



Community Development
Department

City of Arts & Innovation

June 4, 2015

Olivewood Memorial Park
c/o Robert Brown, Trustee
3300 Central Avenue
Riverside, CA 92506

**SUBJECT: PLANNING CASES: P14-898 AND P15-0433 – CONDITIONAL USE PERMIT AND
VARIANCE TO CONSTRUCT MAUSOLEUM AT 3310 CENTRAL AVENUE**

Dear Applicant:

At its meeting of June 4, 2015, the City Planning Commission approved Planning Cases P14-0898 and P15-0433, subject to the attached conditions.

There is now a ten-day appeal period from the date of the Planning Commission's decision. Appeals must be received in writing along with the required fee by 5:00 p.m. on June 15, 2015 in the Planning Division of the Community Development Department.

In accordance with established procedure, this matter will now be forwarded to the City Council and placed on the City Council Consent Calendar. Should the City Council set it for hearing, you will be notified by the City Clerk of the date and time of hearing. City Council action is the final decision on this matter.

Should you have any questions concerning this notice please call Gayat Adame, Assistant Planner, at (951) 826-5933.

Sincerely,

Gabriel Perez
Principal Planner

cc: Public Works, Jeff Hart

Olivewood Memorial Park
c/o Frank J. DeLaney
3801 University Avenue, #750
Riverside, CA 92501

PLANNING COMMISSION
RECOMMENDED CONDITIONS

Case No.: P14-0898 (CUP)
P15-0433 (VR)

PLANNING COMMISSION HEARING DATE: June 4, 2015

CONDITIONS

Case Specific

• **Planning**

1. Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs shall be subject to separate review and assessment, including any required variances. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

Prior to Grading Permit Issuance

2. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
 - a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal Holidays;
 - b. Compliance with City adopted interim erosion control measures;
 - c. Compliance with all recommendations of the required Project specific Water Quality Management Plan;
 - d. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems;
 - e. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement; and
3. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
 - a. the generation of dust and fugitive dust shall be controlled as required by SCAQMD Rule 403;
 - b. grading activities shall cease during period of high winds (greater than 25mph);
 - c. trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer;

- d. the contractor shall prepare and maintain a traffic control plan, prepared, stamped and signed by either a licensed Traffic Engineer or a Civil Engineer. The preparation of the plan shall be in accordance with Chapter 5 of the latest edition of the Caltrans Traffic Manual and the State Standard Specifications. The plan shall be submitted to Public Works Department for review and approval. The Traffic Plan shall include, but is not limited to, rerouting construction related traffic off congested streets, consolidating truck deliveries, and providing temporary dedicated turn lanes for movement of construction traffic to and from site. Work shall not commence without an approval traffic control plan from the Public Works Department;
 - e. Sweep streets at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - f. Wash off trucks and other equipment leaving the site;
 - g. Replace ground cover in disturbed areas immediately after construction;
 - h. Keep disturbed/loose soil moist at all times;
 - i. Enforce a 15 mile per hour speed limit on unpaved portions of the construction site.
4. Advisory: State and Federal regulations require preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Compliance with this requirement is enforced by the Water Quality Control Board.

Prior to Building Permit Issuance

- 5. *A Burrowing Owl survey must be completed.*
- 6. Advisory: Payment of Multi-Species Habitat Conservation Plan (MSHCP) fees as applicable.
- 7. Advisory: Any applicable Riverside County Flood Control and Water Conservation District facilities must be constructed to District standards, and District plan check and inspection will be required. Separate plan check and inspection fees apply.
- 8. Submit three sets of plans depicting the preferred location for above ground utility transformer of capacity to accommodate the planned or speculative uses within the building(s) or subject site. These plans shall be reviewed and approved by the Planning Division and Public Utilities Department - Electric Division prior to the issuance of a building permit. The proposed location of the transformer shall be level, within 100 feet of the customer's service point, accessible to service trucks and in a location where the transformer can be adequately screened from public view, either by buildings or landscape screening. If landscape screening is the preferred screening method, no landscaping except ground cover shall be allowed within 10 feet of the transformer. The applicant is advised to consult with the City of Riverside Public Utilities, Electrical Engineering Division, at (951)826-5489 prior to preparing these plans.

9. Plans submitted for Plan check review should specify the location, design and color of all domestic water meters, backflow preventers, and all on- and off-site utility cabinets subject to Planning Division and Public Utilities' review and approval. The visibility of such facilities shall be minimized and include use of the smallest preventer possible, be painted green, and consist of some form of screening including but not limited to berming, landscaping, and/or installation of a screen wall.
10. Landscaping, irrigation, exterior lighting, and sign plans shall be submitted for Design Review staff approval. Design modifications may be required as deemed necessary. Separate applications and filing fees are required. Landscaping, irrigation and exterior lighting plans must be submitted prior to building permit issuance.
11. **Staff Required Plot Plan Conditions:** Revise the submitted plot plan such that the plan provided for building permit plan check incorporates the following changes:
 - a. Verify that all internal roads have 60 parallel parking spots by demonstrating stacking;
12. **Staff Required Building Elevations Conditions:** Revise the submitted building elevations such that the plans provided for building permit plan check incorporate the following changes:
 - a. The building elevations submitted for building permits shall clearly specify all building dimensions;
13. **Landscape and irrigation plans** shall be submitted for Design Review staff approval. Design modifications may be required as deemed necessary. Separate applications and filing fees are required. Landscaping and irrigation plans must be submitted prior to building permit issuance. Landscape and irrigation plans shall include the following:
 - a. The plant palette shall include the use of drought tolerant plant species in accordance with the City's Water Efficient Ordinance;
 - b. Landscaping of all common open space areas;

During Grading and Construction:

- ~~14. * During construction, 8' temporary noise barriers shall be installed along the north and south property lines.~~
15. The applicant shall be responsible for erosion and dust control during both the grading and construction phases of the project.
16. The project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with NPDES requirements related to construction and operation measures to prevent erosion, siltation, transport or urban pollutants, and flooding.
17. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

18. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
19. The Construction Contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
20. During all project site construction, the Construction Contractor shall limit all construction-related activities that would result in a noise disturbance to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or federal holidays.
21. Noise-reducing design features shall be utilized consistent with standards in Title 24 California Code of Regulations and Title 7 of the Municipal Code.
22. Should cultural, historical or archaeological items be found during construction, the construction of this project shall be halted in the vicinity of the find and a qualified archaeologist shall be hired at the applicant's expense to work with the Planning Division to determine the finds significance and possible mitigation measures.
23. Painting and surface coating shall be limited to an aggregate area of no more than 25,390 square feet per day during any phase of construction; or paints and surface coatings shall be limited to a VOC content of no more than 17 milligrams per liter of VOC content.
24. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to the site to eliminate the need for diesel-powered electric generators, or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.
25. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
 - a. the generation of dust shall be controlled as required by the AQMD;
 - b. grading activities shall cease during periods of high winds (greater than 25 mph);
 - c. trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer; and
 - d. the contractor shall prepare and maintain a traffic control plan, prepared, stamped and signed by either a licensed Traffic Engineer or a Civil Engineer. The preparation of the plan shall be in accordance with Chapter 5 of the latest edition of the Caltrans Traffic Manual and the State Standard Specifications. The plan shall be submitted for approval, by the engineer, at the preconstruction meeting. Work shall not commence without an approved traffic control plan.
26. The Construction Contractor shall time the construction activities so as to not interfere with peak-hour traffic and minimize obstruction of through traffic lanes adjacent to the

site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.

27. Prior to beginning construction, the project applicant shall retain a City of Riverside qualified archeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archeological resources. Any newly discovered cultural resource deposits shall be subject to a cultural resources evaluation.
28. At least 30 days prior to beginning project construction, the project applicant shall contact the Pechanga Tribe to notify the Tribe of grading, excavation and the monitoring program and to develop a Cultural Resources Treatment and Monitoring Agreement between the Applicant and Tribe. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site.
29. Prior to beginning project construction, the Project Archeologist shall file a pre-grading report with the City (if required) to document the proposed methodology for grading activity observation which will be determined in consultation with the Pechanga Tribe. Said methodology shall include the requirement for a qualified archeological monitor to the present and to have the authority to stop and redirect grading activities. In accordance with the agreement required in MM CR 2, the archeological monitor's authority to stop and redirect grading will be exercised in consultation with the Pechanga Tribe in order to evaluate the significance of any archeological resources discovered on the property. Tribal and archeological monitors shall be allowed to monitor all grading, excavation and groundbreaking activities, and shall also have the authority to stop and redirect grading activities.
30. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described in MM CR2.
31. The landowner shall relinquish ownership of all cultural resources, including sacred items, burial goods and all archeological artifacts that are found on the project area to the appropriate Tribe for proper treatment and disposition.
32. All cultural materials that are collected during the grading monitoring program and from any previous archeological studies or excavations on the project site, with the exception of sacred items, burial goods and human remains which will be addressed in

the Treatment Agreement required in MM CR 2 shall be tribally curated according to the current professional repository standards by the Pechanga Tribe. The collections and associated records shall be transferred, including title, to the Pechanga Tribe's curation facility which meets the standards set forth in 36 CRF Part 79 for federal repositories. All sacred sites, should they be encountered within the project site, shall be avoided and preserved as the preferred mitigation, if feasible.

33. Should cultural, historical or archeological items be found during grading and construction activity, the construction and grading of this project all activity shall be halted in the vicinity of the find and diverted until a qualified archeologist meeting the Secretary of the Interior standards can evaluate the nature and significance of the find. If human remains are uncovered, the applicant shall contact the County Coroner's Office.
34. The applicant shall be responsible for erosion and dust control during both the grading and construction phases of the project.

- **Public Works**

THE FOLLOWING PUBLIC WORKS "ENGINEERING" CONDITIONS TO BE MET PRIOR TO CASE FINALIZATION:

35. Installation of a sewer lateral to serve this project to Public Works specifications. If an existing sewer lateral is proposed to be reused, the applicant shall perform a video inspection of the lateral to confirm it is suitable for use. A record of the video inspection shall be submitted to Public Works for review and concurrence.
36. Prior to final inspection for the development project, the applicant shall pay the Transportation Uniform Mitigation Fee (TUMF) in accordance with the fee schedule in effect at the time of payment. If the project improvements include qualifying right-of-way dedications and/or street improvements to a TUMF regional arterial roadway as identified on the Regional System of Highways and Arterials, the developer may have the option to enter into a Credit/ Reimbursement Agreement with the City and Western Riverside Council of Governments (WRCOG) to recover costs for such work based on unit costs as determined by WRCOG. The terms of the agreement shall be in accordance with the RMC Chapter 16.68 and the TUMF Administrative Plan requirements. Credit/reimbursement agreements must be fully executed prior to receiving any credit/reimbursement. An appraisal is required for credit/reimbursement of right of way dedications and credit/reimbursement of qualifying improvements requires the public bidding and payment of prevailing wages in accordance with State Law. For further assistance, please contact the Public Works Department.
37. Prior to issuance of a building or grading permit, the applicant shall submit to the City for review and approval, a project-specific WQMP that:
 - a. Addresses Site Design BMP's such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas and conserving natural areas;
 - b. Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;

- c. Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;
 - d. Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and
 - e. Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.
38. Prior to issuance of any building or grading permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument acceptable to the City Attorney to inform future property owners of the requirement to implement the approved project-specific WQMP. Other alternative instruments for requiring implementation of the approved project-specific WQMP include: requiring the implementation of the project-specific WQMP in the Home Owners Association or Property Owners Association Conditions, Covenants and Restrictions (C,C&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the project-specific WQMP; or equivalent may also be considered. Alternative instruments must be approved by the City prior to the issuance of any building or grading permits.
39. If the project will cause land disturbance of one acre or more, it must comply with the statewide General Permit for Storm Water Discharges Associated with Construction Activity. The project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
40. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:
- a. Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;
 - b. Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and
 - c. Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.

- **Public Utilities – Electric**

CONTACT SUMMER AYALA AT 951-826-2129 FOR QUESTIONS REGARDING PUBLIC UTILITIES (ELECTRIC) CONDITIONS/CORRECTIONS LISTED BELOW.

41. The provision of utility easements, water, street lights and electrical underground and/or overhead facilities and fees in accordance with the rules and regulations of the appropriate purveyor.

42. All utilities shall be satisfactorily relocated, protected and/or replaced to the specifications of the affected departments and agencies, and easements for such facilities retained as necessary.

- **Public Utilities – Water**

43. No Water Division requirements.

- **Fire Department**

CONTACT MARGARET ALBANESE AT 951-826-5455 FOR QUESTIONS REGARDING FIRE CONDITIONS OR CORRECTIONS.

THE FOLLOWING TO BE MET PRIOR TO CONSTRUCTION PERMIT ISSUANCE:

44. Construction plans shall be submitted and permitted prior to construction.
45. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.

- **Parks and Recreation**

46. Prior to Building Permit Issuance: Payment of all applicable park development fees (local, regional/reserve, trail and aquatic) as mitigation for the impacts of the project on the park development and open space needs of the City. For questions or concerns regarding this condition, contact Park Planning & Design, 951/826-2000.

Standard Conditions

- **Planning**

47. The Project must be completed per the Site Plan Review and Design Review approved by the Planning Commission, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Planning Commission or minor modifications by Design Review Staff. Upon completion of the Project, a Design Review Staff inspection must be requested, and **UTILITIES** will not be released until it is confirmed that the approved plans and all conditions have been implemented.
48. Within 30 days of approval of this case by the City, the developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim; action or proceeding and the City will cooperate in the defense of the proceeding.
49. This approval is for design concept only, and does not confirm 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.

50. There is a 24 month time limit on this approval.
51. This Project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised and which may become effective and applicable thereafter, and in accordance with the terms contained within the staff report and all testimony regarding this case. Failure to do so will be grounds for Code Enforcement action, revocation or further legal action.
52. Due to proximity of the residential project within 1,000-feet of the freeway, the owner of the residential development shall provide full disclosure on all rental, lease and sale documents to future tenants and/or buyers of potential increased cancer risk due to the proximity of the freeway.

GENERAL INFORMATION NOTES

1. Appeal Information
 - a. Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision.
 - b. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.