



City of Arts & Innovation

# COMMUNITY DEVELOPMENT DEPARTMENT Planning Division

## Minutes – Cultural Heritage Board

January 18, 2012, 3:30 pm,  
Art Pick Council Chambers, City Hall  
3900 MAIN STREET

**MINUTES APPROVED AS  
PRESENTED AT THE  
FEBRUARY 15, 2012 MEETING**

BOARD MEMBERS PRESENT: Altamirano, Field, Garafalo, Leach, Megna, Preston-Chavez\*, Treen

BOARD MEMBERS ABSENT: Gilleece, Murrieta

STAFF PRESENT: Gettis, Principal Planner/Historic Preservation Officer  
Delcamp, Historic Preservation Planner  
Hayes, Interim City Planner  
Smith, Supervising Deputy City Attorney  
Randel, Associate Planner  
Smith, Associate Planner  
Andrade, Stenographer

### **THE FOLLOWING BUSINESS WAS CONDUCTED:**

Chair Megna called the meeting to order at 3:30 p.m.

*\*Late*

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Chair Megna announced that the Board would hear Miscellaneous item #3 out of order. He noted the change in meeting location and wanted to give additional time to anyone who may have gone to the Mayor's Ceremonial room.

**C. MISCELLANEOUS ITEMS:**

3. Presentation of Draft Certified Local Government Annual Report by the Historic Preservation Planner.

Teri Delcamp, Historic Preservation Planner, presented the draft Certified Local Government (CLG) Annual report. The City is required to submit a report to the State Office of Historic Preservation. Staff requested that the Board receive and file the report and provide any appropriate input as necessary.

**MOTION MADE** by Board Member Field, **SECONDED** by Board Member Garafalo, TO RECEIVE AND FILE staff's CLG Annual Report.

**MOTION CARRIED** unanimously.

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

**A. COMMENTS FROM THE AUDIENCE:**

Chair Megna asked if there were any comments from the audience. He noted that this section of the agenda was only for items not on the agenda today. There was no one requesting to speak.

## **B. DISCUSSION CALENDAR:**

1. **PLANNING CASE P11-0616:** Proposal by the City of Riverside to consider a Certificate of Appropriateness to create a memorial orange grove by closing the dedicated free right turn lane from Myrtle Avenue to Victoria Avenue, situated on the westerly side of Victoria Avenue between Myrtle Avenue and Rumsey Drive, in Ward 3.

Board Member Leach announced she would be recusing herself from the discussion on this item as her firm is currently doing work for the City of Riverside and left the dais.

Kyle Smith, Associate Planner presented the staff report.

Board Member Preston-Chavez arrived at this time.

Mr. Smith stated that the dedicated free right lane is proposed to be removed, however, both right and left turn movements will still be possible from Myrtle onto Victoria via the existing primary turn lanes. He clarified that the Certificate of Appropriateness is required in order to insure that the improvements will not result in detrimental impacts to the historic resources: Victoria Avenue, the Roosevelt palm tree and the historic rock wall. What is not historic, is the traffic pattern and traffic design. To address concerns regarding loitering he stated that the grove will be fenced off by a 6' wrought iron fence and will only be open to the public from 10:00 am – 2:00 pm weekdays and 8:00 am – 3:00 pm on weekends. These hours have been specifically selected as to not coincide with peak hours of school traffic. He informed the Board that staff received a number of email comments and that those were included in the staff report.

Chair Megna asked if Public Works staff was available for a brief presentation.

Tom Boyd, Interim Public Works Director, stated that the proposal, as far as traffic circulation, is to reconfigure the right hand turn lane that operates as a yield condition now into a single right hand turn lane.

Chair Megna noted that at the community meeting the issue that arose was the impact this would have on the time necessary for someone waiting to make a right hand turn in the absence of the free right turn lane. He asked if staff knew the time an average car was likely to spend at this intersection?

Mr. Boyd replied that he did not have the exact numbers with him. He explained that the intersection was closed for three days and was studied at the peak period the neighborhood had requested during those days. Staff did not find any substantial queuing or delays at the intersection.

Chair Megna stated that he would be inviting the public to comment on this case. He stated that each person would have 3 minutes to comment. Many people here are concerned about the traffic issues, he wanted to make it clear that the Cultural Heritage Board does not decide traffic matters. The scope of the Board's review of this case is solely on the historic issues. If anyone wants to use this opportunity to voice their concerns regarding safety or traffic, they may state their concerns for the record, however, he restated that the Board's concerns today

have to do with the impacts of these changes on historic resources as outlined by staff. He opened the meeting for public comment and asked anyone interested in speaking to come forward.

Bill Gardner spoke on behalf of the Old Riverside Foundation. Based on the meeting last night, of the Old Riverside Foundation voted neither to support nor oppose the project, only to support the preservation of the stone wall and the palm tree.

As a neighborhood resident and former Public Works Director, he was present to oppose the project because it includes the closing of the free turn lane. He encouraged the Board not to approve the project as proposed. He liked the idea of the park but did not see why the grant for the property to the City was conditioned upon closing the free turn lane. The neighborhood concerns are safety and expeditiously moving the traffic through the intersection. He pointed out that there have been no recorded accidents at this intersection.

Chris Jensen, resident of Riverside, stated that even though traffic may not be historic, it is current and important. He worked for the City of Riverside Fire Department for 34 years and drove the trucks as part of his duties. Removing the free right turn from that corner will make it impossible for anything except the battalion chief's vehicle to make a right turn onto Victoria at that point. He also has a daughter that attended Poly. He was in the line during the peak hours and would respectfully challenge Public Works' study about the traffic. Taking the right turn out will slow everyone down going to Poly from that direction. In that light, he suggested that the Board remove that part from this proposal.

Lori Yates spoke on behalf of Victoria Avenue Forever. Councilman Bailey presented the plan for the park several months ago to the Board of Directors of Victoria Avenue Forever at one of their regular meetings. While they are very much in favor of the park, they recognize that there is some dispute about how it will be built. The Board, therefore, voted at the meeting last week to take three positions in relation to this project: 1. Victoria Avenue Forever is in favor of the park; 2. Victoria Avenue Forever takes no stand pro or con, on the fate of the right turn lane, and; 3. They adamantly oppose moving the palm.

Judy Fish stated she lives at 2800 Ivy Street, three homes from the intersection. She spoke briefly at the last meeting in November when this issue was addressed. There were only three residents present at the time because they had not been informed of the meeting. Since the neighborhood has been made aware of the plans, there is quite a group present today and many more who signed the petition and were not able to be present today. It seems to them that the City has moved forward with a project that has a huge impact on their neighborhood without proper disclosure or listening to residents' feelings. This whole area has a history: Victoria, Hill, Victoria Avenue, Rockledge. Riverside, unlike other communities in southern California has a history, substance and character. The memorial park itself will help preserve it but changing the intersection which has been this way for a 100 years and drastically changing the traffic pattern is not preserving this heritage. The document's terms and conditions are questionable. How can the grantors demand the closure of a free right-of-way that has nothing to do with the memorial park itself. It certainly looks like the City, Public Works or whoever put the elimination of the right turn into the agreement and is trying to push this through without disclosure to and input from the residents. She requested that the Board continue this matter for further consideration by the City Council.

Eliud Martinez, resident of Rockledge Park, stated he was present to request a continuance of Planning Case P11-0616. He thanked Rick and Donna Engelhauf for providing copies of the minutes of this Board's meeting from October 19, 2011. He praised the Board for stating that they were not qualified to judge whether or not the right-of-way change is appropriate. The Board also had stated that the residents should have rights to some kind of an appeal and that they should also be allowed time to follow-up. He explained that besides Alicia Robinson's Press Enterprise article on January 14, 2011, the residents of the area were not aware of what was being planned. He was notified by Rick Engelhauf and Pete Peterson after they attended the meeting in November. He heard about the 9:00 am, December 15, 2011, which he felt was inappropriate due to the Christmas season. If it has been the goal of the City for many years to close this historical and cultural intersection, which has been here for 100 years, why haven't the residents heard about it?

Joanie Evans, 5195 Victoria Avenue, addressed the Board. After studying the original Grant Deed from Hays family to the City of Riverside for the donation of the property, it seems that the two sons of Helen Hays, one who lives New York and the other in San Diego, stipulated that giving the land to the City included taking away the right turn from Myrtle to Victoria Avenue. This affects the whole neighborhood that still lives here but none of them were informed. The whole thing was taken to the City Council to accept on January 11, 2011. She lives at the corner of Myrtle and Victoria but no one informed them. There are several things in the terms and conditions that should have been addressed by the City Council and will be brought up if they are able to get a continuance. This right turn has been here historically for over 100 years. The rock wall is also historic and should not be touched. There are many number of ways to make the intersection safer for pedestrians: watch for pedestrian signs, slow, yield or stop signs as well as yellow caution strips. The City Council approved the memorial grove without any notice to the neighborhood that will be affected and that is a breach of the city government's responsibility to the rest of the neighborhood. She is not opposing the memorial grove. The Avenue is historic to Riverside and has had to make enough compromises to commercial uses. The inclusion of the monument in a more subtle and less evasive manner, will respect the neighborhood and the Avenue and not diminish the significance of the availability of the trail monument. The Yeager family has contributed greatly to the City of Riverside and recognizing them in a tasteful manner is appropriate. These are not the only families that have been in Riverside for many decades and these other families want respect as well. The neighborhood majority is requesting that the Board modify the proposal and exclude any changes to the Victoria Avenue and Myrtle Avenue intersection.

Edgar Peterson, resident on Rockledge Drive for 30 years, approached the podium. He stated that some very important things had been left out of this proposal. 1. The gift that Mr. Yeager and the Hays family have given to the City. There are a number of stipulations in that gift including the removal of the right turn lane. 2. If this isn't done, the gift will be rescinded. Also, it must be done within 24 months and we are already a year into that time frame. If this doesn't happen, it will also be rescinded. He also stated that they were unaware of this process until they were informed of the November 3 meeting. One of the reasons given to the residents is that this is a safety hazard. He noted that the police record no accidents or problems in this area. They circulated a petition not only in their neighborhood but the Wood Streets and east of Victoria because the intersection not only serves their neighborhood but people all over the City. The response was amazing and people were terribly upset.

Chair Megna announced that the 3 minutes were up and that Mr. Peterson should conclude his comments.

Mr. Peterson informed the Board that the right lane was closed for two days only. They had a City employee sitting in a truck counting the cars. That is not a professional way to do this. On the third day they put down a real counter. The residents have never heard any of the results of that traffic study. They do know that 85% of the people that come down that way use the right turn lane. Again, this was not a very professional way to handle something like this.

Laura Shawl, 5090 Rockledge, at the corner of Ivy and Rockledge addressed the Board. She pointed out that the City only provided notice within 300' on either side of the project which was maybe 2-3 homes. She wanted to put into evidence her 1900 postcard of the intersection which she purchased off of ebay a few years ago. She pointed out that the center island and the tree exists and therefore has always been there. She also presented another postcard, dated 1905, as well as a book and pictures of the area. She noted that they were told at the meeting that the City would maintain the park. She noted that they constantly call the City regarding graffiti and submitted current pictures of the lane along the sidewalks which show every sign has been graffitied. She also distributed pictures of the students walking home and those that sit on the wall, waiting to be picked up. She added pictures of the traffic backing up on the other side which was not included in the traffic study. The traffic study indicated that 7-9 vehicles backup into their neighborhood but she has pictures showing 14 or more cars beyond Elsinore Avenue on the one side. This goes all the way back to Poly High School. There are seven cars on their side going in and that is not when the train is stopped or when buses come through and drop off children on the other end of Panorama. When that occurs, there are almost 20 cars backed up going through the neighborhood that are not shown in the pictures.

Chair Megna thanked Ms. Shawl for her comments and called for the next speaker.

Rick Engelhauf stated he lived in the Rockledge Park area. He thanked the Board for hearing the residents as this is the first real hearing they have had. If the CHB approves this project today, it will destroy a 100 year old well functioning intersection and all its historical value will be lost forever. Public Works and the Councilman brought this to the City Council a year ago on January 11, 2011 and accepted the gift of property for a memorial grove. It was approved by Council with no public input or debate. The neighborhood was not informed that this gift had conditions that called for destruction of this historical intersection which is, by the way, on Victoria Avenue. He felt it should get the same historical preservation as the rest of Victoria Avenue. This Board had a meeting on October, 19, 2011 but only people within 300' were actually notified and only three of the residents appeared to speak against it. The rest of the neighborhood had no idea that these meetings were taking place. This Board recognized that there had been little or no public discussion and recommended a continuance which showed great judgment. The following two meetings on November 3, and December 13, that were the result of the Board's recommendation, turned out to be no more than a dog and pony show to convince this Board that there was public input in this project. He stated that they were hopeful this Board will again use their great judgment to grant a continuance or better yet deny the approval of this project so that it can return to the City Council to renegotiate the terms of the gift with full transparency and the public discussion that it deserves. If this project is approved as is, the Board will be put in a position of eliminating any meaningful public discussion and a destruction of a 100 year piece of history. He distributed his copy of the actual conditions sent to him by the City Manager, Scott Barber, of the acceptance of this property. That is where the problem lies. The neighborhood is in favor of the park but what they are not in favor of is ruining the gateway to their community and also ruining a piece of

history that is on Victoria Avenue. Another thing that wasn't brought up, a fire truck will not be able to make that turn. A fire truck, big truck or moving van, whatever, making a hard right hand turn will damage the tree as it is only a foot off the edge of the curb. Leaving the free right hand turn lane will actually preserve the tree. It has been there for many years and nobody has run into it, damaged it or killed it. His recommendation is that the Board deny this proposal so that it returns to Council and gets a full hearing. He stated that should the Board approve this proposal, the Rockledge Park Neighborhood will most likely appeal the decision and requested that the Board waive the \$1,500 appeal fee. There is no monetary gain for anyone in the neighborhood and all they are trying to do is preserve the neighborhood.

Chair Megna asked staff to clarify whether appeals for the Cultural Heritage Board items were subject to a fee?

Erin Gettis, City Historic Preservation Officer, replied that the decisions of the Board were subject to an appeal fee as indicated by condition 2.

Gary Dries, 5092 Myrtle Avenue, thanked the Cultural Heritage Board for the opportunity to speak on the proposed Hays Memorial Wall and the removal of a 100 year historic wall, which includes the right hand merge lane. Probably the biggest issue that the City Council has to tear down this wall is that some feel it is a huge safety hazard. Councilman Bailey assured him that the traffic survey was completed, however, Councilman Bailey gave the Board evidence that it is a dangerous intersection. The City's website titled fatal car crashes and road traffic accidents in Riverside California lists automobile accidents which resulted in fatalities. The site listed the time, date, street and some cases cross streets, not one was listed for Victoria and Myrtle and this data goes back to 1982. He verified this information by contacting the RPD Traffic and Safety Division. For the record, he stated that the most dangerous street in Riverside was Van Buren Boulevard with almost 60 fatalities. If safety is such a huge concern some simple solutions could be put in place such as speed bumps. Visibility could be improved at the corner if the low hanging trees were trimmed and the shrubs thinned out. Councilman Gardner had a great suggestion, put up a stop sign or, like many schools, have a crossing guard. The only problem is that there is no crosswalk at this supposed dangerous intersection or bike path. If the City's goal is safety, they should go after the dangerous ones and please leave Victoria and Myrtle alone or at least grant the neighborhood a continuance to gather more information.

Elizabeth Corrasin, 5064 Rockledge Drive, stated she read the minutes of the last meeting and commended the Board for struggling with this issue. The Board was trying to keep it to the historical aspects: the Roosevelt palm and Victoria Avenue. This area of Riverside encompasses many historical names and those names really need to be considered. Martin Chase was the individual who in 1900 built the ornamental rock wall wrapping all of Victoria Hill and down part of Myrtle Avenue. Priestly Hall built a beautiful Victorian style adobe on Ivy. The property where Victoria Avenue wrapped around Victoria Hill and headed toward the Victoria Bridge was his property and he allowed that to happen. Consideration should also be given to Mrs. John M. Mylne who is responsible for the Ragged Robins. She set off that movement to plant those roses. Lorraine Small who was the garden editor in the press for years, is also memorialized there at Victoria and Myrtle. The arched Cecil Brunner Rose was planted in her honor. She probably educated the people of Riverside to the climate and plants that would exist more than anybody she knew. She submitted a picture of the Roosevelt palm which to her, looks very infested. She stated that trees do not last forever so that all this emphasis on a tree may disappoint everyone someday. She stated that in 1977, Riverside



was one of the first cities in California to enter into an agreement with the Office of Historic Preservation to conduct a historic resource survey. The National Trust for Historic Preservation and the Junior League paid for that. That research was done because at the time the Mission Inn of Riverside was actually in a position of possibly being torn down. That is the reason historic preservation was brought to this town. At the time the study was finished, some historic districts were identified in the community for historic preservation: the Mile Square West, Downtown, Rockledge, the Wood Streets and Eastside. Interestingly, when the City took that study the named areas were continued with a historic study except Rockledge which was dropped. The wall is not historically designated and the area is not in a historic district. She distributed pictures of the intersection and the Roosevelt palm.

Pan Buswell, resident from the Wood street area, addressed the Board. She stated that she uses this road daily. She goes to church and her kids attend school in that area. She encouraged the Board to preserve this area. Her children have grown up going through that area and it is kind of an announcement to Victoria Avenue. In spite of the fact that they notified people within a certain area and what was required within the law, it did not include so many people that would be affected by the closing of that right hand yield turn lane. With this many people who would like to see that area preserved, she encouraged the Board to reconsider and postpone this proposal to give residents the chance to get it to the City Council.

Glenna Evans stated she lived on Berkeley Road which is just off of Ivy to the south. Whenever anyone in the area has to go out of this area, they either have to go east or west. If they go west, you go around Panorama and then you are stuck by the train. If you want to be sure miss the train, then you always go east and end up on Myrtle. Having the right hand turn, is so much more convenient and you're watching all the time to make sure it is safe. She hadn't thought about a fire truck and that whole area would be devastated if they thought a fire truck could not get to their area. A lot of people have motor homes and fifth wheels, and asked if they could imagine the fifth wheel going straight up to the corner of Victoria and totally turn to the south. She thought it was sneaky that the City did not even put it in the paper until Mr. Engelhauf and Mr. Peterson started stirring this up.

Chair Megna called Mr. Yeager to the podium.

Jack Yeager, thanked the Chair and the Board Members. He stated that the audience may not realize that the family has donated two acres at the corner for protection and for the future. It is a wonderful gift that the City has received and they feel that the students walking home have an awful time crossing the fast turn and it is really a safety issue for them as well as the cars.

Peter Wilson said he has been a resident of the area since 1987. He felt that this proposal was going to take the character of their neighborhood and change it dramatically. As far as the safety issues that are involved, he's put three children through elementary, middle and high school and they have all had to dodge the traffic on Ivy because of its historical context. They have all crossed Victoria safely, so safety is not an issue. However, based on the proposed changes, it all comes down to the character of the neighborhood and that involves traffic. Character and history go hand in hand. The traffic will change the character of this neighborhood and their lifestyle will be degraded.

Barbara Payton Gardner, lives on Robin Road, pointed out that the project would cost \$150,000 and asked where the money would come from and whether this really is what they

wants to spend it on. If the residents aren't able to use this quick easy turn, it is going to be incredible at that intersection.

Katherine McLaughlin said she has lived in the area since 1972. There is one thing no one has mentioned yet that bothers her greatly. The other two memorial orange groves that she knows of along Victoria Avenue have been donated by local families in honor of very well respected people in their town. Her understanding from several people active in the area of historic preservation and of beautifying Victoria Avenue is that those parks are maintained by donations or legacy from the families involved. This particular grove is being donated and the tax payers are being asked to spend \$6,000 a year to help maintain the grove. This is at a time when everyone is experiencing cuts in public services. This is nothing the Cultural Heritage Board can rule on but she just wanted to make public her feelings that they shouldn't have to promise \$6,000 to maintain someone's memorial gift. If she were making a gift in honor of her family, she would leave some sort of support for it, at least for a reasonable number of years and not expect the public to pick up the tab.

Donna Engelhauf submitted a petition for the people that weren't able to attend the meeting today and do not want the neighborhood changed. They all work and it is hard to get here at 3:30 in the afternoon on a week day.

Chair Megna asked if there was anyone else present who wished to comment, no one came forward, the public comment period was closed.

Board Member Field asked Public Works representatives about the turning radius for the fire truck at this intersection.

Gilbert Hernandez, Public Works Traffic Engineering, explained that they did evaluate this based on Cal-trans vehicle standards and based on their template it does clear the radius.

Board Member Field commented that staff probably cringes when the Board ask these questions because they are not here to act as the City Council. He drives this intersection every day and understands the stacking on Victoria Avenue. In fact his wife was in an accident at this intersection approximately two weeks ago. The Police showed up and they did not take a police report because nobody was injured. He asked that they keep this in mind, to say that there has never been accident at this intersection is not true. There are accidents at this intersection, however they are relatively low speed accidents and as a result people don't particularly have to go to the hospital.

Board Member Garafalo explained that when the Board continued this case, they had two observations: 1. It wasn't in the Board's purview to discuss traffic items, and; 2. The Board felt that the public had not received the hearing that they needed in order to address these issues. Today, the Board is hearing that the public feels they have still not received that hearing. He understood staff provided two opportunities but if the public feels they have not been heard, he would still have the same objection. He would like to give the public the opportunity to bring this back for an appeal.

Board Member Altamirano inquired if there was any precedent for traffic features to be considered a historic resource? If this turning lane is indeed a historical resource, why isn't it being considered that way and suggested further research. It is not just a safety issue or the

happiness of the neighbors, but also eliminating the character of a possible historic resource and this could be a disservice to the City.

Chair Megna wanted to add to Board Member Altamirano's question. This is not the first time the Board has considered curb lines and street features. The one that comes most recently to mind would be the review of Public Work's plans for Five Points. There was an extensive discussion on how curb lines were changing and what needed to be preserved in order to preserve the character of the Five Points intersection. This is an issue he hadn't considered but as the pictures and comments from the residents stacked up, he has to say that the blanket declaration that somehow the traffic issue is not the Board's concern is an issue that should be decided. His view is that there is considerable photographic and other evidence that the arrangement of this intersection is, in fact, a historic feature of Victoria Avenue. The Board is being asked to protect the tree and the wall but the locations of these were dictated by virtue of the fact that there was a slip lane for a free right turn lane here from the very beginning judging from one of the photographs presented today. He stated that from his perspective, it would not be the first time the Board has examined issues that have to do with what is going on in the public right-of-way. Similarly to the case at Five Points, the Board has an obligation to examine the impacts that eliminating the free right turn lane has on the character of the setting where this tree and wall is located.

Ms. Gettis replied that based on the questions expressed, she was going to mention Five Points as that is a good example of another intersection evaluated by this Board. She wanted to point out, however, Five Points is different in that staff had not evaluated the intersection as being significant before. With regard to this project, Victoria Avenue is on the National Register. After seeing the comments that came in for this case, staff reviewed the nomination for Victoria Avenue to see if it mentioned this intersection. The nomination does not reference the intersection configuration as a contributing feature to the site's historic significance. She noted that the postcard image distributed this morning was also provided to staff at the last meeting and is part of staff's presentation. The configuration in that picture is different than it is today. The configuration as it is today has been this way since 1938. She also informed the Board that Rockledge is a Neighborhood Conservation Area. The Rockledge boundary that was established at the time the neighborhood conservation area was designated doesn't include this intersection. Because the intersection is not in the boundary the Board will not see an analysis of the impacts to the Rockledge Neighborhood Conservation Area in the staff report.

Board Member Altamirano inquired if the City was bound by the conditions of the gift, conditions 6 and 7?

Kristi Smith, Supervisor Deputy City Attorney, replied that by failing to comply with the terms of the conditions subjects the City to the loss of this property.

Board Member Field commented that as was stated at the beginning of the meeting, the issue of traffic is not something that this Board is supposed to address. It is clear to him that there is quite a bit of interest in not seeing that free right turn closed, however, he is not comfortable with possibly having to returning this park dedication. He drives this intersection every day and believes that there is a significant safety issue at that intersection. His position is that the Board should approve this proposal today in anticipation of an appeal coming from the community. This Board is not the entity they need to address the traffic issue with. That has been made clear based on everything they have heard from staff and counsel. He stated he

would move approval of this proposal in anticipation of an appeal and hopes that the City Council will consider waiving the cost of the appeal so that the neighborhood gets a chance to freely state their opinion to Council.

**MOTION MADE** by Board Member Field, **TO APPROVE** Planning Case P11-0616 to the subject to staff's findings and recommendations.

**MOTION Failed** due to lack of second.

Chair Megna asked the Historic Preservation Officer to comment on this National Register nomination issue.

Ms. Gettis stated she wanted to address the notification process staff went through since the last time this issue was before the Board and expand on the National Register issue. At the second meeting staff held after the Board's meeting in October, staff notified all properties within 300' and included the residents along Rumsey Drive and any members who had contacted staff during and subsequent to the Board's meeting in October either by phone, e-mail or written correspondence. Staff also notified everyone on the sign-in sheet provided at the November meeting. Everyone was contacted and notified of the meeting today. Further, staff also let them know when the meeting room changed locations. She wanted to clarify that staff went above and beyond what Title 20 requires them to do.

Chair Megna announced to the Board that there was a member of the audience who wished to specifically address the issue of what is contained in the National Register nomination which from his perspective is a pertinent point with respect to whether or not the features that are present at this intersection are historic or not. He addressed the audience and stated he would reopen the public comment period for the purpose of addressing this issue. He was offering an opportunity to comment on this particular item because it came up after the public discussion period was closed. He announced a one minute time limit.

Laurie Yates, Victoria Avenue Forever, informed the Board that Victoria Avenue Forever worked with the Victoria Avenue Historic Restoration group who were key in winning the nomination and designation for Victoria Avenue on the National Registry of Historic Places. Although the entire Avenue was evaluated, the determination was made that only the area from Washington west is sufficiently unchanged to qualify for the National Registry. If they had looked at just Victoria Hill they might have made a separate designation but they did not. She didn't know all the details but only one area was designated on the National Registry and that was from Washington Street to Boundary Lane. This offered a greater protection and higher expectation of protection for this section. If the City wishes to meet the same standard of protection for Victoria Hill, that would be wonderful but it is not include in the National Registry.

Chair Megna said that it was his judgment that there are characteristics to this intersection which are in fact historic and that this is reflected in the placement and arrangement of some of the items the Board is being told they can take into consideration, namely the location of the tree, the retaining wall. Those locations were not arbitrary, those features exist because the right hand turn lane exists. In his perspective, this is a bit of a quandary. He does not have an issue with the park, the park is a nice idea and certainly he enormously respected the intent and the generosity of the Hays and Yeager families who have made this donation. He did not think that it was reasonable to assume going in, that the right hand lane should be closed or the nature of the island in which the Roosevelt palm exists is destroyed in order to accomplish

the park. He asked the Board they would support a motion to grant the Certificate of Approval for the park portion of this project.

Board Member Garafalo said he would entertain the possibility of a continuance.

Board Member Altamirano agreed and stated she was also struggling with this issue. She asked that the issue of the palm's health be included in the motion.

**MOTION MADE** by Board Member Garafalo, **SECONDED** by Board Member Altamirano, **TO CONTINUE** Planning Case P11-0616 to the meeting of March 21, 2012.

Ms. Smith stated that the Board needed to make it clear to staff what they want staff to be doing between now and the next hearing date. If the Board can provide staff with direction, that would be very helpful when the item returns to the Board.

Chair Megna suggested that staff, irrespective of the contents of the National Register nomination, assess the character defining features of this intersection in a way which the Board similarly looked at, for example, with Five Points, to determine whether or not the arrangement of this intersection has character defining features with respect to the context in which the palm tree, the wall and Victoria Avenue are regarded as historic features of this City. He clarified that he was not suggesting the Board examine traffic issues or safety, those are completely separate from this issue. An assessment similar to Five Points with respect to the preservation of things like curb lines, site lights and other features would be appropriate.

Board Member Altamirano asked that the issue of the Roosevelt palm be included. According to the pictures the public submitted, the cultural resource appears to be in poor health.

Ms. Gettis announced that the City's Urban Forester was present for comment.

Robert Hilliard, Public Works Department, Urban Forester. He drives by the palm several times a week and has not noticed anything major but offered to submit a full report and evaluation at the next meeting.

Board Member Field requested that staff contact the Hays family as well to discuss this particular condition to the gift. He didn't hear anyone say they didn't want the park. He would not like to lose the park based on this one issue.

Ms. Gettis clarified that staff would request a 60 day continuance to March 21, 2012. Staff will be expected to assess the character defining features of the intersection including the palm tree, the wall and its relationship to Victoria Avenue and also the health of the tree to be evaluated by the City's Urban Forester.

Chair Megna agreed and restated Board Member Field suggestion that there be an inquiry made to the Hays family with respect to the stipulations and the donation of the property.

Board Member Garafalo added that the Board was presented with a document that someone submitted. The memo was from Councilman Bailey that had a line that said, "it has long been a goal of the City to change the traffic pattern". Perhaps the Board could get some clarification on this as well as it may sound to the residents that this was a side arrangement.

Chair Megna announced that this proposal had been continued to March 21, 2012 at 3:30 pm.

**MOTION CARRIED** unanimously.

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

The Board took a five minute recess. Board Member Leach returned to the dais.

Board Member Megna wanted to clarify that up until December 31, 2011, appeals of this Board could be done without cost. Apparently on January 1, 2012 there was a change to City's fee schedule and a charge of \$1,500 has now been added to appeal a CHB decision.

Board Member Field noted that as this issue started the process before the fee, perhaps that is the basis for not charging it.

2. **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.

Travis Randel, Associate Planner, presented the staff report. He stated that at the November 16, 2011 meeting the Cultural Heritage Board approved a Certificate of Appropriateness for exterior modifications to the Mission Galleria building. The action was appealed to the City Council Land Use Committee (LUC) for review on December 15, 2011. At the meeting the LUC determined that the CHB needed to evaluate the entire project as revised including the removal and replacement of the roll-up and wood framed doors.

Board Member Preston-Chavez announced she would recuse herself from this proposal as her husband and Mr. Johnston do business together.

Mr. Randel informed the Board that a letter was received this afternoon from the Mission Inn Corp and their attorneys and was distributed to the Board before the meeting.

Chair Megna noted that the last time the Board heard this issue they actually granted a Certificate of Appropriateness but limited that to just the Main Street doors, correct?

Mr. Randel replied affirmatively. There was a condition that was modified under the original approval by the CHB that would require a separate Certificate of Appropriateness for the Main Street façade. At the LUC it was their determination that we needed to evaluate the project including both pieces rather than through a separate Certificate of Appropriateness and that is why it has been revised and returned to the Board.

Ms. Gettis also added that the Board's decision was appealed. The proposal went to LUC and they recommended that it come back for the Board's evaluation on the whole project.

Chair Megna inquired if the plans shown today are different from the plans the Board reviewed previously? He asked staff to take a second to highlight the difference. He noted that there appeared to be exterior seating on the revised plans.

Mr. Randel explained they were different plans and briefly went over the difference. He explained that the exterior seating was part of the original proposal although it is configured slightly different and now involves a gate and is recessed back a bit. The gate is an ABC issue for the outdoor alcohol license and perimeter fencing is required.

Board Member Garafalo asked why the proposal was appealed.

Mr. Randel explained that the appeal was requested by the Council Member. There were concerns regarding piecemealing of the project and that the entire project was not being looked at, based on conditions requiring a later Certificate of Appropriateness for part of the same project.

Board Member Garafalo asked if staff was confident that this proposal addressed all of the issues?

Ms. Gettis replied affirmatively and referred to case specific condition #1. It is something that came out of the LUC proceedings specifically to address that this doesn't have any subsequent pieces that come along. This asks for no new Certificate of Appropriateness applications for this building for a minimum of 2 years, unless waived by City Council to prevent the piecemealing from happening.

Charles Brown, architect, representing the applicant, he stated that they accepted all the conditions as presented and would answer any questions the Board may have.

Board Member Leach stated that it was unclear in the staff report what the actual use is. It is mentioned differently everywhere she read.

Mr. Brown replied that it was a restaurant and bar. The restaurant may serve food the same hours that the bar is open. The hours of operation are 10 am to 1:30 am.

Board Member Leach asked what the current occupancy was? She asked if these questions were appropriate for her to make because she understood this proposal will not be going on to any other Board or Commission for approval. It is strange to her because it is a land use issue and it isn't going to Planning Commission.

Mr. Brown clarified that the site is zoned properly for this use. The issue today is the exterior of the building as it complies with Title 20. He did not know the exact numbers but the current occupancy is less than 49 and is being expanded to 150 or so.

Board Member Leach stated she understood this was an allowed use under the Downtown Specific Plan and did not require a Conditional Use Permit.

Kristi Smith, Supervising Deputy City Attorney, agreed but clarified that because the applicant is proposing changes to a cultural resource, the Board is evaluating what impacts, if any, these changes have on the cultural resource. The Board is able to look at, not only the impacts on this cultural resource but also the impacts on the surrounding cultural resources as well as the historic district, as indicated in Section 20.25.050 in Title 20 of the Municipal Code.

Board Member Field commented that the use of this property has kind of been an evolution. When it first opened, it was an antique store and eventually they started selling sandwiches in the basement floor. The next couple of years he went in and they were selling drinks on the first floor. This is kind of crazy and an application like this should be subjected to the CUP process. You're not going to see a bar come through the door at City Hall and get an entitlement without going through that process. This appears to be a very slow moving evolution of transition from antiques to a bar. They need to go through the process like everyone else in order to get there. There is a reason that this process is in place. Too many of these kinds of uses in an area can become a problem and need to be done right with respect to health and safety codes. There are whole departments of folks employed out there that look at this kind of thing to make sure they are done right. He felt that that was not the case here. This is going from an antique store to bar and restaurant. He felt this was the wrong process to approve this use at this location.



Chair Megna asked if anyone in the audience wanted to address this issue.

Ted Weggeland, Director of the Historic Mission Inn Corporation which owns and operates the Mission Inn Hotel. He was present to oppose the Certificate of Appropriateness. They have sent two letters earlier today to the Board, one from their legal counsel reaffirming their legal position and a second letter from Urban Crossroads who is the acoustical consultant reaffirming the concerns they have for the project right across the street from the Mission Inn. The Mission Inn continues to assert that the alterations to the Mission Galleria are not categorically exempt from CEQA. Categorical exemptions are subject to several exceptions and one of them is a reasonable possibility of significant environmental impact occurring. The modifications to this project, even today, will result in unavoidable noise impacts to the Mission Inn and the enjoyment of the Mission Inn by its guests. The Mission Inn is unquestionably one of Riverside's great historic treasures and is immensely important to the culture and cultural life of the City of Riverside. Expert evidence has been submitted that demonstrates this project will create significant and unavoidable noise impacts. These impacts have not been subject to a proper environmental analysis. The Noise study demonstrates that the project will create significant impacts and indeed it demands comprehensive environmental review. Accordingly, he respectfully asked the Board to oppose staff's recommendation and oppose the Certificate of Appropriateness.

Vincent Noland, representing Mr. Johnston, stated that he has read all of the letters written by Mr. Weggeland and others at his behalf over the past year regarding what was referred to as a transition from an antique shop to restaurant/bar. He stated that this really wasn't a transition because the antique shop is very much in play. They are proposing to beautify the outside of the building and they are proposing outdoor dining which exists both at the Mission Inn and neighboring establishments. The letter from the attorney from the Mission Inn says that the approval of this measure would essentially undermine the historical character of the Mission Inn District. Mr. Weggeland's letters indicate that there will be a great noise in the neighborhood. His understanding of the intent of the Riverside Renaissance is that the City is looking at turning the Downtown into an appealing place that will draw people for dining and entertainment. He did not see any evidence, other than the assertions by Mr. Weggeland and his attorneys, that the noise will be so great in nature as to disturb the guests at the Mission Inn. He stated that, overall what Mr. Johnston is trying to accomplish at this location will be good for the community, good for Downtown Riverside and consistent with what he believes the city government is trying to accomplish. The Board unanimously approved this project at the November, 2011 meeting. He asked that the Board reaffirm this and let the project go forward. He pointed out that should Mr. Weggeland's concerns materialize in any significant way at a later date, Mr. Johnston will still be bound by all the Riverside Municipal Codes regarding noise, etc. These matters can certainly be dealt with reasonably and at the appropriate time.

Board Member Altamirano asked if condition #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.", would be as binding as a City Code? If so, would this condition appease the Mission Inn Corporation?

Ms. Smith noted that there are already requirements under the Municipal Code as far as noise trash, and graffiti. Should the applicant fail to comply, it would be a Code issue. Code Enforcement would have to cite them and require them to comply and go through that process.

Mr. Weggeland stated that this did not satisfy the Mission Inn's concerns. They maintain their position that the expansion of this restaurant bar or nightclub will continue to create unmitigated noise impacts and opposed this project. In response to Mr. Nolan's comment relating to the Municipal Code and the effect it may have on the current operator. This is a grave concern for them as the operator has already been cited on numerous occasions, including very recently for Code violations.

Chair Megna asked if there was anyone else wishing to speak to this item, no one came forward, the public comment period was closed.

Board Member Garafalo said he was concerned with the process as they seem to be entering into uncharted waters, trying to figure out whether they can anticipate noise effects in the future. He is not sure that is what the Board is supposed to be doing. He would like to return the focus to just the cultural heritage aspect or does the Board now have to engage in this conversation as well?

Chair Megna commented that he was not sure these were separable. It is his view that this project is taking place in a historic district and the impacts to the historic district aren't just aesthetic or visual and that these impacts go beyond that. He expressed his concern regarding the environmental assessment. The proposed project isn't just changing doorways. The project includes a use that is going on in the building and fails to see how this could be categorically exempt from an environmental review. At least one opponent of this project has provided some evidence that there are acoustic impacts associated with it which would impact a national historic landmark that is less than 100' away. Again, this is his view that the impacts here go beyond the simple visual ones or aesthetic issues. The Board has a right to judge the whole range of impacts that could occur within an historic district. He inquired if the Deputy City Attorney took any issue with his view?

Ms. Smith replied that she did not have an issue. She clarified that under CEQA the Board is looking at more than just the visual impacts and this use. Because, remember the applicant is expanding so that they are coming out and putting public dining into the public right-of-way. So from that standpoint, the Board is looking at the use and what impact these changes will have not only on the cultural resource but the surrounding area as well. If the Board does not believe this project is exempt, if the Board believes that there will be significant impacts, the Board has the right to make that determination under Title 20. She reiterated that the question isn't necessarily the use but the question of whether the use will impact the resource. Will the change to pop out into the right-of-way impact the historic district?

Ms. Gettis pointed out to the Board that if there were no exterior changes, no fencing, being proposed to these two entrances, then this would not be something that would come before the Board for their review.

Chair Megna said he understood this but there are three practicing professionals up here who think it is insane that someone can open a bar in any zoning category without a Conditional Use Permit.

Board Member Leach noted that since Mr. Nolan brought this up, she would also comment on it. She felt that someone's future is the way they have acted in history. She spoke with the area commander regarding this site and it has had numerous issues. How can the Board be

guaranteed that (currently there are 49 people and not enough security) when the use is expanded to 150 people, there will be enough security to maintain the site downtown?

Mr. Nolan said the issues that arose as far as the 49 count came up in late November. There was an incident involving two employees whose job it was to maintain the count did not go over 49. One of those employees was letting their friends in behind Mr. Johnston's back. Obviously, this was an unfortunate event for Mr. Johnston and for the Hide-Away but once he became aware of that, that individual was let go. The Fire Department was making very frequent visits, they were coming 4-5 times a week checking up on Mr. Johnston which struck him as excessive. He did hear the report, it was not in writing, but he heard that one of the firemen said he observed somebody urinating in the alleyway that runs between University and Mission Inn Boulevard. Anybody that's been downtown in Riverside particularly in the evening and weekends, knows that alleyway is rather heavily traveled. Who was this person, where were they before they got there and what were they doing, those questions have never been answered. Somehow that was laid on the doorstep of Mr. Johnston and he didn't see how that can be, it is not his alleyway.

Mr. Johnston informed the Board that with regard to the urination issue. This has been ongoing on for years. When he first purchased the building, there was so much urine on the back door, it had rotted the door. He had to replace the door but that is an on-going thing and it is all Downtown Riverside.

Mr. Nolan stated this should not be Mr. Johnston's problem. He has adequate staff both upstairs and downstairs to keep order and make sure that the number of persons stays within the designated number. Mr. Johnston has tried very hard to comply and has been, for all intents and purposes, in substantial compliance at all times.

Board Member Leach understood that there will be a meeting tomorrow regarding the Downtown Retail Entertainment Strategy. How is this going to impact the area, if at all?

Steve Hayes, Interim City Planner, stated he did not know too much about that at this point. He will be attending the Development Committee at 3:00 pm in the Mayor's Ceremonial Room tomorrow regarding this subject and if the Board wishes can report back at the next meeting.

Board Member Field said that other businesses in the area went through a lengthy process to entitle their locations. These establishments also shut down earlier than 1:30 am. He felt this was an evolution from an antique store to restaurant and bar with outdoor dining that most certainly deserves the scrutiny it would get going through a CUP process. He thought it was part of this Board's responsibility to consider the CEQA issue with respect to noise because it does affect the Historic District which is indeed something the Board is charged with keeping an eye on. This is his perspective on this and he stated he could not support this project.

Chair Megna recalled that not quite 20 years ago as the Redevelopment Director for the City, they bought a teen bar at this same location in order to prevent its impacts on the freshly reopened Mission Inn. He found himself in the same spot and as Board Member Field said, he was having a hard time with the impacts that are associated with a project and the project definition which goes beyond just the question of replacing windows and doorways. He asked the Board if anyone was ready to make a motion on this proposal.

**MOTION MADE** by Board Member Field, **SECONDED** by Board Member Leach, **TO DENY** Planning Case P11-0138.

Board Member Garafalo said that the Board needed to make it clear why they were denying the project.

Ms. Smith agreed and the Board also needed to make findings contrary to what is in the staff report.

Ms. Gettis explained that the easiest way to go about this would be to turn to the findings on page 3 and go through each one.

The following findings were modified:

**FINDINGS:** The application proposal **is not** compatible with existing adjacent or nearby Cultural Resources and their character-defining elements **because outdoor dining hours of operation until 1:30 am, with patrons on the sidewalk to the early hours and drinking at the same time will cause noise impacts that extend beyond the boundaries of the property.**

**FINDINGS:** The proposed change **will** adversely affect the context and relationship of the project to its surroundings **because outdoor dining hours of operation until 1:30 am, with patrons on the sidewalk to the early hours and drinking at the same time will cause noise impacts that extend beyond the boundaries of the property.**

**FINDINGS:** The proposed change **will** destroy or adversely affect an important architectural, historical, cultural or archaeological feature or features **because the proposed changes do affect the historical features of the historic district due to the outside dining and other characteristics of the proposed use.**

Ms. Gettis noted that because this is already part of an appeal process, this will still go forward to Land Use Committee and City Council.

Board Member Leach inquired if they should reference somewhere that the Board believed this project needed to have further CEQA or CUP review? Does their motion need to include this so that it is known when it gets to LUC or City Council? She would like to make sure everyone understands why the Board denied it.

Ms. Smith explained that if the Board is denying the Certificate of Appropriateness outright, then CEQA doesn't matter because it is a denial. The Board's minutes will be forwarded to the LUC and City Council, and their reasoning is noted in the findings.

**MOTION CARRIED** by a vote of 4 ayes to 2 noes and 1 disqualified and 0 abstentions.

**AYES:** Field, Leach, Megna, Treen

**NOES:** Altamirano, Garafalo

**DISQUALIFIED:** Preston-Chavez

**ABSTAINED:** None

**ABSENT:** Gilleece, Murrieta

Chair Megna advised the applicant of the appeal process.

Board Member Preston-Chavez returned to the dais.

**C. MISCELLANEOUS ITEMS:**

4. Brief report from the Historic Preservation Officer on recent City Council actions.
5. Items for future agendas.
6. Update on status of major development projects.

Ms. Gettis updated the Board on the three cases that went to City Council yesterday.

**F. MINUTES:**

7. The minutes of December 14, 2011 were approved as presented.

The minutes were approved as written. Chair Megna abstained from the vote.

**G. ADJOURNMENT:**

The meeting was adjourned at 6:19 p.m. to the Wednesday, February 15, 2012 meeting at 3:30 p.m. in the Mayor's Ceremonial Room.