



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: SEPTEMBER 1, 2020

FROM: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT WARD: 1

SUBJECT: P19-0487 CERTIFICATE OF APPROPRIATENESS – AN APPEAL BY RANDALL NEAL OF THE CULTURAL HERITAGE BOARD DENIAL FOR THE REPLACEMENT OF THE SINGLE-FAMILY RESIDENCE MAIN LEVEL, TWO-CAR GARAGE, AND BASEMENT EXPANSION – 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 the replacement of the single-family residence main level, two-car garage, and basement expansion, located at 4674 Beacon Way.

RECOMMENDATIONS:

Staff recommends that 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; and
2. Uphold the appeal by Randall Neal (Applicant) and approve Planning Case P19-0487 (Certificate of Appropriateness), based on the findings outlined in the Cultural Heritage Board staff report and subject to the recommended conditions of approval.

CULTURAL HERITAGE BOARD RECOMMENDATION:

On July 15, 2020, the Cultural Heritage Board denied the Certificate of Appropriateness request by a vote of 8 ayes and 1 no. Facts for findings for the denial of the project were provided at the meeting by the Cultural Heritage Board (Attachments 1 & 2).

BACKGROUND:

At its February 11, 2020 meeting, City Council directed the Cultural Heritage Board (CHB) to establish a subcommittee to comment on the design of the replacement single-family residence main level, two-car garage, and basement expansion by March 2020; and to take final action on the Certificate of Appropriateness (COA) by May 2020.

On April 21, 2020, City Council approved Staff's request to extend the deadlines for the establishment of a CHB subcommittee to no later than May 2020 and to consider the Certificate of Appropriateness by July 2020.

On May 20, 2020, the CHB formed a subcommittee, as directed by the City Council. On May 28, 2020, the subcommittee met with the property owner and project architect to discuss the design of the replacement residence and expressed their design concerns. A second meeting was held on June 11, 2020 and the applicant presented the following modifications to address the subcommittee's concerns:

- To lower the ridge line, the garage roof was changed from a shed roof to a gabled roof with a dormer; and
- To be compatible with materials found in the Historic District, the roofing material was changed from black standing seam metal to dark gray asphalt shingles.

Clarification was also provided on materials, colors, height of the residence, and landscaping. The subcommittee agreed the design features incorporated on the elevations addressed the majority of their concerns and that overall, the redesign was more compatible with the Historic District.

On July 15, 2020, the CHB considered the COA for the revised design and expressed concerns with the architectural features of the proposed residence, compatibility with the surrounding structures, and compliance with the Mount Rubidoux Historic District Design Guidelines. The CHB rejected staff's facts for findings and provided substitute facts for findings for denial of the COA (Attachment 2).

For additional background information, please refer to the CHB Staff Report and Minutes (Attachments 1 & 2).

DISCUSSION:

Project Description

The applicant is requesting approval of a Certificate of Appropriateness for the replacement of the residence's main level (street level), replacement of the garage, and expansion of the basement.

The design of the proposed residence includes a contemporary style and features a variety of architectural details, including: gray asphalt shingle topped gabled roofs with dormers; fixed and single-hung wood clad, fiberglass-framed windows painted black with decorative trim and sills; garage and main entry doors featuring a dark brown faux wood grain finish; shiplap and vertical board siding, painted white, on the main level; and rustic stone veneer, compatible with the granite outcropping on the basement level.

The main level of the replacement residence will be built on the original 1,340 square foot 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.

At street level, the residence is one-story and, with a semi-subterranean basement and the slope on the property, becomes two-stories towards the rear. The residence is approximately 31 feet, 10 inches in height, including the semi-subterranean portion of the building; the main level of the residence is 22.5 feet in height. The overall height of residence, including the basement, complies with the maximum 35-foot height requirement of the Zoning Code and the Mt. Rubidoux Historic District Design Guidelines.

Cultural Heritage Board Substitute Facts for Findings

CHB's denial of the proposed replacement main level residence was justified by substitute facts for findings, which generally include: the Mount Rubidoux Historic District is a cultural resource, the height and bulk of the structure affect the views within the historic district, the proposed structure is significantly taller than the original house, and the increased massing of the proposed structure will adversely affect the context and nearby historic structures. Staff has prepared responses addressing each of the substitute facts for findings for City Council consideration (Attachment 3).

Appeal

On July 20, 2020, the applicant filed a timely appeal of the CHB denial of the proposed project (Attachment 4). The applicant's appeal is based on the following:

1. Comment: The project is consistent with the Mount Rubidoux Historic District Design Guidelines. The Guidelines associated with the Historic District suggest that non-contributing residences should be sensitive to the "Neighborhood Zone" in which the residence is located.

Response: The approach to designing compatible infill developments is highlighted in this excerpt from the Mount Rubidoux Historic District Design Guidelines (Guidelines):

"New construction should suggest the design principles of the historic district. Size, scale, proportion, color and material are all important factors to consider in new building design. New design should allow for the awareness of modern technology and material usage, but in a manner sensitive to surrounding historic structures.

In taking all of the above factors into account, it is possible that a compatible design scheme will be thoroughly contemporary, without any overt historical references. Quality contemporary designs and materials are permitted granted they pass the above test for compatibility. They would serve to prove that compatibility goes beyond superficial visual similarities".

2. Comment: The subcommittee meetings concluded with the "perceived" impression that a significant compromise was achieved, and that the subcommittee would be going to the CHB with a recommendation of approval of the Certificate of Appropriateness.

Response: At the second subcommittee meeting, the subcommittee expressed a compromise was achieved and forwarded the revised project to the CHB for consideration.

Public Comments

Following publication of the CHB staff report on July 2, 2020, staff received 13 letters in opposition of the proposed project, and four letters in support (Attachment 5). 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 Native American Grave Protection and Repatriation Act. As the City has no evidence that there were ever Native American burial sites on this property, this law does not apply. The State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98 also provide procedures for the inadvertent discovery of human remains, including procedure if the remains are determined to be of Native American origin.

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

Fines and Penalties Update

On February 11, 2020, City Council directed Staff that any approvals related to the Certificate of Appropriateness for the replacement main level residence be stayed until all fines and penalties associated with demolition of the previous residence are paid. A summary of City fines and penalties includes:

1. Code Enforcement Administrative Citations: \$300 for three Riverside Municipal Code misdemeanor violations: No Demolition Permit (\$100), No Certificate of Appropriateness (\$100), and No Grading Permit (\$100) - 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 notified the Contractors State License Board and the South Coast Air Quality Management District who may assess additional penalties or carry out further enforcement(s) subject to their respective agency guidelines.

Conclusion

Based on the analysis above and the facts for finding contained in the CHB staff report, staff finds that the proposed replacement main level, two-car garage, and basement expansion are consistent with Title 20 because the proposed residence is compatible with the size, scale, proportion, color, and materials found in the Mount Rubidoux Historic District.

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

Attachments:

1. Cultural Heritage Board Staff Report – July 15, 2020
2. Cultural Heritage Board Draft Minutes – July 15, 2020
3. Response to CHB substitute findings
4. Applicant Appeal Request – July 20, 2020
5. Comment Letters
6. Presentation