



Community & Economic Development Department

Planning Division

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**CULTURAL HERITAGE BOARD MEETING DATE: NOVEMBER 21, 2018
AGENDA ITEM NO.: 3**

CERTIFICATE OF APPROPRIATENESS

I. CASE NUMBER(S): P18-0585

II. PROJECT SUMMARY:

- 1) Proposal:** Certificate of Appropriateness request for the Areas 3-5B Project, which continues replacement/reconfiguration of historic streetlight standards in poor condition and inefficient related to energy use with replica street light standards and LED luminaires, as approved for the previous Area 1 (2012) and Area 2 (2015).
- 2) Location:** Public rights-of-way within the Downtown, Magnolia Center, and Eastside neighborhoods and multiple historic districts and neighborhood conservation areas
- 3) Ward:** Wards 1, 2, 3
- 4) Applicant:** City of Riverside – Riverside Public Utilities (Electric)
- 5) Case Planner:** Jen Mermilliod, Contract Senior Planner

III. RECOMMENDATION:

That the Cultural Heritage Board Recommend that the City Council:

1. **DETERMINE** that Planning Case P18-0585 will not have a significant effect on the environment as it relates to historic resources under the California Environmental Quality Act (CEQA);
2. **ADOPT** the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP); and
3. **APPROVE** Planning Case P18-0585, based on the findings summarized in Exhibit 1, and subject to the attached conditions (Exhibit 2), thereby issuing a Certificate of Appropriateness for the project.

IV. BACKGROUND/HISTORY:

- **Background:**

The proposed Areas 3-5B Project (Exhibit 3 and 4) would continue the replacement of direct embedment historic streetlights that are in poor condition and are not energy efficient. Riverside Public Utility (RPU) maintenance records show that direct embedment installation poses considerable safety hazards and requires continual maintenance. Changing soil conditions over time have caused streetlights to lean substantially after heavy rain events, leading to falling lights and weak spots in stressed electrical conduit. This has resulted in the potential for stray current and electric shock hazards.

Prior to the project's initial phase, RPU conducted research on the historic streetlights and sought public input through several neighborhood meetings including:

1. November 17, 2011 – Neighbors of Wood Streets
2. February 2, 2012 – Grand Neighborhood Alliance
3. February 4, 2012 – Historical Woods Street Association

Area 1 replaced 202 of 243 historic light standards with 159 new light standards (P12-0043; March 21, 2012). Area 2 replaced 250 of 284 historic light standards with 187 new light standards (P15-0344; August 19, 2015). MNDs were prepared for each phase and included the Wood Streets Historic District and Wood Streets Neighborhood Conservation Area which are the City's best examples of adjacent 1920s and 1930s residential subdivisions in their style, scale, and tone. Replica "Kodiak" concrete standards and 66-watt (Area 1) and 23-watt (Area 2) Light Emitting Diode (LED) "Acorn" acrylic post top luminaires were developed and approved as compatible replacements for original, 8-sided Kodiak concrete streetlights as well as the later-introduced round metal/fiberglass pole style Town and Country streetlights.

Since the completion of Areas 1 and 2, neighborhood feedback regarding loss of the "warm glow" has identified color quality as an aspect of historic character. Areas 1 and 2 were installed with 3000 Kelvin (K) LED lights, which resulted in brighter, whiter color quality. Newly available 2700K LED lights were proposed for the Areas 3-5B Project but advancing LED technology has since made lower light temperature (warmer) LED fixtures commercially available. With guidance from CHB Staff, RPU initiated a focused Pilot Program to test 2000K, 2200K, and 2700K LED lights on Beatty Street between Brockton and Palm Avenues, within the project area, in September 2018 (Exhibit 5). Additional community input from residents and the Cultural Heritage Board has been received and show a preference for a "warm" color temperature, and favored 2200K lights (Exhibit 6).

- **History:**

The project includes four areas across 13 Historic Districts (HDs) and Neighborhood Conservation Areas (NCAs) including:

Area 3	Area 4	Area 5	Area 5B
<ul style="list-style-type: none">•Seventh Street HD•Evergreen Quarter HD•Mount Rubidoux HD•Mission Inn HD	<ul style="list-style-type: none">•Seventh Street HD•Evergreen Quarter HD•Mount Rubidoux HD<ul style="list-style-type: none">•Mission Inn HD•Colony Heights HD•North Hill HD•Mile Square NW Potential HD	<ul style="list-style-type: none">•Palm Heights HD	<ul style="list-style-type: none">•Seventh Street HD•Seventh Street East HD•Ninth Street Potential NCA•Citrus Thematic Industrial Potential HD•Heritage Square HD•St. Andrews Terraces NCA

These HDs and NCAs contain thousands of buildings and streetscape features that reflect much of Riverside's residential, commercial, industrial, civic, institutional, and open space development and a full spectrum of architectural styles from the late-19th to the mid-20th centuries. A variety of historic streetlights are found throughout, including metal and concrete Corsicans and Monument lights. Most are original concrete Kodiak standards with ca. 1960s Town & Country replacement post top luminaires or the complete Town & Country streetlight with slim, round, metal or fiberglass pole and matching luminaire. These were likely added to dark areas or replaced concrete standards as they aged or fell down.

V. DETAILED PROJECT DESCRIPTION:

The proposed project covers approximately 29.94 linear miles, or 1,035 acres, within the public right-of-way in the Downtown, Magnolia Center, and Eastside neighborhoods (Exhibit 3):

- o Area 3 is approximately 257 acres, located just east of Mount Rubidoux Park, and generally encompassed by Mission Inn Avenue to the north, Market Street to the east, 14th Street to the south, and Redwood Drive to the west.
- o Area 4 is approximately 354 acres, located south/southeast of Fairmount Park and Lake Evans, approximately east of the Santa Ana River Trail, and immediately north of Area 3 and generally encompassed by Mission Inn Avenue to the south, Market Street and Main Street to the east, Banks Drive to the north, and Beacon Way to the west.
- o Area 5 is approximately 60 acres, located west of State Route 91, south of Jurupa Avenue, and southwest of Area 3 and generally encompassed by Dewey Avenue to the north, Arch Way to the west, Central Avenue to the south, and Brockton Avenue to the east.
- o Area 5B is approximately 364 acres, located southwest of Interstate 215, east of Areas 3 and 4, and bisected by State Route 91 and generally encompassed by Orange and Vine Streets to the west; Holding Street to the north; East La Cadena Drive, Eucalyptus Avenue, and Kansas Avenue to the east; and 9th and 10th Streets to the south.

The project proposes to replace existing direct embedment original, and later-added, streetlights with previously-approved replica "Kodiak" concrete standards (misabeled as "Corsican" in some project documentation) and 23-watt LED Acorn luminaires (Exhibits 4 & 5). The project area includes a total of 1,225 light standards: Area 3 (260); Area 4 (515); Area 5 (86); and Area 5B (364). Of these, 808 are proposed for replacement, and 417 will be protected in place, including Corsican, Corsican 1, Metal Corsican, Acorn Concrete, Monument, Concrete Fox, Raincross standards, and those Town & Country (TC) Metal standards with foundations. All are proposed to receive new luminaires except Monuments, which will be left unchanged. There are four Acorn concrete standards located in Area 4 that CHB Staff is requiring to be reused (Condition 9 in Exhibit 2).

Luminaires are proposed to include maximum 2700K LED bulbs, which will provide a warmer light than installed in Areas 1 and 2. As light color quality has been recognized as an aspect of historic character, and with lower color temperature LED lights now commercially available, the preference for the warmer light color emitted by the 2200K LED bulbs is recommended for the replacements. (Condition 11 in Exhibit 2).

The following table summarizes the number of existing and proposed light standards by Area:

Light Fixture	Number of Existing Light Fixtures				Number of Replaced Light Fixtures			
	Area 3	Area 4	Area 5	Area 5B	Area 3	Area 4	Area 5	Area 5B
TC Concrete	142	323	1	121	142	323	1	121
TC Metal ¹	37	75	6	16	8	21	0	8
TC Fiber Glass	39	69	0	72	39	69	0	72
Corsican ²	42	21	0	145	0	0	0	0
Corsican 1 ¹	0	2	0	0	0	0	0	0
Metal Corsican ¹	0	11	79	0	0	0	0	0
Acorn Concrete ¹	0	4	0	0	0	4	0	0
Monument ³	0	7	0	0	0	0	0	0
Concrete Fox ¹	0	3	0	0	0	0	0	0
Raincross ¹	0	0	0	10	0	0	0	0
Total by Area	260	515	86	364	189	417	1	201
Combined Total (Areas 3–5B)	1,225				808			

¹ Metal Corsican, Corsican 1, Acorn Concrete, Concrete Fox, Raincross, and some TC Metal will be retained.

² These replica Corsican will be replaced in-kind only if damaged.

³ Monument will be left unchanged.

The proposed number and reconfiguration of streetlights is based on American National Standard Practice for Roadway Lighting ANSI/IESNA RP-8 (RP-8), which is the standard approved by the Riverside City Council in 1996. As advances in lumen output technology have been made since installation of historic streetlights, RP-8 Standards reduce the number of streetlights needed per block to provide required lighting levels. As blocks vary in length, there is no single proposed number of streetlights per block. In keeping with Area 1, and to minimize loss of historic character, Staff is recommending installation of the number of streetlights required per RP-8 Standards, plus two, per block (Condition 8 in Exhibit 2). Although respaced, installation will mimic the existing zigzag pattern across the roadway and will be adjusted, as needed, to avoid mature trees, driveways, and other existing structures. Streetlights will be installed on a 3' x 3' concrete foundation slab at grade to ensure stability, and underground infrastructure will be removed and replaced with new conduit and cable.

VI. PROJECT ANALYSIS:

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

The proposed project has been analyzed, and found consistent with, both Title 20 of the Riverside Municipal Code and the Secretary of the Interior's Standards (SOIS) (Exhibit 1). The findings are supported by analysis in the attached MND (Exhibit 7), which also considered neighborhood feedback following Areas 1 and 2 phase implementation.

The purpose of lighting the streetscape is ensuring historically appropriate, compatible, and previously-approved replacement standards and luminaires. While retention and repair is the preferred treatment, maintenance through compatible, in-kind replacement, emulating rather than duplicating historic streetlights, is an appropriate treatment that will preserve, and in some areas improve, cohesiveness and historic character.

Reduction and respacing of streetlights per block to meet RP-8 Standards is acceptable with the addition of two streetlights per block, which will minimize loss of historic character as new streetlights are reinstalled in a staggered pattern similar to historic installations. The proposed project will increase safety and walkability throughout the HDs and NCAs by removing hazardous fixtures and evenly distributing light across pedestrian paths. The use of RPU-tested and community favored 2200K LED bulbs will ensure retention of appropriate light color warmth in historic areas.

- **General Plan/Specific Plan/Zoning Conformance:**

The Proposed project is located within the public right-of-way, adjacent to historic and non-historic properties with the following land uses and designations:

Existing Land Use	General Plan Designation	Zoning Designation
Single-family Residential Multi-family Residential Office Commercial Industrial Public Park Open Space Institutional	MDR - Medium Density Residential MHDR - Medium High Density Residential DSP - Downtown Specific Plan O - Office B/OP - Business/Office Park I - Industrial MU-N - Mixed Use-Neighborhood PF - Public Facilities/Institutional P - Public Park OS - Open Space	R-1-7000 - Single-Family Residential R-3-1500 - Multiple-Family Residential R-3-2500 - Multiple-Family Residential R-3-3000 - Multiple-Family Residential O - Office CR - Commercial Retail CG - Commercial General BMP - Business Manufacturing Park I - General Industrial PF - Public Facilities Zone DSP-AS - Downtown Specific Plan-Almond Street District DSP-JC - Downtown Specific Plan-Justice Center District DSP-MSG - Downtown Specific Plan-Market Street Gateway DSP-NC - Downtown Specific Plan-Neighborhood Commercial DSP-RC - Downtown Specific Plan-Raincross District DSP-RES - Downtown Specific Plan-Residential District CR - Cultural Resources Overlay Zone*

* CR Overlay Zone applies only to designated Historic Resources

General Plan: The proposed project is consistent with General Plan 2025 land use designations as it contributes to the maintenance of existing uses of adjacent properties. The proposed project meets General Plan Objectives HP-1, which requires use of historic preservation principles as an equal component in planning and development processes and HP-5, which ensures compatibility between new development and existing cultural resources. The compatible replacement of energy-inefficient streetlights in poor condition “assumes direct responsibility for historic preservation by protecting and maintaining these publicly owned cultural resources” (Policy HP-1.2) and maintains “compatibility of street design, public improvements, and utility infrastructure with cultural resources and historic districts” (Policy HP-5.2).

Specific Plan: The proposed project is located within several land use districts of the Downtown Specific Plan (DSP) and is consistent with applicable development standards. The maintenance of historic streetscapes through compatible in-kind replacement, like replica Corsican streetlights that have similarly been installed Downtown, addresses deteriorating conditions, improves safety, and meets DSP Goal HP-1 to “strengthen and enhance the historic character of Downtown Riverside, which is unique to the Inland Empire, through the preservation and maintenance of Downtown’s historically significant sites and structures.”

The project area is located within the Riverside Marketplace Specific Plan (RMSP). The proposed project is consistent with lighting standards as it retains the replica Corsican streetlights (called "Station 1" in the RMSP) noted as one of two types of approved new installations. Streetscape aesthetics related to historic preservation is not directly addressed by the RMSP. The in-kind replacement of historic lights is compatible with the urban design goals and objectives to preserve, recognize and incorporate key historic elements of its historic context as the underlying foundation of aesthetic revitalization.

Zoning: Although the proposed project is exempt from the Zoning Code, it is in conformance as it contributes to the maintenance of adjacent uses and underlying zones, which are consistent with General Plan land use designations.

- **Environmental Compliance:**

The Areas 3-5B Project has been analyzed under the California Environmental Quality Act (CEQA) through the preparation of an Initial Study Checklist/Environmental Evaluation and Mitigated Negative Declaration (IS/MND) in conformance with Section 15070(a) of the CEQA Guidelines. The IS/MND finds the proposed project would have a less than significant effect on historic resources with the implementation of mitigation measures (Exhibit 7).

VII. PUBLIC NOTICE AND COMMENTS:

A Public Meeting Notice and Notice of Intent to Adopt a Mitigated Negative Declaration was published in *The Press Enterprise* on September 21, 2018 more than twenty (20) days prior to the scheduled hearing.

Pursuant to CEQA Guidelines Section 15105(b), the Draft IS/MND was available for a public comment period of not less than twenty (20) days from September 21, 2018, to October 11, 2018. To date, two comments were received by a single commenter, whose inquiry regarding potential for flight hazards, due to height obstacle obstruction, was satisfied, and are included with responses in the Final Draft IS/MND.

IX. EXHIBITS:

1. Staff Recommended Findings
2. Staff Recommended Conditions of Approval
3. Aerial Project Map showing Historic Districts/NCAs
4. Project Plan Maps & Details
5. Streetlight Photos
6. RPU Pilot Program
7. CEQA Document – MND and MMRP



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

CASE NUMBER: P18-0585

MEETING DATE: November 21, 2018

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

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

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

FACTS: The replacement of existing streetlights with the proposed Kodiak light standards and Acorn LED luminaires is compatible with the early-20th century period of development when they were installed and the historic character of the historic districts (HDs) and Neighborhood Conservation Areas (NCAs) that are included in the proposed project.

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

FACTS: Replica Kodiak concrete standards and Acorn post top luminaires were approved as compatible, historically-appropriate replacements for original Kodiak concrete streetlights and will also replace many later-added, historically inappropriate Town & Country style streetlights (ca. 1960s). These replacements and the respacing of streetlights per block to meet RP-8 Standards, plus two, is not anticipated to impact HDs or NCAs as replica streetlights are compatible with historic streetlights; they will be reinstalled within the landscaped parkway; reconfiguration will follow the general staggered pattern like historic installations; and the number of new streetlights will reduce material loss and minimize loss of historic character.

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

FACTS: The proposed replacement Kodiak standards and Acorn LED luminaires are consistent with the early-20th century architectural styles and features of the HDs and NCAs in texture, color, design, decorative features, detail, scale and massing and are of similar height to the existing street lights.

FINDING: The proposed change does not adversely affect the context considering the following factors: grading; site development; orientation of buildings; off-street parking; landscaping; signs; street furniture; public areas; relationship of the project to its surroundings.

- FACTS:** Visible modifications of the proposed project will be wholly contained within the landscaped area, and installation of streetlights and supporting infrastructure will have no lasting effect on the surrounding context. At 14'3.5," the total height of the proposed replica street lights are 2" taller than existing lights. However, the existing direct embedment historic street lights currently vary in height for a variety of reasons such as depth of the original excavation at time of installation, soil compaction, minor changes in parkway elevation due to landscaping changes, settlement, and intrusion by tree roots. The final height variation from existing streetlights may be greater than 2" but is not anticipated to have any perceivable effect on the relationship of the streetlights to its surroundings.
- FINDING:** The proposed change does not destroy or adversely affect an important architectural, historical, cultural or archaeological feature or features.
- FACTS:** Design quality of proposed compatible replacement streetlights will not destroy or adversely affect. They will maintain the presence of historic-style street lighting, an important feature of the streetscape and aesthetic quality of the HDs and NCAs. In total, 808 of 1,225 light standards, many of which were later-added, historically inappropriate Town & Country streetlights (ca. 1960s), will be replaced with compatible replacements to address safety hazards from direct embedment installation. Several other rare types of historic streetlights, including Corsican 1, Metal Corsican, and Monument, will remain protected in place, and inspection of the potentially original Acorn luminaires on the four Acorn Concrete streetlights in Area 4 will ensure appropriate treatment. The additional two streetlights per block, over RP-8 Standards, and the use of 2200K light color temperature LED fixtures will ensure retention of important character-defining features.
- FINDING:** The application proposal is consistent with the Citywide Residential Historic District Design Guidelines and the separate guidelines for each Historic District.
- FACTS:** The proposed project is consistent with applicable guidelines, including Citywide Residential Historic District Design Guidelines, historic preservation goals, policies, and street improvement standards in the Downtown Specific Plan, and the lighting recommendations and urban design goals of the Riverside Marketplace Specific Plan.
- FINDING:** The application proposal is consistent with the Principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties.
- FACTS:** The proposed project maintains the character, spatial relationships, and important features of the HDs and NCAs by replacing deteriorated and unsafe historic streetlights and the later-added, historically inappropriate streetlights, with compatible, in-kind replacements, a recommended treatment under the Secretary of the Interior's Standards.



EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

CASE NUMBER: P18-0585

MEETING DATE: November 21, 2018

General Conditions

1. The project shall be complete per the Cultural Heritage Board's approval, including all conditions listed below. Any subsequent changes to the project must be approved by the Cultural Heritage Board or the Cultural Heritage Board Staff. Upon completion of the project, a Cultural Heritage Board Staff inspection must be requested to ensure that the approved plans have been executed and that all conditions have been implemented.
2. Actions by the Cultural Heritage Board, including any environmental finding may be appealed. There is a ten-day appeal period that will lapse at 5:00 p.m. on December 3, 2018, which is twelve days following action on the case. Appeals of the Board's action will not be accepted after this time. The appeal fee is \$2,529.00. Appeal processing information may be obtained from the Community & Economic Development Department, Planning Division, Public Information Section, 3rd Floor, City Hall, 3900 Main Street, Riverside, CA 92522.
3. This approval will expire in one year on November 21, 2019.
4. This approval is for design concept only and does not indicate the project has been thoroughly checked for compliance with all requirements of law. As such, it is not a substitute for the formal building permit plan check process, and other changes may be required during the plan check process.
5. The granting of this request shall in no way exclude or excuse compliance with all other applicable rules and regulations in effect at the time this permit is exercised.

Specific Conditions of Approval (*All mitigation measures are noted by an asterisk (*)*):

6. Prior to commencement of work, the applicant shall work with CHB Staff to determine and field verify which TC Metal standards will be replaced and which will be protected in place. Area maps and inventory sheets shall be revised accordingly and resubmitted.
7. Prior to commencement of work, the applicant shall revise Appendix A: Light Standards, or submit alternate detail sheet, to accurately show and notate all existing and proposed standards and luminaire types within the project area to the satisfaction of CHB staff.

8. To minimize loss of historic character, and consistent with previous Area 1 design methodology, the number of streetlights required per RP-8 Standards, plus two, shall be installed per block in a staggered pattern, and reconfiguration shall be adjusted to avoid removal or damage to mature trees or other existing historic structures. Should the physical built environment preclude this design methodology on selected blocks (i.e., short or transitional blocks), specialized design shall be determined by RPU prior to commencement of work on a case-by-case basis in consultation with CHB staff to ensure maximum retention of historic character.
9. Luminares on four Acorn Concrete streetlights located on Lakehill Place in Area 4 have been identified by CHB staff as potentially original. Prior to commencement of work, RPU shall remove these luminaires for physical evaluation by RPU and CHB staff, and storage with CHB Staff. These original luminaires shall be reinstalled during project implementation.
10. ***MM-CUL-1:** In the event tree roots associated with City trees along parkways need to be removed or trimmed for the infrastructure installment needed to support the replacement light fixtures, the City's certified arborist shall be consulted to determine how and when the roots should be cut prior to any cutting or removal of roots and where the replacement tree should be planted. The replacement tree should be of the same kind or as determined historically acceptable by the City's arborist and City's Historic Preservation Officer or Qualified Designee.
11. Based on community feedback from previous Areas 1 and 2 phases and the results of the RPU Pilot Program, light color temperature shall be 2200K to retain historically appropriate light color warmth.
12. ***MM-AES-1:** In the event the City of Riverside receives complaints with regard to illumination produced by the new light replacement fixtures, the City will work with the property owners on a case-by-case basis to resolve light, glare, and color issues, by implementing features such as diffuser with shield to minimize light pollution or lower Kelvin bulbs to achieve appropriate light color warmth.
13. ***MM-TRA-1:** Prior to construction of the project, the hired contractor shall prepare and implement a traffic control plan consistent with the City of Riverside's requirements. The traffic control plan shall include an outline of any sidewalk access detours during short-term construction activities.
14. Every effort shall be made to protect other historic objects and materials within or adjacent to the work area. Removal and replacement of historic concrete sidewalk, curb and gutter, radial driveway approaches, mature trees, or other historic objects is not anticipated. Should removal or inadvertent damage, and subsequent repair, to historic concrete become necessary, it shall be conducted in consultation with CHB staff, and in-kind concrete repairs shall "match" existing historic concrete in composition, including aggregate, texture, scoring patterns, surface finish, and color, which may require the use of color enhancements and acid wash or other finish treatments.
15. Landscaped parkways shall be returfed, as needed, to repair any inadvertent damage during construction and otherwise returned to pre-project condition, as needed.

16. ***MM-CUL-2:** In the event archaeological or paleontological resources are exposed during construction activities for the proposed project, all earth-disturbing work occurring in the vicinity (generally within 100 feet of the find) shall be temporarily diverted and a qualified professional archaeologist or paleontologist, meeting the Secretary of Interior's Professional Qualification Standards, shall be notified regarding the discovery. The archaeologist/paleontologist shall evaluate the significance of the find and determine whether or not additional study is warranted. If the discovery proves significant under CEQA (14 Code of California Regulations 15064.5(f); California Public Resources Code Section 21082) or Section 106 of the National Historic Preservation Act (36 Code of Federal Regulations 60.4), additional work such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted.
17. ***MM-CUL-3:** If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A qualified professional archaeologist shall be notified of the discovery. The archaeologist shall then notify the Medical Examiner, either in person or via telephone. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the qualified archeologist, concerning the provenience of the remains. The Medical Examiner, in consultation with the archeologist, will determine the need for a field examination to determine the provenience. If a field examination is not warranted, the Medical Examiner will determine with input from the archaeologist, if the remains are or are most likely to be of Native American origin. If Human Remains are determined to be Native American, the Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, only the Medical Examiner can make this call. The most likely descendant (MLD) will contact the archaeologist within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods. Disposition of Native American Human Remains will be determined between the MLD and the City, and, if:

- A. The NAHC is unable to identify the MLD, or the MLD failed to make a recommendation within 48 hours after being notified by the Commission, or;
- B. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN
- C. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County.

D. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

If Human Remains are not Native American, the archeologist shall contact the Medical Examiner and notify them of the historic era context of the burial. The Medical Examiner will determine the appropriate course of action with the archeologist and City staff (PRC 5097.98).

APPEAL INFORMATION:

Staff's decision or any condition of approval can be appealed by the applicant or any interested person. To appeal this decision, submit a letter stating what you wish to appeal and why, the General Application form and the corresponding appeal fee. The Community & Economic Development Department offers a packet on filing an appeal that you might find helpful. Appeals may be delivered in person or mailed, but they must be received by December 3, 2018 at 5:00 p.m. twelve days following action on this case. The Community & Economic Development Department's address is:

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

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