earlier Indian habitation.”
 - Furthermore, the Guidelines recommend “that any artifacts uncovered during construction in the Historic District be donated to the Riverside Museum.”
 - Based on the archaeological significance of the entire Historic District, it is not possible to conclude the proposal will not adversely affect an important archaeological feature or features; instead, it must instead be assumed the proposal could in fact adversely affect archaeologically important features, and appropriate conditions should be applied.
 - **Therefore, staff’s finding regarding this standard and absence of conditions regarding archaeological artifacts is contradicted by the Mount Rubidoux Historic Guidelines themselves, and does not comply with §20.25.050(E).**
- F. The standard in §20.25.050(F) addresses whether the proposal is consistent with the applicable Historic District Guidelines. As noted in the findings above, this is not the case on multiple points. To summarize:
- The application is not complete as required under both Title 20 and the Mount Rubidoux Historic District Guidelines because it does not contain a plot plan showing the new development’s relationship to its surrounding environs; a landscaping and irrigation plan; a grading plan; or other information showing how the proposal relates to the existing architectural style, scale, massing, site, streetscape, landscaping, and signage.
 - The analysis assesses consistency and compatibility of the proposal with existing non-contributing properties, not with adjacent and nearby Cultural Resources, as required by the Historic District Guidelines.
 - The analysis assesses the size of the proposal against the demolished structure, rather than the Guidelines, which stipulate new construction not exceed 35 feet. In fact, as proposed the new structure would exceed 41 feet.
 - Expansion of the basement on the south elevation will create a notably larger, box-like massing, which is discouraged by the Guidelines, and the affect on adjacent Cultural Resources was not assessed as required.

- There is no analysis of whether other materials, fenestration, decorative features and details, or methods of construction are consistent and compatible with adjacent Cultural Resources.
 - There is no assessment regarding the proposed black metal roof, which is a significant design element that diverges substantially from the construction methods and materials used on surrounding Cultural Resources.
 - There is insufficient basis to conclude the proposal will not adversely affect the context of the Historic District.
 - No provisions were made to address the potential presence of archaeological features as specifically indicated by the Guidelines for all properties within the Historic District.
 - **Therefore, there are numerous points on which this proposal is not consistent or in compliance with relevant Historic District Guidelines, as required to comply with §20.25.050(F).**
- G. Regarding the standard in §20.25.050(G) pertaining to consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties, as noted in the findings above, assessment of the proposal's compatibility and consistency with adjacent and nearby Cultural Resources and adherence to the Historic District Guidelines was inadequate and insufficient to determine compliance with this standard. **Therefore, it cannot be found that this proposal is consistent with the Secretary of the Interior's Standards, as required to comply with §20.25.050(G).**
- H. With regard to compliance with Title 20 generally, the proposal is deficient on numerous points, as discussed above. Specifically:
- Demolition of an existing structure occurred illegally without either approval of a certificate of appropriateness from the Cultural Heritage Board as required by Title 20, or other City permits and approvals as required under the Code.
 - The application is missing significant elements, and is therefore not complete as required by both Title 20 and the Historic District Guidelines.
 - Staff's analysis of the proposal is based on comparisons to other non-contributing contemporary structures, not to adjacent and nearby Cultural Resources and the historic context of the District, as required by Title 20.

- **Therefore, the proposal cannot reasonably be found in compliance with the design standards and other overall requirements of Title 20; and with respect to the illegal demolition may in fact be subject to penalties.**
- I. The proposal has not been found compatible with the Cultural Resources within the Historic District and its context; cannot therefore be deemed consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties; and, has not been sufficiently conditioned regarding potential archaeological resources as indicated by the Historic District Guidelines. **Therefore, the proposal as presented cannot be determined categorically exempt from the relevant provisions of CEQA.**

Conclusions:

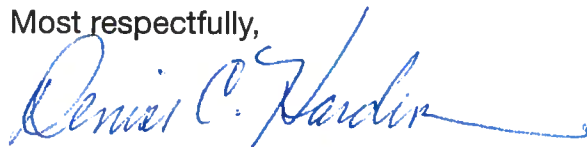
First, at some point, it will be valid for the City Council to retroactively approve an after-the-fact certificate of appropriateness for the unpermitted demolition of the previous structure. However, to ensure the Council maintains maximum authority to enforce compliance with a property owner clearly prone to defying the law, this should only occur after all applicable criminal and civil penalties have been assessed and paid, including those applicable under Title 20.

Second, the City Council should uphold the Cultural Heritage Board's denial of a certificate of appropriateness and categorical exemption under CEQA for the replacement residence as currently proposed, because the application is incomplete and does not comply with the design standards of Title 20 and the Mount Rubidoux Historic District Guidelines, as outlined in detail above.

Furthermore, the City Council should support the Cultural Heritage Board's important role in protecting the City's cultural heritage and resources by requiring the property owner to resubmit complete, modified plans to the Cultural Heritage Board that fully comply and conform with the provisions of Title 20, and that staff do a complete and thorough review of those plans for the Cultural Heritage Board's consideration.

I thank the honorable members of this Committee for your time and consideration in this complex matter.

Most respectfully,



Denise C. Harden

Date: 01-13-2020

Item No.: 1

From: Edwards, Erin <EEwards@riversideca.gov>
Sent: Sunday, January 12, 2020 6:25 PM
To: Nicol, Colleen <CNicol@riversideca.gov>
Subject: Fwd: [External] LUC review of retro demo permit

Colleen,
Please share this with the Land Use committee, as well.

Thank you!
Erin

Get [Outlook for iOS](#)

From: H. Vincent Moses-PhD <vincate@att.net>
Sent: Sunday, January 12, 2020 3:36:16 PM
To: Edwards, Erin <EEwards@riversideca.gov>
Subject: [External] LUC review of retro demo permit

Dear Councilwoman Edwards:

Forgive me for not appearing in person at the LUC Monday to address the issue of the appeal by Randy Neal. I am recuperating from pneumonia and advised by my doctor not to go out for a few days.

As you know, Cate and I live on Beacon Way in Landmark @104 and are directly impacted by Mr. Neal's unlawful demolition of the mid-century modern house at the summit of Little Rubidoux. He willfully violated the Municipal Code, and possibly by state law as well.

His willful and knowing violation(s) not only ignored the Historic District, but more significantly endangered the health and safety of the neighborhood. He apparently removed asbestos and lead without appropriate permits and the proper inspections.

Although I do not know this for certain, I have been informed that Neal is a licensed contractor, and should know better than to flaunt the law, or assume he was above it.

For these reasons, the City Attorney has Mr. Neal under investigation for these offenses and others. Under the circumstances, Cate and I do not believe he should receive any relief for his bad

behavior until the City completes its investigation and levies any fines and penalties it deems appropriate.

At that time, perhaps then it would be good to review his appeal and determine what action to take. Under no circumstances should his proposed replacement design be considered until all this is complete. At that time, he should be referred back to the CHB for review and discussion of an appropriate house design for the vacant site.

One last thing, if Mr. Neal is a licensed contractor, his behavior should be referred to the California State Contractors License Board for review.

Thanks for your consideration of our views on this serious matter. Civil society requires the voluntary compliance of its citizens with the law and good citizenship to work. When an individual decides like Mr. Neal to ignore the law, he imperils that society, and must be held accountable, not rewarded.

Sincerely,

Vince

--

Herman Vincent Moses, PhD CEO & Principal VinCate & Associates Museum and Historic Preservation Consultants



City of Arts & Innovation

Public Comment for Land Use Committee

Prepared by the City Clerk's Office at 11:10 a.m. on January 13, 2020

Item	Name	Neighborhood	Position	Comments
<p>1. Case P19-0487 - Appeal by Randall Neal of Cultural Heritage Board denial of Certificate of Appropriateness for after-the-fact demolition of existing residence listed as non-contributor to Mount Rubidoux Historic District and replacement of single-family residence main level, two-car garage, and basement expansion - 4674 Beacon Way - Direct submittal (Ward 1)</p> <p>Scott Watson, Historic Preservation Officer</p>	Shawn Chinudomsub		Support	<p>Subject: (RE) P 19-0487</p> <p>Land Use Committee:</p> <p>Our house is next to the subject property. We are writing this letter in support for the Planning Case P19-0487 due to the following logic's:</p> <p>1)None of the houses on this pocket of Beacon Way, except one, are architecturally "contributing" to the historical value of the District.</p> <p>2)The renovation of the existing military style, single-story tract house cannot be considered a cultural heritage lost to the City of Riverside. There are many other similar houses all over the City, particularly around March Air Force base. On the other hand, we consider it as an improvement to this neighborhood.</p> <p>3)A chance of seeing this property becomes abandoned is unbearable to us. Too often that this street was invaded by disrespectful visitors committing illegal activities, day and night. It takes many of us to keep it desirable. Losing one more decent, tax paying residents may tip the scale, and would adversely impact the entire Historical District.</p> <p>Thank you for your kind consideration.</p> <p>Shawn Chinudomsub Aves Chinudomsub 4686 Beacon Way Riverside CA 92501 (951) 538-1815</p>

cc: Mayor
City Council
City Manager
City Attorney
ACMs
C&ED Director