



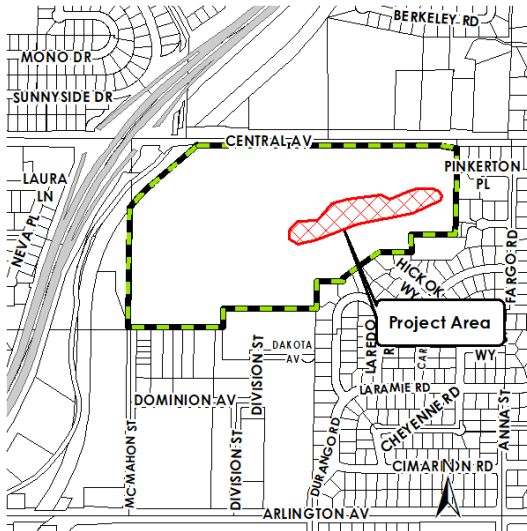
Community & Economic Development Department

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Planning Division

**PLANNING COMMISSION HEARING DATE: MAY 16, 2019
AGENDA ITEM NO.: 04**

PROPOSED PROJECT

Case Numbers	P18-0083 (Revised Conditional Use Permit) P18-0084 (Grading Exception) P18-0616 (Grading Exception) P18-0617 (Grading Exception)	
Request	To consider the following entitlements to facilitate the expansion of an existing cemetery (Olivewood Memorial Park): 1) A revision to a previously approved Conditional Use Permit (CU-017-689) to permit the construction of a 3,060-square-foot mausoleum with 552 crypts and 492 conventional gravesites; 2) A Grading Exception to allow retaining walls over six feet in height in areas not open to the public; 3) A Grading Exception to allow manufactured slopes steeper than 3.9:1 to exceed 20 feet in vertical height; and 4) A Grading Exception to allow a vehicular driveway to exceed 15 feet wide.	
Applicant	Matt Acton, of Holt Architecture	
Project Location	3300 Central Avenue, on the south side of Central Avenue between SR-91 and Rumsey Drive	
APN	223-150-010	
Project area	3.48 acres of a 52.7-acre site	
Ward	3	
Neighborhood	Victoria	
General Plan Designation	PF – Public Facilities and Institutional Uses	
Zoning Designation	RC – Residential Conservation	
Staff Planner	Matthew Taylor, Associate Planner 951-826-5944 mtaylor@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the proposed project will not have a significant effect on the environment based on the findings set forth in the case record and adopt a Mitigated Negative Declaration (MND) pursuant to Section 15074 of the California Environmental Quality Act (CEQA) Guidelines and Mitigation Monitoring and Reporting Program (MMRP), pursuant to Section 21081.6 of CEQA; and
2. **APPROVE** Planning Cases: P18-0083 (Revised Conditional Use Permit, P18-0084 (Grading Exception), P18-0616 (Grading Exception) and P18-0617 (Grading Exception), based on the attached findings and subject to the recommended conditions (Exhibits 1 and 2).

SITE BACKGROUND

The project site consists of a single 52.7-acre parcel partially developed with a cemetery. The project site, with an average natural slope of 27.6 percent, has a moderate slope along Central Avenue that increases in height to a steep ridgeline, with a peak elevation of approximately 1,099 feet forming the southern edge of the cemetery. Surrounding land uses include the SR-91 freeway, Riverside canal and the AT&SF railroad corridor to the west; undeveloped hillside land to the south; single-family residential neighborhoods to the southeast and east; and single-family residences and the remainder of the cemetery to the north across Central Avenue (Exhibit 3).

The project site is part of the larger, approximately 75-acre Olivewood Memorial Park and Cemetery complex (Olivewood) spanning both sides of Central Avenue west of State Route 91 and east of Rumsey Drive. Olivewood was dedicated in 1888 and developed with traditional gravesites in an open landscaped setting on the south side of Central Avenue. The first mausoleum was constructed in 1930. In 1969, the City Council approved Conditional Use Permit (CUP) CU-017-689, which included the construction of a second mausoleum as well as expansion of the cemetery. The CUP was later revised to permit the expansion of the second mausoleum in 1987.

The 1930 mausoleum was designed in the Art Deco style by Henry L.A. Jekel. It is eligible for listing in the National and State Registers of Historic Places and for designation as a City Landmark for its architecture and as the work of a master architect. Portions of the original Olivewood Cemetery featuring early Asian and Asian-American burial sites are also collectively eligible for designation as a City Landmark. A request to approve a Certificate of Appropriateness (Planning Case P18-0085) for the proposed project will be considered by the Cultural Heritage Board on May 15, 2019.

PROPOSAL

The applicant requests approval of a revision to CU-017-689 to permit the construction of a 3,060-square-foot mausoleum with 552 crypts; 492 traditional gravesites; and associated landscaped areas, stormwater treatment facilities and pedestrian and vehicular circulation areas. The applicant has requested Grading Exceptions for proposed grading that will result in retaining walls, manufactured slope heights and vehicular driveway widths that exceed the standards of Title 17 (Grading).

The proposed mausoleum is situated along an existing drive aisle and is set into the contour of the existing hillside with a terraced design. An access road is proposed on the south side of the proposed mausoleum to provide passenger, service and emergency vehicle access to the proposed mausoleum and gravesites.

Conceptual Grading Plans show a bench cut into the north-facing hillside with manufactured slopes ranging from 1:1 to 4:1 and retaining walls, ranging in height from three to 10 feet, to facilitate the construction of the mausoleum, access roadway, traditional gravesites, and pedestrian walkways. The proposed grading will involve the excavation of approximately 15,000

cubic yards of material, with a net export of approximately 11,000 cubic yards. The applicant has also prepared a seismic refraction and rippability analysis identifying areas where controlled blasting may become necessary due to geologic conditions to facilitate construction of the access roadway.

Conceptual landscaping plans show a combination of native and ornamental plantings including coast live oak, olive and cypress trees; canna, daylily and mock orange shrubs; and a variety of groundcovers. Proposed manufactured slopes will be revegetated with a creeping fescue hydroseed mixture for slope stability and erosion control. Proposed retaining walls will be planted with Boston ivy. The proposed traditional gravesites will be sodded with turf grass.

The proposed project will bring the total number of interments to 49,771 upon buildout. The Applicant has indicated that existing cemetery equipment and staff are adequate to operate and maintain the proposed expansion. Hours of operation will not change as a result of this project.

PROJECT ANALYSIS

Authorization and Compliance Summary

City Policy and Regulations	Consistent	Inconsistent
<p>General Plan 2025</p> <p>The General Plan Land Use designation for the site is PF – Public Facilities and Institutional Uses (Exhibit 4), which provides for public and semi-public uses such as schools, hospitals, libraries, utilities, airports, government institutions, religious assemblies and similar uses. The proposed project is consistent with the Objectives and Policies of the General Plan 2025 Land Use and Urban Design Element by furthering Policies AC-4.12, OS-1.15, OD-2.2 and OS-2.4 of the General Plan 2025:</p> <p>Policy AC-4.12: <i>Encourage the preservation and rehabilitation of existing cultural facilities in Riverside, such as the Fox Theater.</i></p> <p>Policy OS-1.15: <i>Recognize the value of major institutional passive open spaces, particularly cemeteries, as important components of the total open space systems and protect their visual character.</i></p> <p>Policy OS-2.2: <i>Limit the extent and intensity of uses and development in areas of unstable terrain, steep terrain, scenic vistas, arroyos and other critical environmental areas.</i></p> <p>Policy OS-2.4: <i>Recognize the value of ridgelines, hillsides and arroyos as significant natural and visual resources and strengthen their role as features which define the character of the City and its individual neighborhoods.</i></p> <p>As a matter of information, the RC – Residential Conservation Zoning designation is not consistent with the General Plan Land Use Designation. A General Plan Amendment is not required for consistency with the underlying RC – Residential Conservation Zone because this project was submitted to the City in 2018, when consistency between the General Plan and Zoning was not required in Charter cities. After Senate Bill 1333 was enacted on January 1, 2019, consistency between the General Plan and Zoning are now required in Charter cities.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

City Policy and Regulations	Consistent	Inconsistent
<p>Zoning Code Land Use Consistency (Title 19)</p> <p>The proposed project site is zoned RC – Residential Conservation (Exhibit 5), which does not permit cemeteries, mortuaries and ancillary uses. However, the existing cemetery was established prior to the City's Zoning Code and was granted a CUP (CU-017-689) prior to the 1986 application of the RC Zone (Exhibit 6). The Zoning Code provides that any non-conforming use that becomes specifically authorized under the terms of an approval such as a CUP shall no longer be considered a nonconformity; therefore, the use is considered legally conforming.</p> <p>The holder of an approved CUP may request modifications or amendments to the terms of the permit itself, the design of the project or the conditions imposed thereupon. Modifications to approved permits are subject to the same public noticing and hearing requirements as the original approval.</p> <p>As designed, the proposed project complies with all applicable development standards of the RC Zone as well as the applicable Conditions of Approval of CU-017-689.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>Grading Code Consistency (Title 17)</p> <p>The project site is located within the RC – Residential Conservation Zone and has an average natural slope greater than 10 percent; therefore, it is subject to the provisions of the Hillside and Arroyo Grading Ordinance (Chapter 17.28 of the Grading Code) in addition to the general provisions of the Grading Code. Due to the unique topography of the project site and the largely built-out character of the existing cemetery, the proposed grading requires consideration of the following exceptions to the standards of the Grading Code:</p> <ul style="list-style-type: none"> • To allow retaining walls up to 10 feet in exposed wall height, where retaining walls not visible to public rights-of-way are otherwise limited to 6 feet in exposed height; • To allow manufactured cut slopes with a slope ratio of 1:1 up to 35 feet in vertical height, where slopes with slope ratios of 3.9:1 and steeper are otherwise limited to 20 feet in vertical height; and • To allow a vehicular driveway 20 feet in width where driveways are otherwise limited to a maximum width of 15 feet. <p>The Applicant has provided justifications for the proposed Grading Exceptions (Exhibit 9). The proposed Grading Exceptions facilitate the proposed expansion of the cemetery while minimizing the overall project footprint and grading impacts to the existing hillside. The proposed design enables the preservation of a prominent local ridgeline while providing adequate access for emergency vehicles and accessibility for disabled patrons. Staff is able to make the necessary findings in support of the requested Grading Exceptions. The proposed project is consistent with all other</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

City Policy and Regulations	Consistent	Inconsistent
applicable standards of the Grading Code.		
Consistency with March Air Reserve Base/March Inland Port Land Use Compatibility Plan The project site is located within Zone E of the March Air Reserve Base/March Inland Port Land Use Compatibility Plan (MARB LUCP). Zone E, "Other Airport Environs," is characterized by relatively low noise impacts and low aviation-related safety risks. There are no limits on development intensity in Zone E beyond that which would pose a direct hazard to airport operations. The proposed project is consistent with Zone E of the MARB LUCP.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Chapter 19.100 Development Standards for the RC – Residential Conservation Zone					
Standard			Proposed	Consistent	Inconsistent
Building Height	30 feet (20 feet plus 10 feet for uninhabitable architectural projections)		20 feet, two inches	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Stories	1 story		1 story	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Setbacks	Front	30 feet	430 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side (West)	25 feet	1,668 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Interior Side (East)	25 feet	466 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Rear	25 feet	299 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 19.580 Parking and Loading				
Standard		Proposed	Consistent	Inconsistent
Cemeteries, Mortuaries and Ancillary Uses – Outdoor Only*	CU-017-689: Drive aisles serve as on-site parking	Drive aisles serve as on-site parking	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Table 19.580.060, Footnote 5: Parking ratio to be determined by the designated Approving or Appeal Authority in conjunction with required land use or development permits.

FINDINGS SUMMARY

Revised Conditional Use Permit

The proposed Conditional Use Permit revisions provide for the continued use of a longstanding institution and preserve the commercial viability of a significant historic and cultural resource. The project design allows for a moderate increase to the capacity of the facility while providing for adequate emergency vehicle and pedestrian access to the proposed improvements and minimizing development impacts to the adjacent hillside. The proposed project has been designed to comply with all applicable development standards of the RC – Residential Conservation Zone and is consistent and compatible with the existing historic cemetery and the surrounding residential development. Staff supports the proposed Revised Conditional Use Permit.

Grading Exceptions

The proposed grading plan maximizes efficiency in locating the proposed mausoleum and required circulation while minimizing impacts to the existing cemetery development and the adjacent hillside. Proposed retaining walls in excess of six feet facilitate the terraced design of the building while maintaining acceptable grades for emergency vehicle access and providing adequate pedestrian access to disabled persons. Proposed manufactured slopes with a slope ratio of 1:1 over 20 feet in vertical height further enable the proposed project to minimize the extent of cut slopes along the existing ridgeline as well as reducing the overall quantity of material required to be excavated and exported to construct the project. Finally, the proposed driveway width in excess of 15 feet enables the project to accommodate the minimum drive aisle clearance and turning radii required to maneuver a fire truck to the upper portion of the proposed mausoleum, in compliance with applicable state and local fire safety codes. Staff is able to make the necessary findings in support of the requested Grading Exceptions.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) and Mitigation and Monitoring Reporting Program (MMRP) have been prepared for this project in accordance with Sections 15074 of the California Environmental Quality Act (CEQA) Guidelines and Section 21081.6 of CEQA (Exhibit 10). The CEQA documentation states the proposed project will not have a significant effect on the environment, subject to implementation of the MMRP.

PUBLIC NOTICE AND COMMENTS

Public hearing notices were mailed to property owners within 300 feet of the site. A Notice of Intent to Adopt a Mitigated Negative Declaration was published in the Press-Enterprise and mailed to the list of agencies and interested parties. As of the writing of this report, Staff have received one phone call in support of the project.

APPEAL INFORMATION

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

EXHIBITS LIST

1. Staff Recommended Findings
2. Staff Recommended Conditions of Approval
3. Location Map
4. General Plan Map
5. Zoning Map
6. Conditional Use Permit CU-017-689
7. Project Plans (*Architectural Plans, Preliminary Grading Plan, Conceptual Landscape Plan, Perspective Renderings/Photosimulations*)
8. Project Description
9. Applicant-Provided Grading Exception Justifications
10. Draft Initial Study and Mitigated Negative Declaration and Appendices
11. Existing Site Photos

Prepared by:	Matthew Taylor, Associate Planner
Reviewed by:	Patricia Brenes, Principal Planner
Approved by:	Mary Kopaskie-Brown, City Planner



EXHIBIT 1 – STAFF RECOMMENDED FINDINGS

PLANNING CASES: **P18-0083** (Revised Conditional Use Permit)
 P18-0084 (Grading Exception)
 P18-0616 (Grading Exception)
 P18-0617 (Grading Exception)

Conditional Use Permit Findings pursuant to 19.760.040

- a. The proposed project is substantially compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts;
- b. The proposed project will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area; and
- c. The proposed project will be consistent with the purposes of the Zoning Code and the application of any required development standards in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

Grading Exception Findings pursuant to Chapter 17.32.020

- Grading Exception A: To allow retaining walls over six feet in height where not visible to the public (17.28.010[C][1]).
 - Grading Exception B: To allow manufactured slopes with an slope ratio steeper than 3.9:1 to exceed 20 feet in vertical height (17.28.020[A][10]).
 - Grading Exception C: To allow driveway grading to exceed 15 feet in width (17.28.020[A][13][a]).
- a. The strict application of the provisions of the Grading Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Grading Code.

Grading Exceptions A and B: The proposal **complies** with this finding. A stated purpose of the Grading Code is to regulate hillside and arroyo grading in a manner that minimizes the adverse effects of grading on natural landforms, soil erosion, dust control, water runoff and construction equipment emissions (17.04.010). Strict application of the Grading Code with respect to both retaining wall height and manufactured slope height would require a substantial expansion of the proposed project area in order to achieve the lower retaining wall heights and slope ratio specified by these provisions. This is because lower walls and shallower slopes require a horizontally greater area of disturbance in order to achieve the same changes in vertical elevation. Strictly applying both the retaining wall and manufactured slope height limits would result in an increase in the overall disturbed area, including potential impacts to the existing natural ridgeline south of the proposed project area, as well as requiring a substantially larger quantity of excavation and export of material to accommodate a wider, flatter grading design. These factors would constitute

a practical difficulty by greatly increasing the required amount of grading, which is inconsistent with the stated purpose of the Grading Code.

Grading Exception C: The proposal **complies** with this finding. Strict application of this provision of the Hillside and Arroyo Grading Ordinance would require the proposed access road be reduced in width to a maximum of 15 feet. This would preclude the project from meeting minimum 20-foot firefighting apparatus clearance width and turning radii should they need to access the proposed mausoleum or adjacent hillside to fight fire or respond to another emergency. This constitutes a practical difficulty that is directly inconsistent with the stated purpose of the Grading Code, which is to protect life, limb, property, the public welfare and the physical environment by regulating grading on private property (17.04.010).

- b. There are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

Grading Exceptions A and B: The proposal **complies** with this finding. The project site is largely developed as an existing historic cemetery, which occupies virtually all of its flatter northern portions. The remaining open portions of the project site are dominated by a prominent, steep hillside and ridgeline, which are visible from numerous vantage points throughout the surrounding area. Taken together these circumstances create the need to minimize the proposed project footprint and total disturbed area to the maximum extent feasible, and the requested retaining wall and slope height exceptions serve this need. The combination of an existing historic resource, topographical constraints and the unique operational and spatial needs of a socially and culturally important use such as a cemetery constitute exceptional circumstances that do not apply generally to other properties in the RC – Residential Conservation Zone.

Grading Exception C: The proposal **complies** with this finding. State and local fire safety regulations require minimum drive aisle clearances and turning radii to accommodate firefighting apparatus and other emergency vehicles for non-residential projects. Conversely, such clearance requirements generally do not apply to single-family residential development. As previously discussed, the existing cemetery is a non-residential use located within a residential zone. State and local fire safety regulations apply to the proposed project which do not otherwise apply to typical development in the RC Zone, a unique circumstance justifying the requested driveway width exception.

- c. The granting of a waiver will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located.

Grading Exceptions A, B and C: The proposal **complies** with this finding. The proposed grading design including the requested Grading Exceptions will facilitate a compact project design that avoids adverse effects to the existing historic cemetery and the adjoining hillside and ridgeline to the maximum extent feasible. The requested Grading Exceptions also provide for adequate access for emergency vehicles. The granting of the requested waivers will thus constitute a material benefit to the public welfare, to the subject property and to the surrounding neighborhood.



CITY OF RIVERSIDE

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

PLANNING DIVISION

EXHIBIT 2 – STAFF RECOMMENDED CONDITIONS OF APPROVAL

PLANNING CASES: **P18-0083** (Revised Conditional Use Permit)
 P18-0084 (Grading Exception)
 P18-0616 (Grading Exception)
 P18-0617 (Grading Exception)

Case Specific

• **Planning Division**

1. Plans shall conform to the Exhibits attached to this report. Proposed modifications to the approved design shall be submitted to the Planning Division and shall include revised Exhibits and a narrative description of the proposed modifications. The Applicant is advised that an additional application and fee may be required.
2. The proposed project shall be developed and operated substantially as described in the text of this Staff Report and as shown on the plot plan on file with this case, except for any specific modifications that may be required by these conditions of approval.
3. The Applicant is advised that the business or use for which this Conditional Use Permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division.
4. Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. Any new signs, including exterior building mounted, monument, and window signs, shall be subject to separate review and assessment. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.

Prior to Grading Permit issuance:

5. A 40-scale precise grading plan shall be submitted to the Planning Division and shall 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 any applicable recommendations of a qualified soils engineer to minimize potential soil stability problems;
 - d. A note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within a pipeline easement; and
 - e. Identification of location, exposed height, material and finish of any proposed retaining walls.
6. **Mitigation Measure BIO-1:** Prior to the issuance of a grading permit, a pre-construction burrowing owl survey shall be conducted 30 days prior to the commencement of grading

to determine the project site contains suitable burrowing owl habitat and to avoid any potential impacts to the species. The survey shall include 100 percent coverage of the project area. If the survey reveals no suitable habitat for burrowing owl is present, no further action related to the measure is required.

If active burrowing owl burrows are determined to be present, the burrow(s) shall be flagged and up to an 820-foot buffer shall be created in accordance with the MSHCP Species Conservation Guidelines. The buffer limits may vary depending on burrow location and burrowing owl sensitivity to human activity. Any relocation efforts shall be coordinated with the City of Riverside and the California Department of Fish and Wildlife (CDFW).

7. **Mitigation Measure BIO-2:** If project activities are planned during the bird nesting season (February 1 to August 31), a nesting bird survey shall be conducted within three days prior to any ground-disturbing activities, including but not limited to clearing, grubbing, and/or rough grading, to ensure birds protected under the Migratory Bird Treaty Act (MBTA) are not disturbed by on-site activities. Any such survey(s) shall be conducted by a qualified biologist. If no active nests are found, no additional actions related to this measure are required. If active nests are found, the nest locations shall be mapped by the biologist. The nesting bird species shall be documented and, to the degree feasible, the nesting stage (e.g., incubation of eggs, feeding of young, near fledging) determined. An exclusionary buffer shall be established by a qualified biologist. The buffer may be up to 500 feet in diameter, depending on the species of nesting bird found. The buffer shall be clearly marked in the field by construction personnel under guidance of the qualified biologist, and construction or clearing shall not be conducted until the qualified biologist determines that the young have fledged or the nest is no longer active.
8. **Mitigation Measure CR-1: Changes to Project:** Prior to Grading Permit issuance, if there are any changes to the project site design and/or proposed grading, the Applicant and the City shall contact Consulting Tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City and Consulting Tribes to discuss any proposed changes and review any new impacts and/or potential avoidance/preservation of the cultural resources on the project site. The City and the Applicant shall make all attempts to avoid and/or preserve in place as many cultural and paleontological resources as possible that are located on the project site if the site design and/or proposed grades should be revised.
9. **Mitigation Measure CR-2: On call Project Archaeologist:** Prior to the issuance of a grading permit, the Property Owner/Developer shall provide a letter from a Secretary of the Interior Standards-qualified Archaeologist and Paleontologist stating that the Property Owner/Developer has retained the services these individuals, and that the Archaeologist and Paleontologist shall be on call during all grading and other significant ground-disturbing activities in native sediments.
10. **Mitigation Measure CR-3: Treatment and Disposition of Cultural Resources:** In the event that Native American cultural resources are inadvertently discovered during the course of grading for this Project, the following procedures will be carried out for treatment and disposition of the discoveries:
 - a. **Temporary Curation and Storage:** During the course of construction, all discovered resources shall be temporarily curated in a secure location onsite or at the offices of the Project Archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and
 - b. **Treatment and Final Disposition:** The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological

artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The Applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Riverside Community & Economic Development Department with evidence of same:

- i. Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloging and basic recordation have been completed;
- ii. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation;
- iii. If more than one Native American tribe or band is involved with the Project and cannot come to a consensus as to the disposition of cultural materials, they shall be curated at the Western Science Center by default; and
- iv. At the completion of grading, excavation and ground disturbing activities on the site, a Phase IV Monitoring Report shall be submitted to the City documenting monitoring activities conducted by the Project Archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the City of Riverside, Eastern Information Center and interested tribes.

11. **Mitigation Measure NOI-1:** If the Project applicant determines blasting is required to construct the project, the applicant shall retain a qualified blasting expert to prepare a site-specific blasting plan that incorporates the following measures. These limitations shall be included in the project contract specifications. All vibration and air-overpressure monitoring shall conform to ISEE Guidelines:

- a. Blast-hole diameter shall not exceed 2.5 inches.
- b. Only fixed-cartridge explosives shall be used for this work.
- c. The minimum scaled distance to residential structures shall be 90 feet/lb^{1/2}.
- d. The minimum scaled distance to the existing historic mausoleum structure shall be 50 feet/lb^{1/2}.
- e. The minimum confining rock burden on all charges shall be at least 25 charge-diameters.
- f. No more than 2,000 pounds of explosives shall be used for an individual blast.

- g. Rubber-tire and steel-cable blasting mats, or weed barrier fabric and three feet of soil, shall be used to control movement of blasted rock.
- h. Peak particle velocity (PPV) at residential property shall not exceed 0.5 inches per second. PPV at the existing mausoleum shall not exceed 1.0in/s.
- i. Air-overpressure measure at the nearest off-site structures shall not exceed 133dBL.
- j. At least two seismographs shall be deployed to measure PPV and air-overpressure at the nearest structures of concern.
- k. Blast areas shall be sprayed with water to suppress dust when conditions are dry and/or windy.

During Construction Activities:

- 12. Construction and operation activities on the property shall be subject to the City's Noise Code (Title 7), which limits construction noise to 7:00 a.m. to 7:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
- 13. The proposed project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with National Pollutant Discharge Elimination System (NPDES) requirements related to construction and operation measures to prevent erosion, siltation, transport of urban pollutants, and flooding.
- 14. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the proposed project site.
- 15. 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 proposed project site during all construction.
- 16. To reduce construction related particulate matter air quality impacts of the proposed project, the following measures shall be required:
 - a. Dust generation shall be controlled as required by the AQMD;
 - b. 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;
 - c. All contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
 - d. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - e. Trucks and other equipment leaving the site shall be washed;
 - f. All disturbed/loose soil shall be kept moist at all times;
 - g. Grading activities shall be suspended when wind speeds exceed 25 miles per hour; and
 - h. A 15 mile-per-hour speed limit shall be enforced on unpaved portions of the construction site.
- 17. 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.

Prior to Building Permit issuance:

18. Landscape and Irrigation Plans shall be submitted for Design Review approval. Separate applications and filing fees are required. Design modifications may be required as deemed necessary. Landscape and irrigation plans shall include the following:
 - a. Exposed retaining walls over three feet in height shall be planted with fast-growing climbing vine species.
 - b. Manufactured slopes shall be covered with jute netting or other stabilizing material prior to application of hydroseed mixture to improve soil stability and minimize erosion during landscape planting establishment period.
19. Plans submitted for Staff review shall specify the location, design and color of all domestic water meters, tank vent risers, backflow preventers, detector check assemblies, utility equipment cabinets and other ground-mounted equipment subject to Planning Division and Public Utilities review and approval. The visibility of such facilities shall be minimized through means including but not limited to relocation, berming, landscaping, and/or installation of screen walls.
20. If exterior lighting is proposed, the Applicant shall submit an exterior lighting plan and photometric study along with manufacturer's cut sheets of all proposed exterior lighting fixtures. Light sources shall be shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-ways. If building-mounted lights are proposed, down-lights shall be utilized. Sight Lighting Plans shall be prepared in accordance with the provisions of the California Building Code and Chapter 19.556 (Outdoor Lighting) of the Zoning Code.

Prior to the Release of Utilities and/or Occupancy:

21. Install the landscape and irrigation per the approved plans and submit the completed "Certificate of Substantial Completion" (Appendix C of the water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual) signed by the Designer/auditor responsible for the project. Contact the Planning Division at (951) 826-5371 to schedule the final inspection at least one week prior to needing the release of utilities. Additional plant material may be required upon final inspection if better coverage is needed.

Operational Conditions:

22. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to any City Staff, including the Police Department and Code Enforcement, upon request. Failure to have the latest approved conditions available upon request will be grounds for revocation.

Standard Conditions

23. There shall be a one-year time limit to secure the necessary permits to commence construction beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
24. 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.

25. The Conditional Use Permit may be modified or revoked by the City Planning Commission or the City Council should they determine that the proposed use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
26. The Applicant shall comply with all federal, state and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
27. This permit is issued based upon the business operations plan and information submitted by the Applicant, which has been used as the basis for evaluation of the proposed use in this Staff Report and for the conditions of approval herein. The Applicant shall notify Community Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this Conditional Use Permit.
28. The Applicant of the business subject to this Conditional Use Permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The Applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
29. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.

- **Public Works**

Contact Chris Scully at 951-826-5345 or cscully@riversideca.gov with questions regarding the following Public Works Land Development conditions:

30. 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 Sate Law. For further assistance, please contact the Public Works Department.

31. 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.
32. 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:
 - a. Requiring the implementation of the project-specific WQMP in the Property Owners Association Conditions, Covenants and Restrictions (C,C&R's);
 - b. Formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the project-specific WQMP; or
 - c. Equivalent may also be considered. Alternative instruments must be approved by the City prior to the issuance of any building or grading permits.
33. 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.
34. 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.

- **Building & Safety Division**

Contact Tung Le at 951-826-5175 or tle@riversideca.gov with questions regarding the following Building & Safety Division conditions:

35. The proposed project shall fully comply with the 2016 version of the California Building, Plumbing, Mechanical, Electrical, Green, Energy, and Fire Codes, as adopted and amended by the City of Riverside; or the version of these codes in effect at the time a new permit application is filed.
36. Given the project scope of work, an appropriately Licensed California Design Professional is required and the plans and supporting documents shall bear the wet stamp, date, and signature of the Licensed Professional in accordance with Sections 5537 and 6737 of the California Business & Professions Code.
37. A copy of the Conditions of Approval, signed by the applicant, shall be incorporated as the second sheet of the building plans and be present at the time of initial plan check submittal. Building plans must show in detail how they will conform to the required conditions as applicable.
38. A detailed scope of work shall be provided on the title sheet of the building plans clearly indicating all proposed building and site improvements to be reviewed by the City under the proposed permit application.
39. The project shall fully comply with Chapter 11-B of the most recent version of the California Building Code and include all exterior and interior accessible features as required. Where more than one path of travel is provided to the mausoleum, all shall be made accessible.
40. A Building Analysis shall be prepared for Building & Safety review and approval. Specify the use and occupancy of each space within the building. Justify the construction type(s), building height and size of the proposed building(s) through an Area Analysis in accordance with Chapters 5 and 6 of the California Building Code.

- **Fire Department**

Contact Michelle Douglass at 951-826-5828 or mdouglas@riversideca.gov with questions regarding the following Fire Department conditions:

49. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
50. Construction plans shall be submitted and permitted prior to construction.
51. Fire Department access shall be maintained during all phases of construction .

- **Parks, Recreation & Community Services**

Contact Randy McDaniel at 951-826-2000 or rmcdaniel@riversideca.gov with questions regarding the following PRCSD conditions:

52. Developer shall make payment of all applicable Park Development Impact Fees (local, aquatic, regional/reserve and trail fees) per RMC Chapters 16.60, 16.44 and 16.76.