

# Site Plan Approval

## successfully navigating the processes

The development of new burial and support facilities is essential to remaining competitive. New facility development projects are subject to increasingly more rigorous site plan approval requirements by public agencies. And, more than ever, this process often includes scrutiny and objections by neighbors and special interest groups.

These reviews and approvals can cost you time and money. Getting through this process as efficiently and successfully as possible requires two things. The first is to foster and maintain open communication with both the agencies and the special interest groups involved. An open and candid approach may seem dangerous, but experience proves that it is more productive and less costly in the end. The second is to do your homework. Your arguments for thoughtful and appropriate development must be based on well researched and well documented facts.

The facts you present must be easily

understood and demonstrate that you have considered concerns and standards, while at the same time meeting your needs for new facility development. Workable designs that respond to outside concerns and standards are possible in my experience, but only when the research and the proposals are well-articulated and shown to have mutual benefits or at least acceptable tradeoffs. Horse trading is a very viable strategy, but realistic and effective bargaining requires a detailed understanding of what the agencies and special interest groups are looking for. Meeting the letter of the law can be less im-

portant than satisfying their underlying goals. You need to be insightful and creative about how to satisfy these goals.

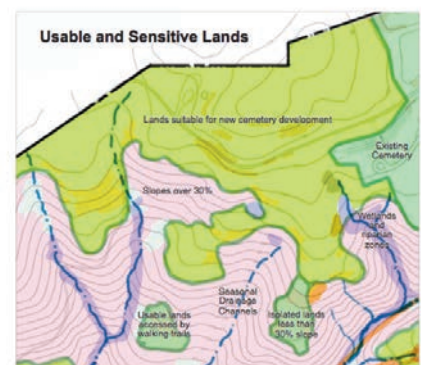
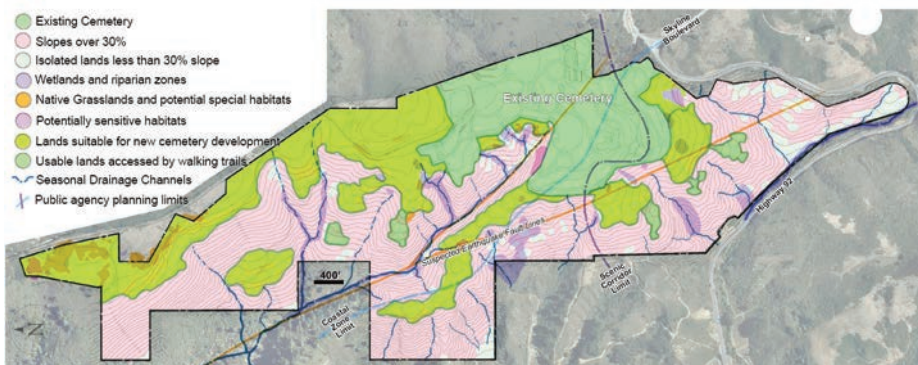
### Case Study – Skylawn Memorial Park

The best example I can cite of this approach is Skylawn Cemetery in San Mateo, Calif. California has an environmental review process that is as stringent as any state in the nation, as well as an unusually active and environmentally aware public. The Skylawn Cemetery site has earthquake fault lines, steep slopes subject to instability in El Nino rains, wetlands, sensitive habitats and special protection regulations.

As part of the public review process, the Skylawn Cemetery property had more than a dozen agencies and special interest groups with jurisdiction or

### Usable and Sensitive Lands

A comprehensive analysis identified areas that could accommodate cemetery development and areas that should be preserved to meet agency requirements. (Illustration courtesy of Jack Goodnoe)



sanctioned input into the approval process, including the California Coastal Commission, the Skyline Boulevard Scenic Corridor, the Peninsula Land Trust, the Friends of Pilarcitos Creek and the Ridge Trail Commission. All of these entities would prefer to see no development, or at least heavily restricted development, of the beautiful coastal ridge that Skylawn occupies.

In addition, the San Mateo County Planning Commission requested that the updated master plan, which was required for any new section or facility development, include setting aside a minimum of 200 acres of permanent and environmentally protected open space (this equals 40 percent of the total site). It was understood by all that a large part of the site is too steep to develop.

The key question for Skylawn, however, was how to determine what land area it was willing to give away and how to ensure that the full potential of the site for cemetery development could be realized. The county and the special interest groups were very concerned about how the open space would be truly protected from future cemetery development.

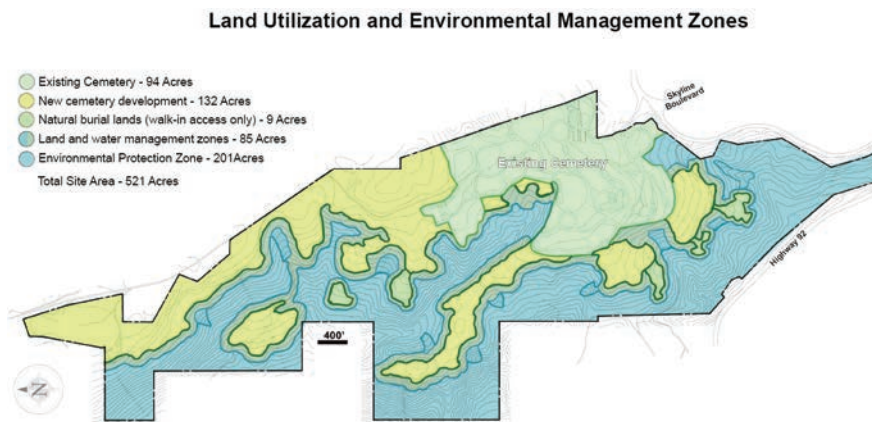
### Communication and Expertise

Step one was to get clarity on the state and local approval agencies' expectations. This could only be done with face-to-face communication. It is far better to hear what you don't want to hear in a closed conference room before developing plans than to hear it in a public meeting after you have paid for plans (even if preliminary).

Step two was to assemble the team of experts necessary to address the full scope of the issues and requirements. It doesn't hurt to have your lawyer listen to the discussions and to understand the issues and perspectives, but if done properly you will not need

### Land Utilization & Environmental Management Zones

The Environmental Management Zone allowed for maximum cemetery development while ensuring the long term protection of the Permanent Preservation Land required for the site plan approval. *(Illustration courtesy of Jack Goodnoe)*



legal services to resolve conflicts.

### Communication

So how do you do this? It is amazing how appreciative the agencies and special interest groups are to be contacted and invited to discuss their goals and concerns. More and more, I am finding that planning staff members will welcome informal discussions before and during the planning process because it is also in their best interest to be informed and on top of the process when it goes public. This upfront communication provides hard data on 1.) What unwritten concerns and goals lie behind the ordinances in the individuals' minds and 2.) Who are the real decision makers in the process?

The agencies and special interest groups need to be made part of the process so that the formal approvals are merely a confirmation of what they have already seen, helped craft and have agreed to in a cooperative work-



ing environment. They will not only support the proposal, but I have seen them become proponents on the cemetery's behalf because they themselves have contributed to and are invested in the plan.

It has to be understood that this is not a process of capitulation by the cemetery but rather a creative meeting of the minds. Most silly zoning requirements are based upon some premise that has the interests of the community or the environment at heart. Your proposals must satisfy these premises

without sacrificing economic viability. There are usually creative ways to do this that will be acceptable. As an example, at Skylawn we placed development in a very visible and contentious area by proposing earth sheltered burial structures. This also allowed us to use steep land that might have otherwise been restricted. In this case it was views of new development from public roads that concerned them more than the density of development.

## Expertise

Your cemetery development area is probably not 500 acres in size, but the process is the same for a one-acre, a five-acre or a 50-acre site. Begin the planning with a thorough analysis of the natural and man-made conditions of your cemetery. At the same time, you need to have a clear idea of what you want out of new development in terms of goals and program elements. If this has not been quantified and documented at least as goals, do so. But do not spend time or money developing a plan until you have reached agreement internally and with your consultants on the two factors that will shape the design of a new development plan: site conditions and market goals.

The consulting team on the Skylawn project was extensive (and yes, read expensive). But this is a very large and

very complex site. Most projects are not as complex, but this cemetery is a good example because it had all the elements of a site plan approval that you may encounter.

The important point is that the cemetery staff achieved a plan that is quite aggressive and that meets all of their goals with no objections from agencies or the public, and with no need to redo design or engineering plans or to repeat submittals and public reviews. The process and costs were managed and predictable, and in the end were far less costly in both time and money than a contentious approval process with multiple submittals and antagonistic public meetings. Your consulting team may be smaller, but the process is the same.

Critical to this success was the fact that Skylawn also took the initiative to reach out to the special interest groups and invited the individual who could best represent the environmental perspectives of all of these groups to be a member of the planning review team along with representatives from the county planning department. These individuals participated as team members during the team's progress review meetings.

The multidisciplinary consulting team for Skylawn performed research and field analysis and then documented

the key factors of slope conditions, surface drainage patterns, vegetation and sensitive habitat, gross geology and soil conditions, wetlands and required buffers, earthquake lines and setbacks and man-made constraints such as utility right of ways, and the coastal management zone. These factors were combined on a summary analysis plan (usable and sensitive lands). We knew we would not be allowed to develop the sensitive lands. This plan demonstrated that we clearly understood the resources that need to be protected. This was the first step in defining the developable lands and the required Preservation Open Space. These were facts, and there was no room for argument either way. We gained the confidence of the agencies and the environmentalists, because we understood and appreciated their concerns and their objectives.

The next step was to develop a strategy for ensuring that cemetery development would never harm the preservation lands. Once the logical limits of development had been established and agreed upon, a land and water management zone was established. This was not an arbitrary dimension (as is usually the case with wetland buffers) but rather a function-based zone determined by the experts on the team. This management zone is

where grading could occur to create more usable areas for burial on sloped land, and where storm water runoff from new development could be controlled before running downhill and causing damage in the preservation zone.

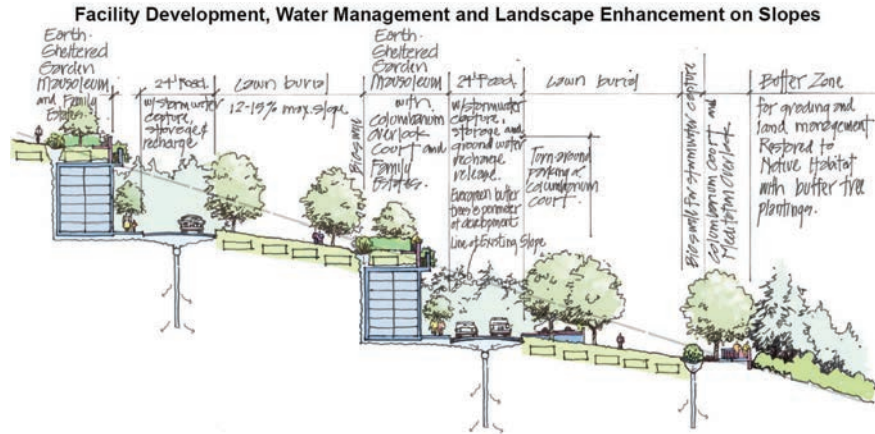
On ridgelines where there is little need to change the grade and minimal stormwater runoff to capture, the management zone could be narrower. In drainageways where storm water collects and sensitive habitat is present the management zone is larger. Because storm water and habitat are concentrated in the drainageways, the buildable zone could be maximized for cemetery development.

The agencies and the environmentalists were now in support of Skylawn’s overall land use and land management strategies, and they accepted the limits of the required permanent open space (a little more than 200 acres).

Only after this “informal,” yet critical, approval was the cemetery development master plan created. We knew that as long as we stayed within the development zone the master plan could be approved. Future development projects can now reference this master plan and will only need to establish sound grading and water management designs within the management zone to achieve approval. At the final public approval

### Typical Slope Development

Negotiated development of steep slopes utilizes terracing with earth-sheltered garden mausoleums and an integrated water management system. (Illustration courtesy of Jack Goodhoe)



meeting the planning department voiced complete support for the plan, and there was not one objection from the public.

### Phasing and Traffic

There are two important footnotes about the approval process. First, master plans for commercial development are typically implemented within an average of two to five years. It is important to make clear to the public that a cemetery master plan may take 25, 50 or even 100 years to be built out. Be sure to provide a clear phasing strategy with estimated time frames for implementation as

part of the documentation.

Second, most master plan approval processes will raise the question of increased traffic flows. Cemeteries are unique in that the volume of traffic is reasonably constant over the life of the cemetery. Visitation rates taper off and typically cease after seven (plus or minus) years. So even with very positive sales activity a cemetery’s rate of burial and visitation remain fairly constant. This is unlike a shopping center or housing development that suddenly adds hundreds of cars to existing roads. You may need a traffic consultant to prove this statistically, but the message is always a good one. ❖