

City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

COMMISSIONERS

PRESENT: J. Brown, M. Carter, J. Cuevas, N. Ferguson, J. Gamble, P. Horychuk, S. Lech, C. McDoniel, C. Tobin

STAFF: M. Kopaskie-Brown, S. Watson, A. Beaumon, F. Andrade

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

He welcomed the new Board Members Carol McDoniel and Paula Horychuk, self-introductions followed.

ORAL COMMUNICATIONS FROM THE AUDIENCE

No public comments were received.

CONSENT CALENDAR

The Consent Calendar was unanimously approved as presented below affirming the actions appropriate to each item.

Cultural Heritage Board Attendance: The Cultural Heritage Board excused the absence of Board Member Brown from the March 17, 2021, due to illness.

The minutes of March 17, 2021 were approved as amended, removing the reference to former Board Member Falcone being present.

2021-1st Quarter Report on Historic Preservation activity.

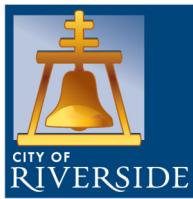
MOTION by Board Member Carter, Seconded by Board Member Cuevas to approve the Consent Calendar as amended.

Motion Carried: 9 Ayes, 0 Noes, 0 Absent, 0 Abstention

AYES: Brown, Carter, Cuevas, Ferguson, Gamble, Horychuk, Lech, McDoniel, Tobin

NOES: None

ABSENT: None



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

ABSTENTION: None

PUBLIC HEARINGS

PLANNING CASE P19-0563 – CERTIFICATE OF APPROPRIATENESS – 3420-3482 MISSION INN AVENUE, WARD 1

Proposal by Overland Development Company, on behalf of the Greens Ehrenberg, LLC to consider a Certificate of Appropriateness for the infill construction of a hotel within the Mission Inn and Seventh Street Historic Districts and the adaptive reuse of former Central Fire Station, listed in the California Register of Historic Resources.

Scott Watson, Historic Preservation Officer, presented the staff report. He stated that staff received 25 comment letters which have been distributed to the Board, 8 in support, 16 in opposition and 1 neutral. The letters in opposition raised concerns regarding the height of the project in relationship to the belltower of the adjacent First Congregational Church, the proposed setback along Mission Inn Avenue, and the projects potential impact to the adjacent National Register listed structures, and the environmental determination. According to records the height of the belltower is 114'-4", which is greater in height than the proposed hotel at 93'4". The project proposes a 1-foot setback which is consistent with the zero-setback of several building in the historic districts, including the Mission Inn, the Loring Building, the former Sears building, the Fox Theater, and the adjacent former fire station. The proposed project will not alter adjacent National Register listed structures; therefore, there will be no impact to the historical significance of these structures. Additionally, a noise and vibration study was completed for the project and found that the vibration from the proposed caisson drilling is below standard thresholds and will not impact adjacent unreinforced masonry buildings. With regards to the environmental determination, the project qualifies for the infill exemption as it is consistent with the General Plan, Zoning Code and the Downtown Specific Plan, as previously determined by the Planning Commission. The project also qualifies for the historic resource rehabilitation exemption, as the project has been found consistent with the Secretary of the Interior Standards for Rehabilitation.

The applicants Andrew Walcker, Overland Development and his partner Atman Kadakia, Managing Principal of Greens Development, presented to the Board. Greens Development is very excited to be here today presenting the Certificate of Appropriateness. Through a very competitive RFP process which began in 2017 and



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

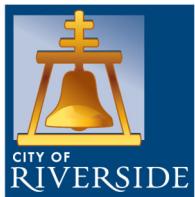
VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

many design iterations that were generated by community meetings, stake holder engagement, multiple review cycles with city staff, they were confident in the development proposal and it's viability in this very important corridor in downtown Riverside. Mr. Walcker thanked those Board Members that chose to engage with the design team early on in the planning process. He introduced his design team present to answer any questions. He stated they were in agreement with the published conditions.

Mr. Walcker addressed the 31page letter received yesterday from Lozeau Drury. The letter makes unfounded claims regarding the projects CEQA findings made by their professional team and City staff. In order to address the inaccuracies in their letter, a response was prepared by Christine Saunders with Sagecrest, and distributed to the Board today. He asked Ms. Saunders to verbally address the comment letters for the record. Christine Saunders, Director Environmental Services, Sagecrest Planning and Environmental, she reiterated that the Class 31 Historical Resources, Restoration and Rehabilitation exemption and Class 32 Infill Development Categorical exemption remain the appropriate CEQA determination for project. Commenters have asserted that the Conditional Use Permit and Variances make the project inconsistent with the general plan and zoning. On April 15, the Planning Commission granted the variance and conditional use permit requests outlined in the project description. The request today is for the approval of the Certificate of Appropriateness in order to permit new construction or alterations to the existing fire station. A commenter requests that all recommendations from the Class 32 infill streamlining checklist be incorporated into the project as conditions of approval. These recommendations are project design features that would be carried out as part of the project description. A noise and vibration analysis was conducted which analyzed potential impacts to surrounding structures, including the First Congregational Church and determined that there would be no significant impact. Commenters assert that the proposed project would have significant impact on historic resources, specifically the central fire station and the Mission Inn historic district. The applicant prepared a comprehensive Historic Resource Evaluation Assessment report which concluded that the project follows the Secretary of the Interiors Standards for the Treatment of Historic Properties and would not result in any impact to the former Central Fire Station or the Mission Inn Historic District. For all of the reasons previously stated, no new significant information identifying a potentially significant impact or inadequacy in the analysis has been identified and the lead agency's determination that a Class 31 and Class 32 categorical exemption applied to the proposed project are appropriate.



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

Mr. Walcker introduced Taylor Louden, Historical Architect and Cory Creath, Access Architects. Mr. Louden gave a brief presentation.

Board Tobin stated that he would have expected a massing and visual line study analysis done from the perspective of the historic properties surrounding the proposed site. What would this project look like standing at their front porch. This property is surrounded by twelve landmark structures.

Mr. Walcker stated that the presentation renderings are nothing new, they did proof of concept in putting together in relation to the two closest structures, First Congregational Church and Life Arts Center in the back. He asked Mr. Louden to add to how this building fits with surrounding neighborhood buildings.

Mr. Louden explained the relationship of massing and height in relation to other properties and referenced recent approvals by the Board. He noted that they weren't trying to make this project into a revival period building but looked at it instead as an addition to the fire station and that is the project design is consistent with the modern architecture of the fire station.

Board Member Tobin asked if the project team would be agreeable to conduct a massing study either computer generated or scale model and a visual line of site analysis from the existing landmark's perspective.

Mr. Walcker noted that they have created three renderings from the prospect of Mission Inn Avenue and asked if this was what he was looking for or if he could provide guidance as to what he was referencing.

Board Member Tobin stated that the Board has seen line of site and massing studies with far greater detail than what has been presented to this Board today. Given this is the most important location within the Mission Inn and Seventh Street Historic District, he would have assumed those two studies would have been prepared as part of this project analysis. He searched Mr. Louden's report for any reference to the role and purpose of historic districts in the City of Riverside. The lack of this information is a fatal flaw in his analysis.

Mr. Louden replied that typically how he reviewed this project and previous projects is not necessarily through a study or summary of historic district developments. Generally



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

speaking, The Downtown Specific Plan provided the opportunity for direction from the City what they saw as preservation goals and standards of design and compatibility of the district.

Board Member Tobin asked if he could read an email sent by Mr. Watson with regard to the Downtown Specific Plan.

Mr. Louden explained that the whole premise of how he writes these historic assessment reports, for this project and others he has done previously in the City of Riverside, is effectively a summary of the Downtown Specific Plan's housing goals and historic preservation goals and policies. He analyzes the design and development of this project based and focused on the Downtown Specific Plan. The Historic Resource Assessment report was reviewed by City staff and he would imagine the Cultural Heritage Board as well. That information already exists and is incorporated as a statement of what is quoted in the Downtown Specific Plan and by how he analyzes the project, the character of both the district and the proposed structure.

Board Member Tobin read from the Downtown Specific Plan, Section 6.6.3, "(2) The historic fabric in Downtown Riverside is interspersed with "contextual" buildings - buildings that are not historic but contribute to the district character as one traverses the district. Similarly, new buildings should not necessarily be stylistically "historic" but should be compatible with their historic neighbors in terms of massing, modulation, height, and setbacks. New buildings should be contemporary interpretations using the signature buildings as a source of design inspiration." He stated that in order for the Board to undertake their responsibilities as to whether this project is compatible with its historic neighbors in terms of massing, modulation, height and setbacks, they need a massing study and visual line of site study. He stated this item should be continued until those two documents are prepared.

Board Member McDoniel stated that based on comments by Mr. Watson and Mr. Walcker she understood that this project was shared with this Board previously. She inquired if the project was at this current size and height? She understood that originally it was 4 stories.

Mr. Walcker responded that they offered to engage with members of the Board prior to the COVID shutdown. They offered to meet individually with board members, respectful of the Brown Act. The intent of those meetings was to try to engage the Cultural Heritage



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

Board members early on and understand what they were looking for in this type of project. Mr. Louden was available to discuss the project concepts and to receive feedback. The RFP was in 2017, approximately 5 stories, he apologized as he did not have that information with him.

Board Member McDoniel noted that downtown leaders have stated they were unaware of the current project, at its current scale. What type of public outreach was done to users immediately adjacent?

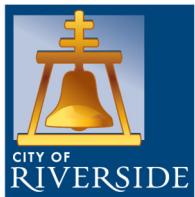
Mr. Walcker replied that there were various meetings. There was a wrench when COVID began but they did engage with Downtown Neighborhood Alliance, Greater Riverside Chambers of Commerce, Riverside Art Museum Board. He was unaware until recently that there was a Trustee group at the First Congregational Church. He stated he remembered meeting multiple times with individual that stated they were members of the First Congregational Church, but he did not get feedback that they should have been presenting to the trustee groups. On their side that is completely regrettable, but they did not feel that it was completely blindsided.

Board Member McDoniel stated the Secretary of the Interior Standards, Downtown Specific Plan and Municipal Code and other guidelines all state that the impact to immediately adjacent resources must be assessed, yet the compatibility and impact on those structures with the exception of the fire station was not addressed in Mr. Louden's report. Why?

Mr. Louden stated that the concept of this was that the immediately adjacent structures show a variety of styles. Again, the premise that they did not want to make something that would be not exactly referencing or compatible with an older, or historic revival style structure. Instead focused on entirely on the retention of the fire station making this the design reference to the project.

Board Member McDoniel interrupted and commented that she wasn't talking about architectural style but was concerned more with size, massing, scale and the actual visual impact of a building this size being adjacent to the immediate structures most of them smaller.

Mr. Louden responded that the Downtown Specific Plan does talk about massing, and refers to both height, the number stories, and feet. They looked at what the different



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

structures were. He referred to the Mission Inn, which falls into similar category with the number of stories, height, and the structures such as the dome, and also the First Congregation Church tower. There is a variety of styles and especially in terms of massing that are compatible with hotel scheme.

Board Member McDoniel read from Mr. Louden's report, bottom of page 16, that says the project through preliminary agency design review resulted in lowered hotel height at the northwest corner, but this alteration was somehow changed to accommodate a deck. She asked for clarification in that she understood this to read that there was a design that was shorter but was rejected for a taller design?

Mr. Louden explained that was a design recommendation, when they were first looking at the project in the design development; the idea of the U-shaped structure, the articulation, and uniform general height, not really discussing the elevator or penthouses. It was thought that the floor plate, height of the top floor, it would be beneficial if it also had a bit of articulation. This concept was also in relation to the First Congregation Tower that it would be better to defer to that to some degree. They had the opportunity of referencing international standards of contemporary design, a roof deck/roof garden concept. This became, a look out deck incorporate a series of panels that allow people to read what the building is and who the architect was for the surrounding buildings, it gave an opportunity to promote historic preservation practices. It was the intention to have a bit more articulation and open view shed of the Congregational Church tower.

Board Member Tobin agreed with Board Member McDoniel, with regard to the height of this structure. The initial project shown to this project was substantially lower. Certain members did avail themselves to talk to the applicant. What they reviewed was that prior project, not the project before the board today.

Mr. Walcker stated that Board member Tobin was not one of the board members who chose to engage with them earlier on. When the project was presented to the board member individuals, this was the concept presented to them. What Board Member Tobin is referencing is the original design that was won through the RFP. The RFP project for adaptive reuse of the fire station and boutique hotel. He stated the project was much shorter at the time when the request came from the applicant to meet with the Board.



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

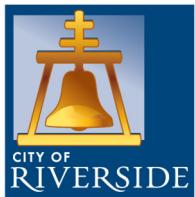
Board Member Tobin stated he did not feel it was appropriate to meet with the applicant and declined the invitation. The applicant could have presented this to the entire Board in a formal manner but he does not approve of meeting one on one with the applicant.

Public Comment: Chair Lech announced that he would open the meeting for public comments. He reminded the public that the Board's purview for this project is strictly the Appropriateness of this building or project within the historic district.

Board Member Tobin left at this time.

Comments in Support: Nick Adcock, Vice President Riverside Greater Chambers of Commerce, Downtown Business Counsel; Doug Alexander founding partner at Black Roses. Support: Emphasis on branding arts district, admiral entry point, game changer for establishing arts along corridor, massing and positioning seems appropriate, from photos renderings provided this building does not overshadow and is in context; design standpoint does great job of showcasing the old fire station design especially at pedestrian level; from a site sensitivity standpoint, the scale provides balance to many of the buildings in downtown; branding of arts district and additionally gives credit to Riverside Downtown as destination; design itself is a great way highlighting historic progress and historic sensitivity.

Comments in Opposition: Vicky Broach, member of First Congregational Church; Brian Clem, Lozeau Drury, Supports Alliance for environmental responsibility (SAFER). Concerns: Never approached by the developer, remember the four-story building being proposed, never asked to provide input, agree with board member's comments regarding line of site and visual impact especially to First Congregational Church; no sun from the eastern flank; only found out of meeting Monday evening; appropriate to continue the consideration of this proposal and return to Planning Commission; have concerns beyond cultural and historical impacts; project has not been appropriately vetted by other individuals involved with historic structures in the vicinity; project as proposed should not be exempt from CEQA for historical reasons: project cannot be exempt from CEQA if it may cause substantial adverse change to historic resources; there are several project features that indicate it will have impact on the historic district; the project requires a Conditional Use Permit and two variances; its height exceeds applicable height limit; floor area ratio (FAR) exceeds applicable FAR and requires variance to encroach 14' into the required 15' setback along Mission Inn Avenue. The height limits, setbacks, and floor



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

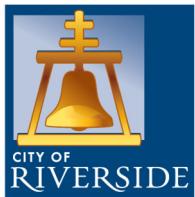
area ratios are critical to maintaining the historical character of Mission Inn District and by failing to comply with requirements and seeking Variances and CUP, it all indicates it will adversely affect the historic district character. Stress SAFER doesn't want to stop project but wants to ensure proper CEQA analysis is being conducted and agrees massing and line of site studies should be conducted to gauge impacts, request that the Board not adopt the Certificate of Appropriateness at this time.

There were no additional callers.

Board Member Tobin returned at this time.

A motion was made by Board Member Tobin, to continue this item until such time as a massing study and line of sight study are done for this project with respect to the two options: 1) the original four story elevation and 2) the currently proposed eight story elevation.

Board Member McDoniel stated that she found the conclusion of the report and the Historic Resource Evaluation Assessment deficient due the absence of an impact assessment on the immediately adjacent historic structures and the impact to important architectural, historic, cultural and archeological features. Title 20, Downtown Specific Plan, Secretary of the Interior Standards, and the California Historic Building Code all dictate that new construction and infill, in historic districts must take into account immediately adjacent historic structures. In Title 20, the section on Principle Standards and Site Development Design, lists seven standards that apply to granting a Certificate of Appropriateness. Standard B states that the proposal must be compatible with existing adjacent nearby Cultural Resources and their character-defining elements. Standard E states that the proposed changes may not destroy or adversely affect important architectural, historic, cultural and archeological features. In addition to the fire station, which was assessed, the project is immediately adjacent to at least six other historic structures. The Congregational Church and bell tower qualify as character-defining elements and important architectural, historic and cultural features. The structural and spatial impact on that must be considered, obscuring it from view from a significant portion of the street, view shed, adversely affects the impact of this important architectural historic and cultural feature. Standard C states that height, scale and massing must be compatible with adjacent cultural resources. This review today is not just about design it must also be about height, scale and massing. Standard D included among the elements that cannot be adversely affected, the relationship of the project



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

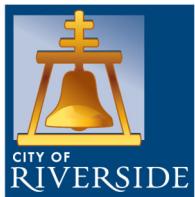
THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

to its surroundings. This addresses what she has said before: height, scale and setback. Important to note that both B and C use the word adjacent. The Downtown Specific Plan, in multiple sections, stipulates that the size and mass of the new structures and additions must be compatible with existing and surrounding structures. The Historic Preservation and Goals Policies of the DTSP, Policy HP-1.4 states that through design review, new development must be compatible with adjacent historical structures in height, scale and massing, as well as building materials and architectural treatment. Again, referring to adjacency and compatibility in size. This specific Policy is quoted in Mr. Louden's report five times yet when the report refers to buildings within the district as comparison for compatibility, on seven different occasions it uses a variation of six other buildings none of which are adjacent. The immediately adjacent buildings are not mentioned once, in reference to compatibility. The Report also refers to an average scale, of historic buildings within the area, however, it is immediately adjacent buildings that must be assessed, not an average. In Mr. Louden's conclusion there is a context reiteration that includes some instructions for us. It says design review in the proposed work should be coordinated with and compatible in design character with the two immediate historic contexts, meaning the Seventh Street Historic District and Mission Inn Historic District. Immediate proximate structures that should be a part of the project and design review include the Congregational Church tower, the Julia Morgan YMCA building and the Mission Inn, yet Louden did not include an assessment of two of these adjacent structures in the report. In addition, the report states that perspective renderings will include the context of structures yet none of that was included in the report and the two shown today were not to scale. Concerning the CEQA review, Section 15.332 which is the Class 32 infill exemptions, it does state that it must be consistent and applicable with all General Plan policies as well as Zoning and design regulations. The fact that there are variances that have been requested and granted, in itself, mean that that exemption cannot be applied because the project does not comply with all provisions. It also does state, CEQA does talk about the impact on structures in relation to traffic, noise, air quality, and water quality and while they say that is the purview of Planning Commission; the impact on historic structures is the purview of the Cultural Heritage Board. Section Class 31 Exemption of CEQA quotes the Secretary of Interior Standards for the Treatment of Historic properties, and states that additions to historic resources must be similar in massing and scale. The addition of an 8-story structure next to the fire station is certainly not similar to in massing and scale, also not similar or in compliance with the rest of the adjacent structures. Her conclusion on the Certificate of Appropriateness is that great care has been taken to assess the impact on the fire station



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

and the appropriateness to that structure however the impact on the adjacent structures has not been done. Conclusion on CEQA is that those two exemptions do not apply.

Substitute Motion made by Board Member McDoniel, to deny the CEQA exemption and continue the Certificate of Appropriateness to such time that the project can come back addressing impact on adjacent structures, reduction in height, setback and actually adjust the impact to the adjacent structures.

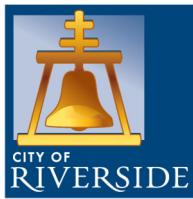
Chair Lech noted there were two more callers requesting to speak and asked the City Attorney if they could be allowed to speak at this time?

Mr. Beaumon replied that the Chair could hear their comment.

Board Member Cuevas stated he wanted to focus on the massing of building and the fire station. He thanked Mr. Walcker for previously inviting him to the meetings a year or so ago, unfortunately he was not able to attend. He stated he understood they were looking at this project with respect to the fire station, a mid-century design, and how it is compatible with the new project. Other topics that were discussed were setbacks and zero property lines. He understands there is compatibility within the district, not necessarily adjacent but looking at this overall within the district. We have a new building going up on the corner of Market and Mission Inn Avenue which has massing similar to this and we have determined that it is compatibility with the district. With regard to the massing itself, was there a study done on the applicant's end regarding line of site, sun patterns, setbacks? He stated that from his perspective, he understood the roof top garden on the Northwest corner, but not clear how that was completely developed without more of amassing study to determine that. He reviewed the reports and the renderings on west side facing the church. He can see that the applicant has done massing renderings and how that would be viewed from street level. He just wanted to understand a bit more from the applicant's or architects end how the massing study was created.

Mr. Walcker stated that they definitely did do the requirements through sections 6.6.3 and worked with staff on this. In terms of massing, he turned it over to Mr. Louden.

Mr. Louden referenced Sections 3.22 of the Downtown Specific Plan addressing Zoning and Development Standards. He also referenced Policy LU-1.1. They looked at the international style and character of Fire Station #1. The construction proposed is not just



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

contemporary with current construction and current design considerations, but it is reflective within a subset of the district, the mid-century styles that exist.

Cory Creath, Architect, as the architect of the project massing was at the forefront throughout the evolution of this project. There were five major moves in the building massing, starting with the plinth. The plinth relates to the fire station building which allows the building to step back from Mission Inn Avenue to create the courtyard which will be a guest experience and a phenomenal place. Number 1 is the plinth at the second story but we also subtracted from the mass of the building at the Lemon Street corner up to the third story which introduces a site line from Mission Inn Avenue to catch more of the First Congregational Church. At the corner, at the second story level, the mass of the building was removed and created a deep recess under the building. This is another outdoor congregating space for guests but also a site line enhancer of the project to erode the mass just as we did at the 8th floor, by carving away the top of the building and introducing the observation deck as another way to modulate the mass. There is articulation on every façade, the building moves in and out, materials change, colors are modulated and all of those in effect; we believe reduce the apparent mass of the building very effectively.

Mr. Kadakia noted that the observation deck, the intention was to take into consideration many of the community stakeholder's comments. This area was created not only for hotel guests but the general public, to come up and look at the beautiful historic buildings in area. In addition to what Mr. Creath said, this area was created to pay homage to the neighboring buildings in the area.

Board Member Cuevas asked the applicant whether along the Mission Inn elevation, do the towers actually step back from the 1' variance line? The towers themselves, not the podium level, above the second level.

Mr. Creath replied that there are portions of the tower that come out to the zero lot line on Mission Inn Avenue but then quickly step back from there to create the deep recess of court yard to allow light and air to the interior of the site. The answer is yes but modulated in the way that my previous answer alluded to with the removal of portions of that façade to introduce greater relief.

Mr. Walcker added that the amenity deck where the pool is on the second level, actually extends out. They wanted to provide a guest experience and get that pedestrian



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

connection. That is really not unlike the existing fire station, with the wall closest to Lime Street that actually encroaches into the City right-of-way. While the second floor of the historic fire station, called the chief's quarters, also does the same thing and comes out the public right-of-way. He noted that they are trying to take some of those design cues and integrate them into this building as well.

Board Member Tobin stated that he would like to amend his motion to pick up what board member McDoniel indicated with respect to the third impact analysis with respect to the six adjoining land properties and other features of her discussion. The motion would therefore be continue until such time as there is a massing study prepared for a four story project and an eight story project; that there is a line of sight analysis for a four story project and eight story project and that there be the impact analysis on the adjacent landmark structures.

Chair Lech noted he is trying to coordinate this as much as possible. There are two motions on the floor.

Mr. Beaumon stated that Board Member McDoniel's substitute motion should be voted on first and if that fails, it goes back to Board Member Tobin's original motion. Due to possible circumstances where individuals were unable to call in, it is the Chair's discretion to hear additional comments.

Board Member Tobin inquired if Board Member McDoniel was willing to incorporate her motion into his motion.

Board Member McDoniel stated that Board Member Tobin's motion was not seconded. Her motion was to deny the CEQA exemption and continue the Certificate of Appropriateness.

Chair Lech called for a second on Board Member McDoniel's motion.

Ms. Kopaskie-Brown asked if the applicant has to be in agreement for continuance?

Mr. Beaumon replied, no.

Board Member Tobin seconded Board Member McDoniel's motion.



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

PUBLIC COMMENT:

Tim Jackson stated the property will support all three initiatives of culture, history and the future of Riverside. Mr. Jackson stated he has followed this project from the beginning and referred to his comment letter. Drew Oberjuerge, Executive Director, Riverside Art Museum stated that the hotel will add to the amenities of Downtown Riverside. She deeply appreciated the conscientiousness of Andrew Walcker and the Greens Group to update Riverside Art Museum, to incorporate arts and culture in the design, to preserve the historic fire station and to engage a historic preservation architect to analyze how the site plays in the historic order.

Chair Lech thanked the commenters and noted there would be no more public comment.

Mr. Kadakia noted there was one more person waiting to speak.

Chair Lech noted that he was not aware there was any additional callers. Whoever is waiting needs to raise their hand to let staff know that they want to speak.

Board Member Tobin stated that he was concerned with the substitute motion not approving the CEQA exemption. He found this problematic because typically when the Board denies the application, the next step for the applicant is to appeal the decision of the Board. The next step is to take that to first the Land Use Committee and from there Land Use will make a recommendation to the City Council. How will this work if we deny the first part, CEQA, not the second part asking for additional studies and then continuing the item. He would be more comfortable focusing on the second aspect of the motion which is the impact analysis of the surrounding landmarks. He would endorse that and withdrew his original motion.

Board Member McDoniel, agreed with Board Member Tobin's recommendation. She amended and restated the motion to continue the matter to allow for additional studies considering the immediately adjacent structures, to prepare massing studies for this Board's review and allow time for additional outreach.

Board Member Tobin, as the second, agreed to the amended the motion.

Ms. Kopaskie-Brown inquired of the City Attorney whether the applicant has to agree to do those additional studies.



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

Mr. Beaumon replied no.

Board Member McDoniel restated the motion to continue this item both CEQA and Certificate of Appropriateness, to allow the applicant time to prepare additional impact studies on immediately adjacent historic structures, prepare massing studies and to allow additional time for public comment.

Board Member Tobin, seconded the motion.

Chair Lech acknowledged Mr. Walcker's request to speak.

Mr. Walcker thanked the Board for their comments. He stated that they were a little confused right now. At this time, they are looking for a yes or no vote and they are not agreeable to a continuance. As stated earlier they have been in the process for years and have probably done a very extensive outreach program. They have done everything required under Section 6.6.3 and do not understand why this project is being signaled out for additional work.

Chair Lech asked if the Board could continue this item if the applicant is not in agreement.

Mr. Beaumon responded that whatever the Board decides to do, they should consider what was just said by the applicant.

Board Member Brown asked to take a minute or two to address all the board members. He has enormous respect for the comments made by Board Members Tobin and McDoniel. The difficulty he sees is are the impediments of addressing a meeting like this virtually, in the face of a pandemic. More importantly it seems that the motions came early on in deliberations, almost immediately following public comments, that the Board did not get a chance to hear from all the board members in a general discussion format. He felt this has constrained the Board. This is a project coming to us with a long history and an investment on the part of the developer that probably represents millions of dollars at this point. He felt that for the Board to entertain procedural motions to delay the project or to require additional studies, which the applicant is unwilling to do, simply puts this Board, as an advisory board of the City of Riverside, in a position of further diminishing any remaining influence it may have with the City Council. The process is



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

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broken, no question about that, whether it comes to massing studies or further analysis of CEQA. He encouraged all of his fellow board members, with all due respect to Board Member McDoniel, he would urge a no vote and return to more general discussion.

Board Member Brown suggested going around to all members and allow 30 seconds to speak.

Board Member Ferguson stated that while she respects and understands and is in agreement with some of Board Members McDoniel and Tobin's comments, she is not in agreement with the continuance. She also wanted to commend the developers for being proactive. She was one of the board members they reached out to. She respected that not always are developers willing to take the time for due diligence or do they care for the board's input, actually 3 years prior to today. The project would be a welcome addition to the historic Downtown. She agreed with the last caller's comments regarding art galleries.

Board Member Cuevas stated that he concurred with Board Member Brown regarding moving forward with a no vote. Again, he complimented the developer for their outreach. This project will contribute to the whole district.

Board Member Carter stated that she was a little flustered earlier thinking they only had 30 seconds to speak. She was one of the members that met and provided input to the developer. This project is very close to her heart and she is thankful that they are taking the time and consideration for the air space deck. She felt that the deck on the second floor will bring a new significant view to the bell tower across the way. It could be a blessing not an obstruction. She believes this will be very beneficial to Riverside into the future. This will be beneficial for the future of Riverside and it is part of the Cultural Heritage Board's purview to maintain the historical facts. She liked the fact that the plaques will be on display to point out the significance of historic Riverside and is excited about this project.

Board Member Tobin called for the motion.

Motion Failed: 3 Ayes, 6 Noes, 0 Absent, 0 Abstention

AYES: Gamble, McDoniel, Tobin

NOES: Brown, Carter, Cuevas, Ferguson, Horychuk, Lech

ABSENT: None



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

ABSTENTION: None

Board Member Tobin stated he had withdrawn his motion.

Motion made by Board Member Cuevas, Seconded by Board Member Ferguson to: 1) Determine that the proposed project is exempt from the California Environmental Quality Act (CEQA) review pursuant to Sections 15331 (Historic Resource Restoration/Rehabilitation) and 15332 (In-Fill Development Projects), as it constitutes an in-fill and rehabilitation project that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties; and 2) Approve Planning Case P19-0563 (Certificate of Appropriateness), based on the findings outlined in the staff report and subject to the recommended conditions.

Board Member Brown stated that he wanted to disclose four different ex parte contacts, prior to this meeting. One was an e-mail received from Vicky Broach and Tim Kelly. He knows Ms. Broach and did call her and briefly discussed the matter with her. Also, at a DANA meeting, Mr. Walcker made a very articulate and complete presentation on the evening of the 19th. He also asked former Mayor Loveridge during another meeting what he thought of the project and he thought it was terrific. Fourthly, he has been walking the area for 46 years and drove around it twice today. He noted that this project obviously comes to the Cultural Heritage Board with a tremendous amount of inertia. The fact that the Executive Director of the Riverside Art Museum, a national historic landmark directly across the street, calls in to support the project, speaks volumes to him. The fact that we haven't heard a legion of other owners of historic buildings or others vested in historic resources joining in opposition to the project, not to diminish the opposition that has been received, also suggests to him that we are on the cusp of a phase in the development of the City of Riverside where economics is first and foremost. There is a desire driven by bringing more people to our convention center, bringing more people into our transient occupancy tax, etc. I think the time has come for us to realize that by the time these projects, with the amount of time invested in them by staff, developer and consultants come to the board, it is far too late in the process for us to develop an intelligent and coherent narrative about the importance of cultural heritage and historic resources. I think that until we can reconcile our views about cultural heritage, and those of the Planning Commission, City Council and business community, this is a dysfunctional process. I want to make one final comment as to why I want to ask the developer a question, to me the heart of this matter is the finding of categorical exemption both staff, the developer and developer's consultants have put a lot of time into making the case



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

the project is categorial exempt from CEQA, however the developer did allude to a letter from lawyers in northern California. At its core is one issue that could ultimately result in CEQA litigation unless there is some sort of a settlement. That is the litigation that results from the interplay between the categorical exemption and impact on historical resources. He realizes that the developer attempted to minimize the letter but none the less, with all due respect to his consultant, his consultant's response wasn't much more. He is used to a process that when that kind of a letter is received, that we give our city attorney and the developer's legal counsel opportunity to respond more fully to that kind of a letter.

Chair Lech announced that they are already 45 minutes into the Charter Review's meeting time.

Board Member Brown announced that he intended to abstain on this motion. He cannot vote on this matter without additional legal information attempting to refute the information placed in the letter as part of the administrative record by the lawyers from northern California.

Chair Lech called for vote.

Motion Failed: 4 Ayes, 4 Noes, 0 Absent, 1 Abstention

AYES: Carter, Cuevas, Ferguson, Horychuk

NOES: Gamble, Lech, McDoniel, Tobin

ABSENT: None

ABSTENTION: Brown

Chair Lech asked for a Motion to continue remainder of agenda to May meeting.

A motion by Board Member Tobin and Seconded by Board Member Cuevas, to continue the balance of the meeting to the May 19, 2021 meeting.

Motion Carried: 9 Ayes, 0 Noes, 0 Absent, 0 Abstention

AYES: Brown, Carter, Cuevas, Ferguson, Gamble, Horychuk, Lech, McDoniel, Tobin

NOES: None

ABSENT: None

ABSTENTION: None



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, APRIL 21, 2020, 9:00 A.M.
VIRTUAL MEETING
PUBLIC COMMENT VIA TELEPHONE
3900 MAIN STREET

Board Member stated he abstained from the previous item and asked if he could propose a new motion to approve and change his abstention to a yes vote.

Mr. Beaumon explained that the vote was already taken and cannot be revisited.

ADJOURNMENT

The meeting was adjourned at 5:47 p.m. to the meeting of May 19, 2021 at 3:30 p.m.

Minutes approved as presented at the May 19, 2021 meeting.