



City of Arts & Innovation

# COMMUNITY DEVELOPMENT DEPARTMENT Planning Division

## Cultural Heritage Board Certificate of Appropriateness (CR) Staff Report

AGENDA ITEM NO.: 2

WARD: 3

CULTURAL HERITAGE BOARD HEARING DATE: March 20, 2013

I. CASE NUMBER(S): P12-0232

### II. PROJECT SUMMARY:

- 1) **Proposal:** Consideration of a Certificate of Appropriateness to approve a previously poured 450 square foot concrete slab for parking in the street side yard setback of an existing single family residence located in the Palm Heights Historic District and the R-1-7000 zone at the southwest corner of Brockton Avenue and Merrill Avenue.
- 2) **Location:** 6361 Brockton Avenue
- 3) **Applicant:** Craig Celse
- 4) **Case Planner:** Teri Delcamp, Historic Preservation Senior Planner  
(951) 826-2117  
[tdelcamp@riversideca.gov](mailto:tdelcamp@riversideca.gov)

### III. RECOMMENDATION:

#### That the Cultural Heritage Board:

1. **DETERMINE** that Planning Case **P12-0232** constitutes a minor alteration to a historic resource, which is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 of the CEQA Guidelines.
2. **APPROVE** Planning Case **P12-0232** based on the findings outlined in the staff report and summarized below, and subject to the attached conditions, thereby issuing a Certificate of Appropriateness for the project.

#### **FACTS FOR FINDINGS:** (From Section 20.25.050 of the Riverside Municipal Code)

The Board and Historic Preservation Officer shall make findings of the following standards when applicable to approving or denying a Certificate of Appropriateness.

**FINDINGS:** The application proposal is consistent or compatible with the architectural period and the character-defining elements of the historic building.

- FACTS:** The project complies with this finding. The property is a contributor to the PHHD. The PHHD Design Guidelines note that one of the character-defining features of the Historic District is its narrow driveways. The proposed alterations to the slab as poured will provide a landscaped planter and a fence between the slab and the sidewalk. The project sufficiently screens the extra concrete from view of the street, leaving the original driveway primarily in view, and is compatible with the character of the historic property.
- FINDINGS:** The application proposal is compatible with existing adjacent or nearby Cultural Resources and their character-defining elements.
- FACTS:** The project complies with this finding. As indicated above, the proposed alterations will screen the slab and make it visually more compatible with the character of the property and the surrounding PHHD.
- FINDINGS:** The colors, textures, materials, fenestration, decorative features and details, height, scale, massing and methods of construction proposed are consistent with the period and/or compatible with adjacent Cultural Resources.
- FACTS:** The project complies with this finding. As altered, the details of the slab are of less consequence because they will be screened from view of the street. The conditions address the details of the fence and landscaping to ensure compatibility.
- FINDINGS:** 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.
- FACTS:** The project complies with this finding. The screening of the concrete slab will make it more compatible with the residential use and zoning of the property and will improve the site's visual relationship with the surrounding PHHD.
- FINDINGS:** The proposed change does not adversely affect an important architectural, historical, cultural or archaeological feature or features.
- FACTS:** The project complies with this finding. The screening of the concrete slab will reduce visual impacts and will not adversely affect an important architectural, historical, cultural or archaeological feature or features.
- FINDINGS:** The project is consistent with the Citywide Residential Historic District Design Guidelines and the separate guidelines for each Historic District.
- FACTS:** The project complies with this finding. The PHHD Design Guidelines encourage narrow driveways consistent with the character of the PHHD and state that side yards should not be covered with paving for parking. In conjunction with Title 19 provisions that allow for some additional concrete in specific instances, the proposed landscaped planter and fence will restore landscaping within a portion of the side yard and screen the additional concrete slab from view of the street. These alterations are sufficient to meet the intent of the PHHD Design Guidelines.

**FINDINGS:** The project is consistent with the Principles of the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

**FACTS:** The project complies with this finding. As evidenced in the findings above, the proposed alterations to the project will allow it to preserve the historic character, character-defining features, spaces and spatial relationships of the historic property and surrounding Historic District.

**IV. BACKGROUND/HISTORY:**

This item was continued from the January 16, 2013, CHB meeting in order for the applicant to consider revised plans to address staff and CHB comments. The applicant needed additional time, so the item was continued again on February 20, 2013 to the March CHB meeting. The previous staff report from January 16 is included in Attachment \_\_ and provides the background and historic status of the property. This report addresses the proposed revised plan submitted by the applicant.

**V. DETAILED PROJECT DESCRIPTION:**

As described in the attached staff report, the project was implemented without required City approvals. Staff had determined that the way the project was implemented was not consistent with historic design guidelines and various sections of Title 19 which is the City’s Zoning Code. In response to the staff report and CHB comments at the January meeting, the applicant has prepared a visual simulation showing proposed alterations to the poured concrete slab. The changes as described by the applicant consist of saw-cutting the slab and removing the first three feet of it adjacent to the sidewalk to create a landscaped planter and room to install a fence. The fence as proposed and shown on the simulation matches the style and height of the existing picket fence at the front of the property along Brockton Avenue. It is presumed to be three to four feet in height and runs along two sides of the slab to screen it from view of the street. There is no proposed fence or gate separating the slab from the driveway to the garage.

**VI. LOCATION/SURROUNDING LAND USES:**

	<b>Existing Land Use</b>	<b>General Plan Designation</b>	<b>Zoning Designation</b>
<b>Project Site</b>	Single Family Resid.	MU-V, Mixed Use Village	R-1-7000, CR
<b>North</b>	Office	MU-N, Mixed Use Neighborhood	Office (O), S-1, CR
<b>East</b>	Retail/Office	MU-V	Comm/Retail
<b>South</b>	Office	MU-V	O, CR
<b>West</b>	Single Family Resid.	MDR, Med. Density Resid.	R-1-7000, CR

**VII. PROJECT ANALYSIS:**

- **Compliance with section 20.25.050 of the City of Riverside Municipal Code:**

As noted in the previous staff report, the Palm Heights Historic District (PHHD) Design Guidelines encourage driveways to be narrow and consistent with the character-defining features of the Historic District. The effect of the proposed fence and landscaped planter will be to visually reduce the width of the driveway, and may be determined consistent with the Design Guidelines as a result.

- **Compliance with Title 19 of the City of Riverside Municipal Code:**

The previous staff report outlined various ways that the project did not comply with sections of Title 19. To technically comply with those sections, there should be a barrier separation between the older driveway and the newer slab that was poured adjacent to it. This would discourage cars from parking on the slab. However, given the applicant is proposing to make alterations to the project that allow it to comply with historic design guidelines, there are interpretations of sections in Title 19 that could allow the proposed design to remain without requiring a variance from other sections of Title 19.

Section 19.580.070.A.3 contains various diagrams and explanations of where driveways are permitted to occur and the standards that apply. None of the diagrams exactly address the specific configuration of the subject property. The previous staff report discussed subsection A.3(a) as the section interpreted to best apply to the current project. However, in reviewing the proposed alterations to the project, staff has determined that subsection A.3(b) can be interpreted as best applying to the current project. This particular section deals with corner lots and detached garages at the rear of the lot. The diagram however, shows a driveway that accesses from the primary street (as if the subject property had the garage and driveway accessed from Brockton Avenue instead of the side street). This scenario would allow for additional concrete driveway surface within the street side yard setback, provided a six foot high solid fence or wall is installed between the street and the driveway for screening purposes.

Under this interpretation, the applicant would need to increase the height of the fence to six feet. Staff communicated with the applicant that it could either be solid wood, or perhaps a solid wood or stuccoed wall up to three feet with the pickets on top to reach the six foot total height. Staff has not had a response from the applicant, but has conditioned the project accordingly.

### **VIII. PUBLIC NOTICE AND COMMENTS:**

Public notices were mailed to property owners within adjacent to the site prior to the January 16, 2013, CHB meeting. One neutral phone call was received asking for clarification about the request. The project was continued both times to a date certain so no additional noticing was required.

### **IX. EXHIBITS:**

- A. January 16, 2013, Staff Report
- B. Revised Project Visual Simulation

## **RECOMMENDED CONDITIONS & GENERAL INFORMATION NOTES**

Case Number: Certificate of Appropriateness

Meeting Date: March 20, 2013

**CONDITIONS**      *All mitigation measures are noted by an asterisk (\*).*

### **Case Specific**

1. Prior to commencement of work, the applicant shall revise the project and submit plans for the approval of CHB staff to show:
  - a. The proposed picket fence modified to be six feet in height, of solid wood or a combination of stuccoed masonry and wood, consistent with the architectural style and materials of the historic home.
  - b. The species, size and number of plants within the planter, proposed groundcover and method of irrigation.
2. The applicant shall complete the approved modifications within 60 days after the date of this approval.

### **Standard Conditions**

3. The project must be complete per the Cultural Heritage Board's approval, including all conditions listed below. Any subsequent changes to the project must be approved by the Cultural Heritage Board or the Cultural Heritage Board staff. Upon completion of the project, a Cultural Heritage Board staff inspection must be requested to ensure that the approved plans have been executed and that all conditions have been implemented before **FINAL INSPECTION** hold can be released.
2. There is a ten day appeal period that will lapse at 5:00 p.m. on April 1, 2013. Appeals of the Board's action will not be accepted after this time. The appeal fee is \$1,531.20. Appeal processing information may be obtained from the Community Development Department, Planning Division, Public Information Section, 3rd Floor, City Hall. Appeals will be considered by the Land Use Committee of the City Council at their next available meeting.
3. This approval will expire in one year on March 20, 2014.

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Teri Delcamp



City of Arts & Innovation

# COMMUNITY DEVELOPMENT DEPARTMENT

## Planning Division

### EXHIBIT A

## Cultural Heritage Board

### Certificate of Appropriateness (CR) Staff Report

AGENDA ITEM NO.: 1

WARD: 3

MEETING DATE: January 16, 2013

**PLANNING CASE P12-0232:** Proposed Certificate of Appropriateness request by Craig Celse to approve a previously poured 450 square foot concrete slab for parking in the street side yard setback of an existing single family residence at 6361 Brockton Avenue, located in the Palm Heights Historic District and the R-1-7000 zone at the southwest corner of Brockton Avenue and Merrill Avenue in Ward #3. **Contact Planner:** Teri Delcamp (951) 826-2117 [tdelcamp@riversideca.gov](mailto:tdelcamp@riversideca.gov)

#### **BACKGROUND:**

The Palm Heights Historic District was identified as a potential historic district in conjunction with an environmental document completed for the Magnolia Center Redevelopment Project in 1998, and again in 2004 with the Palm Heights Historic District (PHHD) Intensive Survey and Context Statement. The PHHD was designated by the City Council on July 8, 2008. The home at 6361 Brockton Avenue is a contributor to the PHHD. It was built in 1928 in the Tudor Revival style. The property consists of an approximately 1,636 square foot single family home in an L plan with a detached garage. The front of the home faces Brockton Avenue, while the side and rear of the home along with the garage and driveway are visible along Merrill Avenue. The home features high pitched intersecting gable roofs at the front and a single moderately pitched roof that extends over the wider portion of the home to the rear. The roof has narrow eaves with exposed rafter tails, and is clad in composition asphalt shingles. The primary gable end also features two small projecting beams. A small gabled dormer rests at on the slope of the roof facing Merrill Avenue, presumably added in 1968 when permits were obtained to make part of the attic space habitable and a door and stairs were added at the rear for access. Decorative half timbering is located at the upper portions of the gabled elements, some of which have rectangular louvered attic vents. The front door is entered via a walkway extending from the sidewalk through a gable-roofed, brick veneered portico with arched openings. Walls are clad in stucco, and fenestration consists primarily of multi-paned casements in pairs and ribbons of three or four, as well as pairs of multi-paned double hung sashes. A stucco clad chimney pierces the main gable end facing Merrill Avenue. The site is partially enclosed with a low picket fence. The detached garage echoes the style and materials of the house, but without its decorative half-timbering.

The Design Guidelines specific to PHHD were approved in May 2008. P11-0433 was a similar case previously submitted for the same purpose. That project was due to be considered by the Cultural Heritage Board in August 2011. However, the application was withdrawn by the applicant due to neighborhood opposition about an illegal use that was occupying the residence at the time. That tenant

and use are no longer in the residence, and the applicant has submitted a new application for approval of an existing, previously poured concrete slab.

**PROJECT DESCRIPTION:**

The project proposes approval of an existing concrete slab that was poured within the street side yard setback by the applicant without approval of a Certificate of Appropriateness. The slab extends to the left side of the property’s driveway, and is approximately 15’ wide by 30’ long. The applicant poured the slab in an attempt to address a Code Enforcement case regarding dead grass in the yard facing Merrill Avenue. The property has little on-street parking available since the frontages along Merrill and Brockton Avenues are red-curbed. Cars had been parked on the grass next to the driveway, killing the grass. The applicant claims that Code Enforcement discussed options with him, including the replacement of the dead grass with concrete. The applicant did not consult with Planning before proceeding with this remedy, so the Certificate of Appropriateness is being requested after-the-fact.

The subject property is within the Magnolia Avenue Specific Plan, and intended to be part of the Plan’s Mixed Use Village. The properties directly to the south facing Brockton and to the north across Merrill have already been re-zoned to O (Office). Those homes were rehabilitated into commercial uses, and thus have parking lots associated with them. The applicant anticipates that the subject property will eventually be converted to a commercial or mixed use commercial and residential property, which would require a re-zoning of the property. The applicant contends that related parking would be required at that time. Therefore, given the current lack of on-street parking and eventual anticipated use, the applicant is not amenable to removing the slab at this time and is seeking approval to allow it to remain.

**ANALYSIS:**

**Compliance with section 20.25.050 of the City of Riverside Municipal Code:**

The PHHD Design Guidelines note that one of the character-defining features of the Historic District is its narrow driveways. Accordingly, the Guidelines call for driveways to be narrow. Several existing driveways in the District are as narrow as 10’ but are typically 12’ wide. The Guidelines also state that side yards “should not be covered with paving...to turn the...side yard into additional parking.” The property already had what appears to be a 1½ car garage with a 15’ wide driveway approach, which is already wider than the majority of residential driveways along Merrill (the attached site plan implies that the existing driveway was 20’ wide, but it is only about 15’ wide). The additional 15’ wide concrete slab expands the driveway to twice the existing driveway width and is not consistent with the PHHD Design Guidelines.

**Compliance with Title 19 of the City of Riverside Municipal Code:**

Because the property is zoned residential and comprises an existing residential use, residential development standards apply to the site. The request does not comply with applicable sections of the Municipal Code for residential development and for parking. Specifically, Section 19.580.050.I, Basic Limitations for Off-Street Parking, states “except as may be otherwise provided by this Title, landscape front and street side yard setbacks shall not be used for off-street parking spaces, turning or maneuvering aisles...” Furthermore, Section 19.580.070.A.2, Off Street Parking Location and Type Requirements, Single Family Dwellings, regarding the location of parking in the front and side yard areas states that:

Parking and maneuvering in front yard areas of single-family residential zones for all vehicles, except recreational vehicles...shall be limited to the space within a carport or garage plus a paved driveway between such garage or carport and the street from which it is served, not exceeding the width of the garage.

Additionally, Section 19.580.070 contains a further subsection A.3(a) that allows the yard area between the driveway serving the garage and the adjacent side property line to also be paved, as long as it does not exceed twenty feet in width beyond the driveway. This would mean that concrete could be poured to the right side of the driveway consistent with this subsection.

The project does not meet any of the above requirements. The expansion of the existing driveway with a 450 square foot concrete slab within the landscape street side yard setback does not comply with Section 19.580.050.I of Title 19. Concrete was poured on the opposite side of the driveway within the street side yard and does not comply with Sections 19.580.070.A.2 and 19.580.070.A.3 of Title 19.

**Conclusion:**

Commercial or mixed use parking requirements would only be applied to the property if and when the property is re-zoned to an appropriate zone and a non-residential use is proposed. The specific number of parking spaces needed for the particular use would be evaluated at that time. There would also be design standards and guidelines for commercial uses and parking that would apply, such as commercial setbacks and a required landscape buffer between a parking lot and the street. For now, the site remains single family residential in zoning and use. The red-curb along Brockton and Merrill limits the close availability of on-street parking. However, the single family residential use does not require any additional off-street parking beyond what it provides in the existing detached garage and the minimum required driveway. The poured slab is for the express intent of providing off-street parking spaces. Thus, the landscape street side yard setback is proposed to be used for off-street parking. Additional concrete could be poured to the right of the driveway, between the driveway and the side property line in compliance with Title 19 (although it would still not be consistent with the PHHD Design Guidelines as noted in the previous section of this report). Because the request does not meet the Design Guidelines and Title 19 requirements based on the findings in the next section, staff is recommending denial of the project.

**FACTS FOR FINDINGS:** (From Section 20.25.050 of the Riverside Municipal Code)

The Board and Historic Preservation Officer shall make findings of the following standards when applicable to approving or denying a Certificate of Appropriateness.

**FINDINGS:** The application proposal is consistent or compatible with the architectural period and the character-defining elements of the historic building.

**FACTS:** The project does not meet this finding. The property is a contributing building to the PHHD. The PHHD Design Guidelines note that one of the character-defining features of the Historic District is its narrow driveways. The property had an existing 15' wide driveway, which was wider than many in the District but was consistent and compatible with the period of construction and the style and elements of the house and garage. The project doubles the width of the concrete to 30' and is not consistent or compatible with the period, style or character-defining elements of the historic property.



**FINDINGS:** The application proposal is compatible with existing adjacent or nearby Cultural Resources and their character-defining elements.

**FACTS:** The project does not meet this finding. The PHHD is the existing broader Cultural Resource. As noted above, the PHHD Design Guidelines note that one of the character-defining features of the Historic District is its narrow driveways. These driveways occur on several of the properties within the District and the Guidelines call for narrow driveways to be preserved and new ones to be narrow consistent with the character of the District. The 30' wide concrete slab is not compatible with the character-defining elements of the PHHD.

**FINDINGS:** The colors, textures, materials, fenestration, decorative features and details, height, scale, massing and methods of construction proposed are consistent with the period and/or compatible with adjacent Cultural Resources.

**FACTS:** The project does not meet this finding. The size, scale and appearance of the concrete slab are not consistent with the period of the historic home and are not compatible with the character of the PHHD.

**FINDINGS:** 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.

**FACTS:** The project does not meet this finding. The concrete slab doubles the width of the existing driveway and is located directly behind the existing sidewalk. The result is a large expanse of concrete that adversely affects the context of the residential use and zoning of the property; reduces previously existing and required side yard landscaping; and alters the spatial relationships on the site and the relationship of the home to the surrounding PHHD.

**FINDINGS:** The proposed change does not adversely affect an important architectural, historical, cultural or archaeological feature or features.

**FACTS:** The project does not meet this finding. The project has an adverse visual effect on the important historical feature comprised of the PHHD and the property itself, which is a contributor to the District.

**FINDINGS:** The application proposal is consistent with the Citywide Residential Historic District Design Guidelines and the separate guidelines for each Historic District.

**FACTS:** The project does not meet this finding. The PHHD Design Guidelines note that one of the character-defining features of the Historic District is its narrow driveways. Accordingly, the Guidelines call for driveways to be narrow. They also state that side yards "should not be covered with paving...to turn the...side yard into additional parking." The property already had what appears to be a 1½ car garage with a 15' wide driveway approach. The additional 15' wide concrete slab expands the driveway to twice the existing driveway width and is not consistent with the PHHD Design Guidelines.

**FINDINGS:** The application proposal is consistent with the Principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties.

**FACTS:** The project does not meet this finding. The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Rehabilitation call for the retention and preservation of the historic character of a property. They also call for new work to avoid alterations to features, spaces, and spatial relationships that characterize a property. As evidenced in the findings above, the project does not preserve the historic character and it alters the character-defining features, spaces and spatial relationships of the historic property and surrounding Historic District.

**ENVIRONMENTAL ASSESSMENT:**

No evaluation under the California Environmental Quality Act (CEQA) is required for a project that is being denied. Should the Cultural Heritage Board decide to approve the request based on a determination that the project does meet the necessary findings, then the project could be exempted from the provisions of CEQA as a minor alteration to a historic resource per Section 15301 of the CEQA Guidelines.

**RECOMMENDATION:**

That the Cultural Heritage Board **DENY** P12-0232, thereby not issuing a Certificate of Appropriateness for the project.

**EXHIBITS:**

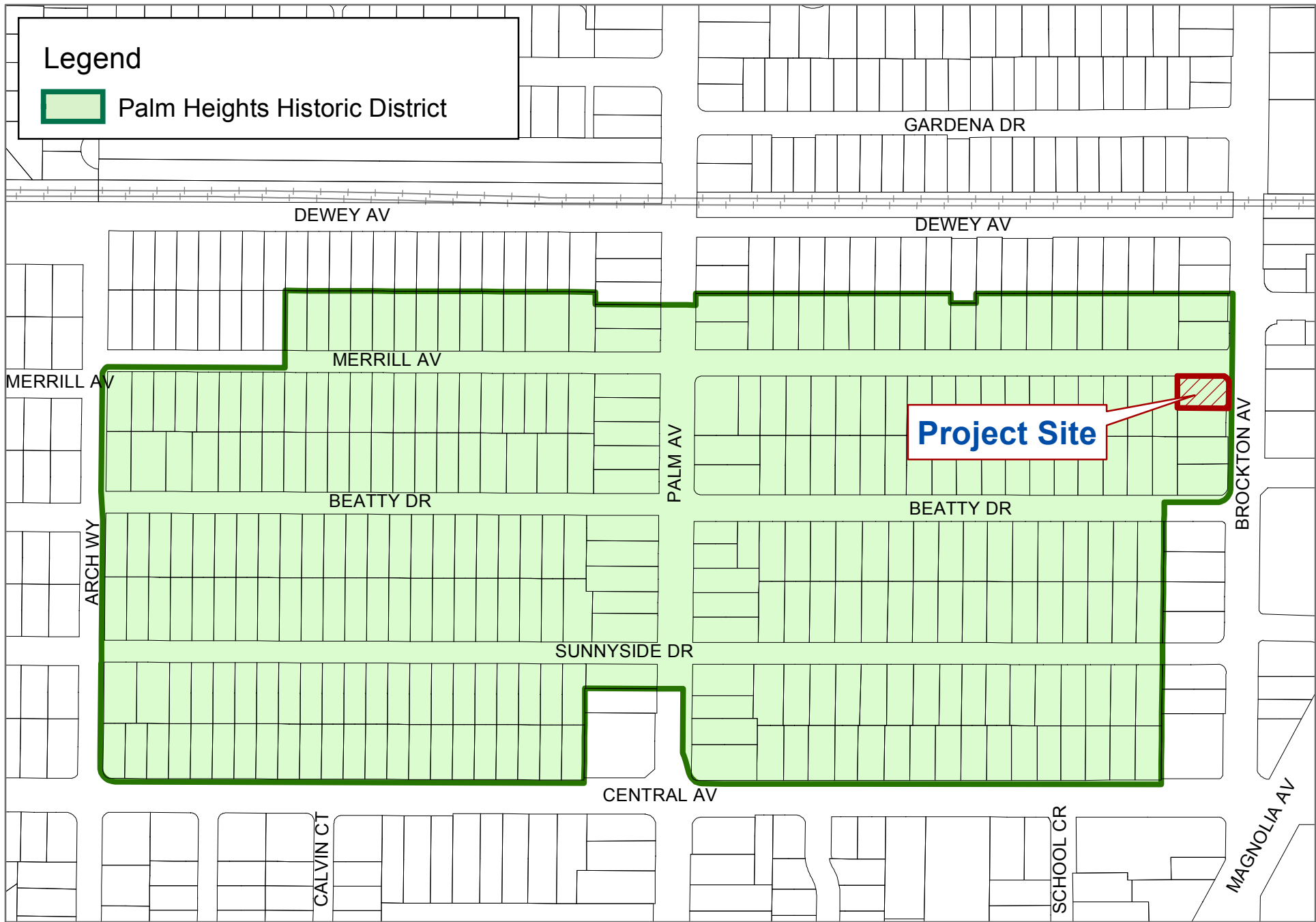
1. Location map
2. Aerial Photo
3. Project Site Plan
4. Current Photos of Site and Surrounding Area

**APPEAL INFORMATION:**

The Cultural Heritage Board's decision can be appealed by the applicant or any interested person. To appeal this decision, submit a letter stating what you wish to appeal and why, the General Application form and the corresponding appeal fee. The Community Development Department offers a packet on filing an appeal that you might find helpful. Appeals may be delivered in person or mailed, but they must be received by January 26, 2013, at 5:00 p.m. ten days following approval of this case. The Community Development Department's address is:

City of Riverside  
Community Development Department  
Planning Division  
3900 Main Street, 3rd Floor  
Riverside, CA 92522

Appeals will be considered by the Land Use Committee of the City Council at their next available meeting.

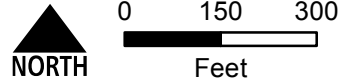


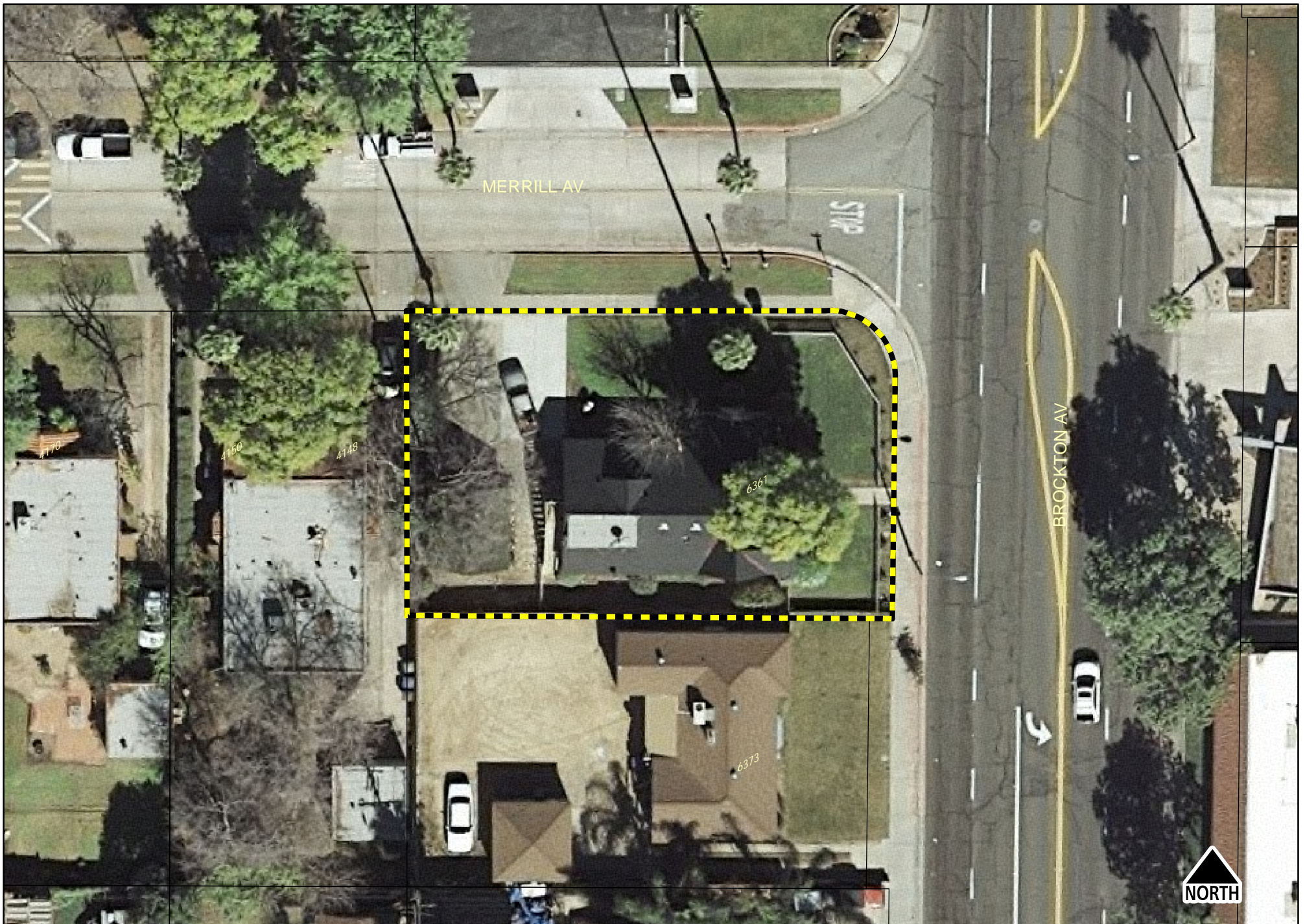
Legend

 Palm Heights Historic District

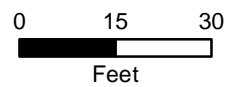
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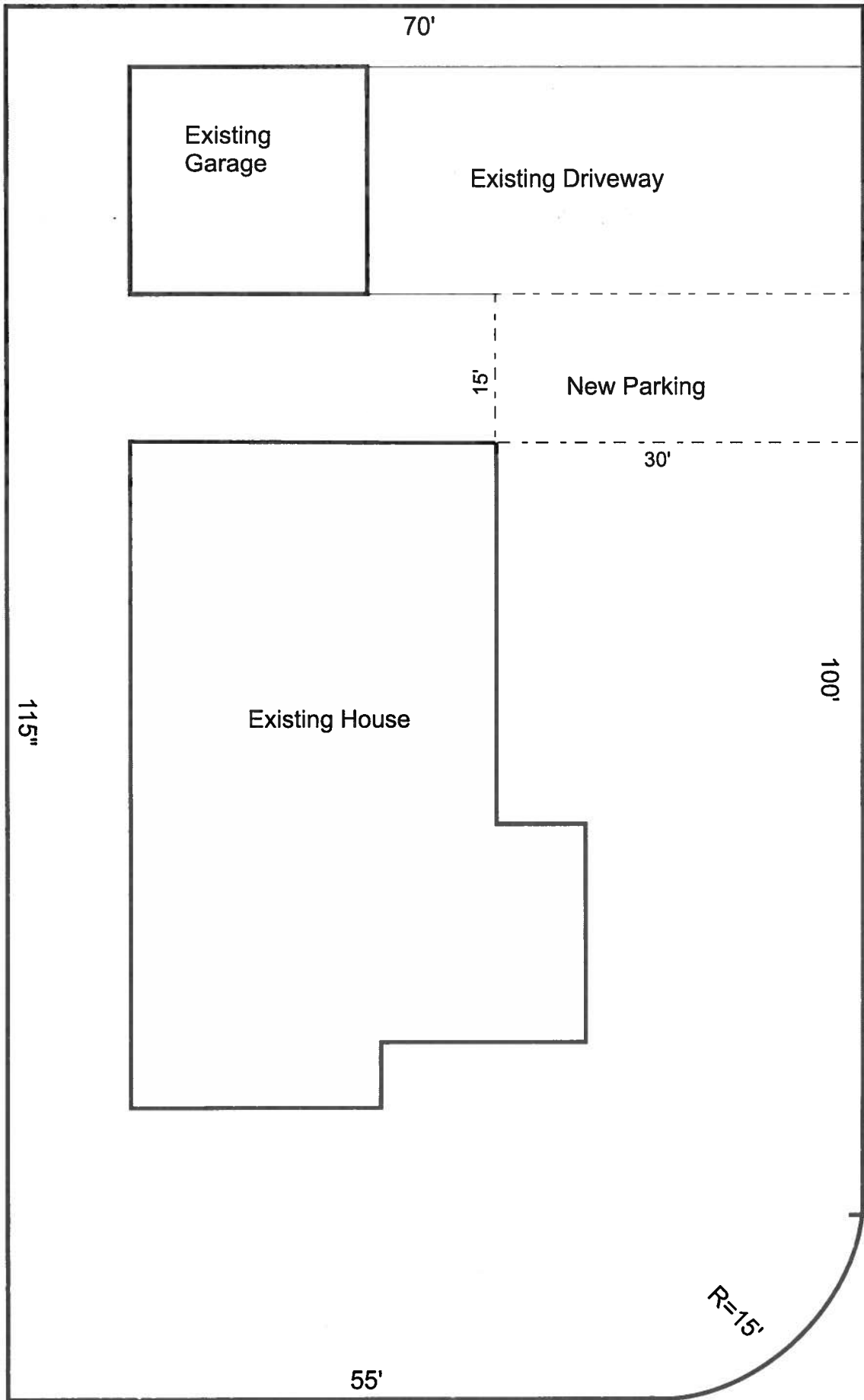
P12-0232, Exhibit 1 - Location Map





P12-0232, Exhibit 2 - 2012 Aerial Photo





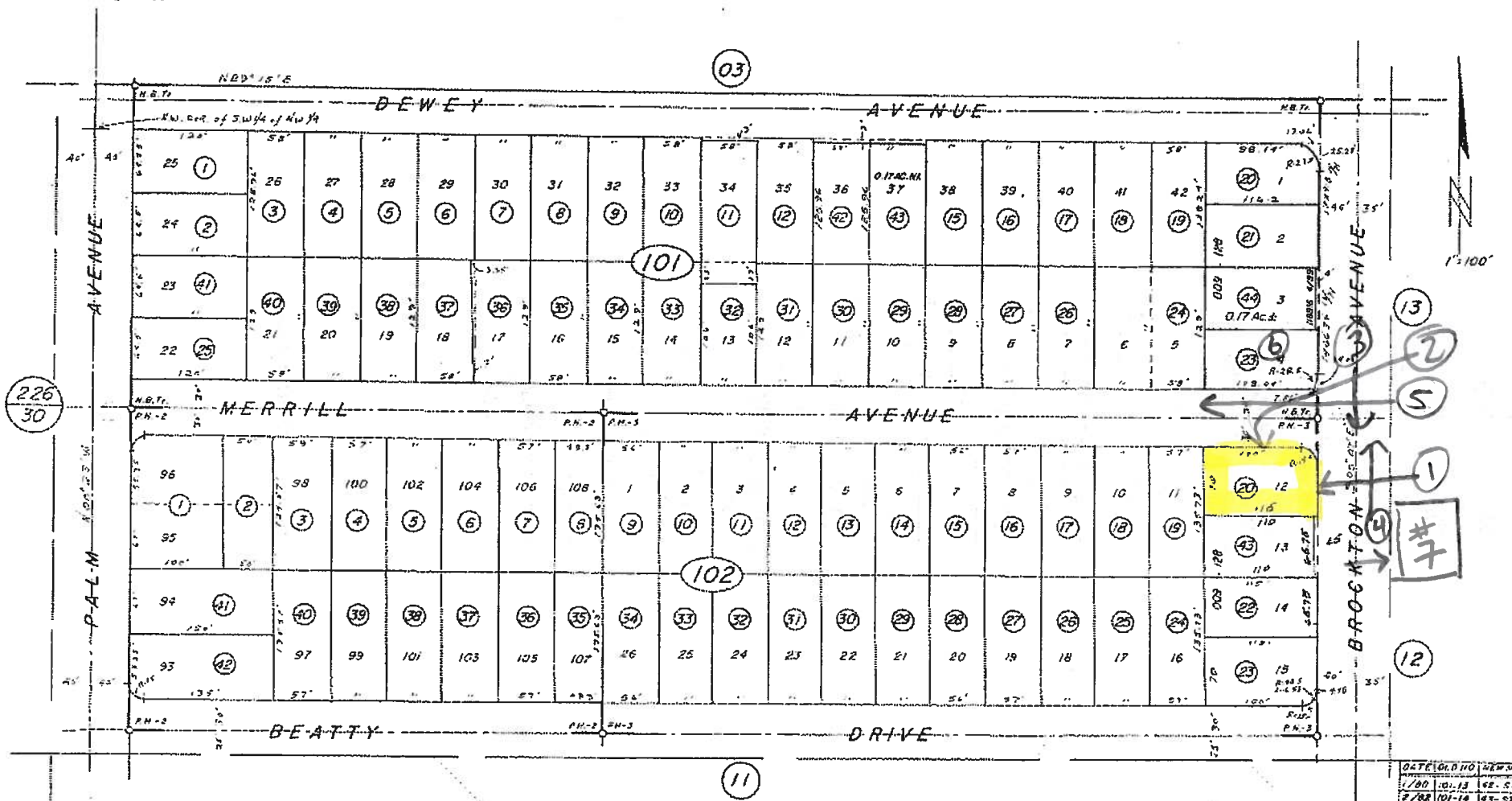
P12-0232, Exhibit 3 - Project Plan

THIS MAP IS FOR  
ASSESSMENT PURPOSES ONLY

FEB 06 2007

1/2 NW 1/4, SEC. 34, T2S R5W  
(POR. CITY OF RIVERSIDE)

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M.B. 15/12 Herman Bahl's Tract  
M.B. 15/83 Palm Heights No. 2  
M.B. 15/59 Palm Heights No. 3

DATE	NO.	SEWN
1/80	101-13	48-57
2/88	101-14	43-57
5/89	101-22	44-57
1-07	100-21	43-57

ASSESSOR'S MAP BK 225 PG. 10  
RIVERSIDE COUNTY, CALIF.

P12-0232, Exhibit 4  
Current Photos of Site & Surrounding Area

#1



#2



P12-0232, Exhibit 4  
Current Photos of Site & Surrounding Area



P12-0232, Exhibit 4  
Current Photos of Site & Surrounding Area



#5



P12-0232, Exhibit 4  
Current Photos of Site & Surrounding Area

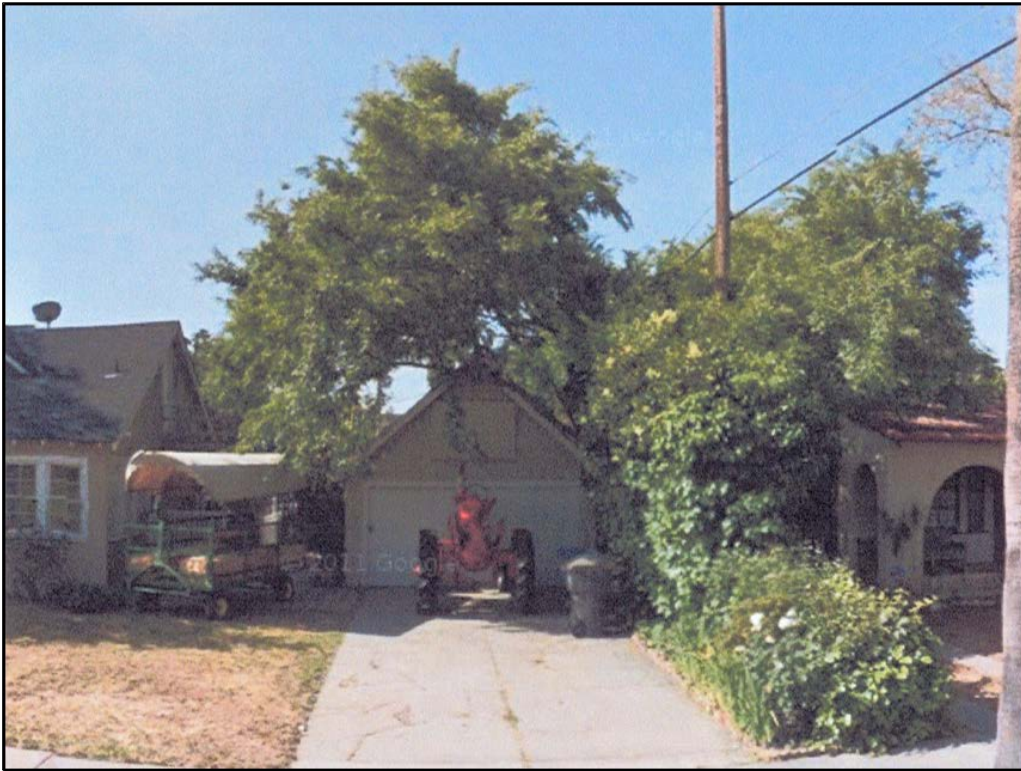
#6



#7



P12-0232, Exhibit 4  
Current Photos of Site & Surrounding Area



“BEFORE” photo of 6361 Brockton viewed from Merrill



Adjacent properties to west on Merrill  
P12-0232, Exhibit 4  
Current Photos of Site & Surrounding Area



Adjacent property across street to west on Merrill



Properties further west on Merrill demonstrating character of Palm Heights Historic District

**P12-0232, Exhibit 4**

**Current Photos of Site & Surrounding Area**



View from Brockton Avenue



View from Merrill Street

P12-0232, Exhibit B  
Visual Simulations