

City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: FEBRUARY 11, 2020

FROM: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT WARD: 1

SUBJECT: P19-0487 CERTIFICATE OF APPROPRIATENESS – AN APPEAL BY RANDALL NEAL OF THE CULTURAL HERITAGE BOARD’S DENIAL OF A CERTIFICATE OF APPROPRIATENESS FOR THE AFTER-THE-FACT DEMOLITION OF AN EXISTING RESIDENCE, LISTED AS A NON-CONTRIBUTING STRUCTURE OF THE MOUNT RUBIDOUX HISTORIC DISTRICT, AND REPLACEMENT OF THE SINGLE-FAMILY RESIDENCE MAIN LEVEL, REPLACEMENT OF THE TWO-CAR GARAGE, AND EXPANSION OF THE BASEMENT – LOCATED AT 4674 BEACON WAY, SITUATED ON THE SOUTH SIDE OF BEACON WAY BETWEEN LADERA LANE AND REDWOOD DRIVE

ISSUE:

Consider the appeal requested by Randall Neal of the Cultural Heritage Board’s denial of a Certificate of Appropriateness for after-the-fact demolition of an existing residence, listed as a non-contributing structure of the Mount Rubidoux Historic District and replacement of the single-family residence main level, replacement of the two-car garage, and expansion of the basement.

RECOMMENDATIONS:

That the City Council:

1. Determine that that the project is exempt from the California Environmental Quality Act pursuant to Sections 15302 (Replacement or Reconstruction), 15331 (Historic Resource Restoration/Rehabilitation), and 15303 (New Construction or Conversion of Small Structures), as this project is consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties and will not have a significant effect on the environment;
2. Uphold the appeal by Randall Neal and approve the Certificate of Appropriateness for the demolition of the residence only, as part of Planning Case P19-0487, based on the findings outlined in the Cultural Heritage Board staff report and subject to the recommended conditions of approval;
3. Return the Certificate of Appropriateness for the proposed residence main level and garage and basement expansion, as part of Planning Case P19-0487, to the Cultural Heritage Board with the following directions:

- a. Establish a subcommittee, no later than at its March 2020 meeting, to work with the applicant on design modifications of the residence;
 - b. Schedule a meeting between the applicant and subcommittee within 30 days of forming the subcommittee;
 - c. Obtain final action by the Cultural Heritage Board on the Certificate of Appropriateness by the May 2020 meeting; and
 - d. If no final action is taken by the Cultural Heritage Board by the May 2020 meeting, the Certificate of Appropriateness for proposed residence main level and basement expansion, as part of Planning Case P19-0487, will be returned to the City Council for final action.
4. Direct staff to evaluate remedies for non-contributors in Title 20 – Chapter 20.40.050 for City Council consideration.

COMMITTEE RECOMMENDATION:

On January 13, 2020, the Utility Services/Land Use/Energy Development Committee met with Chair Conder, Vice Chair Edwards and Member Fierro present to consider an appeal by Randall Neal of the Cultural Heritage Board's 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. Following discussion, a motion was made by Vice Chair Edwards and seconded by Member Fierro recommending that the City Council (1) uphold the appeal and issue a Certificate of Appropriateness for the retroactive demolition of the residence only, effective after local fines have been assessed and paid; (2) for the portion of the Certificate of Appropriateness regarding design of the replacement residence main level and garage and expansion of the basement, that (a) staff return this portion to the Cultural Heritage Board to form a subcommittee regarding the architectural design of the replacement residence; (b) the subcommittee be formed no later than the Cultural Heritage Board March meeting; (c) the subcommittee meet within 30 days to attempt to resolve the architectural issues with the applicant and return to the full Cultural Heritage Board in May for final action on this portion of the Certificate of Appropriateness; (d) should the Cultural Heritage Board fail to take action approving or denying the Certificate of Appropriateness by May, that the matter be returned to the City Council for final action; and (e) until such time as fines are paid, any approval by the Cultural Heritage Board will be stayed; and (3) requesting staff explore revising Title 20 regarding penalties for demolition and other violations of Title 20 for properties that are non-contributors in an historic district. Motion carried unanimously.

BACKGROUND:

The subject property is located in the Mount Rubidoux Historic District and surrounded by single family residences. The 0.49-acre property was developed in 1961 with a 1,340 square foot, one-story, Mid-Century Ranch style residence that included a basement and a 251 square foot two-car garage that was connected to the residence by a porch. The residence was listed as a non-contributor to the Mount Rubidoux Historic District and was not eligible for designation as a City Landmark or Structure of Merit because: 1) records indicate the design of the residence was not attributed to a notable architect or builder; 2) the residence was not associated with any persons

or events significant in local, state or national history; and 3) the Mid-Century Ranch style of architecture is common throughout the City of Riverside.

DISCUSSION:

Project Description

The applicant requested approval of a Certificate of Appropriateness (COA) for an after-the-fact demolition of the existing residence's main level (street level), and replacement of the residence's main level, replacement of the garage, and expansion of the basement.

The main level of the proposed single-story residence includes the original 1,340 square feet footprint and a 707 square foot addition on the east side of the residence, totaling 2,047 square feet. The reconstruction of the two-car garage includes a 197 square foot expansion, for a total area of 448 square feet. Improvements to the existing basement will be below the street level and include an 826 square foot addition on the northeast side.

The design of the proposed residence is a modern interpretation of the Farmhouse Ranch architectural style. The proposed residence and garage feature a variety of architectural details, including: a combination of gable, shed, and pent standing seam metal roofs, painted black; fixed and single-hung wood clad, fiberglass-framed windows, painted black; shiplap and vertical board siding, painted white; and stone veneer on the basement level in brown and gray colors.

Unpermitted Demolition

On September 3, 2019, staff became aware that the main level of the residence had been demolished without the necessary permits and approvals, and immediately began an investigation. The demolition and reconstruction of the main level of the residence was scheduled to be considered by the CHB on September 18, 2019. Because time was needed to investigate the unpermitted demolition, a continuance was approved by the Cultural Heritage Board (CHB) to the October 16, 2019 meeting.

Fines and Penalties

Since the existing home was demolished without the required permits, the City began an investigation to determine fines and penalties. A summary of City fines and penalties includes:

1. Code Enforcement Administrative Citations for (3) Riverside Municipal Code misdemeanor violations (No Demo Permit \$100 / No COA \$100 and No Grading Permit \$100) - \$300 – paid by owner on 12/13/2019.
2. Special Investigation Fee: \$177.08 – paid by the owner on 11/27/2019.
3. Penalty Building Permit Fee: \$934.50 - due at permit issuance.
4. Penalty Grading Fees without permit: \$4,982.70 - due at permit issuance.

In addition, the City has notified the Contractors State License Board and the Air Quality Management District who may assess additional penalties or carry out further enforcement(s) subject to their respective agency guidelines.

Cultural Heritage Board Decision and Substitute Facts for Findings

On October 16, 2019, the CHB considered the COA and expressed concerns with the architectural design of the proposed residence, and its compatibility with the surrounding structures and the Mount Rubidoux Historic District Design Guidelines. The CHB recommended the creation of a CHB Subcommittee to work with the applicant to address the CHB concerns. Since the applicant was not present, the CHB continued the project to the November 20, 2019 meeting (included in Attachment 1).

On November 20, 2019, the applicant agreed to work with the CHB Subcommittee on the architecture of the proposed residence. During the meeting, the applicant indicated that he was aware of the requirements for a COA prior to the demolition of the former residence. Following discussion, the CHB withdrew its prior recommendation for the applicant to work with the CHB Subcommittee, rejected staff's facts for findings, and provided substitute facts for findings for denial of the COA. The project was unanimously denied by the CHB based on the substitute facts-for-findings (included in Attachment 1). For additional background information, please refer to the CHB Minutes and Staff Report (included in Attachment 1).

Appeal

The applicant filed a timely appeal of the CHB denial of the proposed project. The applicant's appeal is based on the following: 1) the former residence was not considered a Cultural Resource as defined by Title 20 of the RMC; and 2) the proposed project is consistent with the Chapter 8 (Infill Development Design Guidelines) for the Mount Rubidoux Historic District Design Guidelines (Attachment 3).

Public Comments

Following publication of the Utility Services/Land Use/Energy Development Committee on December 31, 2019, staff received five letters in opposition of the proposed project, and four letters in support (Attachment 4). Letters received prior to publication of the CHB staff report are included as an exhibit to that report. As presented by staff, comments provided on the letters did not include any additional items that have not already been addressed in the CHB staff report, with the exception of a concern related to the potential for archeological resources and the implication to the CEQA.

As stated in the Mt. Rubidoux Historic District Guideline, the areas of the Mt. Rubidoux Historic District, which has a high archaeological sensitivity, are those on the northwestern slopes of Indian Hill and along the Santa Ana River. The subject property is located on the southern slope of Indian Hill, and therefore was determined to have a lower level of archaeological sensitivity. Additionally, there is a low probability that unique archeological resources, as defined by CEQA Section 21083.2, would be discovered on the site, because the site was previously disturbed and developed in 1961. Furthermore, the new excavation is located under the existing foundation. Therefore, it was determined by staff that the proposed project will have a less than significant potential for impacts to archaeological research.

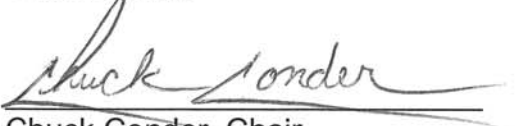
During the Committee meeting seven members of the public addressed the Committee about the project, five in opposition and two in support. Comments given at the meeting did not include any additional items that have not already been addressed in the CHB staff report.

FISCAL IMPACT:

There is no fiscal impact associated with this action, since all costs are borne by the applicant.

Prepared by: David Welch, Community & Economic Development Director
Certified as to
availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer
Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Concurs with

A handwritten signature in dark ink, appearing to read "Chuck Conder", is written over a horizontal line.

Chuck Conder, Chair
Utility Services/Land Use/Energy Development Committee

Attachments:

1. Land Use Committee Report (Includes Cultural Heritage Board Report and Minutes) – January 13, 2020
2. Applicant Appeal Request – November 27, 2019
3. Comment Letters
4. Presentation