



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3308 • FAX: (408) 777-3333
CUPERTINO.ORG

PLANNING COMMISSION STAFF REPORT

Agenda Date: March 11, 2025

SUBJECT

Use Permit Modification, Architectural and Site Approval, and Tree Removal Permit for the construction of a 275-crypt garden Mausoleum and removal and replacement of 5 development trees. (Application No.: M-2024-002, ASA-2024-002, & TR-2024-023; Applicant: Gates of Heaven Cemetery; Location: 22557 Cristo Rey Drive; APN: 342-63-002)

RECOMMENDED ACTIONS

That the Planning Commission adopt the proposed draft resolutions (Attachment 1 -3) to:

1. Find the project exempt from CEQA and approve the Use Permit Modification (M-2024-002);
2. Approve the Architectural and Site Approval Permit (ASA-2024-002); and
3. Approve the Tree Removal Permit (TR-2024-023).

DISCUSSION:

Project Data:

General Plan Designation	Quasi-Public/Institutional
General Plan Neighborhood	Oak Valley
Zoning Designation	BQ – Quasi-Public Building
Lot Area	58.44 acres
Project Consistency With:	
General Plan	Yes
Zoning	Yes
Environmental Assessment	Categorically Exempt per Sections 15303 (Class 3) of the California Environmental Quality Act (CEQA)

Background:

The Gate of Heaven Cemetery, located in the Oak Valley neighborhood, was annexed in 1986 from the County of Santa Clara (County). The Cemetery is bounded by the Oak Valley Development to the north and east, the Monta Vista PG&E substation to the east, the historic Snyder Hammond House to the south, and Rancho San Antonio Preserve to the south and west.

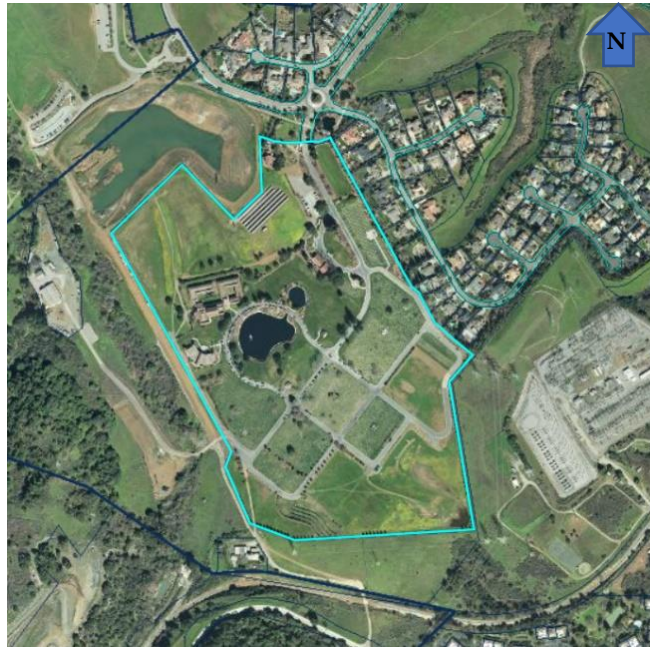


Figure 1: Aerial View

The cemetery operated under a Santa Clara County Use Permit approved in 1962 which permitted the cemetery use and the location and development of access driveways. Since annexation,

Gate of Heaven has obtained several City of Cupertino permits to develop vacant and undeveloped land for additional burials, niches, and accessory facilities as needed.

Previous Approvals

The County had approved the use permit (Attachment 4) for the cemetery in 1962 to be developed as a “memorial park with flat horizontal markers.” Table 1 below summarizes the various planning entitlements since incorporation into Cupertino.

Table 1 Planning Entitlements since incorporation.

Planning Permit	Description
12-U-94	Construction of a 3,500 square foot mausoleum crypt. Approved January 9, 1995.
U-2005-04	Approved statuary, Veterans markers and landscaping. Denied the request for upright markers. Approved January 17, 2005.
DIR-2005-33	Minor modifications to landscaping in the Veteran’s Section of the cemetery. Approved December 20, 2005.
M-2011-01, ASA-2011-01	Detailed 14-year plan broken up into Four Phases. These include modifications to the interior road network, additional inground burial plots, terraced burial grounds, and a limited number of upright marker plots. Approved March 22, 2011.

DIR-2012-17	Installation of Phase I of a manufactured columbarium unit. Approved June 14, 2012.
DIR-2020-006	New pergola with above-ground cremains in the Veteran's Memorial section. Approved August 4, 2020.
M-2022-002	Modification of an existing Use Permit to allow above ground crypts on a portion of the Gates of Heaven Cemetery (Code Enforcement). Planning Commission denied on September 13, 2022.
DIR-2023-008	Installation of Phase II of a manufactured columbarium unit. Approved June 27, 2023.

Any deviation from the original 1962 approval, or modification of any subsequent approval, requires a Planning entitlement.

Application Request

The applicant, Gate of Heaven Cemetery, is requesting an Amendment to the existing Use Permit (U-2005-04) to allow a 3,400 square-foot, 275 crypt garden Mausoleum and removal and replacement of 5 development trees adjacent to the existing approximately 37,000 square foot mausolea and chapel located at the southwest portion of the parcel, directly adjacent to Rancho San Antonio Park. See Figure 2 for the location of the proposed structure (outlined in red) in the cemetery. See Attachment 5 for the site plan.

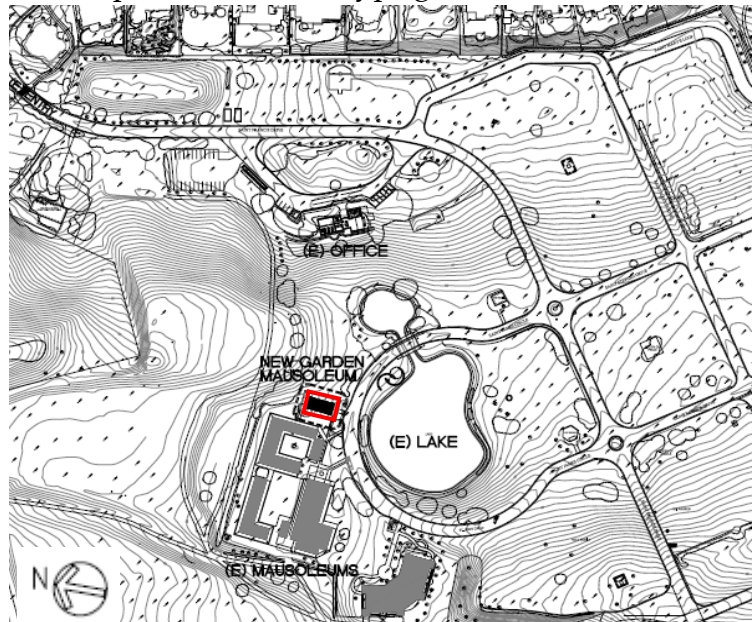


Figure 2 Location of proposed mausoleum on site plan.

The mausoleum is proposed to be approximately twenty (20) feet tall and would contain 275 crypts and 224 niches¹.

Analysis:

Modification to Use & Design Review:

The existing Use Permits do not address the number of above ground crypts or niches that the cemetery may have in this area, though the area is considered for cemetery uses

¹ A niche is a small, enclosed space in a cemetery that holds an urn containing cremated remains, while a crypt is the location of un-cremated remains in a vault.

under the existing Use Permit. Prior to and after the cemetery's incorporation, the diocese added mausoleum structures within the cemetery grounds facilitating above ground burials. These mausolea have been consolidated in the southeast corner of the cemetery, about 760 feet away from the closest single-family home in the Oak Valley development.



Figure 3 Distance from the Oak Valley neighborhood.

Additionally, the site is zoned for cemetery use subject to the City's review of the proposals. Due to the large setback of the proposed mausoleum from the residences and its adjacency to the existing mausolea, it is not expected that the project will create a visual impact on the existing homes.

The mausoleum is designed to closely match the existing mausolea, in height, function, and aesthetics. The mausoleum located closest to the new proposed mausoleum has a colonnade extending about 11-feet from the face of the crypts. The roof above the colonnade is orange concrete roof tiles and supported by wooden columns. (see Figure 4). The proposed mausoleum features are like the existing mausolea for architectural compatibility.



Figure 4 Example of existing mausoleum adjacent to project.

Tree Removal Permit

The proposed location of the mausoleum is currently a landscaped area adjacent to the existing mausolea. Five European White Birch (See Figure 5) must be removed to accommodate the mausoleum. The applicant must obtain a Tree Removal permit pursuant to the Municipal Code, since all trees in this zoning district are considered Protected development trees. The adjacent redwoods will remain and be protected during construction.



Figure 5 European White Birch Trees proposed to be removed.

Since the trees are directly in conflict with the proposed mausoleum, the trees must be removed. As a condition of approval, the applicant is required to provide a tree replacement plan consistent with CMC 14.18.160, or one 24-inch box tree per tree removed prior to issuance of building permits.

Findings and Conclusion

The Cupertino Municipal Code includes 'findings' for approval of various permits necessary to approve the proposed project. These provide a framework for making decisions and facilitating an orderly analysis of the review of a project. The findings for the Use Permit Modification, Architectural & Site Approval, and Tree Removal Permit sought by the applicant that the City must make in rendering a decision whether to grant an approval on this project have been outlined and responded to in the proposed resolution (Attachments 1-3).

In summary, the proposed 275 garden crypt mausoleum will not cause any further traffic, noise, or visual impacts to the existing uses onsite. Surrounding residential neighborhoods are over 750 feet from the proposed location, and for those visiting the cemetery, the crypts will be visually mitigated by being adjacent to the other mausolea onsite. Aesthetically, the mausoleum is designed to closely match the existing mausolea, in height, function, and materials, ensuring that there is architectural compatibility.

The five (5) development trees are within an area of the cemetery in which the proposed mausoleum is intended to be built. This location is the least obstructive for future and current development of any above ground structure on the cemetery grounds. Removal of the trees is deemed necessary for the cemetery to properly expand their operations.

Therefore, staff recommends approval of the project since the plans and conditions of approval address all concerns related to the proposed project and all of the findings for approval of the proposed project, consistent with Chapters 14.18, 19.156, and 19.168 of the Cupertino Municipal Code, have been met.

Environmental Review

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15303: New Construction or Conversion of Small Structures.

Other Department/Agency Review

The City's Public Works Department, Building Division, Environmental Programs Division, and the Santa Clara County Fire Department have no objections to the project. Their comments have been incorporated as conditions of approval in the draft resolution.

PUBLIC NOTICING AND COMMUNITY OUTREACH

The following table is a brief summary of the noticing for this project:

Notice of Public Hearing	Agenda
<ul style="list-style-type: none">▪ Site Signage (<i>at least 10 days prior to hearing</i>)▪ Legal ad placed in newspaper (<i>at least 10 days prior to hearing</i>)▪ Notices were mailed to property owners 300 feet from the cemetery (<i>at least 10 days prior to the hearing</i>)	<ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (<i>five days prior to hearing</i>)▪ Posted on the City of Cupertino's Web site (<i>five days prior to hearing</i>)

No comments have been received from members of the public as of the production of this staff report.

NEXT STEPS

Should the project be approved, the Planning Commission's decision on this project is final unless an appeal is filed within 14 calendar days of the date of the decision. All approvals granted by the Planning Commission shall go into effect after 14 days.

Upon project approval, the applicant will be able to submit building permit drawings to enable construction to commence. These approvals expire on March 11, 2027, at which time the applicant may apply for a one-year extension.

Prepared by: Gian Paolo Martire, Senior Planner
Reviewed by: Piu Ghosh, Planning Manager
Approved by: Luke Connolly, Assistant Director of Community Development

ATTACHMENTS

1. Draft Resolution for M-2024-002
2. Draft Resolution for ASA-2024-002
3. Draft Resolution for TR-2024-003
4. Santa Clara County Use Permit
5. Site Plans