

**NOTICE OF PREPARATION OF A
DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE
HERITAGE OAKS MEMORIAL PARK PROJECT**

FILE NO: PD22-023 and ER22-229
PROJECT APPLICANT: SCI California Funeral Services LLC
APNs: 712-03-114 & 712-03-115

Project Description: The project proposes the removal of three ordinance-size trees and the construction of the first two phases of the Heritage Oaks Memorial Park of Area 1, which includes a two-story funeral home, chapel, and office (26,458 square feet) and associated parking lot, up to eight mausoleums (totaling 23,750 square feet), a crematory (4,300 square feet), associated circulation roads and surface improvements, a maintenance building (5,231 square feet), and maintenance yard (28,800 square feet) on approximately 41 acres of the hillside property.

Location: The project site is located on the south side of Bailey Avenue, approximately 1,200 feet easterly of McKean Road.

As the Lead Agency, the City of San José will prepare a Supplemental Environmental Impact Report (SEIR) for the project summarized above. The City welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this SEIR may be used by your agency when considering subsequent approvals related to the project.

An **environmental public scoping meeting** for this project will be held:

When: Monday, September 23, 2024 from 6:00 to 7:00 p.m.

Where: Via Zoom (see instructions below and on www.sanjoseca.gov/PlanningCommunityMtgs)

The project description, location, and probable environmental effects to be analyzed in the SEIR for the project can be found on the City's Active EIRs website at www.sanjoseca.gov/activeeirs, including the SEIR Scoping Meeting information. According to State law, the deadline for your response is 30 days after receipt of this notice, and responses provided before the 30-day deadline are always welcome. The City will accept comments on the scope of the EIR until **5:00 p.m. on Monday, October 7, 2024**. If you have comments on this Notice of Preparation (NOP), please identify a contact person from your organization, and send your response via mail or email to:

City of San José, Department of Planning, Building and Code Enforcement
Attn: Bethelhem Telahun, Environmental Project Manager
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113-1905
E-mail: Bethelhem.Telahun@sanjoseca.gov

Christopher Burton, Director
Planning, Building and Code Enforcement

A handwritten signature in black ink that reads "Tine Gray". The signature is written in a cursive style and is positioned above a horizontal line.

Deputy

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August 2024

Introduction

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project that an agency may implement or approve. The EIR process is intended to provide information sufficient to evaluate a project and its potential for significant impacts on the environment, to examine methods of reducing adverse impacts, and to consider alternatives to the project.

A Supplemental EIR (SEIR) is prepared when it is determined by the discretionary authority that changes proposed in an approved project will require revisions to the previous EIR because of possible new impacts or an increase in severity of previously identified impacts. As the Lead Agency, the City of San José will prepare an SEIR to the Final EIR for Heritage Oaks Memorial Park (November 2014, SCH# 2013102023) to address the environmental effects of the proposed changes to the original project.

In accordance with Sections 15120 et seq. of the CEQA Guidelines, the SEIR will include the following:

- Summary of the project;
- Project description;
- Description of the existing environmental setting, environmental impacts, and mitigation measures for the project;
- Alternatives to the project; and
- Environmental consequences of the project, including (a) any significant environmental effects which cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments of resources; (c) the growth inducing impacts of the proposed project; and (d) cumulative impacts.

Project Location

The proposed Project is located on a 275-acre site on the southeast side of Bailey Avenue, approximately 5,300 feet southwest of Santa Teresa Boulevard (see **Figures 1 and 2**). The proposed Project also includes the construction of a recycled water line extension from the Metcalf Energy Center to the site. The proposed water line will extend along Monterey Road, Bailey Avenue, Santa Teresa Road, and Laguna Avenue for approximately 17,000 linear feet.

The Project site is located in a non-urban area of San José with sparse residential development in the immediate vicinity. Cinnabar Hills Golf Club, a public golf course, is located to the south. The approximately 4,400-acre Calero County Park is located to the northwest.

Project Background

In December 2014, City Council approved a Planned Development rezoning (PDC13-016) from the R-1-1(PD) Planned Development and A-Agriculture Zoning Districts to A(PD) Planned Development Zoning District, to allow a cemetery use on approximately 102 acres and private open space for natural preservation on approximately 173 acres of the 275 gross acre site (referred to as 2014 project). The “Heritage Oaks Memorial Park Final EIR” was certified by the City Council concurrently with the project approval.

The 2014 project is comprised of Area 1 (approximately 71 acres) and Area 2 (approximately 31 acres) within the 102 acres, dedicated for cemetery and ancillary uses. Area 1 is the portion of the project site that would be developed initially, while Area 2 would be developed in the more distant future. The proposed cemetery would be developed over an extended period of time, estimated at approximately 200 years. Future phases (deferred internment areas) would occur over time as demand for in-ground burial space increases.

The 2014 approved project allowed for cemetery and ancillary uses to a cemetery including, but not limited to, burial grounds, an administration building, maintenance buildings/sheds, corporation yard associated with on-site activities, private roadways, a septic system, water storage lakes, a storage tank, and outdoor storage. No crematory and recycled water line was proposed as part of the 2014 project.

Project Description

The current project (referred to as proposed Project) is application for a Planned Development (PD) Permit to effectuate the 2014 Planned Development Zoning and begin construction of the Heritage Oaks Memorial Park. The PD permit would allow for the development of Area 1. The work would be done in two phases, Phase 1 (31.4 acres) and Phase 2 (9.4 acres). The work for Area 2 and the remaining 30.2 acres of Area 1 will be determined in the distant future based on community and market demand and would be subject to separate CEQA review, if needed.

Phase 1 would have five community mausoleums buildings totaling 13,000 square feet (sf); a two-level terraced funeral home/mortuary facility with a 16,228-sf upper floor with chapel, offices and prep center, and a 10,230 sf lower floor with a small chapel/reception center, a 4,300-sf crematory, a 5,231-sf maintenance building and adjacent maintenance storage yard, and parking areas. Phase 2 would have two community mausoleum buildings totaling 4,600 sf. The site will also include traditional lawn burial and natural or green burial garden areas, landscaped cremation garden areas, and private cemetery roads. The general cemetery grounds may include all typical cemetery amenities or improvements such as low garden walls, shade shelters, benches, small family mausoleums, and monuments. The proposed site plan is presented in **Figure 3**.

The project also includes the construction of a recycled water line that would extend from the Metcalf Energy Center to the Project site. The proposed recycled water pipeline would consist of four segments extending along four public roads (Monterey Road, Bailey Avenue, Santa Teresa Road, and Laguna Avenue) having a total length of approximately 17,000 linear feet to the boundary of the proposed memorial park (see **Figure 4**).

Required Project Approvals

The City of San José is the lead agency responsible for certification of the SEIR and approval of future project permits. A summary of the anticipated entitlement and processing actions required to implement the project are as follows:

1. Certification of the SEIR
2. Planned Development Permit
3. Tree Removal Permit
4. Grading and Building Permit

The project may also require the following approvals:

- U.S. Army Corps of Engineers - Section 404 Permit
- California Department of Fish & Wildlife – Lake Streambed Alteration Agreement
- San Francisco Bay Regional Water Quality Control Board - Section 401 Certification
- Union Pacific Railroad Company – Encroachment permit
- Santa Clara Valley Water District – Encroachment permit/Easement

Potential Environmental Impacts to be Discussed in the SEIR

The SEIR will describe the existing environmental conditions on the project site and will identify the significant environmental effects anticipated to result from development of the project as proposed. Mitigation measures will be identified for potentially significant environmental impacts, as warranted. The analysis in the SEIR will include the following specific categories of environmental impacts and concerns related to the proposed project. Additional topics may be added to the SEIR if new information becomes available.

The SEIR will be prepared in accordance with the requirements of Sections 15120 et. seq. of the CEQA Guidelines, and will analyze the following key topics:

- *Aesthetics*. The SEIR will review the visual analysis of the project from the 2014 Final EIR to confirm that proposed project would not adversely impact visual and aesthetic qualities of the project site and area.
- *Air Quality*: The SEIR will summarize the air quality evaluation addressing the construction and operation of the project, including the crematory. Air pollutant emissions will be predicted using appropriate computer models. In addition, the potential project health risk impacts from existing toxic air contaminant (TAC) sources affecting nearby sensitive receptors will be evaluated. The analysis has been conducted following guidance provided by the Bay Area Air Quality Management District (BAAQMD).
- *Biological Resources*: The biological resources section will be based on an updated biological evaluation. The SEIR will incorporate the findings of this evaluation, including discussion of the existing conditions on the site and impacts relative to the previous analysis. The updated study will also evaluate the impacts on biological resources from the proposed recycled water line, as well as the impacts from proposed tree removal for the project.

- *Cultural Resources:* The project site does not contain any historic or other buildings. The SEIR will summarize the results of an updated archaeological assessment for the project. This will include a records search from the Northwest Information Center, a Sacred Lands file search and Tribal contact list, and an archaeological sensitivity assessment.
- *Energy:* Implementation of the proposed project could result in an increased demand for energy. The SEIR will address potential impacts from wasteful, inefficient, or unnecessary consumption of energy resources, or possible conflicts with a state or local plan for renewable energy or energy efficiency. The SEIR will identify the energy efficiency measures proposed by the project.
- *Geology & Soils:* The SEIR will describe the current grading plans for the project and potential geotechnical issues. This section of the SEIR will summarize the findings of the 2014 FEIR and incorporate the findings of a new fault study required for the project due to its location near a fault zone.
- *Greenhouse Gas Emissions:* The SEIR will address the project's contribution to regional and global greenhouse gas (GHG) emissions based on consistency with policies adopted by the City of San José for reducing GHG emissions. Proposed design measures to reduce energy consumption, which in turn would reduce GHG emissions, will be described.
- *Hazards and Hazardous Materials:* The project may involve use of small quantities of hazardous materials during operations and construction. Potential impacts related to hazardous material use will be addressed in the SEIR.
- *Hydrology/Water Quality:* The SEIR will describe potential hydrology and water quality effects of the project based on changes to the proposed drainage system. This section will identify local and regional programs for maintenance of water quality (e.g., C.3 Provisions) and the project's adherence to these programs.
- *Land Use:* The project site is located within an undeveloped area of San José, designated *Open Hillside/Open Space* in the City's General Plan. The SEIR will describe the existing land uses adjacent to the site and within the project area, and the project's consistency of the project with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.
- *Noise and Vibration:* The project is not located near any sensitive noise receptors (e.g., residential uses). The SEIR will briefly characterize the existing noise environment and potential noise generated during construction.
- *Public Services:* The SEIR will evaluate the ability of existing public services to serve the proposed project. The project does not include a residential component and will not affect public service demands related to a population increase. The SEIR will address police and fire protection services for the project, including the availability of public services and the project's potential to result in adverse physical impacts to service facilities.

- *Transportation*: DD&A will summarize an updated transportation analysis addressing the impacts of the project on vehicle miles traveled (VMT), based on the City’s requirements for VMT analysis.
- *Tribal Cultural Resources*: The SEIR will address Tribal cultural resources based on consultation between the City and Native American Tribes (per Assembly Bill 52).
- *Utilities and Service Systems*: Implementation of the proposed project could result in an increased demand for utilities and service systems compared to existing conditions. The SEIR will examine the impacts of the project on utilities and service systems, including the sanitary sewer and storm drainage systems, water supply, and solid waste management.
- *Wildfire*: The proposed project is located within a developed area of San José. The SEIR will discuss project impacts on adopted emergency response and evacuation plans and risk due to wildfire.
- *Alternatives*: The SEIR will examine alternatives to the proposed project including a “No Project” alternative, as required by CEQA. Alternatives discussed will be chosen based on their ability to reduce or avoid any identified significant impacts of the proposed project while achieving most of the identified objectives of the project.
- *Significant Unavoidable Impacts*: The SEIR will identify any significant impacts that cannot be avoided if the project is implemented as proposed.
- *Cumulative Impacts*: This section will be based on Section 15130 of the CEQA Guidelines, which requires an SEIR to discuss the cumulative impacts resulting from the project when combined with other past, present, and reasonably foreseeable development in the area.

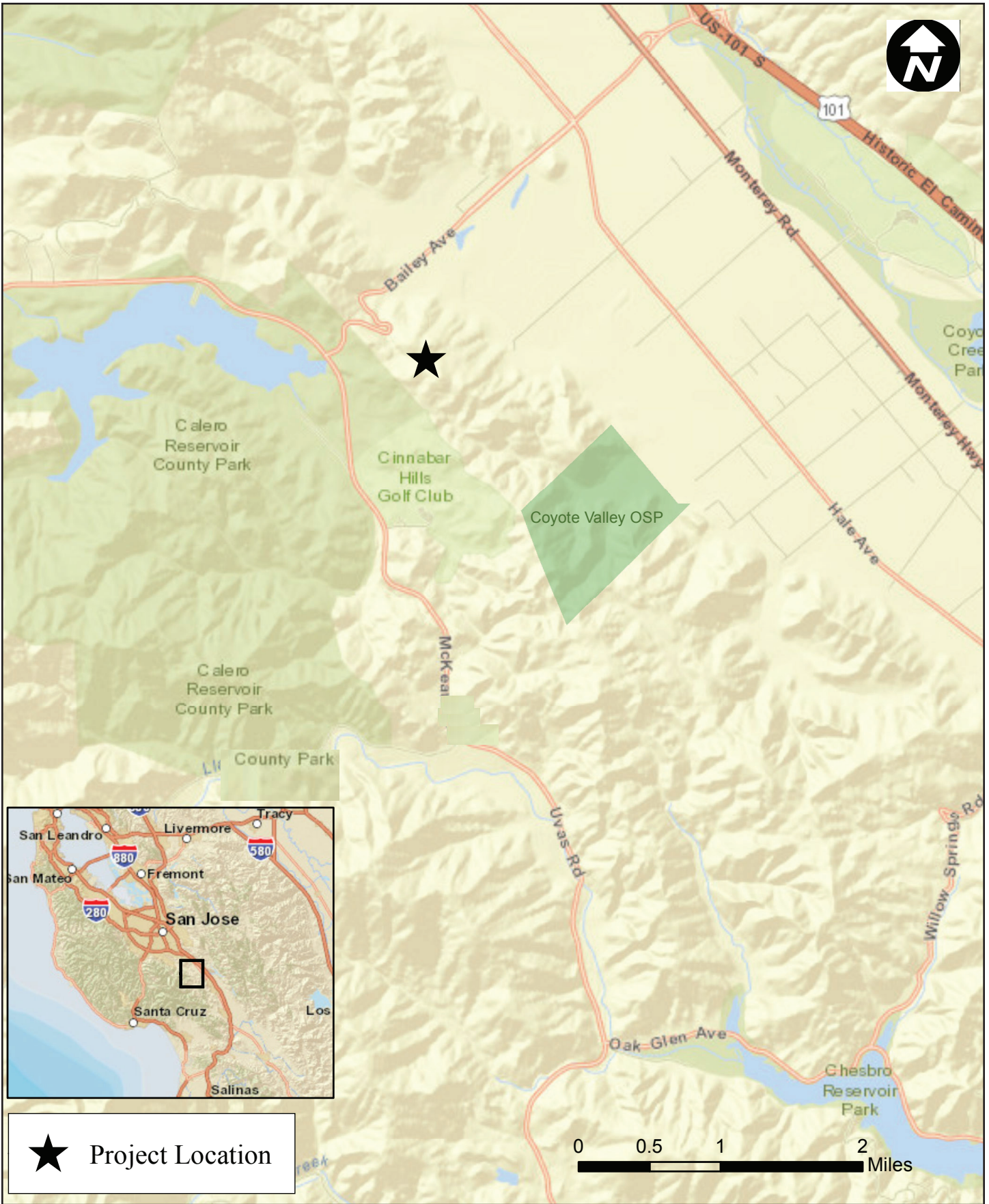
The SEIR will include evaluation required by the CEQA Guidelines including the following sections: 1) consistency with local and regional plans and policies, 2) growth inducing impacts, 3) significant irreversible environmental changes, 4) areas of known controversy, 5) references, 6) organizations/persons consulted, 7) SEIR author and consultants, and 8) appendices.

Potential Environmental Impacts Scoped Out of the SEIR

The following resource sections are not anticipated to result in significant impacts. Unless specific comments are received during the NOP public comment period that indicate a potential for the proposed project to result in significant impacts, the following issues will not be further discussed in the SEIR.

- *Agricultural and Forestry Resources*: The project site is not located on lands designated as prime or important agricultural lands nor does it contain areas designated as forest land, timberland, or timberland production under a Williamson Act contract. The project will not impact agricultural or forestry resources, and this topic will not be further addressed in the SEIR.

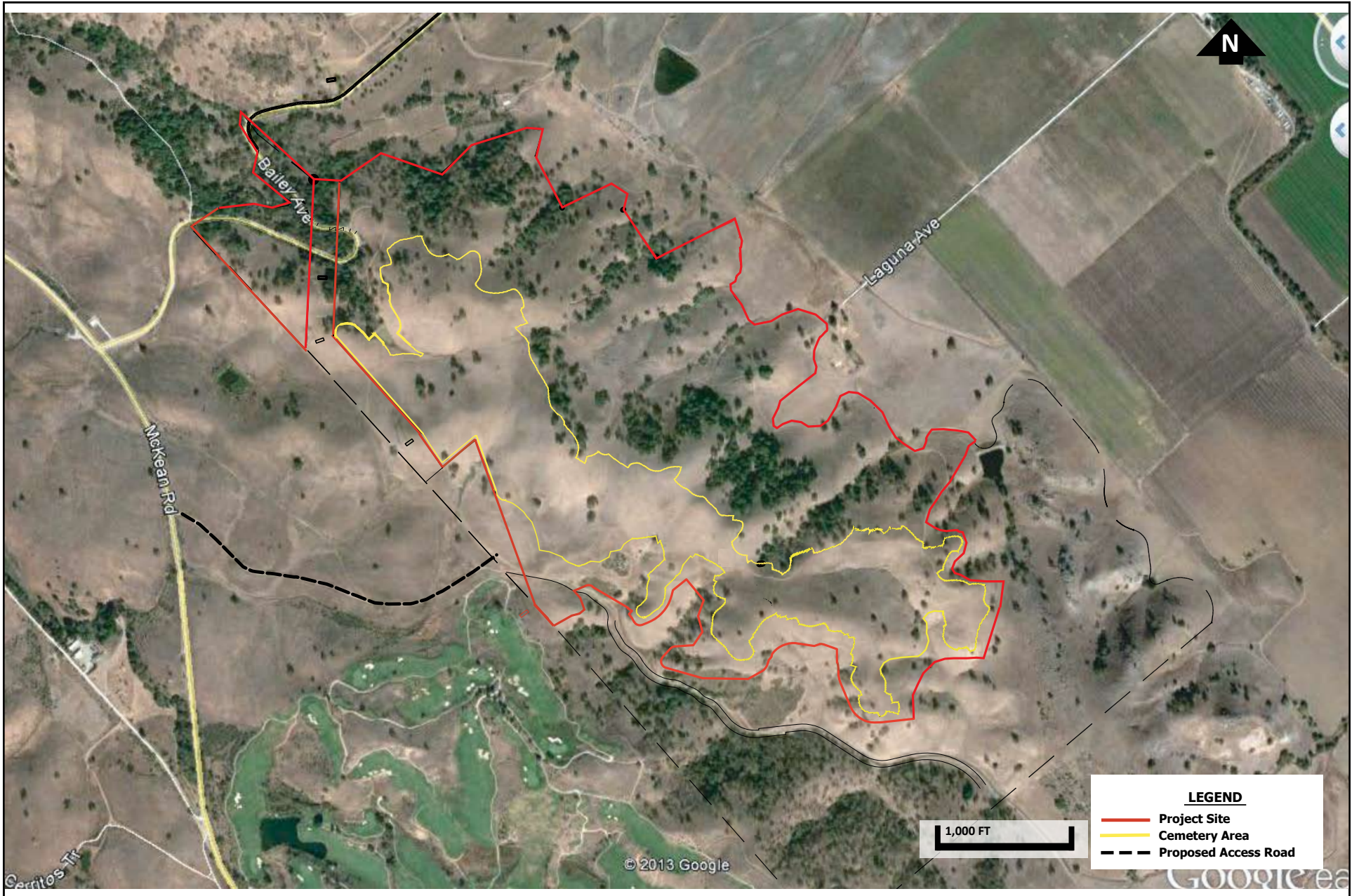
- *Mineral Resources:* The project site is not located on or near mineral resources, and it will not hinder any existing mineral extraction operations. The project will not impact mineral resources, and this topic will not be further addressed in the SEIR.
- *Population and Housing:* The project is a cemetery and does not propose any new housing nor would it remove any housing. The project will not impact population and housing, and analysis of this topic will not be further addressed in the SEIR.
- *Recreation:* The project would not directly generate additional demand for parks since it consists of a cemetery and does not include the introduction of the residential uses or other sources of population. The project will not result in impacts to recreational facilities. Therefore, this topic will not be further analyzed in the SEIR.



★ Project Location

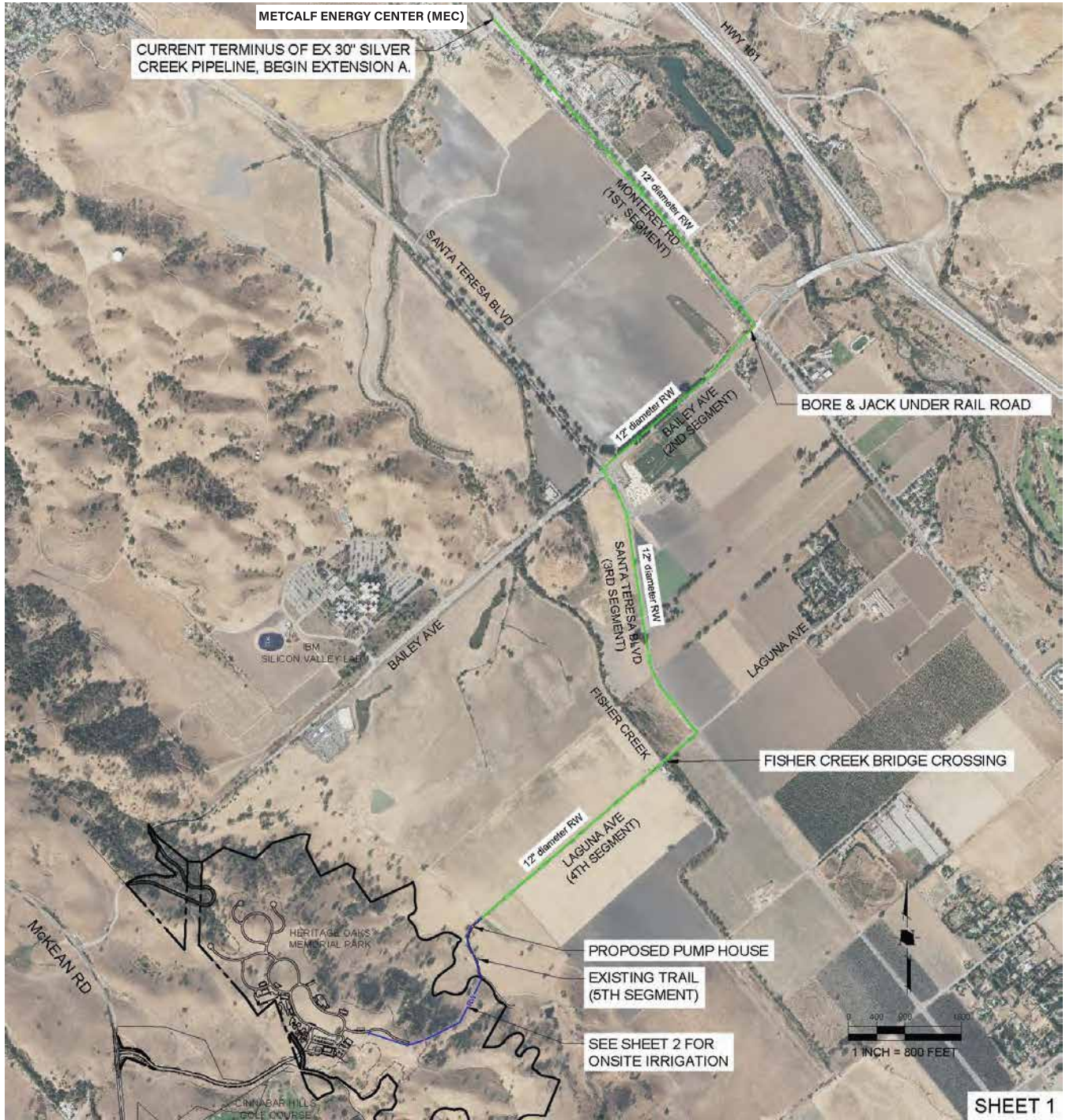
Location Map

Figure 1



Project Boundaries

Figure
2



Source: HMH Engineers, May 2024

Legend

- Public Right-of-Way
- Private Property

Recycled Water Main Extension

**Figure
4**

Heritage Oaks Memorial Park