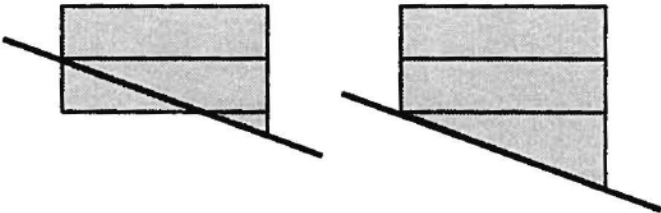


Staff Response to CHB Substitute Findings

Title 20 Finding	CHB Findings	Title 20/Guidelines/SOIS/CEQA	Staff's Reponses
<p>A. The application proposal is consistent or compatible with the architectural period and the character-defining elements of the historic building.</p>	<p>The Mt. Rubidoux Historic District is a cultural resource as defined by Title 20, CEQA, the California Register of Historic Resources, and the National Register of Historic Places.</p>	<p>Title 20: Cultural resource are defined as: ...“improvements, natural features, sites, cultural landscapes, or other objects, which may reasonably be of scientific, aesthetic, educational, cultural, architectural, social, political, military, historical or archaeological significance. This includes designated cultural resources, eligible cultural resources, and contributing features to Historic Districts and Neighborhood Conservation Areas”.</p> <p>A "Point of Cultural Interest", as recognized under Title 20, is expressly not under this definition.</p>	<ul style="list-style-type: none"> • This finding applies to individual buildings designated as cultural resources. Compatibility with adjacent historic buildings and the Historic District are assessed under separate findings. • The previous residence was listed as a noncontributor at the time the Mount Rubidoux Historic District was established and does not meet the definition of a Cultural Resource under Title 20. • This finding does not apply.
<p>B. The application proposal is compatible with existing adjacent or nearby Cultural Resources and their character-defining elements.</p>	<p>The height and bulk of the proposed structure affects the views within the district and from nearby structures.</p> <p>Compatibility must be assessed from a larger area than structures with no slope or grade.</p> <p>The project needs to be compared to contributing structures.</p> <p>The only structure on that street is the one that is beside it, the 1947 Spanish Colonial Revival house.</p> <p>Even though it is two-story it is tucked into that hillside.</p>	<p>Mt. Rubidoux HD Guidelines:</p> <p>Pg. 16 –The combination of the structure massing and the site massing is also an important component of design when considering either an addition to a residence or a new residence. The character of the Mount Rubidoux Historic District calls for the residence to work with the sloping site by being placed partially into the site (as shown at left below) rather than having the back portion placed at grade, resulting in the front portion being out of grade (as shown at right below). However, if setback requirements, topographical site requirements, rock conditions, or other conditions require that the back portion be placed at-grade, then mitigating elements may be utilized to achieve the desired design.</p> <div style="text-align: center;">  <p style="display: flex; justify-content: space-around;">Appropriate Inappropriate</p> </div> <p>Pg. 26 - The maximum height shall be 35 feet. Building height means the vertical distance measured from the highest point of the roof or parapet wall of the uppermost story, to the average elevation of the highest and lowest point of the ground covered by the foundation of the building.</p> <p>Pg. 26 - Articulate Large Masses – Buildings of large mass should be designed to avoid a box-like appearance by horizontal or vertical articulation of the form itself or by use of varied materials, textures or colors. The massing of buildings should remain generally consistent with buildings within the Neighborhood Zone. Radically different massing - such as the A-frame - is discouraged. On buildings with wide facades, courtyards, arcades and varied rooflines also help to provide architectural interest and reduce large massing elements.</p>	<ul style="list-style-type: none"> • The residence works with the slope of the site and is placed partially into the site as suggested in the Mt. Rubidoux Historic District Design Guidelines • The proposed 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 ½ feet in height. Therefore, the residence height complies with the 35-foot maximum height allowed under the guidelines. • The existing grade of the site and finished floor elevation will not be altered as part of this project. • All adjacent residences are 2 to 3 stories in height. 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, consistent with the original residence. Therefore, it will not be out of character and will be consistent with the guidelines and compatible with adjacent residences. • The proposed residence also includes a variety of roof forms and articulated elevations that include windows, courtyards, and arcades for visual interest resulting in reduction of large massing elements, as specified by the guidelines. • Neither the Guidelines nor Title 20 address impacts to the views from existing residences.

Title 20 Finding	CHB Findings	Title 20/Guidelines/SOIS/CEQA	Staff's Reponses
<p>C. The 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;</p>	<p>Height of the proposed infill structure is significantly higher than the demolished structure.</p> <p>Large windows are planned that will significantly impact adjacent and nearby structures and views</p>	<p>Mt. Rubidoux HD Guidelines:</p> <p>Pg. 26 - The maximum height shall be 35 feet. Building height means the vertical distance measured from the highest point of the roof or parapet wall of the uppermost story, to the average elevation of the highest and lowest point of the ground covered by the foundation of the building.</p> <p>Pg. 26 – Avoid Blank Walls - Building design elements should be extended across all facades open to view from public areas. Contrasting textures, trims and details from the main facade can be used to add interest to visible side or rear walls.</p>	<ul style="list-style-type: none"> • The eave line of the proposed residence matches the height of the original residence. The increase in building height by 8 feet is a result of the proposed moderately pitched roof. • 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, consistent with the original residence. • The proposed 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 ½ feet in height. The residence height complies with the 35-foot maximum height allowed under the guidelines. • Neither the Guidelines nor Title 20 address impacts to the views from existing residences. • The proposed residence avoids blank walls by including design elements such as window trims, windows, variety of cladding, and a projecting porch to add interest on all sides of the residence, consistent with the guidelines. • The large, floor to ceiling windows are consistent with the mid-century modern style residence directly north of the project site and are compatible with the Historic District as other large windows can be found on both contributors and non-contributors to the Historic District.
<p>D. The proposed change does not adversely affect the context 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;</p>	<p>The increased massing of the proposed structure will adversely affect the context and nearby historic structures.</p>	<p>Mt. Rubidoux HD Guidelines:</p> <p>Pg. 16 – The combination of the structure massing and the site massing is also an important component of design when considering either an addition to a residence or a new residence. The character of the Mount Rubidoux Historic District calls for the residence to work with the sloping site by being placed partially into the site (as shown at left below) rather than having the back portion placed at grade, resulting in the front portion being out of grade (as shown at right below). However, if setback requirements, topographical site requirements, rock conditions, or other conditions require that the back portion be placed at-grade, then mitigating elements may be utilized to achieve the desired design.</p> <div data-bbox="1112 1165 1740 1370" data-label="Image"> </div> <p>Appropriate Inappropriate</p> <p>Pg. 26 - The maximum height shall be 35 feet. Building height means the vertical distance measured from the highest point of the roof or parapet wall of the uppermost story, to the average elevation of the highest and lowest point of the ground covered by the foundation of the building.</p>	<ul style="list-style-type: none"> • The residence is designed within the slope of the site and is placed partially into the site as suggested in the Mt. Rubidoux Historic District Design Guidelines • 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. consistent with the original residence. • The proposed 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 ½ feet in height. The residence height complies with the 35-foot maximum height allowed under the guidelines.

Title 20 Finding	CHB Findings	Title 20/Guidelines/SOIS/CEQA	Staff's Reponses
<p>E. The proposed change does not destroy or adversely affect an important architectural, historical, cultural or archaeological feature or features;</p>	<p>The level of excavation is irrelevant. The potential adverse effect must be assessed.</p> <p>The Mt. Rubidoux Historic District is covered under the Native American Grave Protection Act (NAGPA), as asserted in public comment, since it contained a Cahuilla grave site just below Mr. Neal's slope.</p> <p>According to the Riverside Daily Press, when S. C. Evans, Jr. cut Ladera Lane through the area below the Neal site around 1910, he unearthed 110 barrels of bones from that said grave site.</p>	<p>Mt. Rubidoux Guidelines:</p> <p>Pg. 2 – The boundaries of the District were amended to include the north and west sides of Indian Hill Road (which includes the archaeological site of Spring Rancheria) in 1990.</p> <p>Pg. 3 – The most prominent site, Spring Rancheria, on the northwest slope of Indian Hill (also known as Little Rubidoux), is an archaeological site which provides a great deal of information about the Indians who lived in and around Riverside during its early years, from the 1870s into the 1890s.</p> <p>The entire area, especially on the Santa Ana River side of the two hills, has also yielded significant precontact materials and remains of earlier Indian habitation.</p> <p>The Spring Rancheria site has been determined 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.</p> <hr/> <p>State Health and Safety Code Section 7050.5:</p> <p>(a) Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the Public Resources Code. The provisions of this subdivision shall not apply to any person carrying out an agreement developed pursuant to subdivision (l) of Section 5097.94 of the Public Resources Code or to any person authorized to implement Section 5097.98 of the Public Resources Code.</p> <p>(b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.</p> <p>(c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.</p> <hr/> <p>State Public Resources Code Section 5097.98:</p> <p>(a) Whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.</p>	<ul style="list-style-type: none"> • The Mt. Rubidoux Historic District Guidelines state the north western slopes of Indian Hill and areas along the Santa Ana River have a high archaeological sensitivity. The subject property is located on the southern slope of Indian Hill and will likely have a lower level of archaeological sensitivity. • There are no known unique archeological resources on the site. • Known archaeological resources in proximity to the Beacon Way site were previously evaluated and were not found to be unique archeological resources subject to CEQA. • The site was disturbed in 1961 with the construction of the previous residence. The new excavation for the basement expansion is within the limits of the existing foundation. Staff has determined there is a less than significant potential for impacts to archaeological research. • There are no known Native American graves on the site. The article referenced speaks about the construction of Aurora Drive, which today is Indian Hill Road. The project site is located approximately 300 to 800 feet from the Indian Hill Road. The steep slope of the site is not commonly associated with grave sites. • The State Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98 provide procedures for the inadvertent discovery of human remain, including procedure if the remains are determined to be of Native American origin.

Title 20 Finding	CHB Findings	Title 20/Guidelines/SOIS/CEQA	Staff's Reponses
		<p>(b) Upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.</p> <p>(1) The descendants' preferences for treatment may include the following:</p> <p>(A) The nondestructive removal and analysis of human remains, and items associated with Native American human remains.</p> <p>(B) Preservation of Native American human remains and associated items in place.</p> <p>(C) Relinquishment of Native American human remains and associated items to the descendants for treatment.</p> <p>(D) Other culturally appropriate treatment.</p> <p>(2) The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section, are located in the project area, providing a basis for additional treatment measures.</p>	
<p>F. The project is consistent with the Citywide Residential Historic District Design Guidelines, approved guidelines for each Historic District, and/or any other applicable Design Guidelines;</p>	<p>The proposed structure must be compared to nearby contributing structures, not non-contributing.</p> <p>While presented as single story, the height of the new construction is consistent with a two or three floor structure.</p> <p>Due to the slope and grade of the Historic District, the new structure must maintain the height of the previous structure so as not to adversely impact the view of other resources and appearance of the district.</p>	<p>Mt. Rubidoux HD Guidelines:</p> <p>Pg. 25 - The intent of the Neighborhood Zone is to encourage new buildings to be compatible and complementary with their immediate neighbors and the entire Mount Rubidoux Historic District.</p> <p>The Neighborhood Zone defines the area within which a new residence must consider adjacent homes. This Zone should include two houses on each side of the proposed residence on the same side of the street, and the four houses directly on the opposite side of the street.</p> <p>Pg. 16 – The combination of the structure massing and the site massing is also an important component of design when considering either an addition to a residence or a new residence. The character of the Mount Rubidoux Historic District calls for the residence to work with the sloping site by being placed partially into the site (as shown at left below) rather than having the back portion placed at grade, resulting in the front portion being out of grade (as shown at right below). However, if setback requirements, topographical site requirements, rock conditions, or other conditions require that the back portion be placed at-grade, then mitigating elements may be utilized to achieve the desired design.</p> <div data-bbox="1112 1407 1740 1669" style="text-align: center;"> <p>Appropriate Inappropriate</p> </div> <p>Pg. 26 - The maximum height shall be 35 feet. Building height means the vertical distance measured from the highest point of the roof or parapet wall of the uppermost story, to the average elevation of the highest and lowest point of the ground covered by the foundation of the building.</p>	<ul style="list-style-type: none"> • The project compatibility with the Historic District analysis completed by staff was based upon both contributors and non-contributors to the Historic District. • 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, consistent with the original residence. • The proposed 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 ½ feet in height. The residence height complies with the 35-foot maximum height allowed under the guidelines. • All adjacent residences are 2 to 3 stories in height. The replacement residence is considered single story with a basement. Therefore, it will not be out of character and will be consistent with the guidelines and compatible with adjacent residences.

Title 20 Finding	CHB Findings	Title 20/Guidelines/SOIS/CEQA	Staff's Reponses
<p>G. The project is consistent with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties.</p>	<p>Due to the site classification as an archeological resource, the Secretary of Interior standards for structures do not apply.</p> <p>Without an EIR, as dictated by CEQA, the removal of, or impact on, historic resources has not been determined.</p>	<p>The Secretary of the Interior's Standards for the Treatment of Historic Properties:</p> <p>The Secretary of the Interior's Standards (SOIS) are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations. The SOIS Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing offer general design and technical recommendations to assist in applying the Standards to a specific property. Together, they provide a framework and guidance for decision-making about work or changes to a historic property.</p> <p>The SOIS and Guidelines can be applied to historic properties of all types, materials, construction, sizes, and use. They include both the exterior and the interior and extend to a property's landscape features, site, environment, as well as related new construction.</p> <p>Federal agencies use the Standards and Guidelines in carrying out their historic preservation responsibilities. State and local officials use them in reviewing both Federal and nonfederal rehabilitation proposals. Historic District and planning commissions across the country use the Standards and Guidelines to guide their design review processes.</p> <p>Mt. Rubidoux HD Guidelines:</p> <p>Pg. 2 – The boundaries of the District were amended to include the north and west sides of Indian Hill Road (which includes the archaeological site of Spring Rancheria) in 1990.</p> <p>Pg. 3 – The most prominent site, Spring Rancheria, on the northwest slope of Indian Hill (also known as Little Rubidoux), is an archaeological site which provides a great deal of information about the Indians who lived in and around Riverside during its early years, from the 1870s into the 1890s.</p> <p>The entire area, especially on the Santa Ana River side of the two hills, has also yielded significant precontact materials and remains of earlier Indian habitation.</p> <p>The Spring Rancheria site has been determined 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.</p> <p>CEQA:</p> <p>Section 21083.2 -</p> <p>(g) As used in this section, "unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:</p> <p>(1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.</p> <p>(2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.</p> <p>(3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.</p> <p>(h) As used in this section, "nonunique archaeological resource" means an archaeological artifact, object, or site which does not meet the criteria in subdivision (g). A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.</p>	<ul style="list-style-type: none"> • CEQA does not require an EIR for projects involving historical resources. • A project can be exempted from CEQA review if it does not create a substantial adverse change to historical resources (individual resources and Historic Districts). • CEQA specifies that projects that are consistent with the Secretary of the Interior Standards (SOIS) for the Treatment of Historic Properties are mitigated to a level of less than significant, and thus qualify for categorical exemption under CEQA Section 15331 (Historical Resource Restoration/Rehabilitation). • The SOIS can be applied to historic properties of all types, materials, construction, sizes, and use; including Historic Districts. • The SOIS specify that new construction shall be: <ul style="list-style-type: none"> a. Compatible with historic buildings in terms of massing, size, scale, and architectural features; and b. Differentiated from historic buildings as to not create a false sense of history. • The proposed residence is consistent with the SOIS as it is compatible with the massing, size, scale, and architectural features of other residences in the Historic District but differentiated with a contemporary design and use of modern materials. • There are no known unique archeological resources on the site. • As there are no known archaeological resource on the Beacon Way site, and the original foundation is being reused, the project is able to be exempted from CEQA per: <ul style="list-style-type: none"> a. Section 15302 – Replacement or Reconstruction of an existing structure; and b. Section 15303 – New Construction of Small Structures, including a single-family residence in a residential zone

Title 20 Finding	CHB Findings	Title 20/Guidelines/SOIS/CEQA	Staff's Reponses
		<p>Section 15302 - Replacement or Reconstruction</p> <p>Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:</p> <ul style="list-style-type: none"> (a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent. (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity. (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity. (d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding. <p>Section 15303 - New Construction or Conversion of Small Structures</p> <p>Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:</p> <ul style="list-style-type: none"> (a) One single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption (c) Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer. 	