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Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: 2024090194

Project Title: Heritage Oaks Memorial Park Project

Lead Agency: City of San José

Contact Name: Bethelhem Telahun, Environmental Project Manager

Email: Bethelhem.Telahun@sanjoseca.gov Phone Number: 408-535-5624

Project Location: City of San José (*City*) Santa Clara (*County*)

Project Description (Proposed actions, location, and/or consequences).

The project is a Planned Development to effectuate the 2014 Planned Development Zoning and begin construction within Area 1 of the Heritage Oaks Memorial Park. Area 1 would be developed with up to eight community mausoleums buildings totaling up to 19,900 square feet (sf), an approximately 24,400 sf two-level terraced funeral home/ administrative building with a chapel, offices, prep center, and small chapel/reception center, a 5,231-sf maintenance building and adjacent maintenance storage yard and parking areas, and an approximately 4,300 sf crematory. Area 1 would include construction of new roads within the project site, gardens, and the removal of 20 trees. Off-site construction for the project would include a 17,000 linear foot recycled water line extending from the Metcalf Energy Center and 6,220 linear feet of potable water line extending from Santa Teresa Boulevard to the Project site.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

Please see Attachment 1.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

The following discussion issues were raised by other agencies and the public during the 30-day public comment period of the Notice of Preparation, as well as the community meeting held for the project on November 30, 2023, and the EIR scoping meeting held on September 23, 2024.

- Air pollution and health risk impacts; see Section 3.2 Air Quality
- Impacts to wildlife and wildlife linkages; see Section 3.3 Biological Resources
- Water demand from landscaping irrigation; see Section 3.16 Utilities and Service Systems
- Wildfire impacts; see Section 3.17 Wildfire

Provide a list of the responsible or trustee agencies for the project.

U.S. Army Corps of Engineers
California Department of Fish and Wildlife
San Francisco Bay Regional Water Quality Control Board
Union Pacific Railroad Company
Santa Clara Valley Water District

Attachment 1

Project Description:

The current Project (referred to as the Project and/or 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 in Area 1. The Project includes a crematory, a recycled water line (RWL) and potable water line (PWL).

The entire cemetery would be developed over an extended period of time, estimated to be more than 100 years. Cemeteries are a type of land use that evolves over decades and flexibility in the development of the cemetery must be considered. For this reason, the PD Permit drawings attempt to identify a maximum development of facilities at the PD Permit stage so that future final construction permit development plans are consistent with the current requested approval. The proposed Project would allow for development within Area 1, as indicated on the Site Plan, and discussed below. Development in Area 2 would occur over time as demand for in-ground burial space increases. Deferred internment areas identified within this PD Permit may be developed for use when tree buffering has been added and conditions within the 2014 zoning approval have been met.

Area 1

This PD Permit identifies the proposed development in Area 1, which covers approximately 71 acres. The permitted area would be constructed in several phases over several decades, more than 100 years, consistent with community need. The actual phasing of construction may vary considerably but preliminarily is divided into four development areas, identified as A, B, C, and D.

Area A would be developed with up to six community mausoleums buildings totaling up to 15,300 square feet (sf); a phased two-level terraced funeral home/administrative building with up to 15,374 sf upper floor with a chapel, offices and preparation center, and up to a 9,017 sf lower floor with a small chapel/reception center (approximately 24,400 sf total); a 5,231 sf maintenance building and adjacent maintenance storage yard and parking areas. Area A would also include a new entry road from McKean to the cemetery, private cemetery roads, and paved parking areas for the funeral home/administrative building.

The Project also proposes an approximately 4,300 sf natural gas fired crematory within Area A. The crematory would be constructed in one of two locations within Area 1. One potential location would be adjacent to the funeral home. The other location would be adjacent to the maintenance building. The Project would select one of these options, and the specific location would not change the evaluation in this SEIR.

Area B would have a second phase of cemetery road construction and up to two community mausoleum buildings totaling up to 4,600 sf.

Area C would include the third and possibly several additional phases of road construction to build out the road network on the west side of Area A along with several sub-phases of cemetery garden development. No structures are currently proposed for Area C. Area D would include portions of the new water lines. The rest of Area D would remain undeveloped. **Table 1** below summarizes the square footages of proposed cemetery structures.

Table 1
Area 1 Summary

Building	Size
Eight Community Mausoleum Buildings	19,900 S.F.
Funeral home/administrative building	24,400 S.F.
Crematory	4,300 S.F.
Maintenance Building	5,231 S.F.
TOTAL	**53,831 S.F.**

The Project would include traditional lawn burial and natural or green burial garden areas, landscaped cremation garden areas throughout Areas A, B, and C. The cemetery grounds may include all typical cemetery amenities or improvements such as low garden walls, shade shelters, benches, small family mausoleums, and monuments.

The Project would install a 5-foot-tall sign wall at the end of the entry road. An exposed retaining wall is proposed along the back side of the maintenance building, at an approximate height of seven feet. An exposed retaining wall is also proposed along the edge of the entrance road, with heights varying from 2 – 8 feet. A few low 3-foot-high garden retaining walls may also be necessary, although undetermined at this time. These low retaining walls would be identified as part of the subsequent grading permit submittal.

The proposed structures would not exceed 2.5 stories, as approved under PDC13-016. Most structures would be approximately 20 feet to 23 feet high. The funeral home/administrative building is proposed at 21 feet 6 inches high on the front side and 35 feet high on the rear side accounting for the site slopes.

Materials and colors would be consistent with the natural California woodland hillside setting. This would include, but not limited to, stucco, stone and wood finishes and a neutral earth tone color palette.

Area 2

Area 2 would cover approximately 31 acres. Development in Area 2 would occur over time as demand for in-ground burial space increases. No development is proposed for Area 2 under this Planned Development Permit.

Proposed Recycled Water Line and Potable Water Line

The Project would include the construction of a RWL that would extend from a South Bay Water Recycling pipeline at the Metcalf Energy Center to the Project site, as well as a PWL that would extend from the current terminus of a Great Oaks Water System line in Santa Teresa at Laguna Avenue.

The estimated water demand for these water lines is as follows:

- The cemetery at full build out would utilize approximately 302-acre feet per year (ac ft/yr) of recycled water.
- Cinnabar Hills Golf Course would also utilize approximately 1,670 ac ft/yr. The golf course is currently using potable water to meet this demand.
- The cemetery would utilize 2 ac ft/yr of potable water.

The sizing of both water lines has been designed to serve only the cemetery and the golf course.

Proposed Recycled Water Line

The existing 30" diameter Silver Creek Recycled Water pipeline ends at the Metcalf Energy Center. The proposed 12" diameter RWL would consist of four segments extending within four public roads (Monterey Road, Bailey Avenue, Santa Teresa Road, and Laguna Avenue) for a total length of approximately 17,000 linear feet (LF) to the boundary of the proposed memorial park. The last segments (segments 5 and 6) would be constructed within the boundaries of the Project site. No trees would be removed for the construction of the RWL.

1st Segment – The start of the 12" diameter RWL begins at Metcalf Energy Center and would continue approximately 5,700 LF down (south) on Monterey Road via open trench installation until Bailey Avenue. Work within Monterey Road shall meet CALTRANS' requirements.

2nd Segment – The 12" diameter RWL line extending from the 1st segment would make a right turn and continue west on Bailey Ave. The start of this run would need to be " Jack & Bore"[1] under the existing railroad tracks approximately 200 LF. Since this scope of work is within Union Pacific Railroad right of way, a separate permit (Union Pacific Railroad Company encroachment permit) would be required. Once the Jack & Bore is complete the 12" diameter RWL would continue an additional 2,800 LF down (west) on Bailey Ave would be constructed via open trench installation to until Santa Teresa Blvd.

[1] Jack and Bore (also known as horizontal auger boring) is a widely used trenchless pipe installation technique. It enables the installation of pipes under existing infrastructure such as roads, railroads, and sensitive environments without disturbing the surface.

3rd Segment – The 12" diameter RWL extending from the 2nd segment would make a left turn, heading south on Santa Teresa Blvd and would require approximately 4,000 LF of open trench installation to until Laguna Ave.

4th Segment – The 12" diameter RWL extending from the 3rd segment would make a right turn, heading west on Laguna Ave. The beginning of the 4th segment would run approximately 500 LF via open trench installation until reaching Fisher Creek Bridge where the 12" diameter RWL would daylight and be attached directly to the side of the bridge for approximately 80 LF where the pipeline would then continue underground via open trench installation approximately 3,500 LF to the end of the Laguna Avenue and the cemetery site property line. Fisher Creek would not be disturbed by construction of the RWL.

5th Segment – On Site. The 12" diameter RWL extending from the 4th segment would be plumbed from a proposed pump house (approximately 800 feet outside the cemetery site) to a proposed booster pump within the cemetery site, in which water would be pumped up the hillside and serve as the beginning point of the on-site irrigation system. The pipeline would be constructed within an existing informal dirt road up the hillside for approximately 970 LF creating an estimated earthwork volume of 575 CY of soil to be removed and replaced.

6th Segment – On Site. Extension to the Cinnabar Hills Golf Course. The 12" diameter RWL would continue from the end of the 5th segment at the proposed booster pump and run westerly within the proposed private roadway within the Memorial Park to the Cinnabar Golf Course's existing pump station off the memorial park entry road. This line extension would allow the golf course to utilize recycled water when necessary.

The trenching for the RWL shall be a maximum of 4 feet wide and 4 feet deep for approximately 17,000 LF creating an estimated earthwork volume of 10,074 CY of soil to be removed and replaced.

Memorial Park Onsite Irrigation – The onsite recycled irrigation system would be developed consistent with the recycled water design standards as required by the South Bay Water Recycling. The system would be extended in phases over many decades with cemetery burial garden expansion. A water meter would be placed on the agency operated mainline at the termination of Segment 5 and the typical network of 3" to 8" irrigation mainlines would carry water to the individual irrigation circuits. A weather-based controller would manage the entire system to ensure the minimal application of water consistent with seasonal plant material requirements for optimum growth and in concert with un-irrigated preserved vegetation areas.

Potable Water Line Extension

Great Oaks Water Company has an existing 16" pipeline running within Santa Teresa Boulevard. The proposed 8" PWL would run parallel to the 12" RWL at a minimum of 10 feet apart starting from Santa Teresa Boulevard until the proposed booster pump on the cemetery site.

1st Segment – The beginning of the 8" diameter PWL would run approximately 500 LF along Laguna Avenue via open trench installation until reaching Fisher Creek Bridge where the 8" diameter pipeline would daylight and be attached directly to the side of the bridge for approximately 80 LF then the pipeline would then continue underground via open trench installation approximately 3,500 LF to the end of the Laguna Avenue, to the proposed pump house. Fisher Creek would remain undisturbed.

2nd Segment – Onsite. The 8" diameter PWL would be extend to the cemetery site from the proposed pump house; the water would be pumped up the hillside. The pipeline would be constructed within an existing dirt road up the hillside for approximately 970 LF creating an estimated earthwork volume of 575 CY of soil to be removed and replaced.

3rd Segment – The onsite potable water extension would consist of an 8" diameter pipeline that continues from the end segment from up the hill to a booster pump. The booster pump would serve as the beginning point of the on-site potable water system westerly within the proposed private roadway in the cemetery to serve fire hydrants and other potable water needs including the funeral home/administrative building and maintenance buildings.

Significant Impacts and Mitigation Measures:

The proposed Project would have potentially significant impacts regarding biological resources, cultural resources, and hazards and hazardous materials. The Supplemental Environmental Impact Report includes the following mitigation measures to reduce these potentially significant impacts.

Biological Resources

MM BIO-1a **Preconstruction Surveys for Crotch's Bumble bee.** Prior to the issuance of any grading permits or tree removal (whichever comes first), a qualified biologist shall conduct preconstruction surveys with methodology approved by CDFW during each of the three stages of Crotch's bumble bee flight period: The three stages of flight periods include: 1) queen flight after emergence is February-March; 2) highest detection time for nests is April-August; 3) queens solo flight is September-October when queens find a hibernation area. Surveys shall be conducted in the two flight periods prior to the start of construction with two surveys for each flight period occurring at least three weeks apart within each of those flight periods. Survey schedules are shown below:

Start of Construction Date	Required Survey Periods	Dates of Survey Periods
November-March	2 & 3	2 surveys April-August 2 surveys September-October
April-August	3 & 1	2 surveys September-October 2 surveys February-March
September-October	1 & 2	2 surveys February-March 2 surveys April-August

The surveys shall be conducted the season prior to the start of work. (i.e., if work is expected to start in the late summer, surveys shall be conducted that same year; if work is expected to start in winter or early spring, the surveys shall occur the year before).

Bumble bees observed shall be photographed and a GPS point taken. If a Crotch's bumble bee is positively identified, no further general surveys shall be necessary. At that point, intensive surveys shall occur per MM BIO-1b. If Crotch's bumble bees are not detected during the general survey, no additional mitigation shall be required.

MM BIO-1b **Avoidance of Crotch's Bumble bee.** Should a Crotch's bumble bee be observed during general surveys, intensive surveys to locate underground nests shall be conducted. Appropriate weather for intensive surveys is warm and sunny or sunny with some overcast with temperatures between 60- and 90-degrees Fahrenheit. Should an underground nest be located, individuals at the nest shall be photographed to confirm species. If confirmed underground nest of Crotch's bumble bee is observed, the nest shall be flagged and a minimum 25-foot construction-free buffer established around the nest by the biologist. The buffers shall remain until the nest is determined to be no longer active by the biologist.

To assure that avoidance is achieved, an avoidance plan shall be developed by the consulting biologist and reviewed by CDFW prior to Project work and/or vegetation removal or ground disturbance. An Incidental Take Permit will not be required if avoidance can be accommodated by the project and the implementation of the avoidance plan is deemed successful.

MM BIO-1c **Compensation.** If avoidance of Crotch's bumble bee is not feasible, then a mitigation plan that provides for on- or off-site compensation shall be completed. The Plan shall provide for a minimum of a 1:1 replacement ratio of suitable habitat within the Conservation Area. The Plan shall define the location within the Conservation Area, measures to restore and/or enhance existing habitat, management strategies to maintain the conservation value of the habitat into perpetuity, and a funding source for the ongoing management. Compensation may necessitate the need to obtain an Incidental Take Permit from CDFW under the state Endangered Species Act (ESA). If take of Crotch's bumble bee is expected, an incidental take permit issued by the CDFW must be obtained, as applicable. If CDFW issues an incidental take permit for Crotch's bumble bee, that document shall supersede any inconsistent measures and mitigation ratios provided for the species in the biological resources technical report, and/or CEQA document. California Endangered Species Act (CESA) compliance shall only be required if Crotch's bumble bee remains as a CESA candidate species or is listed under CESA at the time of project construction. If Crotch's bumble bee is delisted from CESA, this measure shall not be required.

Prior to the issuance of any grading permits, the qualified biologist shall submit a report indicating the results of the survey, any designated buffer zones, an avoidance plan, a mitigation plan, and/or approved permit to the satisfaction of the Director of Planning, Building, and Code Enforcement or the Director's designee.

MM BIO-2a Prior to the issuance of any grading or tree removal permits (whichever occurs first), a qualified biologist shall conduct preconstruction surveys to ascertain whether or not

burrowing owls occupy burrows on or adjacent to the site. These surveys shall consist of a minimum of two surveys, with the first survey no more than 14 days prior to initial construction activities (i.e., vegetation removal, grading, excavation, etc.) and the second survey conducted no more than 2 days prior to initial construction activities. If no burrowing owls or fresh sign of burrowing owls are observed during pre-construction surveys, no further mitigation is required. If burrowing owls or recent signs of their presence are observed during these surveys, occupied burrows shall be identified by the monitoring biologist and appropriate buffers, as described below, will be established.

- A 250-foot non-disturbance buffer shall be established around all active burrowing owl burrows or nest sites as identified and defined by a qualified biologist. If the biologist determines that a nest is vacant, the non-disturbance buffer zone around that nest may be removed. The SCVHP specifies that a vacation from the site for a week or more by a burrowing owl, as determined by a qualified biologist, would constitute a voluntary relocation by the owl, and the qualified biologist could then take measures to collapse suitable burrows at the site to discourage reoccupation. The biologist shall supervise hand excavation of the burrow to prevent reoccupation only after receiving approval from the wildlife agencies as noted below (SCVHP, Chapter 6, Condition 15).

    - For permission to encroach within 250 feet of such burrows during the nesting season (February 1 through August 31), an Avoidance, Minimization, and Monitoring Plan shall be prepared and approved by the Santa Clara Valley Habitat Agency and CDFW and USFWS prior to such encroachment.

- Should a burrowing owl be located onsite in the non-breeding season (September 1 through January 31), construction activities shall not be allowed within this 250-foot buffer of the active burrow(s) used by any burrowing owl unless the following avoidance measures are adhered to:

    - A qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
    - The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
    - If there is any change in owl nesting and foraging behavior because of construction activities, these activities will cease within the 250-foot buffer.
    - If the owls are gone for at least one week, the Project proponent may request approval from the Sant Clara Valley Habitat Agency that a qualified biologist excavate usable burrows to prevent owls from reoccupying the site. After all usable burrows are excavated, the buffer zone will be removed, and construction may continue.

Prior to the issuance of any grading permits, the qualified biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building, and Code Enforcement or the Director's designee.

MM BIO-2b The SCVHP stipulates that passive relocation or exclusion of burrowing owls shall not be allowed until a positive regional growth trend is achieved as defined in Section 5.4.6 of the SCVHP; however, a project may qualify for an exception to this prohibition. Permission to engage in passive relocation during the non-breeding season would need to be requested through the standard application process (Section 6.8 of the SCVHP). Application for an exception shall require additional information including a relocation plan/schedule and documentation by a qualified biologist that owls have occupied the site for the full year without vacating the site for 10 or more consecutive days. The application shall need to be submitted to the Santa Clara Valley Habitat Agency, and the Wildlife Agencies would then evaluate the application and decide for granting the exception. If passive relocation is granted, additional measures may be required by the Santa Clara Valley Habitat Agency. The Applicant shall implement those measure and provide a proof to the Director of Planning Building and Enforcement or Director's designee.

MM BIO-3 Prior to the issuance of any tree removal, grading, or building permits (whichever comes first), the Project applicant shall schedule all construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, grading, and trenching. If construction activities cannot be scheduled between September 1st and January 31st (inclusive), following steps shall be implemented:

- Pre-construction surveys for nesting birds shall be completed by a qualified biologist to ensure that no nests shall be disturbed during Project implementation. This survey shall be completed no more than 7 days prior to the initiation of construction activities/tree removal. During this survey, the qualified biologist shall inspect all trees and other potential nesting habitats within 250 feet of the construction areas for nests.

- If an active nest is found in or close enough to the Project area to be disturbed by construction activities, a construction free buffer zone shall be established by a qualified biologist around the nest. Buffer zones are typically 300 feet (radius) for raptors and 100 feet (radius) for other birds but would be determined by the qualified biologist according to site-specific, Project-specific, and activity-specific considerations such as visual barriers between the nest and the type of activity, and the species of nesting bird and its tolerance of the activity. The construction free buffer zone shall be marked with flagging or fencing that is easily identified and avoided by the construction crew and shall not affect the nest. The construction free buffer zones shall remain off-limits to construction until the nesting season is over or until the chicks have fledged the nest as determined by a qualified biologist.

- Prior to issuance any tree removal, grading or demolition permits (whichever occurs first), the biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Director of Planning, Building and Code Enforcement or the Director's designee.

MM BIO-4 **Bat Habitat Assessment:** Prior to the issuance of any tree removal, grading, or building permits (whichever comes first), a bat habitat assessment survey shall be conducted by a qualified biologist. If the habitat assessment determines that habitat for bats is absent from the Project site, then no further surveys or mitigations shall be required. However, if habitat for bats and/or individual bats are determined to be present, additional pre-construction surveys may be required within 48 hours prior to Project activities that include tree removal, grading, or building permits (whichever comes first), and the following additional measures shall be required:

- If the habitat assessment concludes that any trees proposed for removal provide potential roosting, winter torpor, and/or maternity habitat for special status bats, tree removal shall only be conducted during seasonal periods of bat activity, i.e., March 1 and April 15 or August 15 and October 15, under the supervision of a qualified bat biologist. Tree removals shall occur via a two-phased removal conducted over two consecutive days. In the afternoon of the first day, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and only branches or limbs without those features shall be removed. On the second day, the entire tree shall be removed.

- If a maternity colony is detected in a tree, then a construction-free buffer shall be established around the tree that would remain in place until it has been determined by the qualified biologist that the nursery is no longer active. Trees shall be removed between March 1 and April 15 or August 15 and October 15 to avoid interfering with an active nursery.

- Prior to the issuance of any tree removal, grading, or building permits (whichever comes first), the qualified biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building, and Code Enforcement or the Director's designee.

MM BIO-5 **Pre-construction Surveys for American Badger:** Prior to issuance of grading permits, tree removal (whichever comes first), pre-construction surveys conducted for other species should also be used to determine the presence or absence of badgers in the development footprint.

If an active badger den is identified during pre-construction surveys within or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 feet (or distance specified by the qualified biologist in consultation with CDFW) shall be established around the den. Because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present onsite during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or nest abandonment. The monitor shall be retained onsite until it the biological monitor determines that young are of an independent age and construction activities would not harm individual badgers. Once it has been determined by the

biologist that badgers have vacated the site, the burrows can be collapsed or excavated and ground disturbance can proceed.

The qualified biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building, and Code Enforcement or the Director's designee.

MM BIO-6a **Minimization.** The Project shall be designed, to set back a minimum of 100 feet from riparian woodlands and seasonal drainage channels. While direct impacts to riparian woodlands are being avoided, the Project shall also operate to minimize indirect impacts to the riparian woodland, seasonal drainages, stock ponds, and the seasonal wetland from light, noise and foot and vehicle traffic to the extent possible. Landscaping, fencing and walls, and lighting controls shall be selected to provide a buffer for noise and light from the proposed cemetery development. Any outdoor lighting such as streetlights shall be oriented away from the riparian woodland and water resources. During the Project implementation and construction, impacts to the riparian woodland and water resources shall be minimized using construction fencing or other barriers to ensure that equipment and human-traffic are precluded from entering these habitats or areas proposed to remain undeveloped. Minimization during the Project operation shall include the orientation of outdoor light sources away from the Conservation Area, and specifically, away from riparian woodland and water resources.

MM BIO-6b **Compensation**. The Project shall replace the lost functions and values resulting from the portion of the seasonal drainage proposed to be impacted by future phases (50 plus years) by creating a seasonal drainage channel at a 1:1 ratio (loss:creation) either on- or offsite. The applicant may also purchase suitable wetland credits from an approved mitigation bank that serves the area.

A Project-specific Wetland Mitigation and Monitoring Plan shall be prepared by a qualified restoration biologist that includes the following information prior to conducting any activity that would result in the placement of any fill material into a water of the U.S. or water of the State:

- Define the location of created drainage channel/enhancements;
- Provide evidence of a suitable water budget to support the seasonal drainage channel, as determined by a qualified hydrologist;
- Identify the species, size, number and location of plants to be installed;
- Identify the time of year for planting and any methods for supplemental watering during the establishment period;
- Identify the monitoring period for wetlands of no less than 5 years and no less than 10 years for riparian creation/enhancement;

- Identify measures that will be monitored, and define incremental and final success criteria that will be required for the seasonal drainage mitigation to be deemed a success;

- Identify adaptive management procedures that accommodate the uncertainty that comes with creations of seasonal drainage channels projects. These include (but are not limited to) measures to address colonization by invasive species, unexpected lack of water, excessive foraging of installed wetland plants by wildlife, etc.

- Define management and maintenance activities (weeding, repair of water delivery systems and browsing protection, etc.); and

- Provide for surety in funding for MMP and for in-perpetuity preservation and management of created wetland habitats.

Cultural Resources

MM CR-1 **Pre-Construction Tribal Cultural Resource Survey**. Prior to issuance of any demolition or grading permits, whichever occurs first, a qualified archaeologist, in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall survey the Project site to ascertain whether any Native American resources are visible on the surface. If Native American resources are identified, the archaeologist and Native American monitor shall evaluate the resource and recommend appropriate measures including avoidance, protection or other treatment. Any measures or avoidance plan agreed upon in consultation with the Native American monitor shall be implemented by the Applicant. The applicant shall submit survey report and description of any measures to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition or grading permits, whichever occurs first.

MM CR-2 **Cultural Sensitivity Training.** Prior to issuance of any demolition or grading permits, whichever occurs first, the Project applicant be required to submit evidence that a Cultural Awareness Training has been provided to construction personnel prior to ground disturbances. The training shall be facilitated by a qualified Project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Documentation verifying that Cultural Awareness Training has been conducted, including training materials and attendance logs, shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee within 7 days of completion of training. Any new staff that joins the Project after the original training session shall also be trained and logged.

MM CR-3 **Monitoring Plan.** Prior to issuance of any demolition or grading permits, whichever occurs first, a qualified archeologist, in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare a monitoring plan for all earthmoving activities. The plan shall include, but is not limited to, the following:

- Monitoring schedules
- Contact information
- Recommendation for monitoring methods
- Timing of reporting finds

The qualified archeologist and Native American monitor shall also be present during applicable earthmoving activities. These could include but not are not limited to, trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping. The Plan shall be submitted to the Director of the Planning, Building, and Code Enforcement or the Director's designee for review and approval, prior to issuance of any grading or demolition permits.

MM CR-4 **Evaluation.** The Project applicant shall notify the Director of the City of San José Department of Planning, Building, and Code Enforcement or Director's designee of any finds during the grading or other construction activities. Any historic or prehistoric material identified in the Project area during the excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files, and/or equivalent prior to the issuance of an occupancy permit. A copy of the evaluation shall be submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee.

Hazards and Hazardous Materials

MM HAZ-1: Prior to issuance of any demolition or grading permits, whichever occurs first, an Asbestos Dust Mitigation Plan (ADMP) shall be prepared and submitted to the Bay Area Air District for approval. The ADMP shall include track out prevention and control, storage piles, on-site traffic control, preparation of areas prior to earth moving activities, and control for off-site transport, consistent with the California Air Resources Board (ARB) Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations. The Bay Area Air District - approved ADMP shall be submitted to the Director of PBCE or the Director's designee and the Environmental Compliance Officer in the City of San José Environmental Services Department before issuance of the demolition or grading permit, whichever occurs first.