



Memorandum

TO: CITY COUNCIL

FROM: Mayor Chuck Reed
Councilmember Ash Kalra
Councilmember Johnny Khamis

**SUBJECT: HERITAGE OAKS MEMORIAL
PARK**

DATE: December 5, 2014

Approved Chuck Reed PF 12/5/14 Date
JOHNNY KHAMIS PF Ash Kalra

RECOMMENDATION

Approve Planning Commission and Staff recommendations to certify the Environmental Impact Report, approve the associated Mitigation Monitoring and Reporting Program, Statement of Overriding Considerations, and the proposed Planned Development Rezoning with the following modifications to:

1. Conduct pre-construction burrowing owl surveys
2. Build "wildlife friendly" fencing, as needed
3. Include "natural" burial as an option in the information provided to customers
4. Provide "natural" burial options within the project and
5. Consult local experts when replacing native vegetation on the property

BACKGROUND

This project will provide an essential service to the residents of San Jose that will soon be in limited supply. Meeting the needs of our community for burial space is a General Plan goal that this project will fulfill with a major private investment and no city subsidy. The project site south of Bailey Avenue and east of McKean Road in South San Jose is designated Open Hillside in the General Plan and the proposed cemetery use is an allowed use. The applicant we believe has approached this development proposal with due respect to both providing for future community needs as well as minimizing environmental impacts to the property. Planning staff has done well to prepare development standards that impose strict short and long-term conditions as the cemetery is built-out over time, including mitigation measures to impacts that are of concern to our environmental stakeholders.

We recommend Council approval of the proposed project based on these key considerations:

1. 102-acres of the 275-acre site is being recommended for use as a non-urban, low-intensity cemetery, which is to be built in phases over many years. Impervious uses are limited to 10% of the site; and, building improvements are limited to 2% of the site. Further, building heights are limited to 20-35 feet such that cemetery uses will not be visible from the Coyote Valley floor. Less than the 120 trees are potentially estimated to be removed of the thousands of oaks

- and other trees that grow on the property. Furthermore, the applicant is committed to planting 600 mature trees and to planting thousands of oak seedlings gathered over time.
2. 173-acres of the 275-acre site is proposed to be preserved and protected as a permanent, non-urban, open space conservation area. Existing native trees and vegetation remain intact. Wetlands and habitats will be preserved. Wildlife corridors will be retained.
 3. While the project proposes the use of irrigated grasses, the applicant is committed to the use of drought tolerant grasses and vegetation and to replace vegetation that is compatible with what's currently on site.
 4. Recycled water will be the primary source of water for irrigation beyond 40-acre feet per year. To effectuate this development standard, the applicant has already entered into an agreement with the Santa Clara Valley Water District for untreated water to be piped into the site in future years. The phasing of the cemetery build-out relies on the availability of recycled water.
 5. The proposed conceptual grading plan minimizes grading of the site. Grading will be implemented over a long period of time. Further specific review of the grading plan will be undertaken during the PD permit process and Grading permit process.
 6. Site design guidelines require the proposed project to fit into the existing conditions as best as possible.
 7. Environmental mitigations proposed include a variety of conditions that will minimize impacts of the use of the property as a cemetery, including:
 - Preconstruction and habitat assessment surveys for nesting birds, wood rat nests, badgers, and bats
 - Establishment of a 250-foot non-disturbance buffers around any occupied owl burrows found on site
 - Rules around allowed and disallowed construction activities within the 250-foot buffer area during breeding and non-breeding season of burrowing owls if evidenced on site
 - Guidelines for how the proposed cemetery will be designed, built and operated to minimize direct and indirect impacts to wetlands, ponds, woodlands and drainage
 - Guidelines on what types of landscaping, fencing, walls and lighting can be used to buffer the noise and light emanating from the cemetery
 - Adherence to State and Federal regulations
 - Adherence to City tree replacement ratios
 8. Other conditions include:
 - Archaeological monitoring during grading, road construction and utility trenching
 - Adherence to slope stability and grading recommendations included in the geotechnical investigation
 - Runoff analysis to be completed before site permits are issued for any work in sub-watersheds
 - Adherence to water conservation measures
 - Public Works conditions to complete public improvements.

The applicant originally submitted a proposal for the cemetery in 2004. The proposal before Council in comparison is smaller in size, requires less grading, preserves more trees, has no impact on wetlands, does not impact butterfly habitat, and the applicant commits to participate in the funding of recycled water service to the property.

We understand that the property owner's representatives have recently met with members of the Audubon Society and The Committee for Green Foothills. It is our hope that the property owner and environmental agency representatives will continue to work cooperatively as the project takes shape in the years ahead to achieve General Plan goals.