



**Cultural Heritage Board - Certificate of Appropriateness (CR)
Supplemental Staff Report**

AGENDA ITEM NO.: 2

WARD: 1

MEETING DATE: January 18, 2012

PLANNING CASE P11-0138: Proposal by Craig Johnston of Mission Galleria for a Certificate of Appropriateness for exterior modifications to the Mission Galleria, City Structure of Merit #291, and contributor to the Mission Inn Historic and the Seventh Street Historic Districts situated on the Southeasterly corner of Main Street and Mission Inn Avenue at 3700 Main Street.

BACKGROUND:

On November 16, 2011, the Cultural Heritage Board approved a Certificate of Appropriateness for exterior modifications to the Mission Galleria. Subsequently, the action was appealed to the City Council Land Use Committee to review the CHB action and findings on December 15, 2011. At that meeting the Committee determined that the CHB needed to evaluate the revised Certificate of Appropriateness for the roll-up door and existing wood framed door located adjacent to Mission Inn Avenue due to additional project changes. After a thorough discussion the Committee voted to send the Certificate of Appropriateness back to the CHB to evaluate the entire project, as revised, including the removal and replacement of the roll-up and wood framed door. If approved by the CHB, the application is automatically referred back to the Land Use Committee for review due to the appeal process already underway.

PROJECT DESCRIPTION:

For simplicity, the project has been divided into two parts. The first part, Main Street Pedestrian Mall façade, is listed below and was included in the original Certificate of Appropriateness reviewed in November 2011. No changes to the previously reviewed application by the CHB are proposed for this façade.

The applicant is proposing to add a new storefront door and window system on the southerly most bay of the Main Street Pedestrian Mall façade. The new door will lead to a small vestibule that will provide needed access to the newly expanded restaurant/café downstairs. The new storefront will have similar aluminum framed windows and doors to match the existing storefront system. Staff notes that as proposed, the applicant will be required to apply for and obtain an encroachment permit from Public Works for the door since it swings over the public right-of-way. Staff has conditioned that should the applicant's request for an encroachment permit be denied, the applicant shall submit revised plans to CHB staff for approval to address an alternative design.

The second part involves the Mission Inn Façade, specifically replacement of the existing roll-up door and wood store front.

The applicant is proposing to replace the existing roll-up metal door with a new aluminum storefront to match the existing storefronts on the building as well as remove the existing wood frame door and construct a new recessed pair of aluminum storefront doors approximately 3 feet into the building. In addition, the applicant is proposing to construct an outdoor seating area approximately 6 feet wide and 50 feet long surrounded by an art deco inspired metal fence.

ANALYSIS:

Staff has worked closely with other departments and the applicant to ensure that the plans provide enough information and appear to comply with all applicable building and fire codes. For instance, staff notes significant changes to the first floor plan including relocation of the existing wine tasting and florist shop and creation of a new dining and bar area in addition to several fire rated corridors and ADA compliant entries.

Throughout this project, ADA accessibility continues to be a significant challenge. The proposed restaurant and café expansion in the basement is permitted by right within the Downtown Specific Plan. However, since the building does not provide sufficient accessible vertical movement, such as an elevator, the California Building Code require that equivalent facilities are provided where ADA access is possible, in this case, the first floor. As such, a restaurant and bar area is required to be located on the first floor which is proposed to be in the existing florist shop which will provide direct access to the ADA compliance restrooms also located on the first floor. Consequently, the florist will be relocating to the area behind the existing roll-up door which will be removed and replaced with an appropriate storefront as shown on the elevation.

Finally, the California Alcoholic Beverage Control requires that fencing or other barriers be provided when dining is located adjacent to the public rights-of-way, such as the proposed outdoor dining area which also requires an encroachment permit from the Public Works Department. However, in these situations, gates are not permitted to over-swing the public right-of-way and therefore must be recessed into the patio area. In addition, a minimum 4 foot clearance is required between the primary entry doors (open) and the patio gate (closed) to comply with the California Building Code. Therefore, the entry doors are proposed to be recessed into the building to provide the necessary clearance to meet both the California Building Code and the California ABC requirements.

Compliance with section 20.25.030 of the City of Riverside Municipal Code:

The project has been reviewed for compliance with Title 20 of the Municipal Code, the Secretary of the Interior Standards and the Citywide Historic District Design Guidelines. Overall, staff supports the project concept. The design proposed for the Main Street façade is architecturally compatible with the art-deco design and existing finished and fenestrations. The Main Street storefront will match the materials and painting of the existing building.

The Mission Inn façade consists of two new aluminum storefronts with transom windows above. The storefront proposed to replace the roll-up door will utilize the existing opening and include a two door, six foot wide storefront with two foot sidelights on each side and three windows above the door in the form of a transom with similar dimensions. The existing wood frame door is proposed to be removed and replaced with a new aluminum 6 foot wide storefront and solid 5/12th ratio transom window (7/12th door). Both storefronts are consistent with the overall architectural design of the building and are designed to match the existing storefronts in color, style, size, and material. In addition, the proposed outdoor patio railing is an art deco design that compliments the building while providing enough distinction to prevent creating a false sense of history.

FACTS FOR FINDINGS: (From Section 20.30.050 of the Riverside Municipal Code)

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

FACTS: As conditioned, the project complies with this finding. The proposed project involves the removal of a historically inaccurate roll-up service door and wood framed storefront system. The proposed storefronts, including the two on Mission Inn Avenue and the one on Main Street are proposed to be constructed of aluminum to match the existing storefronts of the building. So while the bays were originally constructed for service and utility purposes, the design will be compatible with the character defining elements while providing for additional utility of the existing building. The only portion of the project that removes original fabric is the proposed entrance on the Main Street Pedestrian Mall which will convert one of the existing storefront windows into a new egress door. The proposed door is designed to match the existing storefronts and will not remove a character defining element (bulkhead) from the building. As such, the project complies.

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. The proposed project will remove existing, non-historic elements (roll-up door and wood frame door) and replace with a more appropriate storefront system. The proposed changes will have no effect on existing adjacent or nearby cultural resources or their character-defining elements as the changes are limited to the subject building.

FINDINGS: 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.

FACTS: The project complies with this finding. The proposed project involves the removal of a historically inaccurate roll-up service door and wood framed storefront system. The proposed storefronts, including the two on Mission Inn Avenue and the one on Main Street are proposed to be constructed of aluminum to match the existing storefronts of the building. So while the bays were originally constructed for service and utility purposes, the design will be compatible with the character defining elements while providing for additional utility of the existing building. The only portion of the project that removes original fabric is the proposed entrance on the Main Street Pedestrian Mall which will convert one of the existing storefront windows into a new egress door. The proposed door is designed to match the existing storefronts and will not remove a character defining element (bulkhead) from the building. Further, the proposed storefronts are of similar color, texture, material, fenestration, height, scale and massing as the original storefront systems. As such, the project complies.

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 proposed project will allow for the expansion of an existing restaurant and bar area in the basement of the Mission Galleria. The project will have no effect on grading, site development, orientation of the building, off-street parking, landscaping, signs or street furniture. The project will modify the existing right-of-way area to accommodate an outdoor seating area which will provide more activity on Mission Inn Avenue and is consistent with what other historic, and non-historic buildings throughout the downtown area. The new fencing is architecturally appropriate for the art-deco design of the building. Staff has conditioned that manufacture catalogue cuts of the outdoor furniture be reviewed and approved by CHB staff prior to utilizing the outdoor space. As such, the project will comply with this finding.

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

FACTS: The project complies with this finding. The project removes two non-historic elements, a roll-up and wood framed door from the building and replaces them with new aluminum storefronts to match the existing historic storefront system. There are no important architectural, historical, cultural or archeological features that will be removed or displaced as a result of this project.

FINDINGS: The Citywide Residential Historic District Design Guidelines and the separate guidelines for each Historic District.

FACTS: The project complies with this finding. The Citywide Historic District Design Guidelines requires that additions and modifications to existing historic buildings be architecturally compatible with the existing building. Specifically, section 8.4 states “The pattern of windows, doors, and other openings on the facade of a historic structure strongly defines its character through their shape, size, construction, arrangement, and profile.” The project is designed to be architecturally compatible with the existing building while removing the non-historic roll-up and wood frame doors and storefront system by utilizing the existing openings. The transom windows are appropriate in this instance as they will retain the existing opening and provide balance to the storefront doors and windows. Further, the guidelines provide the following statements to ensure compatibility:

1. The arrangement, size, and proportions of historic openings should be maintained.
2. Filling in or altering the size of historic openings, especially on primary facades, is inappropriate.
3. The materials and design of historic windows and doors and their surrounds should be preserved.
 - a. Repair windows or doors wherever possible instead of replacing them.
 - b. When replacement of windows is necessary, replacements should match the historic windows in style, type, size, shape, arrangement of panes, materials, method of construction, and profile.

The project, as designed, complies with these guidelines and is therefore consistent with the required finding.

FINDINGS: The Principles of the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

FACTS: The project complies with this finding. The project is proposing a rehabilitation technique to remove the existing, non-historic material (roll-up and wood frame door) and replacing with a new aluminum storefront to match existing. The rehabilitation of the Mission Inn façade will maintain the buildings overall design as the project is not proposing to add or remove any existing bay areas. The Secretary of the Interior’s Standards states that “identifying, retaining, and preserving storefronts – and their functional and decorative features – that are important in defining the overall historic character of the building such as display windows, signs, doors transoms, kick plates, corner posts and entablatures” is the recommended treatment for the storefront systems which is employed by this project. Additionally, the proposed door on the Main Street Mall is located within an existing storefront bay window and only minor modifications are proposed to the bulkhead to accommodate the new door. As such, the project complies with the Principles of the Secretary of the Interior’s Standards for the Treatment of Historic Properties.

ENVIRONMENTAL ASSESSMENT:

Minor additions and alterations to historic resources are categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 of the CEQA Guidelines.

Projects that are consistent with the Secretary of the Interiors Standards for the treatment of Historic Properties are categorically exempt from the provisions of the California Environmental Quality Act per Section 15331 of the CEQA Guidelines.

RECOMMENDATION:

That the Cultural Heritage Board **RECOMMEND** to City Council **APPROVAL** of P11-0138 as part of this appeal, with the attached conditions.

EXHIBITS:

- A. Revised Project Plans
- B. Land Use Report dated December 15, 2011:
 - Attachment 1 - Cultural Heritage Board Recommended Conditions – November 16, 2011
 - Attachment 2 - Cultural Heritage Board Staff Report (with Exhibits) – November 16, 2011
 - Attachment 3 - Cultural Heritage Board Minutes – November 16, 2011
 - Attachment 4 - Applicant’s Letter dated – December 9, 2011
- C. Land Use Minutes dated December 15, 2011

RECOMMENDED CONDITIONS OF APPROVAL

Case Number: P11-0138

MEETING DATE: January 18, 2012

Case Specific

1. No new Certificates of Appropriateness applications shall be submitted for this building for a minimum of 2 years (24-months) unless waived by the City Council.
2. Prior to commencement of ANY construction related activity, appropriate building permits shall be obtained from the Building and Safety Division.
3. Prior to expansion of the restaurant and café area, complete plans shall be submitted to Building and Safety that complies with all applicable City and State statutes/requirements, approved by all departments, and a permit issued.
4. Plans proposed for the conversion of the florist shop into a restaurant and expansion of the restaurant shall include the entire project. Partial approvals and permits shall not be permitted.
5. The existing non-permitted signs and banners shall be removed. A sign review application, including design review filing fees, will be required for any new signs including legalization, as applicable, for non-permitted signs. Please note that banners are strictly prohibited by the Zoning Code.
6. The applicant shall obtain an encroachment permit from the Public Works Department for the door opening onto a public right-of-way. In the event an encroachment permit cannot be obtained, or the design is denied by another department (such as Building and Safety or Fire), the storefront shall be re-designed to accommodate the door into an alcove system. Should an alcove be deemed required for compliance, the applicant shall submit plans to CHB staff for review and approval. Design modifications may be required.
7. The storefront system shall be made of aluminum to resemble the existing main storefront.
8. The window system shall be aluminum painted to match the existing.
9. The windows and doors shall match the existing in style, scale, height, width, color, material, etc.
10. The existing marquee canopy shall be retained, cleaned, and repainted as appropriate.
11. A detailed security plan shall be submitted and approved by CHB Staff and the Riverside Police Department. The security plan shall contain but not be limited to security cameras, lighting, and other security features that tie in architecturally with the façade and deter any type of criminal activity during or after business hours.

Prior to construction of outdoor seating area

12. The applicant shall obtain an encroachment permit from the Public Works department for the outdoor seating area and fencing.

13. The outdoor seating area shall be fenced with a metal fence system similar to the design shown on the plans.
14. The applicant shall provide manufacture cut sheets of the outdoor dining furniture for CHB staff review and approval.
15. The outdoor fencing shall match the fence proposed and approved by this Certificate of Appropriateness.
16. The applicant/building owner shall be responsible for all activities conducted/occurring within the outdoor seating area including, but not limited to loitering, noise complaints, trash, graffiti, etc.

Standard Conditions of Approval

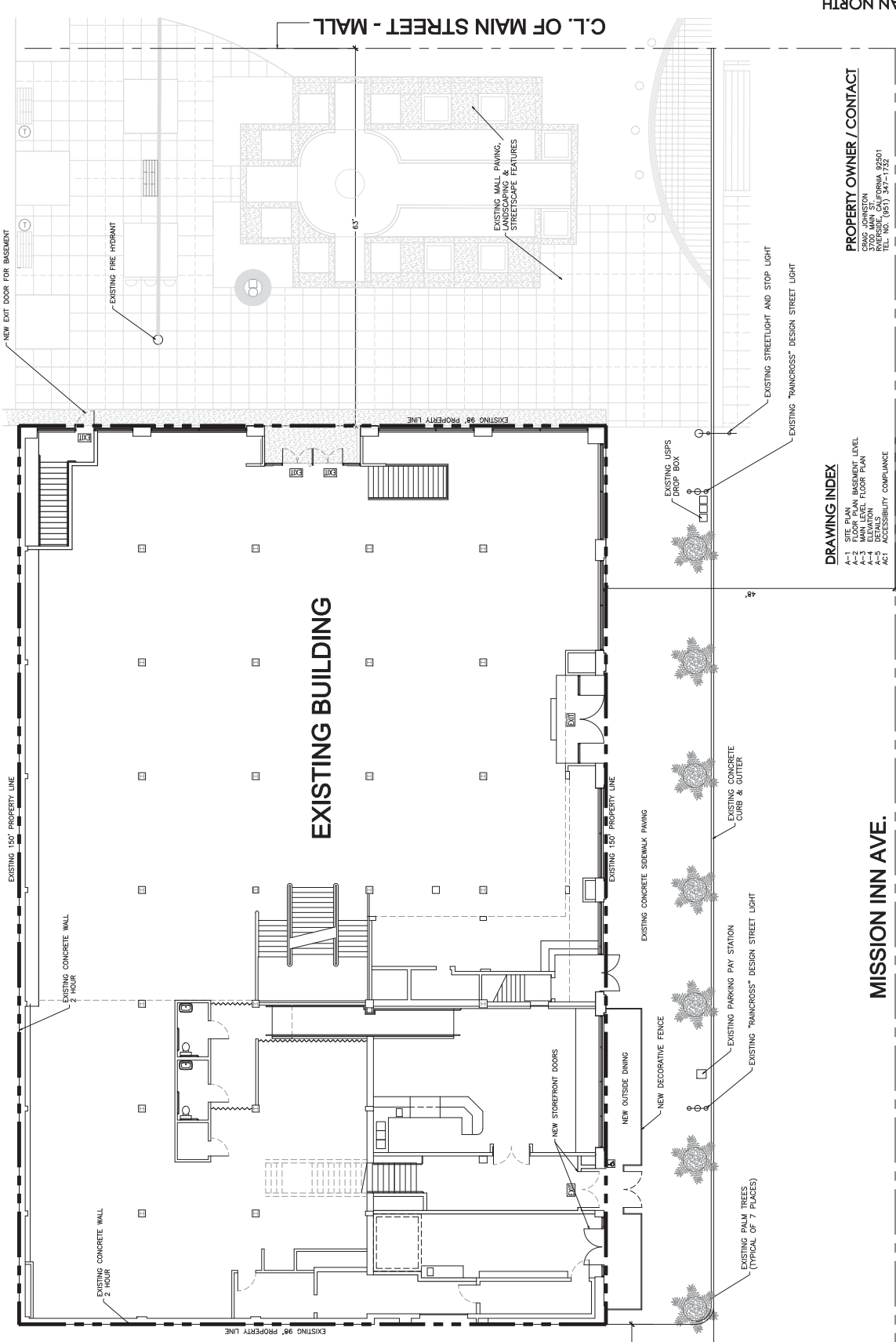
17. The project must be complete per the Cultural Heritage Board's approval, including all conditions listed below. Any subsequent changes to the project must be approved by the Cultural Heritage Board or the Cultural Heritage Board staff. Upon completion of the project, a Cultural Heritage Board staff inspection must be requested to ensure that the approved plans have been executed and that all conditions have been implemented before **OCCUPANCY** hold can be released.
18. There is a ten calendar-day appeal period that will lapse at 5:00 p.m. on January 30, 2012. Appeals of the Board's action will not be accepted after this time.
19. This approval will expire in one year on January 18, 2013.

APPEAL INFORMATION

The Cultural Heritage Board's decision or any conditions of approval can be appealed to the City Council by the applicant or any interested person within ten days of this action. To appeal this decision, submit a letter stating what you wish to appeal and why, the General Application form and a check in the amount of \$1,531.20, made payable to the City of Riverside to cover the appeal fee. The Planning Division offers a packet on filing an appeal that you might find helpful. Appeals may be delivered in person or mailed. The Planning Division'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 City Council within thirty days of the end of the appeal period.



PROPERTY OWNER / CONTACT
 CRAIG JOHNSTON
 3700 MAIN STREET
 RIVERSIDE, CALIFORNIA 92501
 TEL. NO. (951) 347-1732

ARCHITECT
 CHARLES J. BROWN ARCHITECT
 ATTY. CHARLES BROWN ARCHITECT
 4049 ALMOND STREET, STE. 201
 RIVERSIDE, CA 92501
 TEL. NO. (951) 683-6222
 FAX NO. (951) 683-8578

DRAWING INDEX
 A-1 SITE PLAN AND BASEMENT LEVEL
 A-2 MAIN LEVEL FLOOR PLAN
 A-3 EXTERIOR WALL DETAILS
 A-4 EXTERIOR WALL DETAILS
 A-5 ACCESSIBILITY COMPLIANCE

PROJECT INFORMATION
 OCCUPANCY GROUPS: A-2 & M
 A.P.N.: 213-271-001
 TOTAL AREA: 21,344 SQ. FT. TOTAL
 TYPE III-B - FIRE SPRINKLER (ONLY BASEMENT LEVEL)
 TYPE III-B - FIRE SPRINKLER (ONLY BASEMENT LEVEL)
 PROTECTED OPENINGS AT SOUTH AND EAST EXTERIOR WALLS: NOT PERMITTED
 PROTECTED OPENINGS AT WEST AND NORTH SIDES: UNLIMITED
 REFER TO PG11-2781 FOR BASEMENT RESTROOM PERMIT.
 RESTAURANT EXPANSION PERMIT STILL PROCESSING - PG11-3446

MISSION INN AVE.

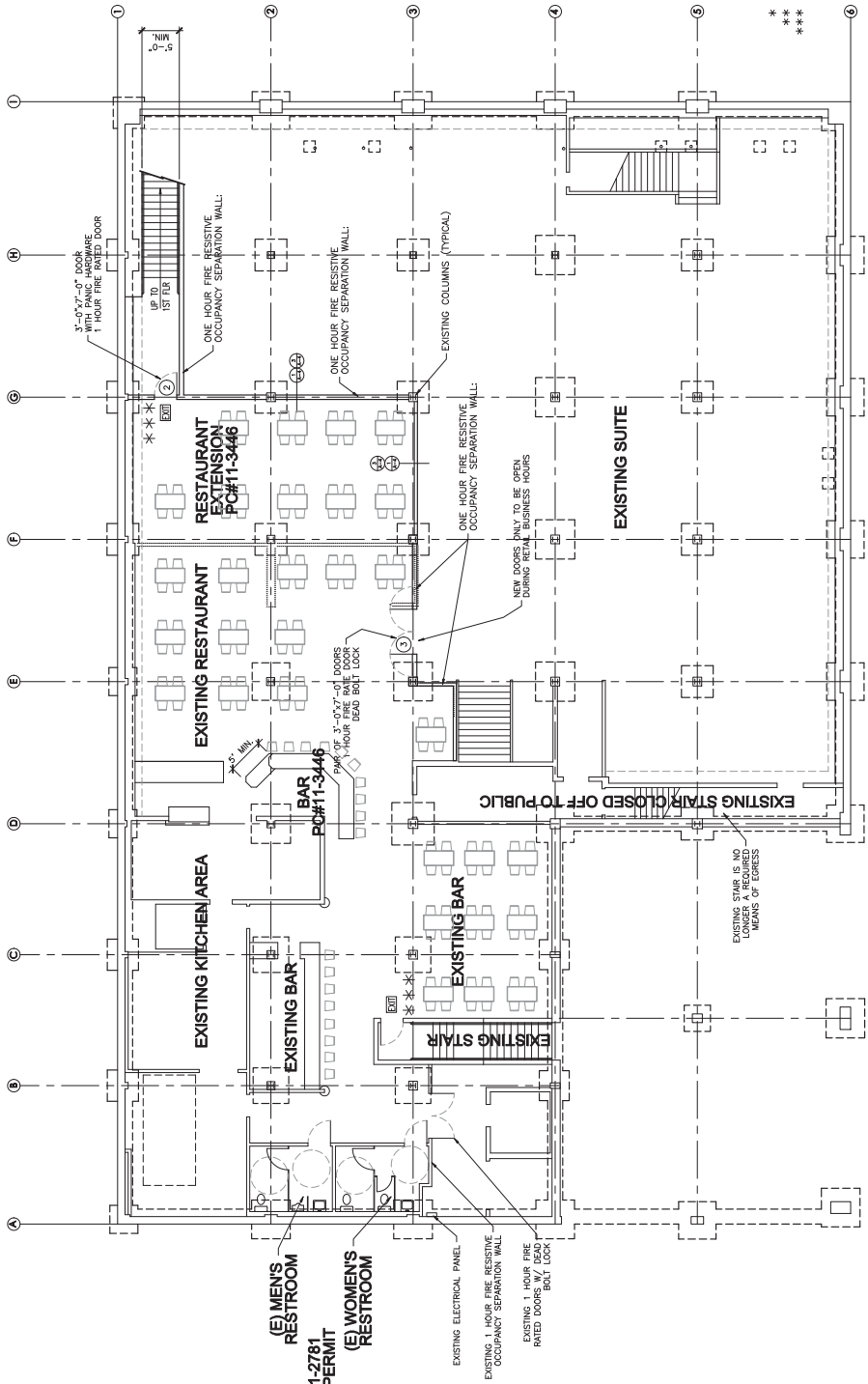
SITE PLAN
SCALE: 1/8" = 1'-0"

SCOPE
 NEW ACCESSIBLE STAIRS TO BASEMENT LEVEL, FINISH BASEMENT DINING, RENOVATE EXISTING RESTROOMS ON MAIN LEVEL UP TO CODE, ADD NEW STOREFRONT DOORS AND WINDOWS, NEW RESTROOMS @ BASEMENT LEVEL, CHANGE OCCUPANCY FROM B/VA TO A-2/M



JOB	DATE	1/6/12
REV.	REV.	
SCALE	1/8" = 1'-0"	

FLOOR PLAN
BASEMENT LEVEL



REFER TO PC#11-2781
 FOR RESTROOM PERMIT

EXIT ANALYSIS:
 NUMBER OF EXITS: 11
 EXISTING SUITE OCCUPANT LOAD = 191
 EXISTING SUITE OCCUPANT LOAD = 191
 STAIR WIDTH REQUIREMENT: 36" x 3.3 = 116.4", OF REQUIRED STAIR WIDTH
 TWO 5' WIDE ACCESSIBLE STAIRS PROVIDED = 120"
 116.4" < 120"

RESTROOM ANALYSIS:
 MEN'S RESTROOMS: 1
 BAR / RESTAURANT: 2,931 S.F. / 30 = 98
 48 / 20 = 2.4
 2 W.C. FOR FEMALES
 1 W.C. FOR M & 1 URINAL FOR MALES

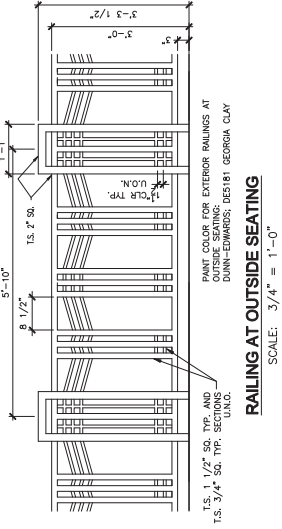
NOTES:
 REFER TO DIMS AC1 & AC2 FOR ACCESSIBILITY NOTES & REQUIREMENTS
 * TACTILE EGRESS SIGN - "EXIT SIGN" - REFER TO DIMS AC1 FOR DETAILS
 ** TACTILE EGRESS SIGN - "EXIT SUITE" - REFER TO DIMS AC1 FOR DETAILS
 *** TACTILE EGRESS SIGN - "EXIT STAIR UP" - REFER TO DIMS AC1 FOR DETAILS

BASEMENT FLOOR PLAN

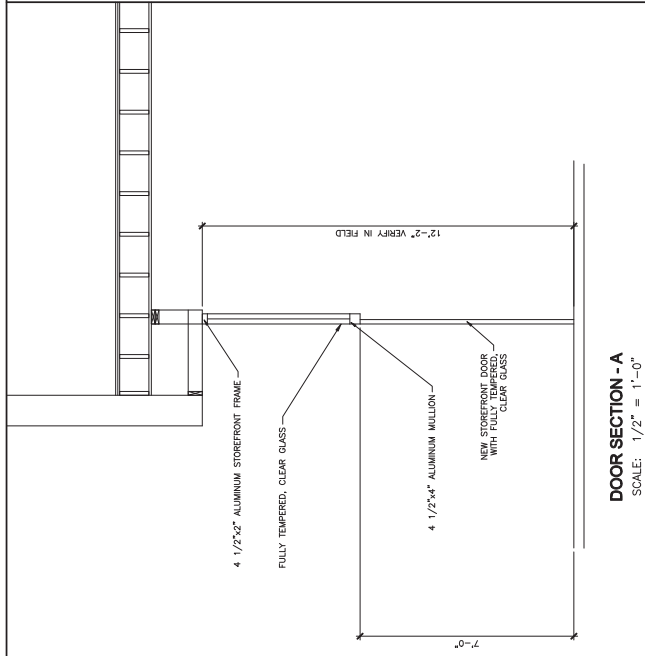
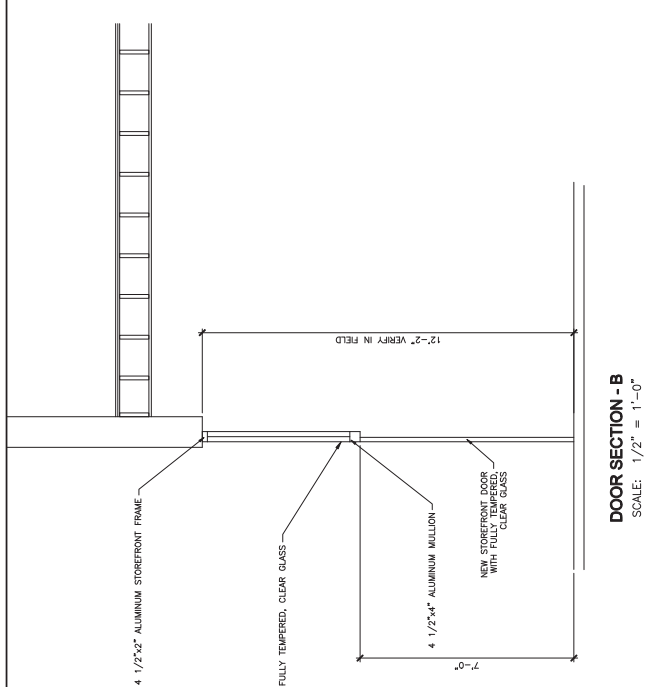


EXISTING BAR / RESTAURANT AREA = 2,199 S.F.
RESTAURANT EXTENSION AREA = 752 S.F.
NEW BAR / RESTAURANT AREA = 2,951 S.F.
NEW OCCUPANT LOAD: 191

EXISTING SUITE AREA = 6,693 S.F.
NEW SUITE AREA = 5,739 S.F.
NEW OCCUPANT LOAD: 5,739/30 = 191

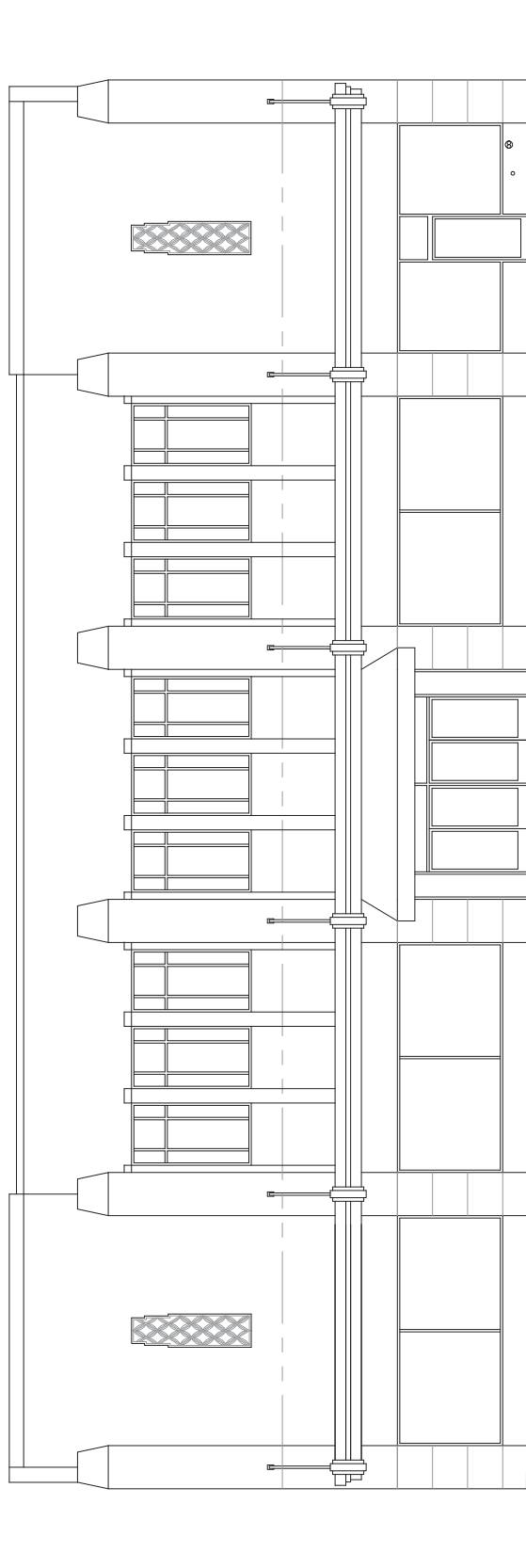


NEW STORE FRONT SYSTEM LOCATION
 NO SCALE





NEW STORE FRONT DOOR LOCATION



NEW STORE FRONT DOOR AND WINDOW MATCH EXISTING ENTRANCES

EXISTING WEST ELEVATION (MALL SIDE)

Appropriateness application were presented to the Cultural Heritage Board as noted above on November 16, 2011 with several conditions related to the treatment of the Mission Inn Avenue elevation.

One member of the public spoke in opposition to the project noting objection to the apparent “piece-mealing” of the project, including deferring design details of the replacement of the existing roll-up and non-historic wood framed door. The Cultural Heritage Board noted concern with the roll up door in particular and the façade on Mission Inn Avenue, a significant historic street. Due to the significance of this street, the Board concurred with staff’s recommendation that this façade associated with the restaurant be improved and added to the overall project’s scope of work. On that basis, the Board modified condition #8 requiring an additional Certificate of Appropriateness be filed and return to the Board for approval at a later date for the Mission Inn Avenue facade. Staff noted its concern that utilizing the space behind the roll-up door as a restaurant would represent an unacceptable precedent and that any modification to the occupancy of the loading dock area to restaurant would require the removal of the non-historic roll-up and wood framed door through the Certificate of Appropriateness process.

Subsequent to the Cultural Heritage Board meeting, the case was appealed due to the “piece-mealing” concern. In order to address this issue, staff has spoken with the applicant who has requested that the project be referred back to the Cultural Heritage Board for evaluation of the entire project, including replacement of the roll-up door, as well as the outdoor dining (Attachment 4). It is important to note that with these conditions that the applicant will return to the Cultural Heritage Board and complete the appeal process by subsequently returning to Utility Services/Land Use/Energy Development Committee and finally, the City Council.

FISCAL IMPACT:

All project costs are borne by the applicant.

Prepared by: Ken Gutierrez, Planning Director
Certified as to
availability of funds: Paul C. Sundeen, Assistant City Manager/CFO/Treasurer
Approved by: Deanna Lorson, Assistant City Manager
for Scott C. Barber, City Manager
Approved as to form: Gregory P. Priamos, City Attorney

Attachments:

1. Cultural Heritage Board Recommended Conditions
2. Cultural Heritage Board Staff Report – November 16, 2011
3. Cultural Heritage Board Minutes – November 16, 2011
4. Applicant’s Letter dated – December 9, 2011

**CULTURAL HERITAGE BOARD
RECOMMENDED CONDITIONS**

Case Number: P11-0138

MEETING DATE: November 16, 2011

Case Specific

1. The applicant shall obtain an encroachment permit from the Public Works Department for the door opening onto a public right-of-way. In the event an encroachment permit cannot be obtained, or the design is denied by another department (such as Building and Safety or Fire), the storefront shall be re-designed to accommodate the door into an alcove system. Should an alcove be deemed required for compliance, the applicant shall submit plans to CHB staff for review and approval. Design modifications may be required.
2. The storefront system shall be made of aluminum or other silver polished metal to resemble the existing main storefront.
3. The window system shall be aluminum or other metal painted to match the existing.
4. The windows and doors shall match the existing in style, scale, height, width, color, material, etc.
5. The existing marquee canopy shall be retained, cleaned, and repainted as appropriate.
6. The storefront door located on Mission Inn Avenue that was previously installed without a Certificate of Appropriateness or the benefit of Permits or Inspections currently being utilized for access to the Hideaway Café shall be replaced the storefront window system to match historic, unless the applicant provides empirical evidence that the location was previously developed with a door. A copy of the manufacture cut sheet shall be provided to CHB staff for review and approval.

Prior to construction of outdoor seating area

7. The applicant shall obtain an encroachment permit from the Public Works department for the outdoor seating area and fencing.
8. The applicant shall submit **a separate Certificate of Appropriateness for the** detailed drawings for review and approval of CHB staff **Board** for replacement of the existing flower shop and roll-up door with new historically appropriate storefront systems.
9. The existing non-permitted signs and banners shall be removed. A separate Certificate of Appropriateness shall be submitted for review and approval of all signs. Please note that banners are prohibited by the Zoning Code.

10. The outdoor seating area shall be fenced with a metal fence system similar to the design shown on the plans.

Standard Conditions of Approval

11. 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 **OCCUPANCY** hold can be released.
12. There is a ten calendar-day appeal period that will lapse at 5:00 p.m. on November 28, 2011. Appeals of the Board's action will not be accepted after this time.
13. This approval will expire in one year on November 16, 2012.



Cultural Heritage Board
Certificate of Appropriateness (CR) Staff Report

AGENDA ITEM NO.: 2

WARD: 1

MEETING DATE: NOVEMBER 16, 2011

PLANNING CASE P11-0138: Proposal by Craig Johnston of Mission Galleria for a Certificate of Appropriateness for exterior modifications to the Mission Galleria, City Structure of Merit City Structure of Merit #291, and contributor to the Mission Inn Historic and the Seventh Street Historic Districts situated on the Southeasterly corner of Main Street and Mission Inn Avenue at 3700 Main Street.

BACKGROUND:

The two-story Art Deco building originally built for Sears and Roebuck in 1937 has a rectangular ground plan and is constructed of concrete. The flat roof features stepped Art Deco molding at the edge. The Mission Inn Avenue elevation is divided into seven bays by rectangular superimposed pilasters. The structure features rectangular fenestration with the first story having large store-front windows and the second story having semi-opaque glass. The second story of the corner bay has a stepped rectangular open grill of an intersecting diamond pattern.

The building is identified as City Structure of Merit #291 and a contributor to the Mission Inn Historic District and the Seventh Street Historic District.

Mission Inn Historic District

The Mission Inn Historic District represents the core of Riverside's historic downtown and features a wide variety of commercial and civic architectural styles popular in Southern California and Riverside from the 1880s to the 1940s. It encompasses part of the Seventh Street Historic District (now Mission Inn Avenue) which is distinctive for its embodiment of the Mission Revival style. Other styles represented include Spanish Colonial Revival and Art Deco with a wide variety of building materials such as ceramic brick, terra cotta and rough-hewn granite.

Seventh Street Historic District

The Seventh Street Historic District (Landmark #40) runs the entire length of Riverside's Mile Square and through the Mission Inn Historic District, the familiar name for the original town site that John Goldsworthy, of the Los Angeles surveying and civil engineering firm Goldsworthy and Higbie laid out for the city in 1870. Seventh Street, with the Buena Vista Bridge greeting carriage and auto traffic from Los Angeles at the west boundary and with the Union Pacific and Santa Fe depots to the eastern boundary, this district represents the traditional gateway to Riverside, uniquely embracing every facet of Riverside's historic economic, social, and home atmospheres.

A broad range of civic, commercial, ecclesiastical and industrial architectural styles are represented along the length of the district corridor. The magnificent variety of styles presented along Seventh Street

(Mission Inn Avenue) includes Pueblo, Mission Revival, Moorish, Churrigueresque, Renaissance Revival, Mediterranean, Classical Revival, and even Romanesque. Even the street furniture enhances the architectural gems along the corridor, as the streetlamps are designed in the Indian raincross symbol and several citrus tree pergolas are distributed throughout. The dramatic assemblage of property uses and high degree of artistic merit found in the vast majority of designs creates a stunning and unique sense of time and place for the early development of commercial, civic, and industrial architecture in the City of Riverside.

PROJECT DESCRIPTION:

The project was originally presented to the Cultural Heritage Board on October 21, 2011 and was continued off-calendar to allow the applicant to address concerns expressed by City Staff. The current proposal is more narrowly focused than the previous and is designed to accommodate the expansion of the restaurant/café. New site plan, floor plans, and elevations have been submitted for review.

The applicant is proposing façade improvements to the exterior of the building to accommodate additional egress requirements for the expansion of the downstairs restaurant/café. As a matter of information, the applicant has withdrawn the Minor Conditional Use Permit that was also continued off calendar by the Planning Commission on October 20, 2011. Therefore, no entertainment or assembly uses are proposed at this time.

The applicant is proposing to add a new storefront door and window system on the southerly most bay of the Main Street Pedestrian Mall façade. The new door will lead to a small vestibule that will provide needed access to the newly expanded restaurant/café downstairs. The new exit is required to comply with the California Building and Fire Codes with regards to egress requirements for occupancies exceeding 49 persons. The new storefront will have similar aluminum framed windows and doors to match the existing storefront system. Staff notes that as proposed, the applicant will be required to apply for and obtain an encroachment permit from Public Works for the door since it swings over the public right-of-way. Such permits are not guaranteed and will be the applicant's sole responsibility to gain approval as needed. Staff has conditioned that should the applicant's request for an encroachment permit be denied, the applicant shall submit revised plans to CHB staff for approval to address an alternative design.

In addition to the changes to Main Street, the applicant is proposing to modify the existing storefront on the southeasterly most bay of the Mission Inn Avenue façade. This modification would include removing the canopy and signage, and painting the roll-up door and man door the same as the pilasters. In addition, the applicant is requesting to create a small outdoor seating area, 50 feet long and 6 feet wide outside the restaurant entrance. The seating area will be enclosed by a three foot, three inch tall art-deco inspired railing, a detail of which is shown on page A-4 of the submitted plans. The applicant is not proposing to remove or replace the existing storefront or roll-up door at this time.

ANALYSIS:

Compliance with section 20.30.030 of the City of Riverside Municipal Code:

The project has been reviewed for compliance with Title 20 of the Municipal Code, the Secretary of the Interior Standards and the Citywide Historic District Design Guidelines. Overall, staff supports the project concept. The design proposed for the Main Street façade is architecturally compatible with the

art-deco design and existing finished and fenestrations. The Main Street storefront will match the materials and painting of the existing building.

As for the Mission Inn Avenue, staff is concerned that the existing, non-historic roll-up door/man door combination is inappropriate for anything other than a loading dock. Staff believed this to be an inappropriate precedent for a restaurant façade in downtown. While the open air restaurant feeling may be compatible with the downtown when the door is open, the metal roll-up door after hours or during cold/inclement weather is not compatible. Staff has met with the applicant and expressed concern that retaining the roll-up door will have potentially significant negative implications including a lack of noise attenuation and non-compliance with historic guidelines. As such, staff does not support the modifications to the Mission Inn Avenue façade, including the outdoor railing until the roll-up door and non-historic wood frame storefront is replaced with an appropriate storefront system that is compatible with the rest of the building architecture. As such, staff has conditioned that prior to the installation of any outdoor seating area, plans be reviewed and approved by CHB staff for the removal of the non-historic and non-compliant features and replaced with more appropriate and historically compatible storefront system both for the roll-up door entrance and the existing wood frame storefront system.

FACTS FOR FINDINGS: (From Section 20.30.060 of the Riverside Municipal Code)

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

FACTS: As conditioned, the project complies with this finding. The project is designed to retain the character defining elements and is generally compatible. However, staff has expressed concerns that the retention of the non-compatible roll-up door and wood storefront system detract from the character defining elements of the building and should be removed and replaced with a more historically appropriate design. If the Cultural Heritage Board chooses to approve the project, staff has added the aforementioned conditions of approval.

FINDINGS: The proposed undertaking is compatible with existing adjacent or nearby landmark structures and preservation district structures and their character-defining elements.

FACTS: As conditioned, the project complies with this finding. The subject site is located at the corner of Mission Inn Avenue and the Main Street Pedestrian Mall. The building is located adjacent to the Historic Mission Inn Hotel and Spa. The Mission Inn is identified as City Landmark #1, a contributor to the Mission Inn Historic District, the Seventh Street Historic District and the Mission Inn National Register Eligible Historic District. In addition, the Mission Inn is one of only two National Historic Landmarks within the City. The project is designed to retain the character defining elements and is generally compatible with the existing building. However, staff has expressed concerns that the retention of the non-compatible roll-up door and wood storefront system detract from the character defining elements and should be removed and replaced with a more historically appropriate design. If the Cultural Heritage Board chooses to approve the project, staff has added the aforementioned conditions of approval.

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 structures.

FACTS: As conditioned, the project complies with this finding. The proposed storefront system on the Main Street Mall is designed to be compatible with the existing storefront systems. The existing windows will be replaced with period appropriate storefronts in a design that is also appropriate for the period. However, staff has expressed concerns that the retention of the non-compatible roll-up door and wood storefront system detract from the character defining elements and should be removed and replaced with a more historically appropriate design. If the Cultural Heritage Board chooses to approve the project, staff has added the aforementioned conditions of approval.

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

FACTS: As conditioned, the project complies with this finding. The important architectural features are proposed to be retained by the project. In addition, areas where modifications are proposed, the project is compatible or conditioned to be compatible with the architectural and historical features. As such, the project will comply with this finding.

ENVIRONMENTAL ASSESSMENT:

The proposed project is categorically exempt per Section 15331, Historical Resource Restoration/Rehabilitation of the CEQA Guidelines.

RECOMMENDATION:

That the Cultural Heritage Board **APPROVE** Planning Case P11-0138.

EXHIBITS:

1. Location Map
2. Aerial Photo
3. Project/Activity Description
4. Project Plans
5. Letters in Response to Public Notice
6. Site Photos

CULTURAL HERITAGE BOARD
RECOMMENDED CONDITIONS OF APPROVAL

Case Number: P11-0138 (Certificate of Appropriateness)

Meeting Date: November 16, 2011

Case Specific

1. The applicant shall obtain an encroachment permit from the Public Works Department for the door opening onto a public right-of-way. In the event an encroachment permit cannot be obtained, or the design is denied by another department (such as Building and Safety or Fire), the storefront shall be re-designed to accommodate the door into an alcove system. Should an alcove be deemed required for compliance, the applicant shall submit plans to CHB staff for review and approval. Design modifications may be required.
2. The storefront system shall be made of aluminum or other silver polished metal to resemble the existing main storefront.
3. The window system shall be aluminum or other metal painted to match the existing.
4. The windows and doors shall match the existing in style, scale, height, width, color, material, etc.
5. The existing marquee canopy shall be retained, cleaned, and repainted as appropriate.
6. The storefront door located on Mission Inn Avenue that was previously installed without a Certificate of Appropriateness or the benefit of Permits or Inspections currently being utilized for access to the Hideaway Café shall be replaced the storefront window system to match historic, unless the applicant provides empirical evidence that the location was previously developed with a door. A copy of the manufacture cut sheet shall be provided to CHB staff for review and approval.

Prior to construction of outdoor seating area

7. The applicant shall obtain an encroachment permit from the Public Works department for the outdoor seating area and fencing.
8. The applicant shall submit detailed drawings for review and approval of CHB staff for replacement of the existing flower shop and roll-up door with new historically appropriate storefront systems.
9. The existing non-permitted signs and banners shall be removed. A separate Certificate of Appropriateness shall be submitted for review and approval of all signs. Please note that banners are prohibited by the Zoning Code.
10. The outdoor seating area shall be fenced with a metal fence system similar to the design shown on the plans.

Standard Conditions of Approval

11. 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 **OCCUPANCY** hold can be released.
12. There is a ten calendar-day appeal period that will lapse at 5:00 p.m. on November 28, 2011. Appeals of the Board's action will not be accepted after this time.
13. This approval will expire in one year on November 16, 2012.

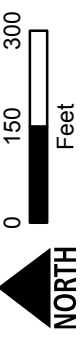
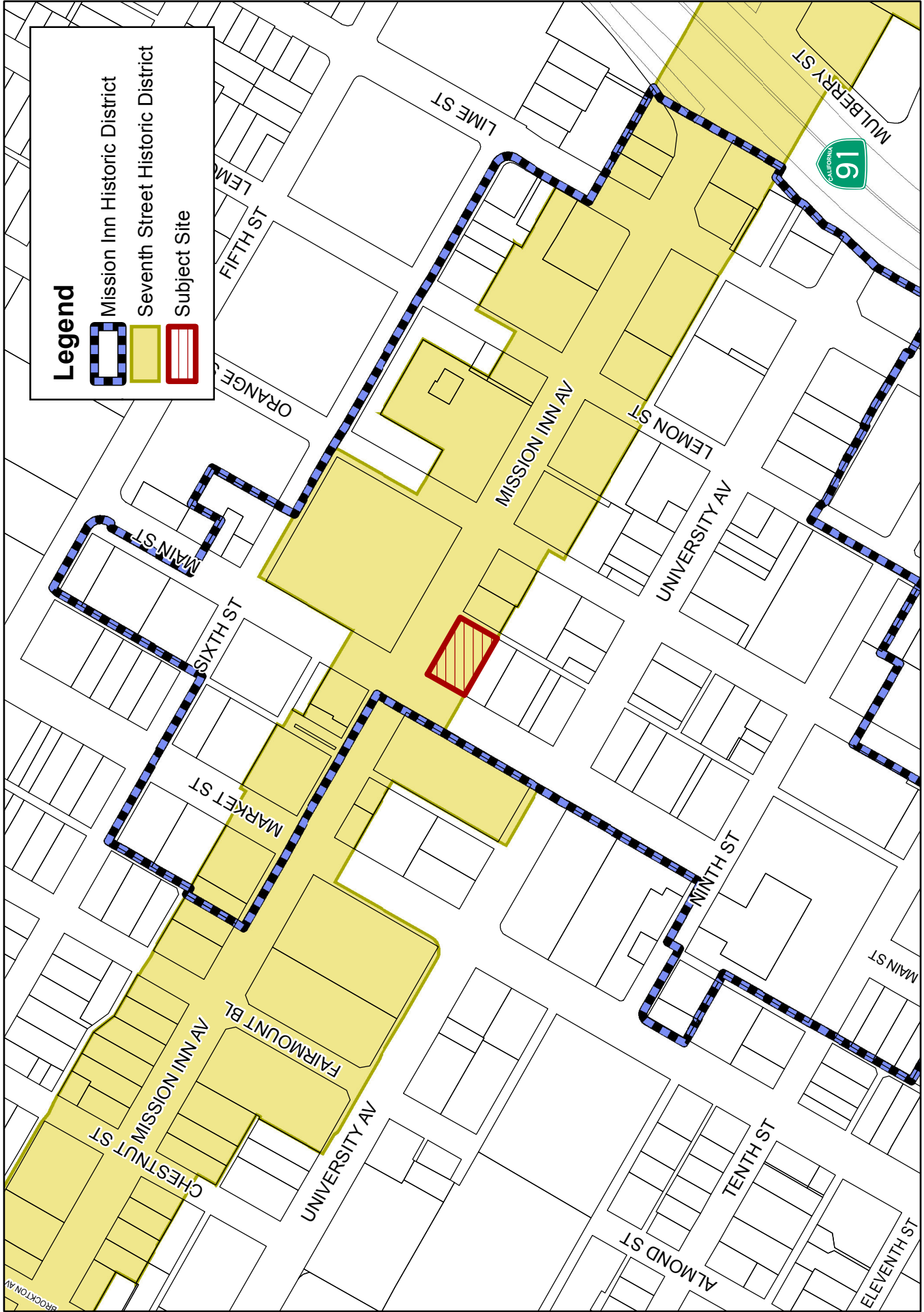
APPEAL INFORMATION

The Cultural Heritage Board's decision or any conditions of approval can be appealed to the City Council by the applicant or any interested person within ten days of this action. To appeal this decision, submit a letter stating what you wish to appeal and why, the General Application form and a check in the amount of \$1301.30, made payable to the City of Riverside to cover the appeal fee. The Planning Division offers a packet on filing an appeal that you might find helpful. Appeals may be delivered in person or mailed. The Planning Division's address is:

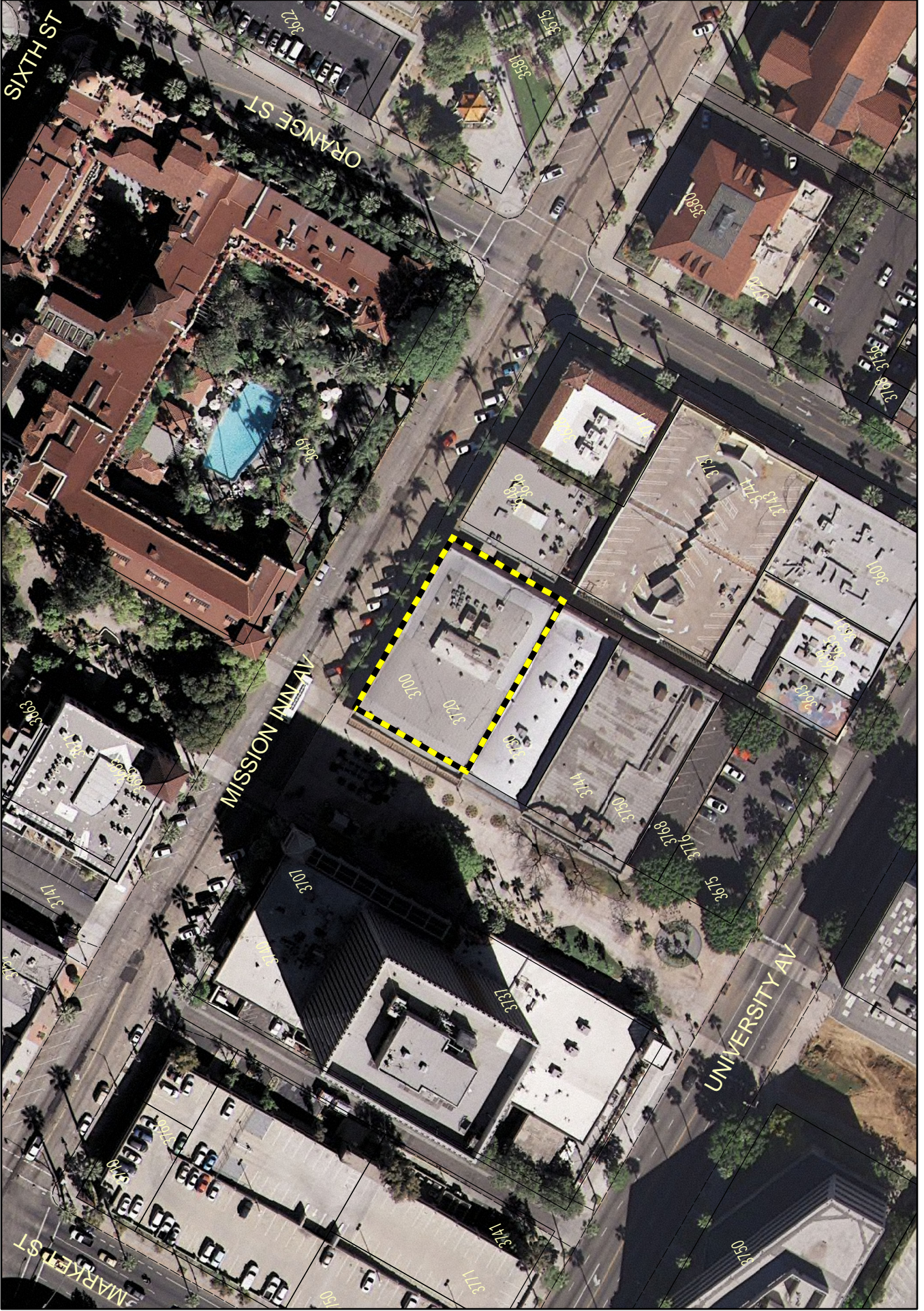
City of Riverside
Community Development Department
Planning Division
3900 Main Street, 3rd Floor
Riverside, CA 92522

Appeals will be considered by the City Council within thirty days of the end of the appeal period.

G:\CHB\2011-CHB\11-16-2011\P11-0138 rtr.docx
Travis Randel



P11-0138, Exhibit 1 - Location Map



P11-0138, Exhibit 2 - 2008 Aerial Photo

October 27, 2011

Travis W. Randel, Associate Planner
Community Development Department
Planning Division
3900 Main Street, 3rd Fl.
Riverside, CA 92522

RE: Galleria Café, 3660 Main Street, Riverside, CA 92501

Dear Mr. Randel:

Please find our responses below to your email dated October 21, 2011.

We are expanding the Galleria Café located downstairs of the Mission Galleria Antique Mall approximately 800 sq. feet and upstairs we are expanding the Café for handicap accessibility approximately 436 sq. feet which will include outside seating on Mission Inn Avenue similar to Mario's Place.

The hours of operation will be 10:00 a.m. to 1:30 a.m. Days of operation will be seven (7) days a week, closed on major holidays and earlier if business is slow.

The percent of all food to alcohol sales is 17%

The Café contains a kitchen where a variety of food is prepared and cooked. Eighty three percent (83%) of the Café is for sit-down food service to patrons. The Café serves food to patrons during all hours the establishment is open for customers.

We do have a permit for sales for off premises of alcohol – License 41.

The Café' is not subject to any discretionary permit.

The Café is defined as a "bona fide public eating place by the State of California Department of Alcoholic Beverage Control.

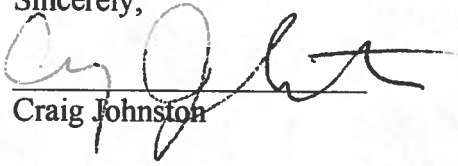
Please withdraw the entertainment portion of P11-0138.

P11-0138, Exhibit 3
Project/Activity Description

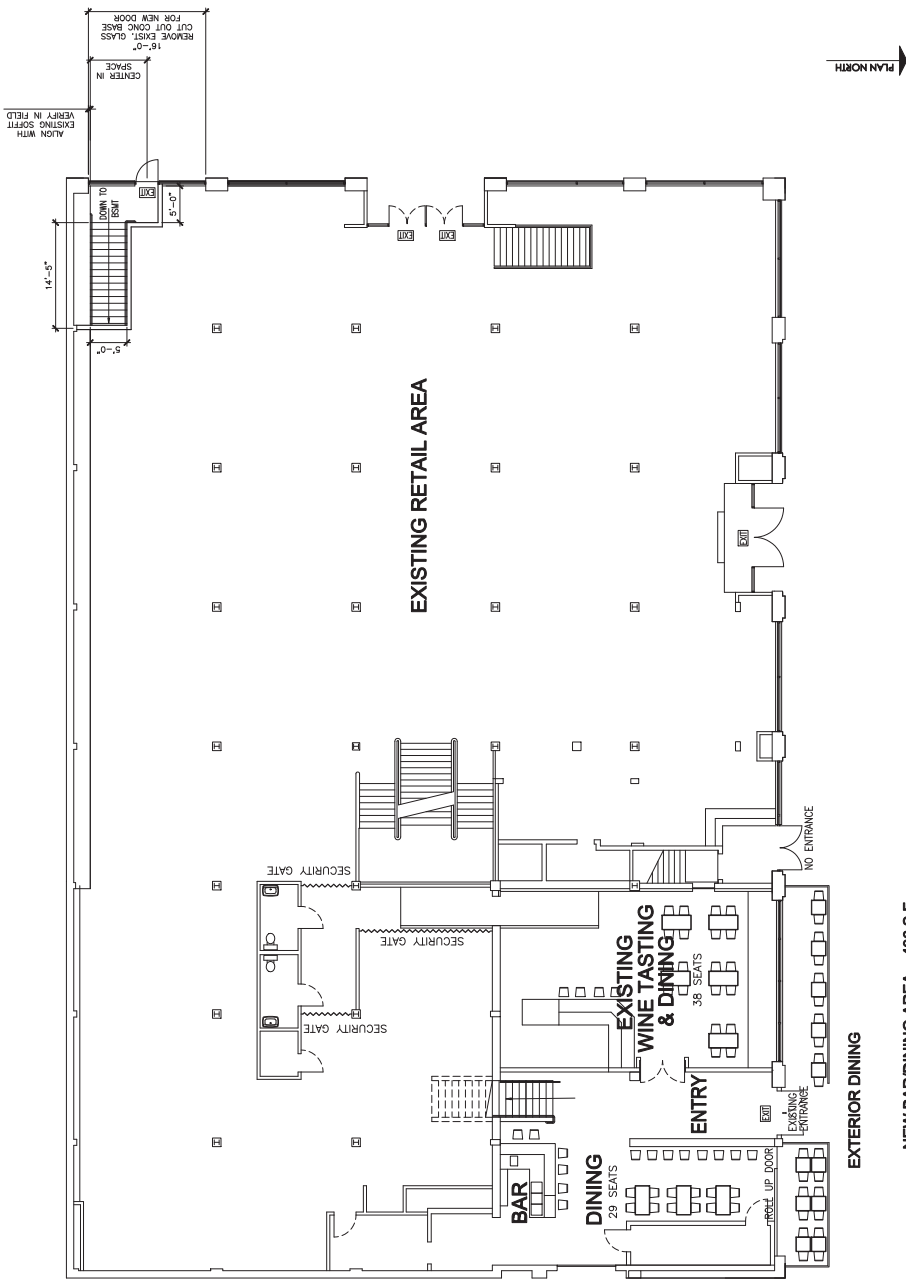
Page Two

The Café is not located within 100 feet of any existing residential dwelling or property zoned for residential use, as measured from any point upon the outside walls of the building or building lease space containing the business to the nearest property line of the residential property.

Sincerely,



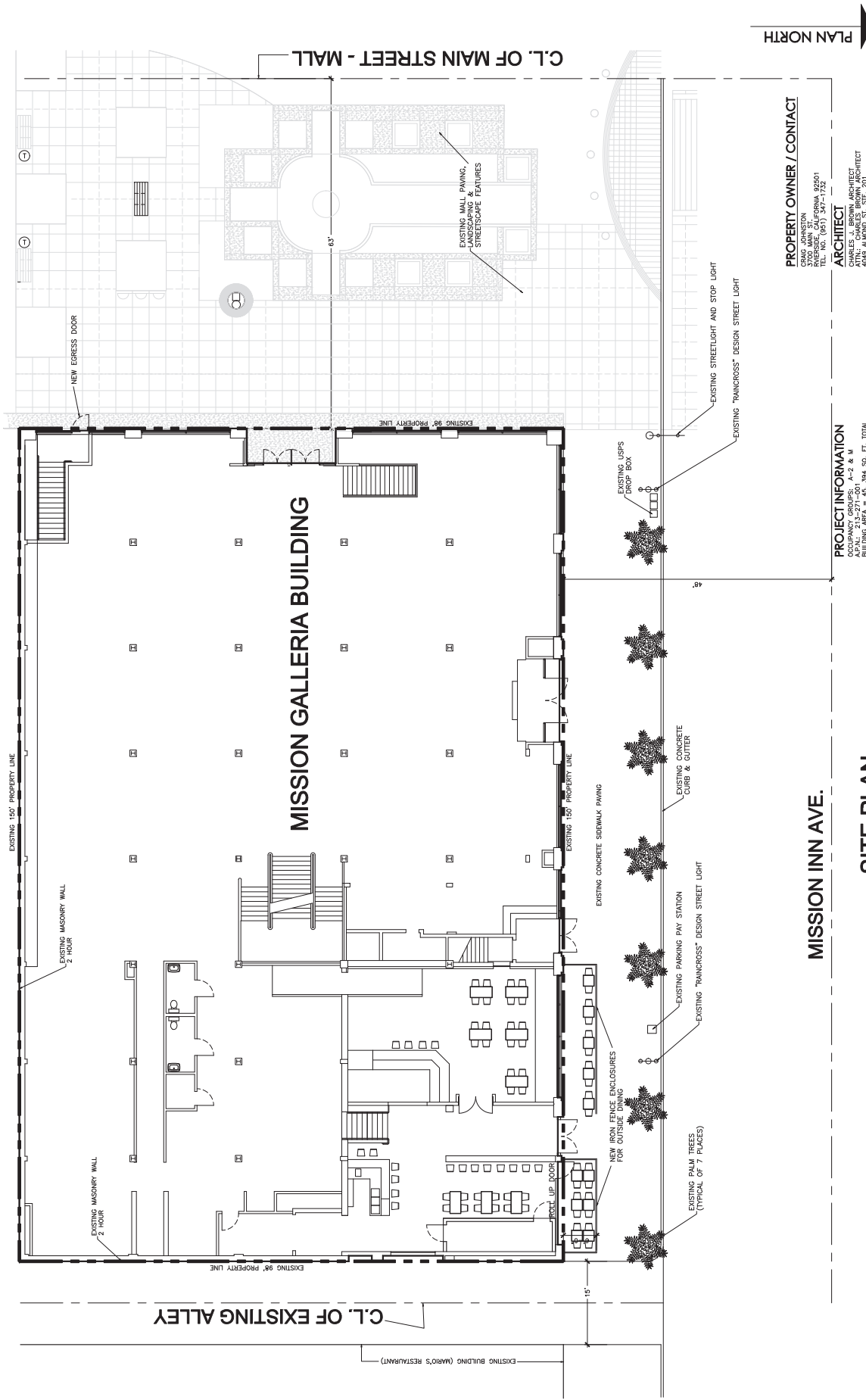
Craig Johnston



NEW BAR/DINING AREA = 436 S.F.
 NEW OCCUPANT LOAD: 436 S.F./15' = 29
 NEW WINE TASTING DINING AREA = 568 S.F.
 NEW OCCUPANT LOAD: 568 S.F./15' = 38
 NEW EXTERIOR DINING AREA = 268 S.F.
 NEW OCCUPANT LOAD: 268/15 = 18



SITE PLAN



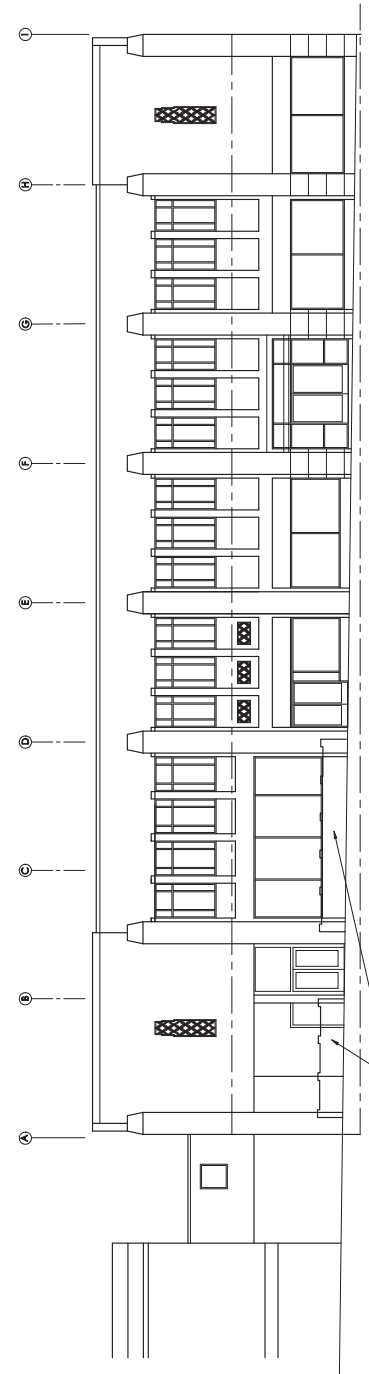
PROPERTY OWNER / CONTACT
 CHAO JOHNSTON
 5700 MAIN ST., SUITE 100
 RIVERSIDE, CA 92501
 TEL. NO. (951) 347-1732

ARCHITECT
 CHARLES BROWN ARCHITECT
 ATTN: CHARLES BROWN ARCHITECT
 4049 ALMOND ST., STE. 201
 RIVERSIDE, CA 92501
 TEL. NO. (951) 683-6222
 FAX NO. (951) 683-8578

SCOPE Δ
 PREPARE CONCEPT PLANS TO BASECRAFT LEVEL.
 REMOVE EXISTING NON-BEARING MASONRY WALL &
 ENCLOSE EXISTING ELECTRICAL EQUIPMENT.

PROJECT INFORMATION
 SHEET: A-1, A-2 & M
 A.P.N.: 215-2-271-001
 TOTAL AREA: 10,000 SQ. FT.
 FIRE SPRINKLED
 EXISTING EXTERIOR WALLS: 12" THICK CONCRETE/BRICK, 4 EXTERIOR SIDES

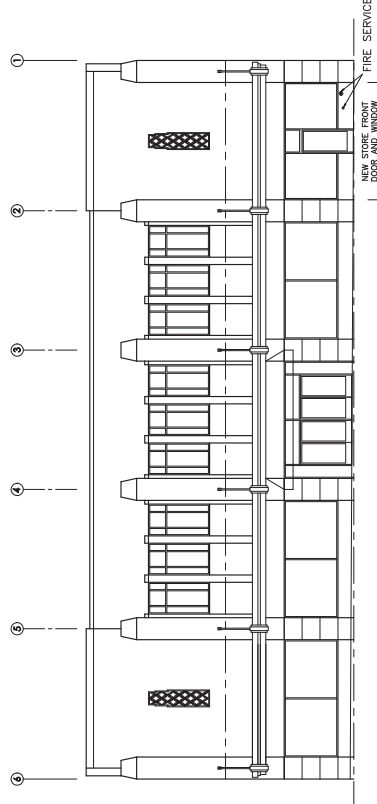
SITE PLAN
 SCALE: 1/8" = 1'-0"



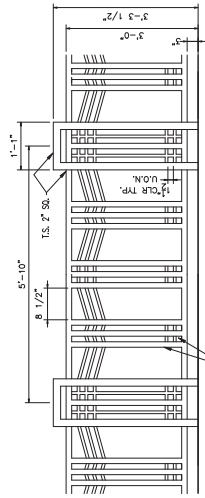
NORTH ELEVATION (MISSION INN AVENUE SIDE)



NEW STORE FRONT DOOR LOCATION



WEST ELEVATION (MALL SIDE)

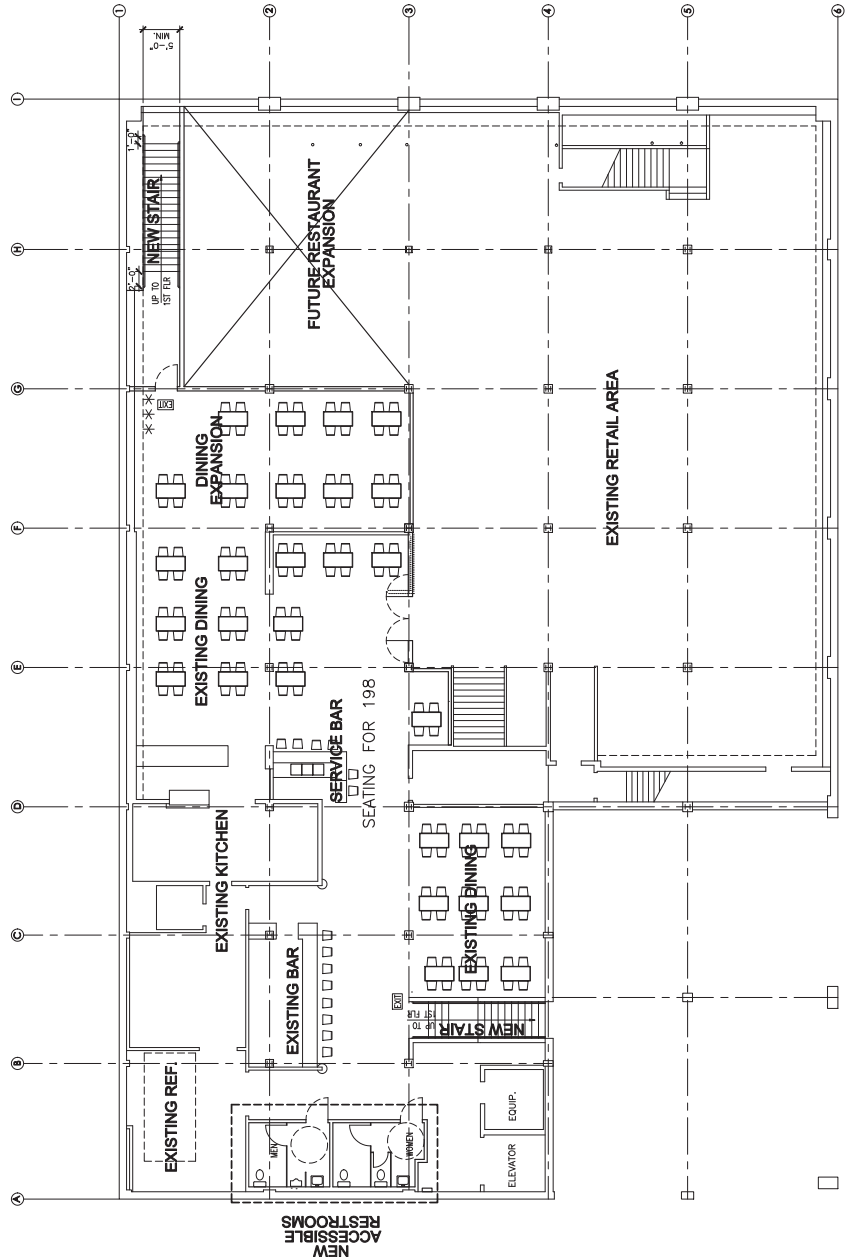


RAILING AT OUTSIDE SEATING
 SCALE: 3/4" = 1'-0"
 PANT COLOR FOR EXTERIOR RAILINGS AT OUTSIDE SEATING: BURN-UMBRAGE, BESTR, GEORGE CLAY UOOL



JOB	10/26/11
DATE	10/26/11
REV	A
SCALE	1/2" = 1'-0"

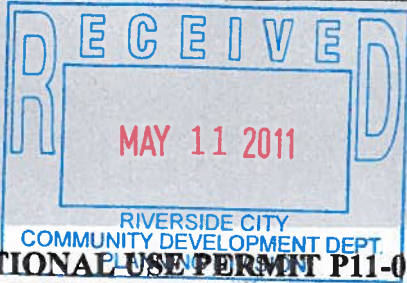
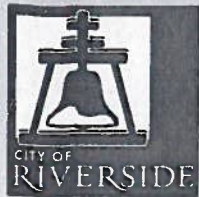
FLOOR PLAN
BASEMENT LEVEL



RESTROOM ANALYSIS:
 2974 S.F. / 30 = 100
 2974 S.F. / 30 = 100
 2 WATER CLOSETS FOR WOMEN PLUS 1 LAVATORY
 1 WATER CLOSET FOR MEN PLUS 1 URINAL & 1 LAVATORY

EXISTING BAR / RESTAURANT AREA = 2,184 S.F.
RESTAURANT EXPANSION AREA = 780 S.F.
NEW BAR / RESTAURANT AREA = 2,974 S.F.
NEW OCCUPANT LOAD: 2,974/15 = 198

BASEMENT FLOOR PLAN



Response to Public Notice

MINOR CONDITIONAL USE PERMIT P11-0137 AND P11-0138

Please enter any comments you may have about this proposal below. (Please print or type all information):

COMMENTS: Other Public Safety & Security Concerns:

- ① No Sprinklers for fire coverage in building.
- ② Not enough Parking for Large Crowds
Nighttime Parking is overcrowded now
with Existing Bars/Entertainment Venues
- ③ Security on Mall & Alley is inadequate
for yet another venue. It is Not the
Ambassadors from RDP's Job.
- ④ Not enough Bathrooms. Sewage Problems
for this block always start with this building.
- ⑤ Air Pollution from outside Smokers and
the refuse is bad now - Don't invite 500+
more people to Participate
- ⑥ Security is not being upheld in businesses already
in building - What makes you think anything will change!!

NAME: Business on University Ave

ADDRESS: Can not give Name APT/UNIT #:

CITY: Craig has retaliated STATE: before ZIP CODE:

DATE: for speaking out PHONE: against him.

This form is pre-addressed. Just fold it, affix a stamp and tape the bottom edge closed.

P11-0138, Exhibit 5

Letters in Response to Public Notice



**HISTORIC
MISSION INN
CORPORATION**

MISSION INN • A NATIONAL HISTORIC LANDMARK

May 18, 2011

Mr. Travis Randel
City of Riverside
Community Development Department
Planning Division
3900 Main Street
Riverside, California 92522



Subject: Case Numbers P11-0137 (Minor Conditional Use Permit) and P11-0138 (Certificate of Appropriateness)

Dear Mr. Randel,

The Historic Mission Inn Corporation, which owns and operates the Mission Inn Hotel & Spa, strongly opposes a Minor Conditional Use Permit that would allow a banquet and conference facility and live entertainment on the second floor level of the Mission Galleria.

The Mission Inn & Spa, its pool area and Kelly's Spa, Las Campanas Restaurant, and over 100 sleeping rooms directly front Mission Inn Avenue, across from the proposed facilities that intend to feature live entertainment. Loud music and entertainment would have a negative impact on all those who stay in the guestrooms in the front of the hotel and seek quiet and solitude in the evenings. Similarly, loud music would have a negative impact on those dining in the Mission Inn's outdoor Las Campanas Restaurant, where guests enjoy the light Spanish music that plays throughout the evening. Finally, many of the Mission Inn's guests enjoy relaxing by the pool in the evenings, experiencing the look and feel – and even the sounds - of the Mission Inn in the evening, relaxation that would be spoiled by loud music coming from directly across the street.

By this correspondence, I specifically request that I be further notified of any action relating to this application.

If you have any questions, please do not hesitate to contact me at 951-440-1647.

Regards,

Ted Weggeland

Director



**HISTORIC
MISSION INN
CORPORATION**

MISSION INN • A NATIONAL HISTORIC LANDMARK



October 12, 2011

Mr. Ken Gutierrez
Planning Director
City of Riverside
3900 Main Street
Riverside, CA 92522

Dear Mr. Gutierrez,

I am writing to respectfully, but emphatically, oppose the conditional use permit application for a banquet/nightclub at the Mission Galleria, located at the corner of Mission Inn Avenue and Main Street in downtown Riverside. The proposed banquet facility/night club would be directly across from the Mission Inn Hotel and Spa.

The Mission Inn has spent close to 20 years and tens of millions of dollars to create a unique and special ambiance that helps keep the Mission Inn as a centerpiece of downtown economic activity and as a leader in arts and culture in the City of Riverside. The Mission Inn's reputation has grown beyond Riverside, even beyond California. Our indoor/outdoor spa is a special place where our guests can relax and enjoy a peaceful treatment. Our pool and outdoor Las Campanas Restaurant both face Mission Inn Avenue, as do 94 sleeping rooms with windows that open to let in the special coolness of the Riverside nights along with balconies and walkways for day and evening rest and relaxation. All of these areas of the hotel would face the proposed Mission Galleria nightclub. As you know, for six weeks of the year, the Mission Inn is transformed by the Festival of Lights, which attracts families and others for wholesome, safe fun during the holidays. It would be tough to imagine a less compatible use than a nightclub across the street from the Mission Inn.

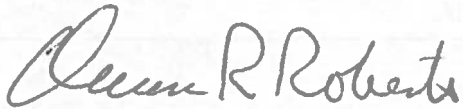
An example of the negative impact that this type of nighttime activity generates is the constant disturbance caused by patrons at the Crescent Jewell Restaurant/CJ's Burgers on the corner of Sixth Street and the Main Street Mall downtown. The Mission Inn management regularly receives complaints from guests regarding excessively loud noise and inappropriate behavior late at night outside the Crescent Jewell. In fact, this past weekend, the Mission Inn had to re-locate two guests to a different area of the hotel late in the evening because of the noise coming from that establishment. I have

been told that the Riverside Police Department has also recently been called to the scene because of public disturbances outside the restaurant.

Furthermore, the area surrounding the Mission Inn has in the last five years turned into the hospitality, arts, and cultural center of downtown. The Historic Fox Theater has re-opened with a \$30 million remodel; the Riverside Main Street mall has undergone a complete, beautiful, and impressive renovation; the Metropolitan Museum and the Municipal Auditorium are undergoing significant restoration with city funds; and the City will soon begin its \$35 million expansion of the Riverside Convention Center. The pieces are being put in place for a thriving downtown, one that attracts theater-goers, conventioners, hotel guests, and lovers of art and culture. A nightclub squarely in the center of this area of downtown would do much to reverse the positive and meaningful progress that the City made in creating this special ambiance and atmosphere.

Thank you for your consideration.

Regards,



Duane R. Roberts

Keeper of the Inn

Cc: Patricia Lock-Dawson, Planning Commission Chair
Larry Allen, Planning Commission Vice-Chair
Robert Wade, Planning Commission Secretary
Thomas Riggle, Planning Commission Sergeant At Arms
Stan Brown, Planning Commission Board Member
Robert Kain, Planning Commission Board Member
Tim Maloney, Planning Commission Board Member
Bob Stockton, Planning Commission Board Member
Joe Tavaglione, Planning Commission Board Member



October 11, 2011

Mr. Ken Gutierrez
Planning Director
City of Riverside
3900 Main Street
Riverside, CA 92522

Dear Mr. Gutierrez,

As you know, the Riverside Convention & Visitors Bureau (RCVB) is responsible for booking conventions in the City of Riverside.

I am writing to strongly protest the application to bring a night club to any part of the Mission Galleria, which is located at Mission Inn Avenue and Main Street.

The RCVB's primary selling point in luring conventions to Riverside is our unique downtown, which includes the Mission Inn, the Fox Theater, the new pedestrian Main Street Mall, and, in the near future, the new convention center. This area is clean and safe, with a welcoming and friendly atmosphere. A night club in this area of downtown would be inconsistent with this atmosphere, which is so vital to our ability to book conventions, which, in turn, add significantly to the City of Riverside's transient occupancy and sales tax revenues. A night club is especially inconsistent with the RCVB's on-going effort to attract the higher-end conventions and meetings that finally are viewing Riverside as a special and unique location for their events.

As such, the RCVB strongly opposes a night club or similar-type venue anywhere downtown, but especially in what is increasing known as its hospitality sector: University Avenue to the Riverside Convention Center.

If you have any questions, please do not hesitate to contact me directly at 951-222-4700, ext. 202.

Sincerely,

Debbie Megna, Executive Director
Riverside Convention & Visitors Bureau (RCVB)

Cc: Patricia Lock-Dawson, Planning Commission Chair
Larry Allen, Planning Commission Vice-Chair

Riverside Convention & Visitors Bureau

3750 University Ave., Suite #175 • Riverside, California 92501

TEL 951-222-4700 • FAX 951-222-4712

Toll Free 888-748-7733

P11-0138, Exhibit 5

Letters in Response to Public Notice

Robert Wade, Planning Commission Secretary
Thomas Riggle, Planning Commission Sergeant At Arms
Stan Brown, Planning Commission Board Member
Robert Kain, Planning Commission Board Member
Tim Maloney, Planning Commission Board Member
Bob Stockton, Planning Commission Board Member
Joe Tavaglione, Planning Commission Board Member



P11-0138, Exhibit 6
Site Photos



P11-0138, Exhibit 6
Site Photos



P11-0138, Exhibit 6
Site Photos



November 16, 2011

Mr. Ken Gutierrez
Planning Director
City of Riverside
3900 Main Street
Riverside, CA 92522



Re: Planning Case P-11-0138

Dear Mr. Gutierrez,

I am writing to strongly oppose the Certificate of Appropriateness for the proposed exterior modifications to the Mission Galleria (Project). Included with this letter are two documents:

- 1) A letter from the Historic Mission Inn Corporation's legal counsel concluding that approval of the Project at this point would be unlawful under CEQA; that a categorical exemption under CEQA cannot be invoked before details of the entire Project are approved; and that the Project would create significant and unavoidable noise impacts that have not been properly analyzed in an environmental analysis.
- 2) A Noise Impact Analysis conducted by Urban Crossroads, which concludes that the Project's noise level impact will be "readily perceptible with the potential to significantly affect sleep activities for guests at the Mission Inn."

For the aforementioned reasons, the Certificate of Appropriateness should be denied.

Regards,

Ted Weggeland
Director
Historic Mission Inn Corporation

November 16, 2011

VIA ELECTRONIC AND HAND DELIVERY

City of Riverside
Community Development Department
Planning Division
Cultural Heritage Board
3900 Main Street
Riverside, CA 92522

Re: PLANNING CASE P11-0138

Dear Members of the City of Riverside Cultural Heritage Board:

This law firm represents the Historic Mission Inn Hotel ("Mission Inn"). The purpose of this letter is to strongly oppose the Cultural Heritage Board's ("CHB") staff recommendation to approve the above-referenced project (modifications to the Mission Galleria), and to urge the Cultural Heritage Board to deny the project or, in the alternative, to request that further analysis be prepared prior to the project being presented to the CHB in the future. The approval would not only allow the essential historical character of both the Mission Inn Historic District and the Seventh Street Historic District to be unquestionably harmed, but any approval of the project at this point would be unlawful under the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code §§ 21000-21177) insofar as the proposed project has been unlawfully segmented/piecemealed.

Furthermore, a categorical exemption pursuant to CEQA pursuant to the California Code of Regulations cannot be invoked before details of the *entire* project are approved. In this case essential details of the project concerning the roll up door and exterior are currently unknown.

Lastly, the proposed project would create significant and unavoidable noise impacts that have not been properly analyzed in an environmental analysis.

I. Background

The expansion of the Galleria Café ("Café") and the addition of outdoor seating will have a severe negative impact on the Mission Inn Historic District, and on the Mission Inn itself. The Café is located directly across the street from the Mission Inn, will be open until 1:30 a.m. every morning, and serve alcohol. The late night noise and other related disturbances will have a severe impact on the Mission Inn's numerous rooms facing the street, the outdoor pool and spa area, and the serene Las Campanas Restaurant. Patrons in the proposed outdoor seating of the Café will be extremely close to the Mission Inn courtyard. The Mission Inn already has experienced numerous problems resulting from loud and intoxicated patrons from other nearby restaurants, and security in the area is currently inadequate *without* this additional restaurant expansion.

City of Riverside
November 16, 2011
Page 2

Indeed, the owners of the proposed project have recently violated City Codes and policies including, but not limited to, the following: (i) operating the "Hideaway Café" in the Mission Galleria without sprinklers and adequate fire exits; and (ii) installing the incompatible storefront in question without a Certificate of Appropriateness or the public benefits of permits or inspections, and using this storefront for access to the unpermitted Hideaway Café.

This past experience of unlawful activities would seemingly dictate that full and comprehensive environmental review of the full scope of the proposed project be undertaken prior to authorizing a new project operated by these same owners.

II. The Proposed Project is Unlawfully Piecemealed

The Mission Inn is the center of the Mission Inn Historic District, is listed on the national register of historic landmarks, and is immensely important to the cultural, historical and economic interests of the City of Riverside ("City"). The Café will undoubtedly cause harm to the Mission Inn, and as a result the entire Historic District.

The plan for the Café project is not complete because the method and end result of the required alterations to the nonconforming storefront and the metal roll-up door have simply not been presented to the CHB or to members of the public. Therefore, approval of the project at this time would be unlawful under CEQA as the entire project must be analyzed as a whole by members of the CHB and the public. (*See Orinda Ass'n v. Board of Supervisors* (1986) 182 Cal. App. 3d 1145.)

By the CHB staff's own admission, the current state of the storefront is not compatible with the Mission Inn Historical District, and would not be approved as-is. Approval at this time would be a premature piecemeal approval, conditioned on changes that have not yet been detailed or made available to the public in the slightest. This type of approval is unlawful. (*See Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal. 3d 376 [holding all relevant parts of a project must be included in a project description, including reasonably foreseeable future expansion or other activities that are part of the project]; *see also City of Santee v. County of San Diego* (1989) 214 Cal. App. 1438 [holding the entire project being proposed for approval must be described to ensure all the project's environmental impacts are considered]; *Planning & Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal. App. 4th 210, 235 ["[The CEQA] definition [of project] precludes piecemeal review"]; *see also County of Inyo v. City of Los Angeles* (1977) 71 Cal. App. 3d 185, 192 [holding a finite project description is indispensable]; *see also City of Redlands v. County of San Bernardino* (2002) 96 Cal. App. 4th [an accurate and complete project description is necessary for an intelligent evaluation of the potential environmental impacts of the agency's action]; *see also San Joaquin Raptor/Wildlife Rescue Ctr. v. County of Stanislaus*, 27 Cal. App. 4th 713 (1994); *see also Rural Land Owners Ass'n v. City Council* (1983) 143 Cal. App. 3d 1013; *see also Santiago County Water Dist. v. County of Orange* (1981) 118 Cal. App. 3d 818; *see also Whitman v. Board of Supervisors* (1979) 88 Cal. App. 3d 397; *see also* 14 Cal. Code Regs. § 15124.)

City of Riverside
November 16, 2011
Page 3

III. A Categorical Exemption is Not Appropriate In Circumstances Where the Project Has Been Unlawfully Piecemealed

The CHB staff concluded that this project is categorically exempt from CEQA as a historical resource restoration or rehabilitation. (14 Cal. Code Regs. § 15331.) However, categorical exemptions are subject to a variety of exceptions, including the reasonable possibility of a significant environmental impact occurring. (14 Cal. Code Regs. § 15300.2(c).) As set forth below in Section IV, the City *simply cannot find that the project is categorically exempt because expert evidence submitted with this letter demonstrates that the project will create significant and unavoidable noise impacts.*

Additionally, the historical exemption cannot be applied to any project that may cause an adverse change in the significance of a historical resource. (Cal. Pub. Res. Code § 21084(e); *see also Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal. App. 4th 1168.) The details of how the non-historical storefront and metal roll-up door will be changed and what the end result of the changes will be are completely unknown at this time. Therefore, it is impossible for the CHB Staff and/or members of the public to determine if this exemption applies because there is no way to determine if these changes create a reasonable possibility of a significant impact occurring.

IV. The Project Will Create Significant and Unavoidable Noise Impacts

Lastly, the proposed project cannot be approved because, as demonstrated by the Noise Analysis prepared by Urban Crossroads dated November 15, 2011 ("Noise Report") and attached hereto as Exhibit "A", the proposed project will *create significant and unavoidable noise impacts.*

Of course, this fact in and of itself should not be surprising as common sense would dictate that any bar or restaurant (i) located approximately 100 feet from the National Historic Landmark Mission Inn, its open courtyard, and 94 sleeping rooms, and (ii) open until **1:30 a.m. every night** is likely to be incompatible with the goals of the Historic District and the enjoyment of the Mission Inn by its guests. Indeed, even without the benefit of the Noise Report, the CHB staff itself conceded that even with the roll up door closed, Staff believed there was a potential lack of noise attenuation and potential impacts.

For all of these reasons, the CHB simply may not take any action to approve Planning Case CASE P11-0138.

Please contact me if you have questions or concerns regarding the foregoing.

City of Riverside
November 16, 2011
Page 4

Sincerely,

RUTAN & TUCKER, LLP



John A. Ramirez

JAR:af
Attachment
CC: Mr. Ted Weggeland, The Mission Inn

After the publication of the staff report, the following corrections were noted by staff.

Page 2 of 6

Currently Reads:

Compliance with section 20.30.030 of the City of Riverside Municipal Code:

Should Read:

Compliance with section 20.25.030 of the City of Riverside Municipal Code:

Page 3 of 6

Currently Reads:

Facts for Findings: (From Section 20.30.030 of the Riverside Municipal Code)

Should Read:

Facts for Findings: (From Section 20.25.050 of the Riverside Municipal Code)

Currently Reads:

The proposed undertaking is compatible with existing adjacent or nearby landmark structures and preservation district structures and their character-defining elements.

Should Read:

The proposed undertaking is compatible with existing adjacent or nearby Cultural Resources and their character-defining elements.

Currently Reads:

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 structures;

Should Read:

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;

The aforementioned modifications correct for inaccurate section numbers and minor changes to the Facts of the current version of Title 20. These changes do not alter staff's findings of facts nor recommendation for the project.

From: Laura Klure [mailto:llklure@att.net]
Sent: Monday, November 14, 2011 6:53 PM
To: Gettis, Erin; Andrade, Frances; Randel, Travis; Norton, Brian; Marquez, Krystal
Cc: Steve Lech
Subject: Comments re: CHB Cases, Nov. 16, 2011

To: City of Riverside Cultural Heritage Board members,
and City Planning Staff, Historic Preservation Officer

Re: Cultural Heritage Board meeting on 11/16/2011

The following comments are being submitted by the Board of Directors of the Riverside Historical Society, on behalf of the Society.

Regarding the four cases planned for discussion by the CHB on 11/16, **we agree with the staff recommendations on all these cases.**

Specifically, there are three cases involving Certificates of Appropriateness for modifications to existing historic buildings. We approve the issuance of those three Certificates, **with all the conditions recommended by Staff.** We appreciate the careful consideration that has been given to these cases by City staff.

Case P11-0138 involves the Mission Galleria building (former Sears) at the corner of Main Street and Mission Inn. We understand that some aspects of the proposed uses for this building will require approvals by other City Departments, and we strongly hope that the integrity of the Downtown Historic District and of nearby historic structures will be given consideration in all those decisions.

Case P11-0451 proposes a re-model and partial demolition of a packinghouse situated along Commerce Street between 3rd & 4th Streets. This building had already been damaged and altered in the past.

Case P11-0732 proposes changes to the frontage of the Roosevelt Building, on University Avenue between Orange and Main Streets, City Landmark #90. It is important that the property owner and business(s) involved work with City staff to assure proper treatment of this Landmark.

The fourth case under discussion, P11-0663, is a proposal by Jennifer Mermilliod on behalf of California Baptist University to designate the A.C.E. Hawthorne House and a related venerable Eucalyptus Tree at 3747 Monroe Street as a City Landmark. We applaud this designation, and the willingness of Cal Baptist to preserve this Swiss Chalet style, Victorian era structure.

Thank you for your attention to our comments.

Regards,
Riverside Historical Society Board of Directors,
Steve Lech, President
P.O. Box 246, Riverside CA 92502
info@riversidehistoricalsociety.org

Sent by:
Laura L. Klure
llklure@att.net
(951) 684-6533

- 1. PLANNING CASE P11-0138 (Continued from the October 19, 2011 Meeting):** Proposal by Craig Johnston of Mission Galleria for a Certificate of Appropriateness for exterior modifications to the Mission Galleria, City Structure of Merit City Structure of Merit #291, and contributor to the Mission Inn Historic and the Seventh Street Historic Districts situated on the Southeasterly corner of Main Street and Mission Inn Avenue at 3700 Main Street.

Travis Randel, Associate Planner, presented the staff report. Mr. Randel called attention to minor corrections to the staff report which were distributed prior to the meeting. These are minor corrections which referenced Code sections that were part of the previous Title 20.

Chair Pro Tem Field called for the applicant.

Craig Johnston, applicant, addressed the Board. He stated that the roll up doors have been there for approximately 80 years, it was a dock for trucks. The window space by the flower shop used to be roll up doors for loading trucks. At this point in time he did not want to change it out because he felt that was the best thing for right now. The Redevelopment Agency was going to assist him with the façade improvements of the building but that is on hold right now. He stated that, at this time, he would like to wait on the roll up door and the door going into the flower shop.

Ted Weggeland, Director of the Historic Mission Corporation which owns and operates the Mission Inn directly across the street from the Mission Galleria. He stated he was present to oppose the item today for a number of reasons. The Mission Inn is a National Historic Landmark. It is one of three national historic landmark hotels in the State of California and the centerpiece for arts and culture in downtown Riverside. He believed that a restaurant like this, across the street from the Mission Inn, that includes outdoor seating with an open door to a restaurant bar area, will have a negative impact on the Mission Inn and the Mission Inn guest experience. He called attention to the letter from their legal council which was distributed prior to the meeting. The letter raises the issue of whether or not it is even proper for the Board to consider this proposal under CEQA, given the fact that there are still issues that remain outstanding relative to what the door might look like and whether or not the roll up doors will exist. This is, accordingly, piecing the approval process which is not allowed under CEQA. They also believe there will be materially negative noise impacts on the Mission Inn which should also be taken up under some sort of CEQA environmental review. A noise study by Urban Crossings, was submitted to staff today. JT Stevens, an acoustical consultant, is also present today and can address any questions the Board may have about the noise that would be coming from what is essentially an outdoor restaurant right across the street from the national historic landmark hotel and any negative impacts that it would have on the historic property and historic district. He reiterated that they respectfully but emphatically oppose this Certificate of Appropriateness for legal reasons that it shouldn't be brought up today and approved because there are environmental concerns that need

to be addressed by the City and this Board relative to negative noise impacts. He asked Mr. Stevens to address the noise implications.

JT Stevens, Urban Crossroads, explained that based on their analysis the noise has an increase ranging anywhere from 8 to 15 decibels. He noted that under CEQA, anything more than 3 is considered significant. This is a pretty large impact based on adding this source into the environment. He stated that for their purposes, being the consultants for the Mission Inn, they were only privy to the plans they were provided. If there is something different that they did not know about, obviously it would not have been included in the study. They did two scenarios one with the roll up door down and only taking into account the exterior seating. And then a second scenario including the roll up door raised and possibly hearing other noise impacts from the bar or music being played.

Charles Brown, architect for the applicant, 4049 Almond Street, stated that they were informed that if they pulled the minor Conditional Use Permit for entertainment, the request they have before the Board today is just a matter of right. They can have a restaurant at this facility. The only reason they are here today is to address the egress issues to meet Code.

Erin Gettis, Historic Preservation Officer, stated that this was staff's understanding and that it was noted in the staff report on page 2.

Chair Pro Tem Field noted this change and asked Mr. Weggeland if this addressed his concerns?

Mr. Weggeland stated that it did not change his concerns. The issue for the Mission Inn isn't necessarily one of entertainment as much as the impact of the use of the property; whether entertainment or a restaurant with doors open or sliding garage doors open. This proposal will have a negative noise impact on the Mission Inn. Their acoustical consultant has shown that there will be a negative noise impact that exceeds what is allowed under the City Code. The problem isn't necessarily entertainment, it is the negative impact on the Mission Inn and on the whole historic district which is something this Board should address.

Board Member Leach commented that the Board has not seen a copy of the report and didn't know that the Board was here to debate noise.

Board Member Megna arrived at this time.

Kristi Smith, Supervising Deputy City Attorney, stated that the Board was not to debate noise and had no authority over the use. The Cultural Heritage Board's role is purely looking at the impact of the change to the cultural resource which is this building. Under the Certificate of Appropriateness the Board is to analyze any change made to this building to make sure it is consistent with Title 20 and the Secretary of the Interior's Standards. The Board doesn't get to have a decision about the use, especially since,

according to the Code, the restaurant is a permitted use. If there is a noise violation, that is a different issue and it would be addressed by another provision of the Code.

Chair Pro Tem Field inquired whether the use issue will be handled by the Commission and City Council? This proposal will go to those bodies as well?

Ms. Smith pointed out that this proposal would only go to Council if there was an appeal of the Board's decision.

Ken Gutierrez, Planning Director, stated that staff's advice to the City Council would be the same. The purview of this case has to do with the physical changes to the building, not the use of it. They would have the same restrictions the Board has today.

Board Member Leach asked Mr. Weggeland if they had any issues with the façade changes or whether it was strictly the restaurant?

Mr. Weggeland replied that they had an issue because they do not know what the façade changes will be. This is one of the problems they have with this proposal not having some sort of CEQA environmental review. They hear that there will be changes but they will be future changes. It is impossible for them and, he would imagine, the Board to make a determination on this since it is not known what it will look like. The proposal should not be conditioned and the Board should have plans before them today. Their legal counsel's opinion says that it this is an improper taking up of this issue because there are CEQA issues. There is no categorical exemption, in their view, under CEQA because this is being piece mealed. To answer Board Member Leach's question, they don't know. They don't know what the future holds and neither does staff. Staff's recommendation is to approve this and in the future they will evaluate what is submitted and will make a decision then.

Mr. Brown stated that this was the reason they were here today, to discuss the conditions and for the Board to decide whether or not the Redevelopment Agency may come through at the first of the year with the funding to redo the exterior of the building. He stated that the applicant would like to be operation for the Christmas season.

Mr. Weggeland noted pages 3 and 4, under facts of findings. The Board can see that there are findings and what they would be approving today is something in the future that will be brought to them. This is why this is piece mealing this proposal. He stated he understood the applicant's desire to open by the Festival of Lights. The Board should not make a decision based on the applicant's desire to open by the Festival of Lights. The Board doesn't know what they are approving here today. He felt it was inappropriate to take it up if they won't show you today what they expect this to look like in the future. What is happening here, the applicant has come to you and said they aren't quite sure what this is going to look like but they need to open by the Festival of Lights.

Chair Pro Tem Field asked if there was anyone else in the audience who wanted to speak to this item. No one came forward.

Board Member Murrieta arrived at this time.

Ms. Gettis provided some clarification. She pointed out that the conditions being mentioned, page 5 of the staff report. Condition 8 says the applicant shall submit detailed drawings for review and approval of the CHB staff for the replacement of the existing flower shop and roll up door with new historically appropriate store front systems. This condition is required prior to the construction of an outdoor seating area. The intent is that, that area can't operate as a restaurant with outdoor seating, much as it is right now, until these drawings are submitted. In the event that they are not submitted, it is the same situation that you have right now. The roll-up door can exist as it is right now, it has been grandfathered. At the point they wish to expand that area, then this would be revealed.

Board Member Leach requested a clarification from staff as to what the Board was approving today.

Ms. Gettis explained that the door on Main Street is designed appropriately for the building. This is the door facing Main Street on the mall side. It is compatible with the existing building and staff would want the same for the other elevation, at the time they come forward. The door on Main Street complies with the Secretary of Interior Standards, complies with Title 20 standards for compatibility and that is what is before the Board today. This condition points out what would happen with the other elevation.

Board Member Gilleece noted that the applicant can use the existing space right now without any changes to the façade.

Ms. Gettis stated that the café in the basement, is not being discussed as it is permitted as it is right now.

Mr. Randel added that the applicant can operate the restaurant/café but have building and safety restrictions as far as the number of occupants because of the egress. What the applicant is proposing is to provide additional egress points so that the restaurant can be closed off from the rest of the retail and provide two points of access and increase their occupancy above 49 people. Although the occupancy is outside this Board's purview, this is the reason for their request and what is being proposed today.

Board Member Gilleece stated that the Board is not approving the second entrance/exit changes because there haven't been any specifically proposed yet. Those will go to staff when it gets proposed.

Ms. Gettis stated that the applicant proposed to open the restaurant as the Board has seen it, this is their proposal. Staff has provided conditions which comply with Title 20 and the Secretary of Interior Standards, which is that these are not compatible and they

need to submit elevations. If it would provide clarity for the Board, much like staff did with condition 9 where staff suggests a separate Certificate of Appropriateness shall be submitted for review and approval of the signs, the same can be done for condition 8.

The Board Members agreed with staff's suggestion.

Board Member Megna pointed out that what is being referenced under condition 8 is a building feature that faces what is arguably the most architecturally historically significant structure in the region. In his opinion, it would be neglectful of this Board to allow a change to a building that is a width of the street away without some kind of review from this Board. He suggested that both conditions should be separate certificates of appropriateness subject to the Board's review. The issue before the Board today appears to be simply replacing an existing feature of the building that does not face the Mission Inn and doesn't have any impact as best he can tell.

MOTION MADE by Board Member Gilleece, **SECONDED** by Board Member Leach, **TO APPROVE** Planning Case P11-0138 subject to staff's findings and recommendations, with modifications: Condition 8 to state that a separate Certificate of Appropriateness shall be submitted for review and approval of any changes to the façade on Mission Inn Avenue by the Board.

MOTION CARRIED unanimously.

AYES: Altamirano, Field, Gilleece, Leach, Megna, Murrieta, Treen
NOES: None
DISQUALIFIED: None
ABSTAINED: None
ABSENT: Garafalo, Preston-Chavez

Chair Pro Tem Field advised the applicant of the appeal procedure.

December 9, 2011

Erin Gettis
City of Riverside
3900 Main Street
Riverside, Ca. 92522



RE: Planning Case P11-0138

Erin,

There has been some confusion regarding the modifications I am making to the exterior of my facility on the southeast corner of the Main Street Mall and Mission Inn Avenue.

Below are the modifications that I am proposing.

Mission Inn Avenue:

1. Remove the existing roll up door and replace with aluminum framed fixed glass glazing system.
2. Retain the existing entrance door that presently serves the flower shop.
3. Provide a fenced dining enclosure for exterior dining as shown on plans.

Main Street Mall:

4. Provide an exit door onto the Mall as shown on submitted plans.

Item number one above will, require a separate submittal to the CHB.

I understand that the first floor dining area cannot be used until the CHB has approved the new store-front glass on Mission Inn Avenue.

Thank you for your help in this matter.

A handwritten signature in blue ink that appears to read "Craig Johnson".

Craig Johnson
Mission Galleria

MINUTES

UTILITY SERVICES/LAND USE/ENERGY DEVELOPMENT COMMITTEE

City of Riverside

Thursday, December 15, 2011, 3 p.m.

Mayor's Ceremonial Room, City Hall

PRESENT: Chair Bailey, Vice Chair Gardner, and Member Davis

ABSENT: None

STAFF PRESENT: Chris Manning, Kristi Smith, Colleen Nicol, Lorena Verduco, Deanna Lorson, Ken Gutierrez, Erin Gettis, Travis Randel, Dave Wright, Gus Gonzalez, Ryan Bullard, Brian Norton, Dan Chudy, Mike Esparza, Diane Jenkins, Terri Delcamp, Scott Barber, Mike Bacich, Tom Boyd, Jose Chavira, and Gary Valladao

ALSO PRESENT: Ted Weggeland, Phil Pitchford, Bill Bromeley, Jessica Snow, and others

Chair Bailey convened the meeting at 3 p.m.

CASE P11-0138 - APPEAL - CERTIFICATE OF APPROPRIATENESS FOR BUILDING FACADE IMPROVEMENTS - 3700 MAIN STREET

Following discussion of the appeal by Councilmember Gardner of the Cultural Heritage Board decision on the proposal of Craig Johnston for facade improvements in conjunction with the expansion of the Galleria Café and Hideaway Bar at 3700 Main Street, motion was made by Vice Chair Gardner and seconded by Chair Bailey (1) referring Planning Case P11-0138 to the Cultural Heritage Board off-calendar for review and approval of the Certificate of Appropriateness for the entire project, including details of the new storefront to replace the non-historic roll-up door along Mission Inn Avenue; (2) requiring the appellant to pay for the re-advertisement of the Cultural Heritage Board hearing; and (3) requiring that upon Cultural Heritage Board approval of this case, no further modifications will be considered for two years, unless waived by the City Council. Motion carried unanimously.

CASE PSP10-0008 - NORTHERN SPHERE OF INFLUENCE BOUNDARY AND CITY LIMITS ADJUSTMENT

Following discussion, motion was made by Member Davis and seconded by Vice Chair Gardner recommending that the Planning Division take no further action to expand the City's Sphere of Influence to the north or annex properties to the north. Motion carried unanimously.