

REVISED

City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: September 25, 2012

FROM: GENERAL SERVICES DEPARTMENT ITEM NO: 15

WARD: 1

SUBJECT: SEIZING OUR DESTINY – FOX ENTERTAINMENT PLAZA – SUPPLEMENTAL APPROPRIATION AND FUNDS TRANSFER

ISSUE:

The issues for City Council consideration are: 1) approval of an increase to the project budget for the Fox Entertainment Plaza; and 2) authorize a supplemental appropriation to fund the additional work.

RECOMMENDATIONS:

That the City Council:

1. Approve an increase to the project budget for the Fox Entertainment Plaza by \$2,550,000 to provide for a larger exhibit space, expanded black box theater, elevated entertainment plaza, architectural enhancements to the parking structure, and demolish and remove the existing Binding Building;
2. Authorize required funds transfers totaling \$2,211,343 from the General Fund (101) and General Debt Service Fund (390) to the Parking Fund (570) in order to utilize the savings associated with the refunding of the 2003 Certificate of Participation for this project;
3. Authorize a supplemental appropriation in the amount of \$2,296,948 to the Fox Entertainment Plaza Account No. 9847200-463400, which includes \$85,605 from the unappropriated balance of the Parking Fund and \$2,211,343 from the savings associated with the refunding of the 2003 Certificates of Participation;
4. Authorize the City Manager, or his designee, to take the necessary actions to implement the modified budget and approve a change order to the original Design-Build Agreement in the amount of \$2,550,000;
5. Authorize the City Manager, or his designee, to execute all documents related to the transaction and to make minor, non-substantive changes; and

6. Direct City staff to present to the Cultural Heritage Board within 90 calendar days the policies and procedures for the establishment of the Historic Preservation Fund and transfer funds from this project in the amount of \$150,000 to the new Historic Preservation Fund for future historical rehabilitation projects.

BACKGROUND:

The City Council awarded a design-build construction contract for the Fox Entertainment Plaza on May 11, 2010, and approved a project budget of \$14,385,000. The contract provided for a joint use space of 10,000 square feet, including a 3,000 square foot black box theater and a 7,000 square foot exhibit hall.

In the course of design development under the contract, the project was modified to increase the black box theater to approximately 4,300 square feet designed to operate separately from the exhibit hall, increase the size of the exhibit hall to 12,300 square foot, and provide an elevated entertainment plaza of approximately 6,000 square feet. These changes were approved by the City Council on December 7, 2010, increasing the budget by \$2,095,000 to a revised total of \$16,480,000.

The key changes for the overall project include additional improvements to the Fox Performing Arts Center annex, parking structure and black box theater. Additionally, significant Americans with Disabilities Act (ADA) improvements were made to improve accessibility between the parking garage, elevators, annex lobby and plaza level. Structural requirements for load capacities were also addressed for the open plaza outdoor meeting area. Additional costs were also incurred due to the extended project schedule.

To enhance the functionality of the facilities, program and operational improvements to the annex were made. These improvements include enlargement of the second level lobby and addition of a new balcony to provide access to the second floor Fox Theater Banquet Room. The annex was also improved to include access from the annex elevator and third floor lobby to the second level entertainment plaza deck of the black box theater. Improvements to the parking structure include plaster panels, medallions and lanterns to improve the aesthetic quality of the structure along Sixth Street and Fairmount Boulevard. The entrance to the black box theater and the area around the second level plaza was modified to incorporate an art deco theme, concrete pavers were added to the entertainment plaza deck, and improved access was made to the black box control room booth.

In addition, the Binding Building façade located at the rear of the Exhibit Hall on Fairmount Avenue will be demolished and removed. A rear staging/unloading area will be constructed similar to the adjacent Fox Performing Arts Center to include new masonry walls, rolling gate, lighting, landscaping and ADA improvements. The existing Binding Building wall with an ornamental cherub will be incorporated in the final project.

As part of the demolition of the existing Binding Building façade, \$150,000 will be transferred to a new Historic Preservation Fund to provide funds for future historical rehabilitation projects. Terms and conditions of this Historic Preservation Fund will be presented for City Council consideration at a later date.

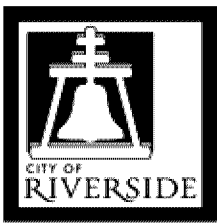
The additional cost of these components including any off-site improvements, contingencies to complete the project, and related soft costs is \$2,550,000, bringing the total project budget to \$19,030,000.

The Public Works Director concurs with the recommendations above.

FISCAL IMPACT:

The total construction project cost for the Fox Entertainment Plaza is estimated at \$19,030,000. To date, \$16,480,000 has been committed using proceeds from a previous financing. The remaining \$2,550,000 needed is available from: 1) a budget transfer from the land acquisition portion of the project (Account No. 9837900-440301) to the construction portion of the project (Account No. 9847200-463400) in the amount of \$253,052, which has been administratively completed; 2) a supplemental appropriation from funds transfers from the General Fund (101) and General Debt Service Fund (390) as a result of the recent refunding of the 2003 Certificates of Participation in the amount of \$2,211,343; and 3) a supplemental appropriation from the unappropriated balance of the Parking Fund in the amount of \$85,605.

Prepared by:	Kris Martinez, General Services Director
Certified as to	
availability of funds:	Brent A. Mason, Finance Director/Treasurer
Approved by:	Belinda J. Graham, Assistant City Manager
	for Scott C. Barber, City Manager
Approved as to form:	Gregory P. Priamos, City Attorney



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: September 25, 2012**
FROM: GENERAL SERVICES DEPARTMENT **ITEM NO: 15**
WARD: 1
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4. Authorize the City Manager, or his designee, to take the necessary actions to implement the modified budget and approve a change order to the original Design-Build Agreement in the amount of \$2,550,000; and
5. Authorize the City Manager, or his designee, to execute all documents related to the transaction and to make minor, non-substantive changes.

BACKGROUND:

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The additional cost of these components including any off-site improvements, contingencies to complete the project, and related soft costs is \$2,550,000, bringing the total project budget to \$19,030,000.

The Public Works Director concurs with the recommendations above.

FISCAL IMPACT:

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Prepared by:	Kris Martinez, General Services Director
Certified as to	
availability of funds:	Brent A. Mason, Finance Director/Treasurer
Approved by:	Belinda J. Graham, Assistant City Manager for Scott C. Barber, City Manager
Approved as to form:	Gregory P. Priamos, City Attorney



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: APRIL 9, 2013
FROM: COMMUNITY DEVELOPMENT DEPARTMENT WARD: All
SUBJECT: PLANNING CASE P12-0659 – TITLE 20 CODE AMENDMENT

ISSUE:

The issue for City Council consideration is a proposal by the Community Development Department to amend Title 20 Code to include additional Preservation Incentives and other minor updates.

RECOMMENDATIONS:

That the City Council:

1. Determine that the proposed case will not have a significant effect on the environment based on the findings set forth in the case record and recommend adoption of a Negative Declaration;
2. Approve Planning Case P12-0659, thereby adopting the Title 20 Code Amendment based on and subject to the findings, recommended conditions and text revisions; and
3. Introduce and subsequently adopt the appropriate Ordinance.

CULTURAL HERITAGE BOARD RECOMMENDATIONS:

Staff recommended approval subject to recommended conditions of approval. On February 20, 2013, the Cultural Heritage Board recommended approval of Planning Case P12-0659 by a vote of 6 ayes, 0 noes and 0 abstentions, based on and subject to the findings, recommended conditions and text revisions.

BACKGROUND:

Please refer to the February 20, 2013 Cultural Heritage Board staff report, recommended conditions and draft minutes.

FISCAL IMPACT:

The Historic Preservation Trust account will have a total of \$500,000 available. The initial start-up of \$150,000 is currently available in the 721 Fund and \$116,667 will be included annually as a part of the future years' annual budget process for the next three fiscal years.

Prepared by: Emilio Ramirez, Deputy Director
for Al Zelinka, FAICP, Community Development Director

Certified as to
availability of funds: Brent A. Mason, Finance Director/Treasurer

Approved by: Deanna Lorson Assistant City Manager
for Scott C. Barber, City Manager

Approved as to form: Gregory P. Priamos, City Attorney

Attachments:

1. Conditions
2. Cultural Heritage Board Staff Report – February 20, 2013
3. Cultural Heritage Board Minutes – February 20, 2013
4. Ordinance

CULTURAL HERITAGE BOARD
RECOMMENDED CONDITIONS

Planning Case P12-0659

CHB Meeting Date: February 20, 2013

CONDITIONS

Case Specific

1. The Cultural Resources Code (Title 20) shall be amended as shown in Exhibit 1.
2. The City Attorney's Office shall prepare the appropriate ordinance for City Council adoption of the Resources Code text amendments within 30 days.

GENERAL INFORMATION NOTES

1. Appeal Information
 - a. Actions by the Cultural Heritage Board, including any environmental finding, may be appealed to the City Council within 15 calendar days, after the date of decision.
 - b. Appeal filing and processing information may be obtained from the Community Development Department, Planning Division, Public Information Section, 3rd Floor, City Hall.



City of Arts & Innovation

COMMUNITY DEVELOPMENT DEPARTMENT Planning Division

Cultural Heritage Board ***CULTURAL RESOURCES CODE AMENDMENT***

AGENDA ITEM NO.: 3

WARD: ALL

CULTURAL HERITAGE BOARD HEARING DATE: February 20, 2013

I. CASE NUMBER(S): P12-0659

II. PROJECT SUMMARY:

- 1) Proposal:** Revision to Title 20 to include additional Preservation Incentives and other omnibus updates.
- 2) Location:** Citywide
- 3) Applicant:** Community Development Department
- 4) Case Planner:** Erin Gettis, City Historic Preservation Officer and Principal Planner,
(951) 826-5463
egettis@riversideca.gov

III. RECOMMENDATION:

That the Cultural Heritage Board:

1. DETERMINE that Planning Case P12-0659 constitutes:

- **Environmental Assessment:**

A project that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, which is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15331 of the CEQA Guidelines. An initial Study of the Draft Negative Declaration is attached as Exhibit 2. Therefore the proposed code amendment will not have a significant effect on the environment based on the findings set forth in the case record and recommend that the City Council adopt a Negative Declaration; and

2. Recommend that the City Council **APPROVE** Planning Case **P12-0659** (Cultural Resources Code Amendment), thereby adopting Title 20 as shown in Exhibit 1 subject to the recommended conditions of approval based on the following findings:

- a. Cultural Resources are important to the historic fabric of the City or Riverside and creating a framework that assists in the documentation of such resources and promotes preservation of these resources is essential.
- b. The proposed amendments will provide a Preservation Fund, an incentive, which will allow for funding for cultural resources throughout the City of Riverside where currently none exists.
- c. The proposed amendments streamline the review and approval process for minor and insignificant projects.
- d. The proposed amendments will correct small inconsistencies throughout the document.
- e. The proposed amendments will further the stated purposes of Title 20 including the following:

“Section 20.05.010 Purpose.

- A. To safeguard the City's heritage as embodied and reflected in such resources;
- B. To encourage public knowledge, understanding and appreciation of the City's past;
- C. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources;”
- “E. To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complementary contemporary design and construction;
- F. To enhance property values and to increase economic and financial benefits to the City and its inhabitants;
- G. To protect and enhance the City's attraction to tourists and visitors, thereby stimulating business and industry;”
- “I. To integrate the preservation of cultural resources and the extraction of relevant data from such resources into public and private land management and development processes; and
- J. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.”

- f. The proposed amendments will further the stated objectives and policies of the General Plan, including the following:

“Policy HP-1.1: The City shall promote the preservation of cultural resources to ensure that citizens of Riverside have the opportunity to understand and appreciate the City's unique heritage.”

“Policy HP-1.3: The City shall protect sites of archaeological and paleontological significance and ensure compliance with all applicable State and federal cultural resources protection and management laws in its planning and project review process.”

“Policy HP-1.4: The City shall protect natural resources such as geological features, heritage trees, and landscapes in the planning and development review process and in park and open space planning.”

“Objective HP-3.0: To promote the City's cultural resources as a means to enhance the City's identity as an important center of Southern California history.”

“Objective HP-4.0: To fully integrate the consideration of cultural resources as a major aspect of the City's planning, permitting and development activities.”

IV. BACKGROUND/HISTORY:

The last time Title 20 went through a major update was in 2010. In 2012 due to concern from the Historic Preservation Community and Historic Preservation staff that elimination of Redevelopment funds for the City's Development Department façade improvement program would negatively affect historic properties, the City engaged in a series of meetings with the Historic Preservation community to propose creation of a Historic Preservation Fund. The fund was to include seed money from the City as a result of a previous action involving a City-owned cultural resource.

The Historic Preservation community, included members from the Old Riverside Foundation Board, the Riverside Historical Society Board and other groups, participated in a series of meetings at City Hall from February 2012 through January 2013 to discuss the preparation of a Preservation Fund. The full text of the Historic Preservation Fund in the Preservation Incentives chapter proposed in this report has been reviewed in advance of this meeting with these groups. This chapter includes framework for formation of a committee that will oversee the fund, determine fund distribution and awards. The committee will determine the process and methodology for applicants to competitively apply for these funds with appropriate projects.

Other omnibus changes are proposed in this report as part of ongoing review of Title 20 since the major update in 2010. These omnibus changes correct inconsistencies in the current Title 20 as well as streamline the review process for minor and insignificant changes to a Cultural Resource as a customer and business friendly measure.

VIII. PUBLIC NOTICE AND COMMENTS:

A 1/8th page ad public hearing notice for the Cultural Heritage Board was published in the Press Enterprise. As of this writing, no comments have been received.

IX. EXHIBITS: [List all items, including items that will be included in PC packets or at hearing (not printed in report)]

1. Proposed Title 20 with redline strike out for modified text and highlighted text for Historic Preservation Fund section.
2. Draft Negative Declaration and Initial Study.