

RESOLUTION NO. BOS-2020-33

RESOLUTION OF THE BOARD OF SUPERVISORS CERTIFYING AN ENVIRONMENTAL IMPACT REPORT; ADOPTING A MITIGATION MONITORING OR REPORTING PROGRAM; GRANTING A USE PERMIT, CEMETERY PERMIT, ARCHITECTURE AND SITE APPROVAL, DESIGN REVIEW, BUILDING SITE APPROVAL, AND GRADING APPROVAL; AND DENYING APPEALS FOR THE CORDOBA CENTER PROJECT AT 14045 MONTEREY ROAD, SAN MARTIN, UNINCORPORATED SANTA CLARA COUNTY

(County File No. PLN16-2145)

WHEREAS, in 2016, the South Valley Islamic Center (“Applicant”) filed an application with the County of Santa Clara (“County”) for a Use Permit, Architecture and Site Approval (ASA), Design Review (DR), Building Site Approval, Grading Approval, and a Cemetery Permit to establish a Religious Institution and a Cemetery on an approximately 15.8-acre site at 14045 Monterey Road, San Martin within the unincorporated area of Santa Clara County (the “Project”);

WHEREAS, the Project proposes the following site improvements: an approximately 9,000 square foot (s.f.) hall for religious worship with a height not to exceed 35 feet; 14,500 s.f. multi-use building; 15,000 s.f. community plaza; 2,500 s.f. maintenance building; 3,380 s.f. caretaker’s residence; 3.55 acre cemetery for a maximum of 1,996 graves; 0.40-acre youth camp consisting of two 290 s.f. bathhouses and 14 wooden tent platforms; and, 0.6-acre orchard;

WHEREAS, the Project property has a General Plan designation of Rural Residential, is located within the San Martin Planning Area and the San Martin Industrial Use Permit Area, and is zoned Rural Residential with a 5-acre minimum lot size overlay and Design Review overlay (RR-5ac-d1) with the eastern half of the site including an overlay zone for being located within the San Martin Use Permit Area (-sm);

WHEREAS, on December 12, 2016, the County prepared and distributed a Notice of Preparation to solicit input from public agencies and the general public on a draft environmental impact report for the Project and a Draft Environmental Impact Report (DEIR) was prepared for the Project pursuant to the California Environmental Quality Act (CEQA), and circulated for a 60-day public review and comment period starting on May 30, 2018 and ending July 30, 2018;

WHEREAS, the Final Environmental Impact Report (FEIR) for the Project was published on April 23, 2019, and together with the DEIR, constitutes the Environmental Impact Report (EIR) for the Project;

WHEREAS, at its May 23, 2019 regular meeting, the Planning Commission held a duly-noticed public hearing regarding the Project during which it considered the EIR, all public testimony and written commentary, and all other oral and documentary evidence, all persons wishing to testify were heard and the matter was fully considered;

WHEREAS, at its regular meeting on May 23, 2019 the Planning Commission voted unanimously to certify the EIR and to continue the hearing on the Project to August 22, 2019, for staff to provide recommendations on a reduced sized project;

WHEREAS, at a special meeting on August 22, 2019, the Planning Commission held a duly-noticed public hearing and continued to hear testimony and deliberated on the Project, and voted 5-2 to approve the Use Permit, ASA, DR, Building Site Approval, and Grading Approval and voted 7-0 to forward a favorable recommendation to the Board on the Cemetery Permit;

WHEREAS, on September 4, 2019, the People's Coalition for Government Accountability (PCGA) filed an appeal with the Department of Planning and Development ("Department") of the Planning Commission's August 22, 2019 action to approve the Use Permit, ASA, DR, Building Site Approval, and Grading Approval;

WHEREAS, on September 9, 2019, the San Martin Neighborhood Alliance (SMNA) filed an appeal with the Department of the Planning Commission's August 22, 2019 action to approve the Use Permit, ASA, DR, Building Site Approval, and Grading Approval;

WHEREAS, at its December 17, 2019 regular meeting, the Board of Supervisors ("Board") held a duly-noticed public hearing regarding the PCGA and SMNA appeals during which it considered the Project EIR, the Project, all public testimony and written commentary, and all other oral and documentary evidence, and all persons wishing to testify were heard and the matter was fully considered;

WHEREAS, after considering all of the oral and documentary evidence relating to the PCGA appeal and SMNA appeal, the Board declared its intent to deny the PCGA appeal and SMNA appeal, certify the EIR, adopt the Mitigation and Monitoring and Reporting Program ("MMRP"), and grant the Use Permit, ASA, DR, Building Site Approval, Grading Approval, and Cemetery Permit with modified Use Permit conditions of approval 15.h and 16 to include a ten-year comprehensive groundwater monitoring report to confirm the modeling for the burials allowed per year is appropriate and adjust as necessary; and,

WHEREAS, the Use Permit conditions of approval have been modified to reflect the Board's direction, and these modifications are reflected in the consolidated Conditions of Approval attached hereto as Exhibit 1.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Clara, State of California, that the Board finds and determines all of the following based on substantial evidence in the record:

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THE BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING FINDINGS WITH RESPECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Section 1. Recitals

The Board hereby finds that all of the foregoing recitals are true and correct.

Section 2. Certification of EIR

The Board hereby finds, declares, and certifies as follows:

- A. The EIR for the Project consists of the Draft EIR (“DEIR”) dated May 30, 2018 and the Final EIR (“FEIR”) dated April 23, 2019. Both documents are collectively referred to as the “EIR” in this Resolution. The EIR is incorporated by reference in this Resolution.
- B. The EIR was prepared by County staff and consultants to the County and reflects the County’s independent judgment and analysis regarding all matters stated therein.
- C. The EIR was prepared and completed in compliance with all applicable provisions of CEQA.
- D. The information contained in the FEIR does not constitute significant new information requiring recirculation of the Project EIR because it did not change the EIR in a way that deprived the public of a meaningful opportunity to comment on any substantial adverse environmental effects of the Project or any feasible ways to mitigate or avoid such effects. The information in the FEIR merely clarifies and amplifies the impact analyses and mitigation measures previously discussed in the DEIR.
- E. The EIR has been presented to the Board, and the Board has reviewed and considered the information contained therein before approving the Project.
- F. In taking action on the Project, the Board reviewed and considered the information contained in the EIR, the various staff reports and material cited therein, all oral and written testimony received from members of the public and any other interested parties, and additional information contained in reports, correspondence, studies, proceedings, and other matters of record included or referenced in the administrative record of these proceedings.
- G. The administrative record upon which the Board’s decision is based includes, but is not limited to, the following:
 - 1. The EIR;
 - 2. The reports and other documents cited as reference in the EIR;
 - 3. All oral, written, and electronic evidence submitted to the County prior to the close of the County’s hearings on the Project;

4. All documents constituting the record pursuant to Public Resources Code section 21167.6; and,
5. All matters of common knowledge to this Board including, but not limited to, state and federal laws and regulations and County policies, ordinances, guidelines and regulations.

The administrative record for the Project is located in the Office of the Clerk of the Board of Supervisors and in the County Department of Planning and Development—Planning Division. The custodian of documents for the administrative record is: Megan Doyle, Clerk of the Board of Supervisors, 70 W. Hedding Street, 10th Floor, East Wing, San José, California 95110.

Section 3. CEQA Findings

The Board has read and considered the EIR, has considered each potential environmental impact of the Project, and has considered each mitigation measure and alternative evaluated in the EIR. In accordance with the requirements of CEQA and the CEQA Guidelines promulgated pursuant thereto, the Board hereby makes the following findings based on substantial evidence in the record:

A. Potentially Significant Environmental Impacts. The EIR analyzes all of the Project's potentially significant environmental impacts. The Project has the potential to directly and/or indirectly significantly impact the following environmental resources: aesthetics and visual resources, cultural resources, biological resources, hydrology and water quality, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, transportation and circulation, and greenhouse gas emissions. The Project's potentially significant impacts are summarized on pages 1-6 through 1-24 of the DEIR, as revised in section 3.0 of the FEIR, and more thoroughly discussed in sections 4.1 through 4.7 of the DEIR. Based on information in the EIR and other documents in the record, the Board finds that the Project does not have the potential to cause any significant environmental impacts other than the impacts identified in the EIR.

B. Impacts That Cannot be Avoided or Mitigated to Less-Than-Significant Levels. The environmental impact of the Project that cannot be avoided or mitigated to less-than-significant levels, despite the adoption and implementation of all feasible mitigation measures and alternatives, is Impact 4.7-1 related to Project-generated greenhouse gas (GHG) emissions. The Project would have GHG emissions that would result in a significant impact and a considerable contribution to cumulative emissions related to global climate change and conflict with State GHG reduction targets established for 2030 and 2050. Mitigation Measure 4.7-1 would require implementation of a series of GHG reduction and compensation measures included in a GHG-reduction plan that would be reviewed and approved by the County prior to issuance of grading permits. Implementation of the GHG reduction plan would reduce net project-related GHG emissions. However, because of the current uncertainty over the applicable threshold for a project of this type due to the transition in regulatory standards, and given uncertainty over whether GHG reductions through current offset programs are reliable and verifiable, it cannot be guaranteed that the project would not generate GHG emissions that conflict with California Air

Resources Board's (CARB) proposed 2017 Scoping Plan Update and the established statewide GHG reduction targets it is designed to achieve, which serve as thresholds of significance under CEQA. As a result, it cannot be assumed that even with implementation of Mitigation Measure 4.7-1, the Project's GHG emissions would be reduced to a less-than-significant level.

C. Impacts Avoided or Mitigated to Less-Than-Significant Levels. Except for the significant and unavoidable GHG emissions impact identified in Section 3.B above, all of the Project's potentially significant environmental impacts can and will be mitigated to less-than-significant levels through adoption and implementation of mitigation measures identified in the EIR and set forth in the Mitigation Monitoring or Reporting Program attached hereto and adopted pursuant to Section 4 below. The post-mitigation level of each of the Project's environmental impacts is set forth in Table 1-2 of the DEIR (pages 1-6 through 1-24).

D. Alternatives Analyzed in EIR. The EIR analyzes a reasonable range of alternatives to the Project sufficient to foster public participation and informed decision-making and to permit a reasoned choice, and the EIR adequately discusses and evaluates the comparative merits of those alternatives. Of the four alternatives assessed in the EIR, the environmentally superior alternative is the No Project Alternative. Section 15126.6(e)(2) of the CEQA Guidelines provides that, if the environmentally superior alternative is the no project alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Among the other alternatives, the Local-Serving Threshold Alternative (Alternative 2) would also be environmentally superior.

The Project proponent is the South Valley Islamic Center (SVIC), which currently has approximately 400 members. The purpose of the Project is to provide an Islamic worship and cultural center for Muslim residents in the southern portion of the Santa Clara Valley, the SVIC's stated objectives for the Project are as follows:

1. Provide a financially self-sustaining religious and cultural facility for members of the Muslim faith who reside in the south Santa Clara County area, including the cities of Gilroy and Morgan Hill;
2. Meet the worship and social support needs of local Muslim residents of all ages;
3. Provide a mosque for worship and related spiritual services, a cemetery for internment of deceased members of the congregation, a separate community building for social and educational activities, and necessary support uses including a caretaker's dwelling and a maintenance building;
4. Develop adequate space to accommodate religious activities and administrative functions of the facility while respecting and preserving the natural aesthetic and heritage of the site;
5. Provide a buffer planted with trees, including orchard trees, to act as a visual and noise barrier between Monterey Highway and the mosque, to moderate the visual

appearance of project development from offsite views, and to enhance the sense of “sanctuary” at the facility; and,

6. Provide facilities sized to accommodate attendance projections for the growing SVIC community through at least 2030.

Each of the alternatives addressed in the EIR are further described below as are the reasons the Board may reject each of the alternatives. For all alternatives, the Board may find that the alternatives are financially infeasible because no alternative will accommodate the entirety of the South Santa Clara Valley Muslim community’s goals and provide a financially self-sustaining religious and cultural facility. The Board may also find that if any alternative constrains the size such that it impedes a religious assembly’s ability to adequately congregate, then the alternative would be legally infeasible.

1. *No Project Alternative.* CEQA Guidelines Section 15126.6(e) (1) requires that a “no project alternative be described and analyzed “to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project.” In this case, there are no other applications submitted that would result in development of the project site; therefore, the No Project Alternative assumes that no development would occur on the project site and that it would remain in an undeveloped state into the foreseeable future. Thus, it would result in no environmental impacts.

The Board finds that this alternative would preclude the construction of any facilities serving as an Islamic worship and cultural center for Muslim residents in the southern portion of the Santa Clara Valley and, therefore, would not meet any of SVIC’s project objectives.

2. *Alternative 2: Local-Serving Threshold Alternative.* This alternative would involve development of a religious center proposed at the 75th percentile value in the County’s Local Serving Data document (adopted by the Board of Supervisors on October 20, 2015), which is part of the local-serving use determination set forth by the Zoning Ordinance (Section 2.20.090). As identified in the Local Serving Data document, for Institutional Uses within the Rural Residential (RR) District, the 75th percentile daily attendance is 50 people, event attendance is 220 people, and the 75th percentile floor area is 6,150 s.f. Therefore, the Local-Serving Threshold Alternative includes a mosque and community building that would be 6,150 s.f., with an attendance of 50 people on a day-to-day basis and 220 people during special events. The primary structures associated with the proposed project—the mosque, community center building, and camp restrooms—have a combined floor area of nearly 24,000 s.f. Therefore, this alternative’s primary structures would be nearly 75 percent smaller than the proposed project. This alternative assumes the same accessory uses as the proposed project (i.e., maintenance building, caretaker residence, cemetery, summer camp), although some facilities, such as parking and recreational areas, are assumed to be commensurately smaller (75 percent) than the proposed project.

This alternative would not eliminate the impacts of the project requiring mitigation; therefore, the same mitigation measures listed in the MMRP for the proposed Project would apply. Although implementation of this alternative would reduce GHG emissions as compared to the proposed Project, this impact would still be significant and unavoidable due to ambiguity regarding the applicable GHG emissions significance threshold for this type of project, unsettled regulatory standards, and uncertainty regarding whether GHG emissions reductions from current offset programs are reliable and verifiable.

The Board finds that due to the much smaller size and level of attendance imposed by this alternative, it likely would not meet project objectives 1, 2, 4, and 6. It would provide space for only 50 people for daily attendance and 200 people for event attendance, and would not accommodate the anticipated growth of the community by 2030. The size and attendance restrictions also would likely result in fewer donations and other sources of revenue, thereby jeopardizing SVIC's ability to generate sufficient revenue to cover the facility's ongoing operational costs.

3. *Alternative 3: 25 Percent Reduced Intensity Alternative.* This alternative involves a 25 percent reduction in the size of the proposed building footprints of the mosque and the community building, and a commensurate 25 percent reduction in the projected number of attendees. The total floor area of the mosque and community building would be reduced to 17,615 s.f. (from the proposed Project's 23,486 s.f.). Maximum daily attendance would be 225 persons and maximum special event attendance would be 375 persons. It is assumed that the overall site layout would be similar to the proposed Project and that the accessory uses (cemetery, campground, maintenance building, playground, and caretaker residence) would not change substantially. This alternative would not eliminate the impacts of the proposed Project requiring mitigation; therefore, the same mitigation measures listed in the MMRP for the proposed Project would apply. With smaller structures and fewer attendees, this alternative would consume less energy and generate fewer vehicle miles traveled (VMT) and would therefore result in lower GHG emissions than the proposed Project. Assuming that GHG emissions would be commensurately smaller, this alternative's GHG emissions would be expected to total approximately 884 MT CO₂e/year, which still exceeds both the adjusted 2030 bright-line threshold of 660 MT CO₂e/year (a 40 percent reduction of the current bright-line threshold of 1,100 MT CO₂e to achieve a 40 percent reduction below 1990 levels by 2030), and the 19.6 MT CO₂e/year adjusted service population threshold (2.83 MT CO₂e/SP/year adjusted down from the current service population efficiency metric of 4.6 MT CO₂e/SP/year for the 2020 target to the 2030 emission target based on future growth and emissions projections). Therefore, this impact would still be significant and unavoidable for the same reasons as the proposed Project.

The Board finds that although a 25% reduction in the square footage of the mosque and community building—by itself—might not impair attainment of the

project objectives, the 25 percent reduction in the number of attendees—maximum daily attendance of 225 persons and special event attendance of 375 persons—would substantially impair the alternative’s ability to achieve project objectives 1, 2, and 6. Although to a lesser extent than Alternatives 2 and 4, these attendance restrictions would likely result in fewer donations and other sources of revenue, thereby jeopardizing the SVIC’s ability to generate sufficient revenue to cover the facility’s ongoing operational costs.

4. *Alternative 4: 50 Percent Reduced Intensity Alternative.* The 50 Percent Reduced Intensity Alternative involves a 50 percent reduction in the size of the proposed building footprints of the mosque and the community building and a commensurate reduction in the projected number of attendees. This alternative is approximately midway between the building footprint and attendance levels analyzed in Alternatives 2 and 3. Under this alternative, the total floor area of the mosque and community building would be reduced to 11,743 s.f. (from the proposed Project’s 23,486 s.f.). Maximum daily attendance would be reduced to 150 persons and maximum special event attendees would be 250 persons. It is assumed that the overall site layout would be similar to the proposed Project, and that the accessory uses (cemetery, campground, maintenance building, and playground) would be somewhat smaller, but that the caretaker residence would be of similar size. This alternative would not eliminate the impacts of the proposed Project requiring mitigation; therefore, the same mitigation measures listed in the MMRP for the proposed Project would apply. With substantially smaller structures and fewer attendees, this alternative would consume less energy and generate fewer vehicle miles traveled (VMT) and would therefore result in substantially lower GHG emissions than the proposed Project. This alternative’s GHG emissions would total 589 MT CO₂e/year, which would be below the adjusted 2030 bright-line threshold of 660 MT CO₂e/year but would still exceed the 19.6 MT CO₂e/year adjusted service population threshold. Therefore, this impact would still be significant and unavoidable for the same reasons as the proposed Project.

The Board finds that due to the much smaller size and level of attendance imposed by this alternative, it likely would not meet project objectives 1, 2, 4, and 6. Under this alternative, the total floor area of the mosque and community building would be reduced to 11,743 square feet, and maximum daily attendance would be reduced by 150 persons, with only 250 attendees at special events. These restrictions clearly would not accommodate the anticipated growth of the community by 2030. These size and attendance restrictions would likely result in substantially fewer donations and other sources of revenue, thereby jeopardizing SVIC’s ability to generate sufficient revenue to cover the facility’s ongoing operational costs.

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E. Environmentally Superior Alternative. The environmentally superior alternative is the No Project Alternative. Section 15126.6(e)(2) of the CEQA Guidelines provides that, if the environmentally superior alternative is the no project alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Among the other alternatives, the Local-Serving Threshold Alternative (Alternative 2) would also be environmentally superior.

F. 25 Percent Reduced Size (Square Footage) Option. At its May 23, 2019 Planning Commission (“Commission”) hearing on the proposed Project, the Commission expressed concerns about the size of the Project and potential inconsistencies with County General Plan policies, and consequently the inability to make the General Plan conformity findings necessary to grant a use permit. The Commission directed staff to provide additional information regarding a reduced-size project. The Commission specifically referenced the 25 percent and 50 percent reduced-size project alternatives evaluated in the EIR (Alternatives 3 and 4, respectively). Staff provided the requested information for the Commission’s consideration at its August 22, 2019 meeting. Alternatives 3 and 4 are Option 1 and Option 2 in the August 22, 2019 staff report to the Commission. In addition to information about Alternatives 3 and 4, staff also provided information about a “25 Percent Reduced Size Option”—referenced as Option 3 in the staff report—that would limit the size of the mosque and community building to 17,615 s.f., but would not reduce the Project’s maximum attendance. Staff’s rationale for developing the 25 Percent Reduced Size Alternative was in response to Commission members’ concerns related to the size of the facilities, not the number of persons visiting the facilities.

The 25 Percent Reduced Size Option was not required to be included in the EIR for the Project and does not include “significant new information” requiring recirculation of the EIR pursuant to CEQA Guidelines section 15088.5. This option is not considerably different from the proposed Project and alternatives analyzed in the EIR, nor would it clearly lessen the Project’s environmental impacts. As the table below demonstrates, the 25 Percent Reduced Size Option falls within the range of alternatives and proposed Project evaluated in the EIR. It would not mitigate or avoid the significant impacts of the proposed Project. The same mitigation measures listed in the MMRP for the proposed Project would apply. Nor would the 25 Percent Reduced Size Option have any effect on the proposed Project’s sole significant and unavoidable impact related to GHG emissions because it would not affect the number of attendees or VMT. Consistent with the proposed Project, this option would satisfy the Project objectives and should accommodate the entirety of the South Santa Clara Valley Muslim community and provide a financially self-sustaining religious and cultural facility.

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Project	Total Floor Area in Square Feet of Mosque and Community building	Maximum Daily Attendance	Maximum Special Event Attendance
Proposed Project	23,500 square feet	300	500
Alternative 2 – Local Serving Threshold	6,150 square feet	50	220
Alternative 3 (Option 1) – 25% Reduced Size and Intensity	17,615 square feet	225	375
Alternative 4 (Option 2) – 50% Reduced Size and Intensity	11,743 square feet	150	250
25% Reduced Size (Option 3)	17,615 square feet	300	500

The purpose of the 25 Percent Reduced Size option was to address the Commission’s concerns regarding the proposed Project’s compliance with the County General Plan; this alternative would not mitigate or avoid the proposed Project’s significant impacts.

G. Finding Regarding Mitigation or Avoidance of Impacts. With the adoption of mitigation measures, changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid all of the Project’s potentially significant environmental effects except the unavoidable related to GHG emissions (Impact 4.7-1) as discussed in Section 3.B, above.

H. Mitigation Measures for Which Other Agencies are Responsible. Those changes or alterations that are partially or wholly within the responsibility and jurisdiction of other public agencies and that can and should be adopted by those other agencies include the following:

1. *Mitigation Measure 4.7-1:* This mitigation requires the property owner to reduce the construction and operations-related incremental increase in greenhouse gas emissions to below 2.8 MT of CO₂/year/service population or an applicable project-level threshold substitute provided by Bay Area Air Quality Management District (“BAAQMD”) in consultation with the County Planning Office. If the property owner cannot achieve this, it must offset all remaining incremental emissions in coordination with the BAAQMD. Therefore, the implementation of this mitigation measure is partially within the responsibility and jurisdiction of BAAQMD.

I. Statement of Overriding Considerations. With respect to the significant and unavoidable environmental impact regarding GHG emissions identified in Section 3.B above, the Board finds that all feasible mitigation measures and alternatives have been adopted and that, pursuant to Public Resources Code section 21081(b), there are specific overriding economic, legal, social, technological and other benefits of the Project that outweigh the significant effect on the environment. These benefits, which will accrue to the County of Santa Clara and the general public as well as the Applicant, warrant approval of the Project notwithstanding the Project's remaining significant impact, and include the following:

1. Currently, the nearest formal place of worship for members of the South Santa Clara County Muslim community is the South Bay Islamic Association's mosque in downtown San José, and the nearest Islamic cemetery is in the City of Livermore. The proposed Project would serve the religious and cultural needs of the Muslim community in South Santa Clara Valley that are not being met by existing dedicated facilities.
2. The addition of a local religious and cultural facility for members of the Muslim faith in the South Santa Clara Valley area will support continued interfaith dialogue and religious tolerance in the community. The County of Santa Clara seeks to build a more equitable and peaceful community for all County residents by taking positive action to eliminate prejudice and discrimination based on race, religion, national origin, cultural background, sex, sexual orientation, age, disability or other facts. The addition of the local religious and cultural facility will further this goal.
3. Because the South Santa Clara Valley Muslim community is multi-ethnic, comprising members of different nationalities, ethnicities, and races, the religious and cultural facility will further promote diversity and cultural/religious tolerance, which is a hallmark principle of the County of Santa Clara.
4. In addition, for the reasons stated in Section 3.D., above, the Board finds that none of the alternatives evaluated in the EIR for the Project are feasible.

Section 4. Adoption of Mitigation Monitoring or Reporting Program

Pursuant to Public Resources Code section 21081.5, the County has prepared a Mitigation Monitoring or Reporting Program ("MMRP") dated April 2019 that provides for implementation, monitoring, reporting, and enforcement of all conditions and mitigation measures adopted to mitigate and/or avoid the Project's significant environmental impacts. The MMRP is attached hereto as Exhibit 2 and incorporated herein. The mitigation measures in the MMRP are identical to those proposed in the EIR. The Board hereby adopts and approves the MMRP.

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THE BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING FINDINGS WITH RESPECT TO THE USE PERMIT PURSUANT TO SECTION 5.65.030 OF THE COUNTY ZONING ORDINANCE:

- A. *The proposed use conforms with the general plan, with the zoning ordinance, and with all other standards and guidelines applicable to the proposed use that have been adopted by the Planning Commission or Board of Supervisors.*

Per the analysis in Exhibit 3, "General Plan Consistency Matrix," the Project (the Religious Institution, Cemetery, and ancillary facilities) has been determined to conform with all applicable County General Plan policies subject to the Conditions of Approval. As described further below, the Project is consistent with all other applicable policies and standards, including the standards and findings within the Zoning Ordinance required to approve Local Serving Uses, and the San Martin Integrated Design Plan and Guidelines. In accordance with section 2.20.090 of the Zoning Ordinance, a Rural Resources Impact Study (RRIS), attached hereto and incorporated herein as Exhibit 4, has been prepared for the Project and the Project conforms to the requirements of section 2.20.090. The Project is also consistent with the San Martin Integrated Design Plan and Guidelines, as set forth in Exhibit 5, which is attached hereto and incorporated herein.

- B. *The site is adequate for the proposed use, including but not limited to being of adequate size and shape to accommodate all facilities and development features to integrate the use into the surrounding area and to provide any necessary or appropriate buffers between the use and the surrounding area.*

The approximately 15.8-acre site is adequate for the proposed use.

The Project site abuts Monterey Road, just north of the intersection with California Avenue. Generally, land uses to the south and west of the project site consist of rural residences and associated farming, and land to the east, across Monterey Road and a railroad track, is developed use for industrial purposes. The closest residence to the site is located over 350 feet away from the Project site boundaries. Adequate buffer is provided along Monterey Road consisting of a landscape berm and an orchard, proposed by the Applicant, to screen visibility of the onsite improvements. In addition, the Applicant has submitted a landscaping plan showing the installation of trees along the southern and eastern boundaries of the property, to soften public views of the site and better integrate the use into the surrounding area.

In addition to the proposed landscaping by the Applicant, the EIR has identified additional mitigation measures requiring that the landscaping use evergreen plantings of sufficient height, depth, and location that all Project structures as well as the youth summer camp will be screened from public views from Monterey Road and California Avenue. The Project also meets the minimum required setbacks of 30 feet for all structures and includes a 150-foot buffer from top of bank of Llagas Creek.

The cemetery will encompass approximately 3.5 acres of the site and will be placed along the face of the existing hillside along the northwestern portion of the site. Although there will be minor grading to allow terracing and an installation of a road to allow access to the gravesites, the cemetery area will predominantly serve as open space and will be installed, in conformance with the Conditions of Approval, to conform with the existing natural terrain of the hillside. As described in the EIR and as shown in the Mitigation Measures and Conditions of Approval, requirements have been applied that require that the cemetery install burials at a rate that minimizes potential impacts to groundwater that could affect the surrounding area. Groundwater monitoring wells will be installed onsite to continually monitor groundwater levels for nitrates to verify that the burials are not impairing groundwater quality.

- C. *The proposed use, by its nature, scale, intensity or design, will not impair the integrity and character of the zoning district and will not be significantly detrimental to any important and distinctive features of the site's natural setting.*

The Project site is within the Rural Residential zoning district and the eastern half of the site is located within the San Martin Industrial Use Permit Area. As described in the Zoning Ordinance, the intent of the Rural Residential zoning is to permit rural residential development in certain limited unincorporated areas of the County and to allow the establishment of commercial, industrial, and institutional uses that are sized to be local-serving in nature. The intent of the San Martin Industrial Use Permit Area is to make provision for the maintenance and development of such light industrial uses to benefit the community through the appropriate discretionary permitting procedures.

The Project site is vacant, and the natural setting is predominantly covered by grassland. A bedrock ridge, with a maximum elevation of approximately 100 feet above the lowest areas on site, spans the northern boundary of the Project site and is the most important and distinctive feature of the site's natural setting. This ridge separates the project site from a wooded riparian area associated with Llagas Creek and a pond along Llagas Creek called Atherton Way Hidden Pond.

The proposed development of the religious institution and cemetery use will not be significantly detrimental to the important and distinctive features of the site's natural setting, consisting of the 100-foot tall bedrock ridge and adjacent Llagas Creek. The majority of improvements and building development will be located on the flat grasslands portion of the property including the mosque, community building, maintenance building, parking lots, and caretaker's residence, avoiding impacts to the bedrock ridge. The summer camp improvements are proposed on the bedrock ridge; however, grading and infrastructure improvements associated with these uses are minimal, and would not be significantly detrimental to this hillside area. Grading for the cemetery would require terracing but the natural, open space quality of the ridge will be maintained as no structures would protrude above the graves and the area would be planted with native grasses and gravel pedestrian paths. Permanent building improvements are minimal in nature as the bathhouses associated with the summer camp are 290 s.f. each, and the tents are to remain only during the summer season. The tents have been conditioned to be of a natural color and material so as to blend with the surrounding area.

All proposed onsite improvements, including the seasonal summer camp facilities at the top of the ridge, will be located more than 150 feet away from Llagas Creek, consistent with County General Plan Riparian setback policies.

New perimeter landscaping is also proposed for visual screening of the facility from surrounding properties and Monterey Road.

In addition to the proposed landscaping by the Applicant, the EIR has identified a mitigation measure requiring that the landscaping use evergreen plantings of sufficient height, depth, and location that all Project structures as well as the youth summer camp will be screened from public view at the key viewpoint locations on Monterey Road and California Avenue.

D. *The proposed use would not be detrimental to public health, safety, or general welfare. In this respect, the Planning Commission shall further find, without limitation, that:*

1. *Adequate off-street parking, loading and unloading areas (if applicable), and handicapped access will be provided.*

The Project proposes 125 parking spaces, including 4 spaces to comply with Americans with Disability Act (ADA), to accommodate a maximum peak attendance of 300 people on a day-to-day basis, and up to 4 special events a year of up to 500 people. The Applicant's proposed parking of 125 spaces, assumes a 1 to 4 ratio, for the proposed 500-people special events. The County parking requirements (Zoning Ordinance section 4.30.040) for Religious Institution require 1 parking space per 4 fixed seats or 6 lineal feet of bench, and an additional space for each cleric and staff; and does not have a parking ratio for a cemetery use. Per Section 4.30.040 (D) of the Zoning Ordinance, the Board has discretion to require additional spaces if it determines that the nature of the use may need additional parking, or the roads adjacent to that use cannot accommodate any on-street parking.

The Project fronts Monterey Road which is a regional two-lane highway and does not allow for any on-street parking. There is also no designated on-street parking available on California Avenue, the closest cross street, located several hundred feet south of the Project's proposed driveway intersection with Monterey Highway.

The RRIS prepared for the Project includes a traffic study, prepared by Fehr and Peers, which references a parking standard for a 2.2 person per car trip generation rate for the evaluation. Based on the lack of onsite street parking and a recommended parking standard of one parking space per 2.2 persons in the project specific traffic study, this parking ratio (1 parking space / 2.2 persons) is recommended to be used for the Project.

The requirement of a parking space for every 2.2 people would require a minimum of 137 parking spaces for 300 persons (daily capacity), and 228 parking spaces for the 500 people special events.

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As the Project plans only show 125 spaces in the proposed parking lots, which would accommodate 275 people (at a 1 space / 2.2 person ratio), Conditions of Approval for the Project require the Applicant to prepare and implement a parking management plan that will be utilized for all events of over 275 people to ensure parking is adequately handled. This parking management plan would allow the Applicant to implement Traffic Demand Management measures such as carpooling or utilize an onsite valet service or a secured off-site parking location with shuttles. The Conditions of Approval require annual post approval monitoring for parking for the first five years, and once every five years thereafter, to monitor adequacy of parking for the proposed Project.

The Project has been conditioned to include five (5) Americans with Disabilities Act-compliant parking spaces, as required under the County's Zoning Ordinance. The Project includes loading and unloading areas and drop-off areas adjacent to the mosque and the community building that are adequate for the proposed use.

2. *Appropriately designed site access will be provided, including safe and adequate access for fire and emergency vehicles (including secondary access where deemed necessary by the Fire Marshal).*

Vehicle access to the site is proposed from Monterey Road through a driveway along the southern property line. Monterey Road is a 4-lane road with allowed traffic speeds of up to 50 miles per hour. Mitigation Measures described in the EIR and incorporated into the Project Conditions of Approval will restrict driveway access to right-turn in and right-turn out only. It would also require construction of a deceleration lane north of the driveway and an acceleration lane south of the driveway. These improvements would ensure that even with the increases in traffic volume, the project would not create a safety hazard.

The driveway from Monterey Road connects to the two parking lots located in the southeastern and southwestern areas of the site, a drop off zone south of the community plaza, and the 12-foot-wide cemetery and camp access road that would terminate at the summer camp site with a 64-foot-diameter turn-around. The 30-foot wide paved primary access road would have 10-foot-wide travel lanes separated by a 5-foot-wide landscaped median.

The Fire Marshal's Office has reviewed the Project and Conditions of Approval include onsite improvements to ensure safe and adequate access for fire and emergency vehicles. These conditions are included in the Project Conditions of Approval.

3. *The use will not adversely affect water quality. Adequate wastewater treatment, disposal and sanitation facilities will be provided and will satisfy all applicable local, state and federal requirements.*

The EIR identified potential impacts to water quality due to the design, installation and operation of the cemetery. The EIR determined that potential impacts to groundwater from installation of the cemetery can be mitigated to a less-than-significant-level through

implementation of several mitigation measures within the EIR that establish a maximum annual burial rate and a comprehensive groundwater monitoring program. These mitigation measures have been incorporated into the Conditions of Approval.

Wastewater is proposed for disposal through an onsite wastewater treatment system. The proposed onsite wastewater system is designed to incorporate a 20,000-gallon septic tank, a 20,000-gallon flow equalization tank metering up to 6,000 gallons per day, a 9,000-gallon pump tank, a supplemental treatment unit, and a total of 20,000 square feet drip dispersal field. The EIR reviewed the adequacy of the wastewater treatment system and includes mitigation measures to allow for a revised wastewater disposal plan that addresses soil saturation in the drip field area to meet the peak loading of the wastewater treatment system, as well as supplemental nitrogen treatment and effluent monitoring. These mitigation measures have been included as conditions of approval. The Department of Environmental Health has reviewed the proposed onsite wastewater system and the EIR mitigation measures and also conditioned the Project to meet all applicable requirements regarding wastewater disposal.

4. *The use will not be detrimental to the adjacent area because of excessive noise, odor, dust or bright lights.*

Noise: The Project is anticipated to be constructed over a 4-year period. The EIR identified a mitigation measure that would minimize stationary source (e.g., generators or air compressors) noise levels during construction to avoid significant impacts to adjacent residences. The EIR determined that traffic generated by the Project would not result in a substantial increase in traffic noise on Monterey Road. Operational noise sources associated with implementation of the Project would include indoor activities (daily prayer, youth Sunday classes, potluck dinners, special events) and outdoor activities (annual youth summer camp, playground activities, parking lot activities), which would occur during daytime and evenings. Amplified outdoor sound and outdoor call to prayer are not proposed. The closest residence is 350 feet southwest of the property. Noise modeling prepared for the EIR shows that Project-related activities would not generate noise levels that exceed the County's interior or exterior noise standards at the property line of the nearest residences with the exception of parking lot activity that could exceed the nighttime noise standard measured at the residential property line during the early morning or late evening hours. The EIR identified a mitigation measure, incorporated as a Condition of Approval restricting usage of the parking area within 120 feet of the property line, to prevent exceedance of the County's nighttime noise standard at nearby noise sensitive receptors.

Odor: The EIR found that the Project would not create objectionable odors affecting a substantial number of people. The diesel exhaust from the use of on-site equipment during construction activities would be intermittent and temporary and would dissipate rapidly from the source with an increase in distance. The Project's land use, Religious Institution, is not listed by the Bay Area Air Quality Management District (BAAQMD) as a land use requiring screening for odor impacts. Operation of the cemetery would not cause odor impacts because the depth of soil above the decomposing body is an effective barrier against escaping gases, and bodies decompose relatively quickly.

Dust: Dust would be generated by construction activities, such as grading. The Project would be below BAAQMD's construction-related screening size of 277,000 s.f. for the land use of Place of Worship. "Basic Construction Mitigation Measures" as specified by BAAQMD are incorporated in the Project design and would be implemented through the Project Conditions of Approval during construction to reduce fugitive dust emissions.

Bright Lights: Per the Project Conditions of Approval, all outdoor lighting shall use full cut-off lighting fixtures directed downwards to minimize spillover lighting and visibility. A lighting plan is required prior to final issuance of building permits. The EIR concluded that compliance with County requirements would avoid glare and illumination onto neighboring properties.

5. *The use will not substantially worsen traffic congestion affecting the surrounding area.*

The Project proposes one ingress/egress access driveway from Monterey Road. The Project was evaluated in the EIR for impacts on traffic congestion. A Traffic Study was prepared by Fehr and Peers, dated April 2017, that evaluated potential traffic impacts from the Project and the potential for the Project to worsen traffic congestion affecting the surrounding area. The Project would only add vehicles representing less than 7 percent of the weekday peak hour volume on Monterey Road, and these added vehicles would be dispersed with some traveling to the north and some to the south.

Since this segment of roadway operates at Level of Service B or better, Fehr and Peers concluded that operation of the Project would not change the Level of Service along Monterey Road, and nearby intersections would also continue to operate at acceptable levels. As such, the use will not substantially worsen traffic congestion affecting the surrounding area.

6. *Erosion on the site will adequately be controlled.*

Construction of the Project could alter surface flows by re-grading contours within the Project area by increasing the amount of impervious surfaces in the Project area. However, grading associated with the buildings and related improvements would be on the flat portion of the site near the south property line, and the cemetery would be terraced along the contours of the hill slope and hydroseeded with native grasses to prevent erosion. The Project would be subject to Santa Clara County's Policies and Standards Pertaining to Grading and Erosion Control. Additionally, the Applicant would be required to develop and implement a stormwater pollution prevention plan (SWPPP) as part of its National Pollution Discharge Elimination System (NPDES) permit for construction activities administered by the State Water Resources Control Board (SWRCB).

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The Project design features include a biofiltration swale and connected retention pond that has been designed to treat and detain stormwater and release runoff at a rate equal to the predevelopment flowrates for the 10- and 100-year design storms, which is consistent with the requirements of the County Drainage Manual. Overall stormwater discharge rate leaving the site will match predevelopment discharge rates. The biofiltration swale would be vegetated to capture sediments and biologically degrade pollutants carried by stormwater runoff.

In addition, terracing associated with the cemetery design would also likely slow stormwater runoff, which would reduce erosion potential. For these reasons, the EIR prepared for the project evaluated potential storm water impacts from the proposed project and concluded that Project development would not cause substantial soil erosion or loss of topsoil.

7. *Adequate storm drainage exists or will be provided and will comply with all applicable local, state and federal requirements.*

The storm drainage will be managed through the installation of drainage facilities onsite, including a proposed drainage retention pond with drainage inlets from the access driveway and parking lot, and grassy swales surrounding the proposed structures.

A biofiltration swale and connected retention pond is proposed to maintain off-site drainage discharges at pre-development rates for up to a 10-year storm event. Any runoff water resulting from the Project's development is proposed to be within the capacity of the proposed stormwater drainage systems.

The design of this system may concentrate the discharge to one location (southwest corner of the property) due to the design of the outlet, and has been conditioned to modify the design to represent existing sheet flows, to prevent any impacts to the neighboring sites. Based on community comments related to on-site saturation and ponding in the cemetery area, the Project has been conditioned to maintain positive drainage for the cemetery.

In compliance with the Project Conditions of Approval, final engineering plans with proposed storm drainage facilities will be submitted to County Land Development Engineering (LDE) for approval prior to final grading permit issuance, in accordance with the County Drainage Manual and the Project Conditions of Approval.

**THE BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING
FINIDNGS WITH RESPECT TO THE ARCHITECTURE AND SITE APPROVAL
PURSUANT TO SECTION 5.40.050 OF THE COUNTY ZONING ORDINANCE.**

- A. *Adequate traffic safety, on-site circulation, parking and loading areas, and insignificant effect of the development on traffic movement in the area.*

Vehicle access to the site is proposed to be provided from Monterey Road. An internal roadway would generally follow the southern boundary of the site, providing access to parking lots located in the southeastern and southwestern areas of the site, a drop off zone south of the community plaza, and the 12-foot-wide cemetery driveway and fire road that would terminate at

the summer camp site. The paved primary access road would have 10-foot-wide travel lanes separated by a 5-foot-wide landscape median. The parking and circulation for the development are consistent with the traffic study analysis of the EIR.

The EIR prepared identified a Mitigation Measure, incorporated into the project Conditions of Approval that restricts driveway access to right-turn in and right-turn out only on Monterey Road. It would also require construction of a deceleration lane north of the driveway and an acceleration lane south of the driveway on Monterey Road. These improvements would ensure that the project would not create a safety hazard.

B. Appearance of proposed site development and structures, including signs, will not be detrimental to the character of the surrounding neighborhood or zoning district.

The two main proposed structures, the mosque and the community building, are both designed in the California Mission style with stucco exterior and terra cotta tile roofs. All structures on the site are below the maximum allowed height of 35 feet. The remaining accessory buildings are designed to be consistent with the underlying zoning requirements. No new signs are proposed. These structures are subject to Design Review findings as discussed below, and conformance with the San Martin Integrated Design Plan and Guidelines (“Guidelines”). As set forth in Exhibit 5, attached hereto and incorporated herein, the Project is consistent with the Guidelines.

New perimeter landscaping is proposed by the Applicant for visual screening of the facility from surrounding properties and Monterey Road. In addition to the proposed landscaping, the EIR has identified additional mitigation measures, incorporated into the Project Conditions of Approval requiring that the landscaping use evergreen plantings of sufficient height, depth, and location that all Project structures as well as the youth summer camp will be screened from public view at the key viewpoint locations on Monterey Road and California Avenue. Adherence to these mitigation measures and conditions will ensure that the appearance of the Project will not be detrimental to the surrounding neighborhood or zoning district.

The cemetery will be placed along the face of the existing hillside along the northwestern portion of the site. Although there will be minor grading to allow terracing and an installation of a road to allow access to the gravesites, the cemetery area will predominantly be seen as open space and will be installed, in conformance with the Conditions of Approval, to conform with the existing natural terrain of the hillside.

C. Appearance and continued maintenance of proposed landscaping will not be detrimental to the character of the surrounding neighborhood or zoning district.

The Applicant has proposed planting of a 0.60-acre orchard along the northeastern portion of the site to screen views of the onsite buildings from Monterey Road. In addition, a row of trees would be planted along the southern property line to reduce visibility of the mosque and community center from California Avenue. The cemetery is proposed to be planted with native grasses similar to the existing natural landscape.

The EIR identifies a mitigation measure, incorporated into the Project Conditions of Approval, requiring installation of a landscaping plan that conforms to the Guidelines and that demonstrates thorough use of evergreen plantings of sufficient height, depth, and location that all Project structures as well as the youth summer camp will be screened from public views from Monterey Road and California Avenue, as demonstrated through visual simulations.

Adherence to these mitigation measures, to be further required through the Conditions of Approval for the Project, would ensure that the appearance and continued maintenance of the proposed landscaping would not be detrimental to the character of the surrounding neighborhood or zoning district.

D. *No adverse effect of the development on flood control, storm drainage, and surface water drainage.*

Although Llagas Creek is located on the parcel immediately north of the Project site, because of its topography, the Project site is not located in a flood hazard zone. On-site stormwater flows to the south-southwest, away from the northern property boundary and Llagas Creek.

Proposed plans indicate that storm drainage will be adequately managed through the installation of drainage facilities onsite, including a proposed drainage retention pond with drainage inlets from the access driveway and parking lot, and grassy swales surrounding the proposed structures. The cemetery would be terraced along the contours of the hill slope and hydroseeded with native grasses to prevent erosion. The cemetery has also been conditioned to maintain positive flow such that no ponding or saturation occurs in this area. A biofiltration swale and connected retention pond is proposed to maintain off-site drainage discharges at pre-development rates for up to a 10-year storm event and has been conditioned to accurately represent existing sheet flow conditions. Any runoff water resulting from the Project's development is proposed to be within the capacity of the proposed stormwater drainage system.

In compliance with the Project Conditions of Approval, final engineering plans with proposed storm drainage facilities will be submitted to County Land Development Engineering (LDE) for approval prior to final grading permit issuance, in accordance with the County Drainage Manual.

E. *Adequate existing and proposed fire protection improvements to serve the development.*

The Project has been conditioned to satisfy Fire Marshal requirements for adequate access for fire and emergency vehicles.

F. *No significant increase in noise levels.*

Operational noise sources associated with the Project would include indoor activities (daily prayer, youth Sunday classes, potluck dinners, special events) and outdoor activities (annual youth summer camp, playground activities, parking lot activities), which would be

limited to daytime and evenings. Amplified outdoor sound and outdoor call to prayer are not proposed. During daytime hours, noise generated by the project would not exceed County daytime exterior noise standards. However, dawn and nighttime prayers would occur before 7:00 a.m. and after 10:00 p.m. respectively; therefore, the County's nighttime noise standard would apply. Project-generated on-site noise associated with parking lot activity could exceed the nighttime noise standard measured at the residential property line.

The EIR identified a mitigation measure restricting use of parking in the western parking lot during nighttime hours in areas where noise associated with the parking lot could result in exceedance of the County's nighttime noise standard at nearby noise sensitive receptors. Through adherence to this mitigation, included as a Project Condition of Approval, noise modeling prepared for the EIR shows that project-related activities would not result in any significant increased noise or generate noise levels that exceed the County's interior or exterior noise standards at the property line of the nearest residences.

In addition, the Project proposes 24-hour use of the site for personal worship but expects minimal attendance between 11 p.m. and 6 a.m. and has been conditioned that no more than 20 people may gather at the site at one time, between 11 p.m. and 6 a.m., to avoid any additional night-time noise.

G. *Conformance with zoning standards, unless such standards are expressly eligible for modification by the Zoning Administrator as specified in the Zoning Ordinance.*

The Project conforms with the County Zoning Ordinance and standards including the prescribed setback and height requirements as described in Table 2.20-3 of the County Zoning Ordinance, including a 30-foot front, rear and side yard setback and a maximum building height of 35 feet.

H. *Conformance with the general plan and any applicable specific plan.*

As set forth in Exhibit 3—General Plan Consistency Matrix—the Project has been conditioned so that it will conform with all applicable County General Plan policies.

I. *Substantial conformance with the adopted "Guidelines for Architecture and Site Approval" and other applicable guidelines adopted by the County, or by the appropriate city for land within the city's urban service area.*

The Project has been evaluated for consistency with Guidelines for Architecture and Site Approval. Through integration of architectural features into the main buildings, landscaping and site features that avoid intensive development of the onsite bedrock ridge, the Project conforms with the Guidelines for Architecture and Site Approval.

The Project has been evaluated for conformance with the San Martin Integrated Design Plan and Guidelines ("Guidelines"). The purpose of the Guidelines is to inform and guide public and private property development in San Martin so that the form and character of the overall community is protected and enhanced. The Guidelines contains several elements,

including (1) Flood Control / Drainage Design Concepts (2) Circulation and County Roads Conceptual Design Standards (3) Rural Residential Design Concepts and (4) Non-Residential Design Guidelines.

As the Project consists of a proposed religious institution and cemetery, it was evaluated in conformance with the Non-Residential Design Guidelines. The described intent of the Non-Residential Guidelines component of the Guidelines is to encourage excellence of design and ensure that reasonable steps be taken to mitigate potential adverse impacts on the natural environment.

Exhibit 5 evaluates the Project's consistency with the Guidelines, including the architectural style of the buildings, the associated site improvements, and landscaping with the Guidelines. As shown in Exhibit 5, the Project, specifically through adherence to the landscaping requirements proposed by the Applicant and as enhanced through the EIR mitigation measure, will conform with the Guidelines.

THE BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING FINDINGS WITH RESPECT TO DESIGN REVIEW PURSUANT TO SECTIONS 3.20.040 AND 5.50.040 OF THE ZONING ORDINANCE:

- A. *Mitigation of any adverse visual impacts from the proposed structures, grading, vegetation removal and landscaping.*

Given the siting of the Tier 3 and Tier 2 building at the base of the hillside, outside of the Santa Clara Valley Viewshed, and through application of Project Conditions of Approval to require dark exterior colors, and building form and massing standards for the structures, in addition to the installation of proposed landscaping, as required by EIR mitigation measures, the Project, including both individual buildings and cumulative development, conforms with the applicable design review standards required to approve the Project. The EIR specified mitigation related to landscaping to reduce adverse visual impacts of the subject site from the proposed structures and grading.

- B. *Compatibility with the natural environment.*

The Project, as conditioned, is compatible with the natural environment and suitably rural in scale.

- C. *Conformance with the "Design Review Guidelines," adopted by the Board of Supervisors.*

The Project, as conditioned, is in conformance with the Design Review Guidelines.

- D. *Compatibility with the neighborhood and adjacent development.*

The Project site is surrounded by rural residential uses to the south and west, a trail and creek to the north, and industrial uses across the creek and Monterey Highway to the north and

east. The Project, as conditioned, is compatible with the existing neighborhood and adjacent rural residential development.

E. *Compliance with applicable zoning district regulations.*

The Project, as conditioned, is in compliance with applicable zoning district regulations.

F. *Conformance with the general plan, any applicable specific plan, or any other applicable guidelines adopted by the Board of Supervisors or Planning Commission.*

Consistent with the findings listed above, the Project conforms with the general plan, any applicable specific plan, or any other applicable guidelines adopted by the Board of Supervisors or Planning Commission.

THE BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING FINDINGS WITH RESPECT TO THE GRADING APPROVAL PURSUANT TO SECTION C12-433 OF THE COUNTY ORDINANCE CODE:

A. *The amount, design, location, and the nature of any proposed grading is necessary to establish or maintain a use presently permitted by law on the property.*

The proposed grading will be used to establish a Religious Institution and Cemetery use that may be established through approval of a Use Permit per the County Zoning Ordinance.

Grading quantities in the amount of 6,837 cubic yards is proposed to develop the site, including the buildings planned for the southern half of the site, the community plaza, the cemetery, and access roads, turnarounds, and parking. Of the 6,837 cubic yards of soil proposed for grading, 6,210 cubic yards would be generated by on-site cut and 627 cubic yards would be imported.

An estimated 1,620 cubic yards of grading (of the 6,210 total cubic yards) is associated with a series of narrow terraces in the hillside for the cemetery, as well as a cemetery access road. These terraces would be constructed perpendicular to the slope, in the same manner as the previous terracing associated with former use of the area for agricultural cultivation. The majority of the ridge along the northern property boundary, a prominent topographic feature, would be retained as open space. Retaining walls would be used to stabilize new cut slopes behind (north of) the mosque and community building, and between the east parking lot and the playfield.

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- B. *The grading will not endanger public and/or private property, endanger public health and safety, will not result in excessive deposition of debris or soil sediments on any public right of way, or impair any spring or existing watercourse.*

No excessive material will be deposited onsite. The Project would result in the grading of an estimated 6,837 cubic yards of soil, which would be used for on-site fill. Of this, 6,210 cubic yards would be generated by on-site cut and 627 cubic yards would be imported, with no excess deposition of soil. All proposed grading is located more than 150 feet from Llagas Creek. Conditions of Approval have been applied to the project to ensure that grading meets County design standards, as required under the County Grading Ordinance, and thus will not endanger public health and safety.

- C. *Grading will minimize impacts to the natural landscape, scenic, biological and aquatic resources, and minimize erosion impacts.*

The Project site is currently vacant and includes a hillside with a bedrock ridge located along the northern boundary of the property. As described further within the Rural Resources Impact Study prepared, the Project has been designed to minimize impacts on natural landscapes and scenic resources. Over 50 percent of the Project site will be retained as a current natural landscape and over 60 percent of the site would be retained in open space (including natural areas and the cemetery). The prominent natural feature of the site is its hillside, located along the northern property boundary. The majority of onsite improvements, including the proposed mosque, community center, parking lots, and caretaker's residence, will be located at the base of this hillside, avoiding impacts to this scenic resource.

The proposed cemetery will be located on the front of the hillside on the western portion of the site. The cemetery is designed to use the existing natural topography and will only require smaller amounts of grading to allow pathways and access to the gravesites.

All grading will be located more than 150 feet away from Llagas Creek, in conformance with County General Plan Riparian Setback policies.

Conditions of Approval have been applied to the project to ensure that grading meets County design standards, as required under the County Grading Ordinance, and would not create any erosion impacts.

- D. *For grading associated with a new building or development site, the subject site shall be one that minimizes grading in comparison with other available development sites, taking into consideration other development constraints and regulations applicable to the project.*

The Project proposes the majority of building development at the base of the hillside, on the valley floor portion of the property, including the proposed mosque, community center, parking lots, and caretaker's residence. This design minimizes grading, avoiding improvements to the hillside, which alternatively would require much more grading and terrain alteration. The cemetery and summer camp are proposed to be located on the hillside, however

grading associated with establishment of these uses is minimal and the design of the cemetery and the associated access road will follow the existing hillside topography, avoiding the need for extensive grading and terrain alteration.

Installation of the cemetery on the hillside will provide better separation between the gravesites and the groundwater basin within alluvial soils on the valley floor.

- E. *Grading and associated improvements will conform with the natural terrain and existing topography of the site as much as possible and should not create a significant visual scar.*

The Project proposes the majority of building development at the base of the hillside, on the valley floor portion of the property, including the proposed mosque, community building, parking lots, and caretaker's residence. This design conforms with the natural terrain of the project site, avoiding extensive improvements to the hillside and the creation of any significant visual scar to the hillside.

The cemetery will be located along the face of the hillside on the western portion of the site and the summer camp buildings and tents would be located at the top of the ridgeline of the hillside, in an area that is more visually prominent as seen from public viewpoints off the Project site. The cemetery is designed to create gentle terraces with a slope of 2:1 and which follows the natural contours, avoiding the creation of a visual scar. The proposed access road through the cemetery to the summer camp follows existing topography and will not entail the installation of any retaining walls that could create a visual scar.

The EIR has identified a mitigation measure that requires additional landscaping with evergreen plantings of sufficient height, depth, and location to screen the youth summer camp from public views from Monterey Road and California Avenue. Based on this proposed design and implementation of the mitigation measure, included as a Condition of Approval, the Project would not create a significant visual scar.

- F. *Grading conforms with any applicable general plan or specific plan policies.*

The grading is in conformance with applicable policies identified in the County General Plan. Per the analysis in Exhibit 3, the Project, as conditioned, will conform with all applicable County General Plan policies, including policies addressing hillside development, ridgeline development, and scenic resources.

The grading is designed to minimize grading and to reduce visual impacts from surrounding uses in conformance with applicable general plan policies. Minimal grading outside of the building pad area is provided for planting landscaping, cemetery improvements, and new hardscape parking areas.

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- G. *Grading substantially conforms with the adopted “Guidelines for Grading and Hillside Development” and other applicable guidelines adopted by the County.*

The grading conforms with the adopted “Guidelines for Grading and Hillside Development,” which provides qualitative guidelines for the design of buildings and improvements within hillside areas to avoid excessive grading and to encourage design concepts that allow improvements to conform with natural topography, avoiding excessive grading.

The Project proposes the majority of building development at the base of the hillside on the valley floor portion of the property including the proposed mosque, community building, parking lots, and caretaker’s residence, avoiding the hillside and associated grading that would be associated with improvements in this steeper location. Proposed grading associated with the cemetery, summer camp, and associated access road have been designed to follow the existing natural topography of the hillside and avoid the creation of retaining walls, and extensive cuts and fills, in conformance with the “Guidelines for Grading and Hillside Development.” The Project has also been conditioned to submit a geotechnical report, prior to a grading permit issuance to evaluate the terracing.

THE BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING FINDINGS WITH RESPECT TO THE CEMETERY PERMIT PURSUANT TO SECTION B6-13 OF THE COUNTY ORDINANCE CODE:

Pursuant to County Ordinance Code section B6-13, the Board shall hear and determine whether the establishment, maintenance, or extension of a cemetery will or will not *be a menace to or endanger the public health, safety or general welfare, and shall grant or deny said permit accordingly.*

In making a recommendation to the Board to approve the Cemetery Permit, the Planning Commission heard evidence on May 23, 2019 and August 22, 2019, concurrently with the Use Permit application for the cemetery and religious institution uses, to determine whether or not the establishment or maintenance of the proposed cemetery will or may jeopardize or adversely affect the public health, safety, comfort, or welfare, and whether or not the establishment or maintenance of the cemetery will or may reasonably be expected to constitute a public nuisance. For the reasons stated below, the Planning Commission determined that the cemetery will not jeopardize or adversely affect the public health, safety, comfort, or welfare, and will not constitute a public nuisance. Based on the reasons set forth below, the Board hereby finds that the proposed cemetery will not be a menace to or endanger the public health, safety or general welfare.

- A. The density of population in the area contiguous to the cemetery will not increase significantly within a period of five years. The Project site, and location on the Project site where the cemetery is proposed, have a General Plan designation of Rural Residential, which allows a population density of one house per 5 acres, and the property is adjacent to parkland within the City of Morgan Hill along its northern boundary.

- B. The cemetery will not have a negative impact on the health of the public or endanger the public health. An EIR was prepared to evaluate the potential environmental impacts of the Project and cemetery in association with the Use Permit required to establish the cemetery and religious institution use. The EIR evaluated potential impacts to public health, including impacts to groundwater quality from installation of the cemetery. As discussed within the EIR, mitigation measures have been identified, and are applied as Conditions of Approval (Exhibit 1), that establish a maximum annual burial rate and a comprehensive groundwater monitoring program to ensure that installation of the cemetery would not impair groundwater quality, affecting public health.
- C. The effect of the location of the cemetery will not impact the free movement of traffic or interfere with the movement of police, ambulance, or fire equipment. The EIR prepared for the cemetery concludes that, through implementation of mitigation measures, including the construction of an acceleration and deceleration lane on Monterey Road, operation of the cemetery would not impact the free movement of traffic.
- D. The proposed endowment care fund demonstrates that the Applicant has the financial ability to establish and maintain the cemetery such that it will not become a public nuisance. The Applicant has provided evidence that it will create an endowment fund to ensure funding for the ongoing maintenance of the cemetery, as required by the Conditions of Approval (Exhibit 1).

THE BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING FINDINGS WITH RESPECT TO THE APPEALS:

- A. *The appeal filed by the People's Coalition for Government Accountability (PCGA) is denied.*

The appeal statement, Exhibit 6 attached hereto and incorporated herein, filed by PCGA includes several comments that reference exhibits prepared by the Department of Planning and Development. PCGA provides no evidence to support its assertions. The detailed responses to issues raised in the appeal is set forth in Exhibit 8, which is attached hereto and incorporated herein.

The appeal speaks to the County's General Plan policies for Rural Residential, the South County Joint Area Plan, and setbacks from impaired water bodies. The appeal also raises issues related to geology, fire, and the septic system.

The appeal does not explicitly provide reasons why the Project does not meet the required findings for approval and should not be approved. Instead, it provides a list of comments, policies, standards, and actions made by County staff and other members of the public during the processing of the Project application and a prior application.

The Project was evaluated by the County for conformance with all applicable County policies and environmental protection laws. The Planning Commission found the Project to be compliant, with the approved Conditions of Approval and mitigation and monitoring measures. The one significant and unavoidable impact identified in the EIR was GHG emissions and this was due to the unsettled nature of the regional requirements on the thresholds of significance. A statement of overriding consideration has been prepared stating the specific overriding economic, legal, social, technological and other benefits of the Project that outweigh the significant of the Project on the environment.

In addition, the Project was appropriately analyzed for water quality, fire, and geologic requirements under the EIR, and further reviewed by subject matter experts within the County and conditioned accordingly. The Project, as conditioned, would meet all regulatory requirements of the County for setbacks from impaired water bodies. The robust mitigation measures or reporting requirements developed as part of the EIR (Exhibit 2) would ensure that the Project does not contribute to or exacerbate impairments related to the groundwater or surface water quality.

B. *The appeal filed by the San Martin Neighborhood Alliance (SMNA) is denied.*

The appeal statement submitted by SMNA, attached hereto and incorporated herein as Exhibit 7, includes six broad points, as summarized and responded to below. A detailed response to each comment raised by SMNA is included in Exhibit 8, attached hereto and incorporated herein.

1. *Consistency with Countywide Urban Development Policies and County General Plan.* The Planning Commission determined that the Project is consistent with General Plan policy R-GD2 and is considered a non-urban, low-density use as seen in the Project's RRIS, prepared in compliance with Section 2.20.090 of the Zoning Ordinance. The Project:
 - a. Will not have access to urban services such as sanitary sewer or municipal water;
 - b. Is not disproportionately larger in size than other rural projects. A review of past development approval within the rural areas of the County related to large assembly structures demonstrates other examples of large projects approved in the rural areas;
 - c. Is not evaluated based on the population it seeks to serve. The Project is evaluated for its size, scale, and intensity impacts to rural character through a RRIS;
 - d. Is required to reduce impervious surfaces (from 139,423 square feet to 95,723 square feet) and incorporate additional landscaping measures to blend the project into the rural areas; and,

- e. Has a low-density floor area ratio (building square feet divided by lot size) at 3.42% of the 15.77-acre lot.
2. *Applicability and Consistency with County General Plan R-GD 6.* General Plan R-GD 6 provides that “urban types and level of services shall not be available outside of cities Urban Services Areas from either public or private service providers.” The Project is considered a low-intensity local-serving rural use due to its small floor area ratio and based on the evaluation provided in the RRIS. The Applicant proposed the use of the existing on-site well for landscaping purposes and will be provided potable water from the West San Martin Water Works, a private water system service, for religious and ancillary facilities. The private water system service that will be provided to the Project is available in many areas of the rural unincorporated County. Use of such a system to provide domestic water service for the Project does not by itself conflict with R-GD 6 because the use, regardless of its size, scale and intensity, would be provided with water from West San Martin Water Works. There is no County requirement that rural projects need to obtain all their water from an on-site well. The Applicant has demonstrated that adequate water is available for the propose use. Therefore, the Project is consistent with R-GD 6.
3. *Consistency with County General Plan Policy R-RC 57.* General Plan Policy R-RC 57 provides that “[a]griculture shall be encouraged and prime agricultural lands retained for their value to the overall economy and quality of life of Santa Clara County, including: a. local food production capability; b. productive use of lands not intended or suitable for urban development; and, c. preservation of a diminishing natural resource, prime agricultural soils.” Although the Project site includes prime farmland soils, it has not had active agriculture since the 1980s. The EIR evaluated impacts to agricultural resources under CEQA and found a less-than-significant impact.
4. *Consistency with County General Plan Policy R-LU 57.* General Plan Policy R-LU 57 requires “[r]esidential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they are sized to be local-serving in nature.” Appellant SMNA contends that the Project is not consistent with R-LU 57. R-LU 57 is implemented through section 2.20.090 of the Zoning Ordinance, which establishes a review procedure for evaluation and determination of whether a local-serving use is of a size, scale and intensity intended to provide goods and services to the resident rural population. A Rural Resources Impact Study (RRIS) is prepared for any project whose building square footage or maximum number of people exceeds adopted thresholds. The RRIS for the Project evaluated its size, scale and intensity against the criteria of aesthetics, open space and habitat, agricultural production, watersheds, traffic, and noise. The RRIS concluded that the Project is designed, to the maximum extent feasible, such that it would not result in size, scale and intensity impacts to those criteria.
5. *Zoning Ordinance Chapter 1.30—Open Space General Terms.* The SMNA

appeal contends that the Project does not comport to the requirements of open space, as defined in section 1.30 of the Zoning Ordinance. The County has no specific requirements for open space preservation, except for cluster subdivisions. The Project is not a cluster subdivision; however, the RRIS evaluated the impacts of the project on open space and habitat and based on that analysis the Project would develop 6.2 acres of the site, and the remaining 9.6 acres (61%) of the site would remain open space. While 9.6 acres of the Project that would remain undeveloped does not meet the County's definition of Open Space Land as "any parcel(s) or portion of a parcel that is essentially unimproved and devoted to an open space use," it would remain predominantly open in nature, including the cemetery area, open hillside, and the proposed orchard, and not contain any proposed buildings or parking/paved areas.

6. *Ridgeline Development Policies (R-GD 31, 33, 35, and R-RC 96-98).* The SMNA appeal lists concerns regarding proposed ridgeline development of the summer camp site. General Plan policies R-GD 31 and R-GD 33 focus on avoiding or mitigating visual impacts for those areas most immediately visible from the valley floor and encouraging consideration of alternatives to ridgeline or hilltop locations. These policies are implemented through the design review standards within the County's Zoning Ordinance. The proposed mosque, community center building, maintenance building, and the caretaker's residence, which constitute the bulk of the developed structures, are located on the flat portion of the site having lower visibility. The proposed permanent structures on the ridgeline consist of a 5,000-gallon water tank and two small bathhouses, 290 s.f. each. Collectively, due to their small size, these structures are not subject to siting criteria and findings applicable to larger structures. Instead, water tanks and bathhouses are required to comply with color, light reflectivity values (LRV), and applicable landscaping standards within the County's design review guidelines. The bathhouse and water tank structures are conditioned to meet the color, LRV, and landscape screening requirements.
7. *EIR-Technical Issues Not Further Addressed.* The SMNA appeal states that the following environmental impacts have not been adequately addressed under the California Environmental Quality Act (CEQA): aesthetics, water quality, and geology and soils.
 - a. *Aesthetics.* The SMNA appeal states that the Project "is designed as rustic Spanish-Andalusian architecture and is contrary to the San Martin Integrated Design Plan." Consistency with the San Martin Integrated Design Plan and Guidelines is not a requirement under CEQA but is required under County General Plan Policy R-LU 119 and the Zoning Ordinance ASA finding (Section 5.40.040(J)). The Guidelines do not specify one type of architectural style for this area; instead they focus on compatibility with the neighborhood, attractive exterior form, use of natural materials, and complex building shapes for larger structures. The Project consistency with the Guidelines was evaluated by the

Department as part of the Project review, and the Project's architectural style was found to be consistent with these requirements by the Planning Commission.

- b. *Water Quality.* The SMNA appeal states that "[t]he project land use will be generating discharges which are high in volume or high in nitrates, organic materials or other problem chemicals, that should be restricted." The Project's impacts to water quality, including discharges of nitrates and organic materials, were adequately evaluated in the EIR and found to be less than significant with the incorporation of mitigation and monitoring measures, which are part of the Project's conditions of approval. The appeal does not identify what constitutes "problem chemicals." Appellant SMNA does not provide any technical basis for its statement that these discharges should be restricted. The analysis within the EIR conducted by Questa Engineering identified mitigation and monitoring measures, including limitations related to the annual burial rate and the design of the wastewater treatment system, that would maintain these discharges below applicable thresholds.
- c. *Geology and Soils.* The SMNA appeal states that "[t]he Geohazard Atlas Map shows the Cordoba Project property at a 75% Landslide Hazard. No one addressed the landslide hazard designation or how the entire project, including ground water, wastewater facility, grave-sites and structures/bathrooms on the ridgeline will affect this property that is designated 75% Landslide Hazard." The County Geologist reviewed the Project's engineering geologic report and supplements prepared by Steven F. Connelly, C.E.G., dated November 20, 2007, with a correction issued on October 7, 2011 and a supplement letter for the Project issued on October 22, 2014. The report identifies a small area within an active landslide at the northeastern corner of the subject site and recommends a 25-foot setback for all buildings. The Project buildings, specifically the community center, the mosque, and the caretaker's family residence, are hundreds of feet away from this active landslide area. In addition, the on-site wastewater treatment is conditioned to maintain a minimum distance of 50 feet from the cut slopes.

The Connelly report also requires that building construction follow recommendations from the geotechnical report. This requirement was originally added as a Condition of Approval such that prior to building permit issuance, the Applicant would have to demonstrate compliance through submittal of a geotechnical plan review letter that confirms the plans conform with the recommendations in the geotechnical report. Subsequently, and in response to appeal comments, the County requested the applicant provide the geotechnical report for the Project. On November 18, 2019, the Applicant submitted an updated

geotechnical report for the proposed cemetery prepared by Milstone Geotechnical. This report states that the proposed cemetery is not a risk under any seismic conditions and that the site is suitable for construction of the proposed improvements. Primary geotechnical constraints to development appear to be the hillside setting, anticipated ground shaking from future earthquakes, and the presence of potentially expansive near-surface soils. However, the report states that these constraints can be successfully addressed with appropriate design during the construction permitting stage of the Project. The Conditions of Approval for the project require that design measures recommended by the Geotechnical Engineer be incorporated into final construction drawings.

Separately, the Milstone Geotechnical Report identifies the existing potential for long-term downslope creep of the near surface clay soils as the primary constraint to design and construction of the proposed cemetery. This existing soil creep in the cemetery area is expected to occur within the range of 12 to 18 inches over a period of 50 years. It states that “anticipated near-surface soil creep is a natural process that is not likely to result in risks to health, safety, or the environment. Furthermore, due to their depth and slope location, the burials are not considered to be at risk of disturbance from soil creep.” The County Geologist and Department’s Land Development Engineering staff independently reviewed these reports, have discussed these issues with the Project’s geotechnical engineer, and have determined that the various components of the Project design either avoid the landslide hazard areas, or are conditioned such that the retaining wall and building foundation design for the buildings and the maintenance operation of the cemetery would not result in any impacts to public health, safety, and welfare. In addition, a new Condition 93 has been added to the Conditions of Approval to ensure that upon a final geotechnical report, any changes to the Project design will be evaluated through a Use Permit, ASA, and Grading Approval modification process.

- C. On December 16, 2019, Stoel Rives, LLP, on behalf of SMNA filed supplemental information supporting SMNA’s appeal. The letter does not raise any issues that identify a new significant environmental impact or would otherwise invalidate the adequacy and conclusion of the EIR prepared for the Project, or the County’s conclusion that the Project is consistent with applicable County policies and standards. The Department’s response to the letter is attached hereto as Exhibit 9 and incorporated herein.

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NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of Supervisors of the County of Santa Clara, based upon all the oral and documentary evidence received that the appeals are hereby denied, the Environmental Impact Report is hereby certified, the Mitigation Monitoring or Reporting Program is hereby adopted, and the Use Permit, Cemetery Permit, Architecture and Site Approval, Design Review, Building Site Approval, and Grading Approval are hereby approved subject to the consolidated Conditions of Approval in Exhibit 1.


PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on MAR 24 2020, by the following vote:

AYES: **CHAVEZ, CORTESE, ELLENBERG
SIMITIAN, WASSERMAN**

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE


CINDY CHAVEZ, President
Board of Supervisors

~~Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.~~

ATTEST:


MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:


ELIZABETH G. PIANCA
Lead Deputy County Counsel

Exhibits to this Resolution:

- 1) Conditions of Approval
- 2) Mitigation Monitoring or Reporting Program
- 3) General Plan Consistency Matrix
- 4) Rural Resources Impact Study
- 5) San Martin Integrated Design Plan and Guidelines Consistency Analysis
- 6) Appeal Statement of People's Coalition for Government Accountability
- 7) Appeal Statement of San Martin Neighborhood Alliance
- 8) County Response to Appeals
- 9) County Response to December 16, 2019 Letter from Stool Rives, LLP on behalf of San Martin Neighborhood Alliance

Exhibit 1

Exhibit 1

CORDOBA CENTER PROJECT DESCRIPTION

PROPOSED PROJECT ELEMENTS

Proposed Cordoba Center facilities would include a mosque, multi-use community building, a cemetery, an area for youth summer camps, and additional supporting and ancillary structures and facilities.

MOSQUE

- A building floor area would be 8,938 square feet (s.f.) and would include a 3,779-s.f. prayer hall, an entry hall, restrooms, and ablution rooms (used for the washing of hands and feet prior to entry into the prayer hall) on the ground floor.
- A second-story mezzanine would house an office for the Imam, an observation/babysitting area, a mechanical room, and a storage room.
- Daily prayers and Friday and Ramadan religious services would occur in this building, as well as weddings and funerals.
- The interior floor area of the prayer hall is designed for up to 300 people.

COMMUNITY BUILDING

- A two-story multi-use building that would include an event hall, kitchen, classrooms, conference room, office, and restrooms.
- The total building floor area would be 14,548 s.f., with a 10,085 s.f. main floor area.
- The community building would accommodate any events that include food because the Islamic faith prohibits storage and consumption of food and beverages within the mosque.
- The 4,470-s.f. event hall portion would be used for potlucks, formal dinners, wedding receptions, and other community-gathering activities.
- Monthly SVIC meetings and youth Sunday school would also occur in this building. The event hall has been designed to accommodate up to 298 event attendees.

COMMUNITY PLAZA

- A 15,000-s.f. plaza would be located between the mosque and the community building.
- The plaza would be surfaced with pervious concrete and include small landscape islands and would provide outdoor space for informal outdoor gatherings during scheduled events in the community building and after worship in the mosque.

CEMETERY

- An Islamic cemetery would be located on approximately 3.5 acres on the western side of the site.
- The cemetery would provide burials for SVIC members, their families, and extended families. Burials for anyone beyond these categories would be considered on a case-by-case basis by the SVIC Board.

- The cemetery area would be terraced to provide a level surface for the graves and adjoining gravel pedestrian paths and would be landscaped to resemble native grassland.
- Each grave would be 5 to 6 feet below ground and marked by a flat marker that would not project above grade. No buildings would be sited in this area.
- The maximum density of graves would be 562 per acre, for a total capacity of 1,996 graves.

MAINTENANCE BUILDING

- A 2,500-s.f. maintenance building would be located near the western boundary of the site, between the cemetery and a parking area.
- The building would serve the entire site, including the cemetery, and would be used for storage of maintenance vehicles (e.g., a backhoe, a pick-up truck, four to five small utility vehicles) and landscape maintenance vehicles.

CARETAKER'S DWELLING

- A caretaker's residence would be located near the site entrance off Monterey Road.
- The single-family home would accommodate the property caretaker and his or her family, who would provide site security. Initially, the dwelling would consist of a 1,500-s.f. manufactured home. When funds become available, the manufactured home would be replaced with a 3,380-s.f. permanent residence.

YOUTH SUMMER CAMP

- A 0.38-acre section of the ridgeline above the cemetery would be used for a summer youth camp (up to nine, one-week camps per summer).
- Each one-week camp would have up to 48 children and four chaperones, for a total of 52 attendees.
- Permanent structures would include two (290 s.f.) bathhouses and 14 square wooden tent platforms (12 foot by 12 foot). Separate 290-s.f. bathhouses would be provided, one for girls and one for boys; each would include shower and toilet facilities.
- The tent platforms would be arranged on either side of the bathhouses in two circles of seven. Canvas tents would be erected on the platforms only when camp is in session.
- Americans with Disabilities Act-compliant access would be provided to the camp using wheelchair carriers attached to golf-cart-like utility vehicles that would carry passengers on the secondary roadway from the western parking lot to the summer camp.

PLAYFIELD AND PLAYGROUND

- For informal sports and outdoor recreation, children's play areas would be located east of the community building.

ORCHARD

- Fruit trees would be planted on a 0.6-acre area along Monterey Road and would be maintained and harvested by the owner.

BUILDING DESIGN

- The proposed mosque and community building would be designed in California Mission-style architecture.
- Buildings would be wood frame with cement plaster or stucco exterior and terra cotta tile roofs.
- The roofline ridge of the mosque would be 28.5 feet in height, with a dome that is approximately 6.5 feet tall to be placed on the roof ridge. A secondary dome of the same height would house the mosque elevator.
- The community building would be 34 feet in total height, which would accommodate 9-foot-tall ceilings on the first floor and 8-foot-tall ceilings on the second floor.

TREE REMOVAL

- Two large trees located near the center of the site would be removed; a eucalyptus and a valley oak, protected under the County of Santa Clara Ordinance Code, Division C16-2 – Tree Preservation and Removal. The preliminary landscape plan includes several native oak trees (four coast live oak or canyon live oak, nine interior live oak, and three valley oaks), which would exceed the replacement requirements of Santa Clara County's Guidelines for Tree Protection and Preservation for Land Use Applications.
- Native oaks would be planted west of the driveway leading to the caretaker's residence, along the southwestern face of the community building, and east and west of the maintenance building.

PROPOSED PROJECT OPERATIONS

- Events and regularly-scheduled activities would generally occur between 10:00 a.m. and 10:00 p.m. and would be concentrated on Fridays, Saturday, and Sundays.
- The site would be open to members for personal worship 24 hours per day.
- Tables in the Permit conditions outline the anticipated timing, frequency, and duration of activities associated with the project.
- There would not be any broadcast calls to prayer or other amplified sound associated with any of these events.

YOUTH SUMMER CAMPS

- One-week summer camps would be held for a maximum of nine weeks during the summer. The camp would accommodate a maximum of 52 people, including at least four adult chaperones, for overnight use.
- Campers would arrive at the beginning of the week-long session and remain on-site for the full week. Campers would use amenities throughout the site, including the playfields and community building.
- The camp would operate in the summer, not to exceed nine weeks annually.
- The camp area would not be used during the remainder of the year.

EMPLOYEES

- A maximum of two employees would work out of the maintenance building.
- An Imam, the religious leader of the congregation, would also be employed and would have an office in the mosque.
- The site would also serve as a residence for the caretaker and family.

CEMETERY

- Graves would be 5 to 6 feet deep and oriented generally east-west along the line of Qiblah to face Mecca.
- Typical procedures, proposed to be followed in Islamic burials include the following:
 - the body of the deceased is transported to a state-certified morgue, prepared and ritually washed for burial, and shrouded only in white, untreated cloth;
 - the body is placed in a simple cardboard coffin and transported to the mosque for funeral services;
 - funeral prayers are performed at the mosque and the coffin is then transported to the cemetery;
 - at the burial site, the shrouded body is removed from the coffin and placed directly on dirt at the bottom of the grave. In certain cases, if the body is damaged (such as in case of an accident) or otherwise difficult to handle, it may be left in the cardboard coffin and placed in the grave;
 - a brief prayer is said before the grave is backfilled with dirt and leveled to grade; and/or
 - a small, horizontal stone plaque, flat on the ground, is placed at the head of the grave for identification;

- The cemetery would be developed in four or more phases. Burials would occur within each phase-area before the next is developed.

PROPOSED INFRASTRUCTURE IMPROVEMENTS

ROADWAYS AND CIRCULATION

Site Access

- Vehicle access to the site would be provided from Monterey Road. An internal roadway would generally follow the southern boundary of the site, providing access to parking lots located in the southeastern and southwestern areas of the site, a drop off zone south of the community plaza, and the 12-foot-wide cemetery driveway and camp access road that would terminate at the temporary summer camp site. The paved primary access road would have 10-foot-wide travel lanes separated by a 5-foot-wide landscape median.

Parking

- The project site is proposed to accommodate parking for up to 125 vehicles in two lots. Parking for one or two maintenance staff would be located in dedicated spaces at the maintenance building. The site caretaker and family would park at the residence. Bicycle parking would also be provided.

Pedestrian Trails and Bike Paths

- A private, unpaved pathway would be constructed that extends from the access road, just west of the caretaker's residence, north through the orchard and along the ridgeline to the campground site.
- From the site of the camp, an existing trail extends northwest to Atherton Pond.
- The unpaved (dirt) path would be approximately 4 feet wide.

WATER SUPPLY

- Water for fire protection and potable purposes would be procured from the West San Martin Water Works from the nearest water main, located in California Avenue, about 135 feet from its intersection with Monterey Road.
- The project would include extension of this 8-inch-diameter main to the project site on Monterey Road.
- Within the project site, three 4-inch-diameter lateral lines would be constructed from the West San Martin Water Works main: one line dedicated to supplying the fire hydrants, one line for fire sprinklers in the buildings, and another to supply potable water to the buildings.
- The project also includes two 5,000-gallon water tanks in the campground area. Three hydrants are planned: one at the junction of the driveway to the caretaker's residence and the project access road, and two more generally south of both the mosque and community buildings.
- An existing well on the site would be rehabilitated and used to irrigate site landscaping.

WASTEWATER

Wastewater Treatment

- The proposed project would be served by two independent on-site wastewater treatment systems, one for the caretaker's dwelling; and a larger system for the remainder of the site, including the mosque, community building, maintenance facility, and campground bathhouses.

Wastewater Generation

- The anticipated wastewater flow has been calculated based on the projected maximum number of users multiplied by the estimated flow from the various on-site activities. The wastewater system has been designed for the maximum use of the site, which would occur on Fridays approximately four times each year. At 15 gallons per day, the 500 parishioners and two staff members, which constitute the estimated maximum attendance on one day, would generate 7,530 gallons of wastewater daily.
- Occasional washing of vehicles, excluding heavy equipment, would also occur within the maintenance building. A drain inlet would be installed in the floor of the maintenance building to convey wash water to a drainpipe that would outfall at the larger wastewater treatment system.
- With the exception of a washer and dryer for household use at the caretaker's residence, no on-site laundering would occur. Laundering of items used in banquets in the community building and bedding at the youth camp would be done at an off-site laundry service.

OUTDOOR LIGHTING

- Outdoor lighting would include outdoor security lighting on buildings that is downward directed and shielded, and low voltage lighting in landscaped areas. Pole lighting in parking areas would also be directed downward and shielded. An outdoor lighting plan has been prepared, which identifies light designs that direct light downward, reducing skyglow and minimizing the potential for light to shine outside of the immediate vicinity of the project site and reducing nighttime glare on nearby roads and residential properties.

DRAINAGE

- A biofiltration swale and connected retention pond have been designed to maintain off-site drainage discharges at pre-development rates for up to a 10-year storm event. The biofiltration and retention swale would be located south of the access roadway, along the southern property boundary. A smaller swale would be located between the eastern parking lot and the outdoor recreation area.

PROPOSED CONSTRUCTION

GRADING

- Grading would be required to develop the buildings planned for the southern half of the site, the cemetery, and access roads and parking. The project would result in the grading of an estimated 6,210 cubic yards of total cut, and 6,837 cubic yards of total fill.

- An estimated 2,060 cubic yards of grading would be used to create a series of narrow terraces in the hillside for the cemetery, as well as a cemetery access road.
- Retaining walls would be used to stabilize new cut slopes behind (north of) the mosque and community building, and between the east parking lot and the playfield. The maximum height of the walls would be 6 feet.

CONSTRUCTION SCHEDULE AND PHASING

- Construction would occur over four years and consist of four basic phases: rough grading, infrastructure improvements, structure construction, and installation of orchard, other landscaping, and open space improvements. No more than two phases would occur simultaneously. Construction is anticipated to occur between 7:00 a.m. and 7:00 p.m., Monday through Friday. Night construction is not proposed.
- PHASE I - Rough Grading: The site would be rough graded, which includes building pad preparation, grading of proposed roadways, and construction of erosion and sediment control features. Construction staging for materials and equipment would occur within the project site. The anticipated duration of this activity is approximately six months.
- PHASE II - Infrastructure Improvements: This phase includes construction of proposed roadway, and wet and dry utilities. Parking would also be established in this phase. The anticipated duration of this activity is approximately six months. This phase may occur concurrently with Phase I and/or Phase III, below.
- PHASE III – Structure Construction: Activities include construction of the mosque, community building, community plaza, and maintenance building. Construction staging for materials and equipment would occur within the project site. Construction of the main buildings would occur over a year. Phase III can be separated into Phases III.A and III.B. All buildings, except the mosque and plaza, are planned to be constructed in Phase III.A. The mosque and plaza would be constructed after these buildings have been completed and, therefore, could be considered as being constructed in Phase III.B.
- PHASE IV – Orchard and Open Spaces: This phase includes landscaping, planting the orchard, and other amenities for the congregation, such as the playground, basketball and volleyball courts, and hiking trail. Activities include finish grading and installation of irrigation, planting, hardscape, and new park structures. It is possible that Phase IV activities may occur earlier in the process.

CONSTRUCTION EQUIPMENT

- Equipment that would be used during project construction may include: graders, dozers, excavators, scrapers, other tractors, cranes, forklifts, generator sets, curb equipment, pavers, paving equipment, rollers, welders, and air compressors.

ACCESS AND STAGING

- Construction traffic would access the site via Monterey Road. Construction staging for materials and equipment would occur within the project site.

EXHIBIT B

USE PERMIT

CONDITIONS OF APPROVAL

Date: March 10, 2020

Owner/Applicant: South Valley Islamic Center (SVIC) and Indian Muslim Relief and Charities/ Kim Tschantz (Cypress Environmental and Land Use Planning)

Location: 14045 Monterey Road, San Martin (APN: 779-06-002)

File Number: PLN15-2145 (2145-16P-16A-16G-16EIR)

CEQA: Environmental Impact Report, Certified on May 23, 2019

Project Description: Use permit to establish a *Religious Institution* and *Cemetery* (as described in the County Zoning Ordinance). The permit would allow for the following activities: worship services, prayer, reception events (picnics, and community events), Sunday school, and temporary week-long summer camps, at 14045 Monterey Highway. A full project description is included as Exhibit A to the Use Permit.

If you have any question regarding the following preliminary conditions of approval, call Manira Sandhir with the Planning Department at 408-299-5787 or contact her via email manira.sandhir@pln.sccgov.org.

GENERAL PROJECT CONDITIONS OF APPROVAL

Project Operations

1. **Daily Use**: The daily hours of operation for the *Religious Institution*, *Cemetery*, and related uses and events, except the temporary summer camp use, shall be limited to 6:00 a.m. to 11 p.m. on all 7 days of the week for any assembly uses that involve over 20 people at any given time.

Except for the four single-day special events per year and the temporary summer camp use, the daily project operations shall not cumulatively exceed 300 people at any given time, and shall also not exceed the number of attendees, events, and hours identified in Table 1 other than for special events as identified in Condition #3 below. For any events or gathering exceeding 300 people, condition 12a, b, and c shall apply.

Table 1: Timing, Frequency, and Duration of Anticipated Religious Events

Event	Attendance	Hours	Duration	Frequency
Daily Use				
Dawn Fajr Prayers	100	6:00 a.m.–7:00 a.m.	0.5 hour	Daily
Mid-Afternoon Duhr Prayers	150	12:30 p.m.–2:00 p.m.	0.5 hour	Daily
Late-Afternoon Asr Prayers	150	3:30 p.m.– 5:30 p.m.	0.5 hour	Daily
Sunset Maghrib Prayers	200	5:30 p.m.–8:30 p.m.	0.5 hour	Daily
Night Isha Prayers	200	7:30 p.m.–11:00 p.m.	0.5 hour	Daily
Friday Jummah Prayers	300	12:30 p.m.–2:30 p.m.	1 hour	Once a week
Funeral Prayer	300	1:00 p.m.–4:00 p.m.	1 hour	Varies
Youth Sunday Classes	100	11:00 a.m.–2:00 p.m.	2 hours	Once a week on Sundays
Weekend Use				
Mawlid Al-Nabi Banquets	300	5:00 p.m.–10:00 p.m.	3 hours	Once a year
Community Potluck Dinners	200	6:00 p.m.–11:00 p.m.	3 hours	Once a month (except during Ramadan)
Community Iftar Dinners	300	5:00 p.m.–11:00 p.m.	3 hours	Four times a year (once a week during Ramadan)
Weddings	300	5:00 p.m.–11:00 p.m.	4 hours	Four to six times a year

2. **Special Events:** Up to four (4) single-day special events for attendance, with a maximum of 500 people attendance (including three (3) staff members and any vendors and/or volunteers) occurring between 8 a.m. to 5 p.m., shall be allowed per year, as shown in the table below. For these special events, condition 12 a, b, and c for parking shall apply.

“Eid” Prayer and Community Picnic	500	8:00 a.m.–12:00 p.m.	4 hours	Twice a year
Community Picnics	500	11:00 a.m.–5:00 p.m.	5 hours	Twice a year, weekend (not held during other events)

3. **Temporary Summer Camp Use:** The summer camp use shall be limited to 9 weeks in the summer (June to September), and would be for week-long summer camps, involving overnight stays. The number of youths under 18 and their chaperones, at these summer camp facilities shall not exceed 52 at any given time.

4. Cemetery Use: The use of the cemetery shall be limited to up to a total of 30 burials per year unless authorized to be modified as described under Condition #15 below.

Development shall take place in accordance with approved plans April 23, 2019 on file with the Planning Department.

The cemetery authorized under this Use Permit shall not be established until a Cemetery Permit has been issued by the Board of Supervisors pursuant to Division B6, Chapter 1 of the County of Santa Clara Ordinance Code, and subject to any conditions of approval associated with the Cemetery Permit.

5. Other Conditions: Project development and operations shall comply with conditions of approval for Architecture and Site Approval, Design Review, and Grading Approval (Exhibit C), Cemetery Permit (Exhibit D) and in accordance with the project's approved Mitigation Monitoring and Reporting Program (Exhibit E).
6. No commercial food or beverage sales shall be allowed.
7. No overnight accommodations shall be allowed at the site, except for the use of the caretaker's residence as a single-family dwelling unit, and the temporary summer camp facilities.
8. No outdoor amplified music or broadcasting (microphone/PA system) shall be allowed.
9. All conditions established through this approval shall be the ongoing obligation of the property owners, including future property owners.
10. The applicant shall have five years from the final permit approval date to establish the use, pursuant to County Zoning Ordinance Section 5.20.0170.

Parking

11. All employee, visitor and event parking and operations shall be provided on-site; no street parking shall be allowed with this Use Permit per County Roads and Airports.
12. The Required Parking Ratio for all onsite uses shall be one (1) parking space per 2.2 persons. Based on this ratio, the total number of required spaces for daily events (Table 1) shall be 137 spaces and for special events shall be 228 spaces. The site plan submitted on June 1, 2016 indicates development of 125 parking spaces on site (that would allow parking for 275 persons per the one space per 2.2-person standard). The driveways of the caretaker's residence and the maintenance building provide adequate space for the additional parking to meet the 137 spaces required for daily events. In order to provide adequate parking for special events, the owner shall implement the following:

- a. For any events with attendance of over 300 people or special events anticipated to exceed parking on-site, the owner shall implement a parking management plan that incorporates measures to ensure that all vehicles coming to site will have off-street parking. The parking management plan may include measures such as carpooling, onsite valet parking program, or shuttle services from approved secured off site location(s).
- b. Prior to building permit issuance, the owner/applicant shall submit for approval, a parking management plan that demonstrates how the facility will provide parking for over 300 people in accordance with the parking ratio described above. The plan shall be approved by the Planning Department, and shall include agreements with off-site facilities, if applicable.
- c. All approved parking, including the measures within the parking management plan, including the valet parking plan and/or an offsite shuttle plan, shall remain in compliance with applicable county ordinances, including required ingress / egress requirements of the Fire Marshal's Office.

Cemetery Groundwater Monitoring:

13. The project cemetery shall be limited to a baseline of 30 burials per year for the first 5 years of operation, subject to adjustments based on the results of groundwater monitoring as authorized under Condition 15 below.
14. The burials shall be sequenced to begin in the northeastern corner of the cemetery and proceed down-hill (southerly) on the east side of the proposed driveway, maintaining maximum buffer distance between the graves and the westerly property line, per the approved Cemetery Plan, dated April 23, 2019 and on file with the Department of Planning and Development.
15. Cemetery Phasing and Groundwater Monitoring - The County shall retain a qualified groundwater quality specialist, funded by the applicant, to oversee and conduct groundwater monitoring for the Cemetery. The groundwater specialist shall prepare a groundwater monitoring plan to be reviewed and approved by the Director of the County of Santa Clara Department of Planning and the Director of the Department of Environmental Health to include (at a minimum) the following parameters:
 - a) A minimum of six monitoring wells shall be installed as follows: three within the cemetery area; two along the westerly property line; and one along the southerly property line. Installation of the monitoring wells shall be the responsibility of the owner and shall be installed within the cemetery and along the downslope (southerly and westerly) property lines; installation of the monitoring wells shall occur prior to the first burial.
 - b) The monitoring plan shall include the specific location, depth, and screened intervals for the groundwater monitoring wells.

- c) Monitoring shall, at a minimum, include quarterly sampling and analysis for nitrate and Total Dissolved Solids ("TDS") concentrations to observe water quality changes over time.
- d) Groundwater monitoring data shall be submitted to County Planning annually for ongoing review.
- e) If monitoring results show exceedance of the 7.5 mg-N/L criterion more than twice in one year, the monitoring frequency shall be increased to monthly sampling and nitrate analysis and continued until the results show at least 4 consecutive months of compliance with the 7.5 mg-N/L criterion.
- f) Repeat exceedances of 7.5 mg-N/L in the groundwater during a given year shall be sufficient cause for the County to require reduction in the annual burial rate, as approved by the Planning Commission, based on the recommendations by the qualified groundwater quality specialist, or consideration of other mitigation measures proposed by the Cordoba Center to achieve the same objective of <7.5 mg-N/L.
- g) If at any time the groundwater nitrate concentration at monitoring wells along the westerly property line exceeds 7.5 mg-N/L, the monitoring wells shall be re-sampled and burials shall cease until monitoring results show the groundwater nitrate concentrations have dropped below the 7.5 mg-N/L evaluation criterion, at which time burials may continue upon authorization of the Planning Commission, upon making a finding that the burials will not impact groundwater quality and public health, as described under i) below.
- h) After 5 years of cemetery operation, and again after 10 years of cemetery operation, the groundwater quality data (nitrate and TDS), annual and total number of burials, and recorded rainfall conditions and other factors shall be compared to the expected groundwater quality changes according to the methodology presented in the analysis in the Environmental Impact Report by Questa (2017a). This recorded data shall be used to confirm or modify the assumptions used in establishing the baseline rate of annual burial (30 per year). The review and analysis shall be conducted by a qualified professional retained by the County with demonstrated groundwater expertise, and shall form the basis for recommending either: (a) maintaining the baseline annual burial rate; or (b) adjusting the annual burial rate, either higher or lower than the adopted baseline amount.
- i) The full report, including any recommended adjustment to the rate of burials, shall be presented and approved by the County Planning Commission, who may authorize such an adjustment in burials. The Commission may only increase the burial rate if it finds that the adjustment will not result in impacts to groundwater quality that would affect public health, in conformance with adopted water quality standards, through a public hearing process.

16. Annual Reporting: An annual report assessing compliance with the project conditions of approval for the religious institution and cemetery use shall be prepared by the Planning Office and submitted to the Planning Commission for review, through a public hearing process, for ten (10) consecutive years following approval of the Use Permit. The Owner/Applicant shall pay for the Planning Office's preparation of the annual report. The first annual report shall be scheduled for Planning Commission within 18 months after final occupancy has been granted for the buildings associated with the religious institution and cemetery uses. The Planning Commission may, at its discretion, extend the annual monitoring beyond ten (10) years.

In accordance with Zoning Ordinance Code Section 5.20.210, revocation of the Use Permit may be initiated at any time after final approval of the Use Permit at the direction of the County Planning Department, Planning Commission, or the Board of Supervisors.

17. Property Owner / Operator's Responsibility: The annual report identified above in Condition #16 shall include the following information for that year of operation, and shall be submitted by the property owner / operator within 30 days of the reporting period:

- Fees: Post-Approval Monitoring (PAM) fee, (a minimum of ten (10)) hours of staff time to cover review of and preparation of staff report subject to current fee schedule established by the Board of Supervisors.
- Attendance: Report of monthly attendance with monthly averages of daily and peak usage at the facility and a listing of all special events in excess of 300 persons, including the following information:
 - Date, duration (with start and end times), and name of each event.
 - Number of maximum people, including guests, patrons, employees, volunteers, and vendors that attended each event.
 - Number of individuals on-site where the facility had multiple events occurring at the same time such as reception use with prayer services.
- Temporary Summer Camp Use: A report with annual weeks of operation and maximum number of attendees.
- Cemetery Use: An annual report with the number of burials conducted per site and the cemetery phase where buried. Once the last burial is conducted, the applicant shall submit an annual report for three years thereafter with groundwater monitoring information demonstrating compliance with all groundwater standards.
- Traffic and Parking
 - A report summarizing implementation of the valet parking / offsite shuttle plan for events with over 300 people, including how many times the valet parking / offsite shuttle plan was used, the use of communication strategies with attendees,

and any instances where street parking occurred (not in compliance with the parking requirements). This report shall include details regarding shuttle system capacity, frequency, ridership, user feedback, and any observed problems related to parking, traffic, hours of operation, noise etc.

- Water-quality Monitoring: Groundwater quality monitoring reports as required under the Cemetery Permit and Condition 14 above.
 - Landscaping: A report on the loss and replacement of any of the required landscaping elements.
18. Inspections: During each of the first two (2) years following occupancy sign-off, County staff may inspect and observe any of the four special events expected to exceed 300 individuals (if any). The applicant shall provide the Planning Department with sufficient advance notice (10 days minimum) to schedule an inspection during the annual festival and the outside event. Observations and findings by staff shall be included in annual status reports.

Timing of Condition Compliance

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO GRADING OR BUILDING PERMIT ISSUANCE

19. Fees: Any fees due to the County of Santa Clara Department of Planning and Development associated with staff time spent on the planning approval shall be paid prior to issuance of any permits for this project. The applicant shall also be responsible for County staff costs associated with any subsequent condition compliance and monitoring.
20. Parking: The applicant shall provide to the County Planning Department, for review and approval, a Parking Management Plan (see Condition 11 above) identifying how parking on site would meet the parking needs for special events. Said Parking Management Plan may include options to encourage carpool, transit usage, a valet parking plan and/or an offsite shuttle plan, demonstrating how parking demand for over 300-person attendee events will be accommodated and managed, in accordance with the parking ratio described above. The plan shall include the following:
- i. The plan shall identify who will manage the parking and communication strategy for notifying attendees of the parking requirements.
 - ii. If parking is proposed to be shared with an off-site parking provider, the applicant shall submit an agreement or contract between the parties.
21. Recordation of Permit and Conditions: Prior to building permit issuance, the applicant/owner shall record a "Notice of Permit and Conditions" related to the land use

approvals and related conditions associated with the project with the County Office of Clerk-Recorder. Prior to the issuance of any construction (grading or building) permits issuance, a copy of the recorded document shall be submitted to the Planning Office.

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO OCCUPANCY

22. Inspection: Prior to final occupancy, Planning staff shall inspect the site to verify the development is consistent with the Use Permit approval and conditions.
23. Parking: If parking is proposed to be shared with an off-site parking provider, then in accordance with Zoning Ordinance Section 4.30.050(C)(3) the parking agreement or contract between the parties shall be recorded against both properties prior to occupancy.
24. Cemetery Dedication: The cemetery authority shall also file for record in the county recorder's office a written declaration of dedication of the property delineated on the plat or map, dedicating the property exclusively to cemetery purposes.

EXHIBIT C

ARCHITECTURE AND SITE APPROVAL, DESIGN REVIEW, GRADING APPROVAL, AND BUILDING SITE APPROVAL

FINAL CONDITIONS OF APPROVAL

Date: March 10, 2020

Owner/Applicant: South Valley Islamic Center (SVIC) / Kim Tschantz (Cypress Environmental and Land Use Planning)

Location: 14045 Monterey Road, San Martin (APN: 779-06-002)

File Number: PLN15-2145 (2145-16P-16A-16G-16EIR)

CEQA: Environmental Impact Report, Certified on May 23, 2019

Project Description: Architecture and Site Approval, Design Review, and Grading Approval, for a religious institution and cemetery use (as described in the County Zoning Ordinance). The permits would allow for the following activities: worship services, prayer, reception events (picnics, community events etc.), Sunday school, and summer camps, at 14045 Monterey Highway. The project also includes a single-family residential use in the form of a caretaker's residence for which Building Site Approval applies. The project proposes approximately 6,210 cubic yards of total cut, and 6,837 cubic yards of total fill. A full project description is included as Exhibit A to the Permit.

If you have any question regarding the following preliminary conditions of approval, call the person whose name is listed as the contact for that agency. He or she represents a particular specialty or office and can provide details about the conditions of approval.

Agency	Name	Phone	E-mail
Planning Division	Manira Sandhir	(408) 299- 5787	manira.sandhir@pln.sccgov.org
Land Development Engineering	Ed Duazo	(408) 299 – 5735	ed.duazo@pln.sccgov.org
Roads & Airports	Rocelia Kmak	(408) 573-2464	rocelia.kmak@rda.sccgov.org
Department of Environmental Health	Darrin Lee	(408) 918-3435	Darrin.Lee@cep.sccgov.org
Fire Marshal's Office	Alex Goff	(408) 299-5763	alex.goff@sccfd.org
Santa Clara Valley Water District	Yvonne Arroyo	(408) 530-2319	yarroyo@valleywater.org

Geologist	Jim Baker	(408) 299-5770	Jim.Baker@pln.sccgov.org
Building Inspection Office	Matt O'Brien	(408) 299-5770	Matthew.Obrien@pln.sccgov.org

GENERAL PROJECT CONDITIONS OF APPROVAL

Planning Division

General

1. **Approved Plans:** Development shall take place in accordance with approved plans, dated June 1, 2016 and April 23, 2019 on file with the Planning Department. This approval is for a *Religious Institution* and *Cemetery* uses as the primary uses with ancillary reception and temporary summer camp use, that includes the following approved buildings/areas:
 - 8,938 square feet (sq. ft.) prayer hall building;
 - 14,548 sq. ft. multi-purpose hall building;
 - 14,548 sq. ft. Community Plaza area;
 - 1,874 sq. ft. Breezeway;
 - Temporary Summer Camp Area with two detached bathroom buildings (2 buildings, 290 sq. ft. each - 580 sq. ft. total) and 14 wooden platforms;
 - 3.5 acres of cemetery grounds, with a maximum of 1,996 burial sites;
 - 2,500 sq. ft. maintenance building;
 - 3,380 sq. ft. single family residence;
 - Parking and other related improvements (including disabled access from the parking area to the buildings) to support the use. Parking spaces numbering 125 spaces in two surface parking lots;
 - A two-way access driveway from Monterey Road. An access road and turnaround for the summer camp area; and
 - Landscaping including an Orchard.

A project description with complete details is included as Exhibit A to this permit.
2. **Setbacks:** All proposed buildings and structures shall maintain the minimum setbacks as identified in the approved project plans. No construction or ground disturbance shall occur within a 150-foot protected riparian buffer area, as measured from the top of bank of Llagas Creek adjacent to the property site.
3. **Access:** Ingress / egress location shall be limited to one (1) access road approach off Monterey Road with an all-weather surface capable of sustaining 75,000-pound loading per Fire Marshal's Office standards. The access road and turnaround to the temporary summer camp shall be the minimum necessary to support safe access to the cemetery and

the camp sites, and shall not involve grading or require retaining walls beyond the grading approval, unless a Grading Approval and ASA modification is applied for and obtained through a public hearing before the Zoning Administrator.

DESIGN

4. *San Martin Integrated Design Plan and Guidelines*: Site design and all building elevation, exterior colors and materials shall be in conformance with the Board adopted San Martin Integrated Design Guidelines to promote the rural character of San Martin, incorporating the following:
 - a. Highly reflective surfaces and colors, artificial, composition type materials (simulated wood or masonry) lacking durability and compatibility with traditional types of building materials are not permitted. Approved exterior colors and materials shall be maintained to meet the San Martin Integrated Design Guidelines for the life of the structures.
 - b. Use of rural icons shall be incorporated in any visible areas of the site.
5. *Design Review (-d1 Santa Clara Valley Viewshed) Requirements*:
 - a. Exterior colors of buildings (including roofs) shall be consistent with the Mission style of architecture. The Light Reflectivity Value for the building façades, trim, and roof materials of the mosque and the community building shall be less than or equal to 65. The Light Reflectivity Value for the building façades, trim, and roof materials of all other buildings and structures shall be less than or equal to 45, pursuant to Section 3.20.040.B.
 - b. Massing requirements of County Zoning Ordinance Section 3.20.040 C. shall be incorporated into the architectural design of all buildings as follows:
 1. Maximum horizontal length of a continuous wall plane shall be 80 feet.
 2. Maximum height of a wall plane, including foundation and other continuous components, shall be 24 feet, with the following exceptions: (a) Any architectural component where façade dimension does not exceed 18 horizontal feet, or (b) multiple such components (18 horizontal feet maximum) where combined horizontal dimension does not exceed 25% of the total horizontal dimension of the façade. This limitation may be varied through the design review process for wall planes not facing the valley floor or otherwise having demonstrably low visibility.
 3. Portions of a wall plane must be offset by at least five (5) horizontal feet to be deemed discontinuous for the purposes of this provision.

- c. (See also condition below under “Conditions of Approval Required to be Completed Prior to Grading or Building Permit Issuance” under Planning, *Architectural Plans*)

CEMETERY DESIGN:

6. *Impervious Surfaces and Landscaping:* To maintain the natural open space environment, the cemetery area shall be fully landscaped with native grasses and no other surfacing, pervious or impervious, shall be permitted, other than: 1) small (no more than 15 inches by 12 inches) flat grave markers positioned flat on each grave site, or 2) the approved access road.
7. *Burial Practices:* The cemetery shall follow the approved burial practices as applied for by the applicant and described in the Cemetery permit issued for the project and shall not include any impervious lining of the grave sites that would affect the movement of water and drainage in the cemetery area.
8. The extent of the cemetery terracing, grading, and burials shall be no less than 10 feet from the closest property line, or as determined appropriate by the geotechnical analysis for slope stability.
9. The cemetery shall maintain positive drainage throughout the cemetery area, such that no water collects or ponds in any of the terraces or cemetery areas.

SUMMER CAMP TENTS

10. Tents for the summer camp use shall be installed for no longer than 9 weeks during the summer months (June to September) and shall be of a neutral or earth tone to blend with the surrounding environment.
11. The platform structures to support the tents shall be no more than 30 inches above existing grade so as to not count as permanent buildings requiring building permits.

LANDSCAPING

12. *Screening:* On-site landscaping shall include use of evergreen plantings of sufficient height, depth, and location that all project structures as well as the youth summer camp shall be screened from public view at the key viewpoint locations on Monterey Road and California Avenue, as demonstrated through the landscape plans and visual simulations submitted on April 23, 2019.
13. *Final Landscape Plan:* A final landscape plan, substantially consistent with the approved preliminary landscape plan, and incorporating additional design requirements as

described below shall be submitted, approved, and adhered to as specified in section “Conditions of Approval Required to be Completed Prior to Grading or Building Permit Issuance” under Planning, *Landscaping*. Additional screening shall be incorporated into the Final Landscape Plan around retaining walls adjacent to the parking lot and play areas; along the western property line to adequately screen all structures from the property to the west; and behind the water tank and bath houses (to the north) to screen these structures from southbound Monterey Road.

14. *Landscape Maintenance*: Approved landscaping shall be maintained in the following ways:

- a. The final landscape installation and irrigation system shall be maintained to ensure successful establishment following installation, and to ensure water use-efficiency is consistent with Division B33. Irrigation systems shall be tested, adjusted and repaired following manufacturers' specifications and recommendations of the landscape professional.
- a. Plantings that die or do not reach maturity in size as detailed in the landscape plan shall be replaced with the same or functionally equivalent plants that may be size-adjusted as appropriate for the stage of growth of the overall installation. Landscaping failures and replacements shall be reported to the Planning Department to verify compliance.
- b. The maintenance of such landscaping shall be the responsibility of all future owners/operators of the use.
- c. If there is a significant loss of landscaping that is not replaced within a timely manner that results in a substantial loss in screening of the buildings and increased visual impact from offsite public views, as determined by the Director of Planning and Development, the Director may initiate a revocation or modification hearing for the project before the Planning Commission.

LIGHTING

15. On-site lighting shall be designed, controlled and maintained so that no light source is visible from off the property.

SIGNS

16. No signage is authorized at this time except for parking lot signs referenced in Conditions 19, 20 and 24 below. Any new signage proposed may require additional review and approvals subject to the provisions of Chapter 4.40 of the County Zoning Ordinance and shall conform in design character with the San Martin Integrated Design Plan and Guidelines and Design Review Guidelines for signs.

PARKING

17. A minimum of 125 parking spaces shall be provided and shall meet all the design requirements in conformance with §4.30.070 (Parking Design Standards) of the County Zoning Ordinance, including for size, turning radii, and aisle widths.
18. The applicant shall provide five (5) required disabled spaces, as a part of the approved 125 spaces, in conformance with the development standards outlined in §4.30.060.D & §4.30.070 (I) of the County Zoning Ordinance. Design standards for accessible parking spaces are provided in the 2013 California Building Code Chapter 11B, as amended from time to time.
19. Parking within 120 feet of the westerly property line shall include signage prohibiting parking from 10 p.m. to 7 a.m. Signage shall be clearly posted at parking spaces within 120 feet of the western property line. No parking restriction is required for spaces farther than 120 feet from the property line. The applicant shall be responsible for enforcing the parking restriction. (*Mitigation Measure 4.5-4*).
20. One to two parking spaces adjacent to the maintenance building shall include signs to identify these as reserved parking. Said parking shall only be utilized by maintenance staff.
21. Parking for special events over 300 people shall be managed through an approved Parking Management Plan by either valet parking or shuttle parking as identified in the project's Use Permit conditions (Exhibit B).
22. All onsite parking spaces and directional arrow striping to indicate the direction of traffic shall be delineated and in conformance with §4.30.070 (Parking Design Standards) of the County Zoning Ordinance.
23. A 4-inch to 6-inch high concrete curb, or similar, shall be provided and maintained between all landscaped areas and automobile traffic to clearly delineate parking spaces. Driveways shall be defined by concrete curb, landscaped area, or other similar means.

ON SITE CIRCULATION/ DEDICATED DROP-OFF:

24. The two dedicated drop-off and pick-up areas shall include "No Parking" signage. Other signage, barriers or cones, striping, and traffic directing personnel shall be utilized as appropriate for events greater than 300 people. A more detailed description of such measures shall be required and approved by Planning staff prior to building permit issuance.

NOISE

25. To minimize stationary-source noise levels during construction activities, all stationary construction equipment (i.e., generators and air compressors) shall be located at least 25 feet from the western and southern project property lines. The applicant shall ensure that this requirement is implemented by all contractors. *(Mitigation Measure 4.5-2)*
26. To prevent exceedance of the County's nighttime noise standard, the applicant shall install parking lot signage that prohibits parking after 10:00 p.m. or before 7:00 a.m. in spaces within 120 feet of the western property line. No parking restriction is required for spaces farther than 120 feet from the property line. The applicant shall be responsible for enforcing the parking restriction. *(Mitigation Measure 4.5-4)*
27. Construction shall be limited to the hours of 7 AM to 8 PM Monday through Friday and 9AM to 6PM on Saturdays. No construction on Sunday shall be allowed, except to address emergencies as approved by the Planning Office. This includes all construction activities associated with the project, including grading, excavation, stripping, pavement, foundation, and installing new structures and improvements etc., on-site.
28. Contractors shall use "new technology" power equipment with state of the art noise shielding and muffling devices. All internal combustion engine driven equipment shall be equipped with intake and exhaust mufflers which are in good working condition and appropriate for the equipment.
29. To minimize stationary-source noise levels during construction activities, all grading and improvement plans shall state that all stationary construction equipment (i.e., generators and air compressors) shall be located at least 25 feet from the western and southern project property lines. The applicant shall ensure that this requirement is implemented by all contractors *(Mitigation Measure 4.5-1)*
30. Unnecessary idling of internal combustion engines shall be prohibited.

GRADING

31. Grading Description: The project proposes approximately 3,000 cubic yards (CY) of grading for the Mosque, Community Building and Community Plaza (870 CY of cut and 2140 CY of fill), and approximately 1600 CY of grading (370 CY cut, 1240 CY fill) for Parking Lot A (eastern parking lot) with 5 to 6 feet high retaining walls around these areas to support their development.
32. Disposal of Excess Cut: Any excess cut shall be taken off-site to an approved disposal location.

CULTURAL AND BIOLOGICAL RESOURCES

33. Protection of Sub-surface Resources: During any construction or ground disturbance, including for the Cemetery use, conditions 33-37 shall apply:
34. Paleontological Resources (Mitigation Measure 4.2-1) The project proponent shall retain a qualified paleontologist to provide a preconstruction briefing to the supervisory personnel of the excavation contractor to alert them to the possibility of exposing significant paleontological resources within the property. In the event that paleontological resources are discovered during project construction, construction shall halt in the immediate vicinity of the find until a qualified paleontologist is consulted to determine the significance of the find, and has recommended appropriate measures to protect the resource. Further disturbance of the resource shall not be allowed until those recommendations are approved by the County Planning Office and the recommendations or protection of the resource have been implemented.
35. Archaeological Resources: (Mitigation Measure 4.2-2a) The applicant shall note on any plans that relate to ground-disturbance that there is a potential for exposing unknown, buried cultural resources.

The project proponent shall retain a qualified archaeologist to provide a preconstruction briefing to the supervisory personnel of the excavation contractor to alert them to the possibility of exposing significant historical and archaeological resources within the property. The briefing shall describe the types of archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeologist.

If archaeological materials are exposed or discovered during subsurface construction activities on the site, then the operator of the cemetery shall receive a similar briefing as the construction personnel.

36. Buried Cultural Resources (Mitigation Measure 4.2-2b) In the event that archaeological materials are exposed or discovered during subsurface activities, activities within 50 feet of the find shall stop, and a professional archaeologist who meets the Secretary of the Interior's standards shall be contacted for evaluation and further recommendations.

The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) under CEQA and/or unique archaeological resources. If the Professional Archaeologist determines that any cultural resources constitute a significant archaeological resource, he/she shall notify the project proponent and

the County Planning Office of the evaluation and recommended mitigation measures to mitigate any impact to a less-than-significant level.

If a discovery is determined to be a significant archaeological resource, and if avoidance of the resource is not possible, the professional archaeologist shall prepare and assist in the implementation of a Cultural Resources Management Plan, which must be reviewed and approved by the Santa Clara County Planning Office, for appropriate treatment of the resource. Potential recommendations could include evaluation, collection, recordation, and analysis of any significant archaeological materials. Treatment of any significant archaeological resources shall be undertaken in accordance with the Cultural Resources Management Plan and approved by the archaeologist. In the event that human skeletal remains are encountered, the applicant is required by County Ordinance No. B6-18 to immediately notify the County Coroner. Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and the County Coordinator of Indian affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs, in accordance with the provisions of state law and Chapter B6-18 of the County Ordinance Code. If artifacts are found on the site, a qualified archaeologist shall be contacted along with the County Planning Office. No further disturbance of the artifacts may be made except as authorized by the County Planning Office..

37. Treatment Of Human Remains (Mitigation Measure 4.2-2c) : If human remains are discovered during project construction, or project operation such as digging relating to cemetery use activities, the applicant shall immediately notify the County Coroner, per County Ordinance No. B6-18 and the following steps shall be taken:

- There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Santa Clara County Planning Department and the Coroner is contacted to determine whether an investigation of the cause of death is required. If the coroner determines the remains to be Native American;
- The coroner shall contact the Native American Heritage Commission within 24 hours;
- The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American;
- The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for

means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or,

- If the coroner determines the remains to be Native American, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and the County Coordinator of Indian affairs. No further disturbance of the site may be made except as authorized by the County Coordinator of Indian Affairs, in accordance with the provisions of state law and Chapter B6-18 of the County Ordinance Code. If artifacts are found on the site, a qualified archaeologist shall be contacted along with the County Planning Office. No further disturbance of the artifacts may be made except as authorized by the County Planning Office.

38. *Biological Resources (Mitigation Measure 4.3-2)*: The applicant shall implement the following measures to reduce impacts on special-status plants:

- Prior to construction and during the blooming period for the special-status plant species with potential to occur in the project site, a qualified botanist will conduct protocol-level surveys for special-status plants in areas where potentially suitable habitat would be removed or disturbed by project activities. A report of the completed survey shall be provided to the Santa Clara County Planning Division. Table 4.3-3 summarizes the normal blooming periods (shown in gray) for special-status plant species with potential to occur on the project site, which generally indicates the optimal survey periods when the species are most identifiable.
- If no special-status plants are found, the botanist shall document the findings in a letter report to USFWS, CDFW, and the project applicant and no further mitigation will be required.
- If special-status plant species are identified, the applicant shall hire a qualified botanist to prepare an impact avoidance plan. The plan shall include mapping of special-status plants within the project site and shall identify sufficient buffers to avoid impacts to the plants and root systems. Buffer areas will be identified with high visibility construction fencing, flagging, or other appropriate methods.

- If special-status plant species are found that cannot be avoided during construction, the applicant shall consult with CDFW and/or USFWS, as appropriate depending on species status, to determine the appropriate protection measures to minimize direct and indirect impacts that could occur as a result of project construction and shall implement the agreed upon measures to achieve no net loss of occupied habitat or individuals. Protection measures may include preserving and enhancing existing populations, creation of off-site populations on mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat and/or individuals. A monitoring plan shall be developed describing how unavoidable losses of special-status plants will be compensated. Alternatively, the project may request to become a “Covered Project” under the Santa Clara Valley Habitat Plan to address any impacts to special status plant species that are covered under the Habitat Plan. Compliance with applicable Habitat Plan fees and conditions as a covered project would address required mitigation to those species.
- If relocation efforts are included in the protection measures, the measures shall specify the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection and management, monitoring and reporting requirements, success criteria, and remedial action responsibilities should the initial effort fail to meet long-term monitoring requirements. Success criteria for preserved and compensatory populations shall include:
 - The extent of occupied area and plant density (number of plants per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat.
- Compensatory and preserved populations will be self-producing. Populations will be considered self-producing when:
 - Plants reestablish annually for a minimum of five (5) years with no human intervention such as supplemental seeding
 - Reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.
 - If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures will be included in the mitigation plan, including information on

responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long term viable populations.

39. Wastewater Disposal Plan Design (Mitigation Measure 4.4-2): The applicant shall develop, submit for review and approval of County Department of Environmental Health, and implement a revised wastewater disposal plan that addresses the issue of soil saturation in the proposed drip field area by lengthening the wastewater disposal area and reducing the overall design hydraulic loading to 3,000 gallons per day (“gpd”) (i.e., a 50 percent reduction compared to the proposed design). This shall be accomplished by:
- a. eliminating the lower drip dispersal field shown on the proposed project wastewater plan;
 - b. confining drip dispersal to the area higher up on the slope in this area;
 - c. extending the drip field a greater distance laterally across the slope (250 to 300 feet); and
 - d. developing an additional alternate drip disposal field in the orchard area on the east side of property with capacity for 50 percent of the design wastewater flow.

The hillside drip field and orchard drip field shall be operated in tandem, each receiving 50 percent of the daily wastewater flow. Individually, each field shall have a primary (active) and secondary (resting) drip dispersal systems installed to meet minimum requirements for a dual, 200 percent capacity disposal system.

40. Nitrogen Treatment and Effluent Monitoring (Mitigation Measure 4.4-3): The applicant shall implement the following measures to treat and monitor nitrogen loading from the on-site wastewater system:
- Modify the proposed wastewater facilities plan to include changes in the dispersal facilities as described in Mitigation Measure 4.4-2 and incorporate a supplemental treatment system capable of meeting a 20 mg/L (average) nitrogen effluent performance limit; and,
 - Coordinate with Santa Clara County DEH to establish wastewater effluent monitoring requirements to provide on-going assurance that the system performs adequately. Compliance with these requirements shall be considered conditions of the operating permit for the project.

41. Construction Traffic Control Plan (Mitigation Measure 4.6-1): Prior to building and grading permit approval, the applicant shall submit to the Department of Roads and Airports a construction traffic control plan that shall:
- restrict all ingress/egress at the construction entrance to right-in and right-out turns only;
 - provide for the appropriate control measures, including barricades, warning signs, speed control devices, flaggers, and other measures to mitigate potential traffic hazards; and,
 - ensure coordination with emergency response providers to provide sufficient emergency response access for the surrounding area.
42. Traffic Safety Improvements To Site Plans (Mitigation Measure 4.6-3): Prior to building and grading permit approval, the following amendments shall be made to the final designs of the project and approved by the County Department of Roads and Airports:
- The project applicant shall demonstrate that landscaping, as detailed on landscape plans for Planning approval, does not encroach into the sight distance triangle (a triangle formed between the location where the driver makes the decision to exit the driveway [decision point], the location of the approaching vehicle on Monterey Road, and the location where the two vehicles would intersect);
 - The project applicant shall construct a deceleration lane on the southbound side of Monterey Road leading to the project driveway;
 - The project applicant shall construct, an acceleration lane on the southbound side Monterey Road leading from project driveway;
 - The project driveway/entrance shall be designed to allow only right-in, right-out operation from and to Monterey Road. The applicant shall submit the project driveway/entrance design to the County Department of Roads and Airports for review and approval prior to issuance of any grading or building permits; and,
 - A stop sign shall be required where the driveway intersects with Monterey Road.
43. Greenhouse Gas (GHG) Emission Reductions (Mitigation Measure 4.7-1): Prior to issuance of grading or building permits for project, the project applicant shall hire a qualified GHG specialist to prepare and submit to the County Planning Department a GHG reduction plan to calculate final emissions from construction and operations and propose quantifiable strategies to ensure that the project related incremental increase of GHG emissions do not exceed the 2030 threshold

of 2.8 MT of CO₂e/year/service population. If at the time the GHG-reduction plan is being prepared BAAQMD has completed updating its CEQA Guidelines and the County Planning Office, in consultation with BAAQMD, determines that those guidelines include a project-level GHG threshold that is more appropriate for this project, the County Planning Office may approve use of that BAAQMD project-level GHG threshold from the updated guidelines in place of the threshold used in this EIR (2030 threshold of 2.8 MT of CO₂e/year/service population). Any revision to the project-level GHG threshold will be made after public notice and an administrative hearing. The GHG reduction plan may include, but not be limited to, the following measures:

Construction-phase GHG Reduction Measures:

- To the extent feasible, all diesel-powered construction equipment shall be fueled with renewable diesel fuel. The renewable diesel fuel must be compliant with California's *low carbon fuel standards*. This measure does not apply to haul trucks with on-road engines that are used to carry equipment and materials to and from the construction site and other vendor trips because the selection and operation of these trucks are not in control of the contractor. Feasibility shall be determined by the County in coordination with the applicant and the qualified GHG specialist.
- Implement a construction-worker carpool and transit program to encourage construction workers to carpool and use public transit to commute to and from the project site. This measure applies only to workers who will work at the site five or more consecutive work days. The program shall include a virtual or physical "ride board" for workers to organize car pools. The program shall also reimburse workers for any expenses they incur from using local public transit to commute to the construction site.
- Install a temporary electric power connection at the construction site to power any electric power equipment used during project construction (e.g., welders, lights) in lieu of any stationary generators powered by fossil fuels.

On-site Operational GHG Emission Reduction Measures:

- Implement a travel demand management program to increase carpool options and transit use to decrease GHG emissions from vehicle trips.
- Install solar panels in appropriate locations on the site. Appropriate locations are not limited to rooftops but shall be limited to areas with impervious surfaces. Specific placement and appearance of solar panels shall be selected to integrate tastefully into the design and to

minimize conspicuous visibility from public roads and shall comply with all applicable design guidelines. The locations and quantity of panels will be determined by the County in coordination with the applicant and the GHG specialist.

- Install electric tankless and/or rooftop solar water heating system(s).
- Install all Energy Star®-certified appliances (if an Energy Star®-certified model of the appliance is available). Energy Star®-certified appliances are listed on EPA's website:
<https://www.energystar.gov/products?s=footer> (EPA 2017). If EPA's Energy Star® program is discontinued before appliances and fixtures are selected, then this measure shall not be required.
- Install high-efficiency lighting (e.g., LED) for all exterior and interior lighting needs.
- Provide electrical outlets at the exterior of all project buildings and in outdoor activity areas to allow sufficient powering of electric landscaping equipment and special equipment used during outdoor events (e.g., community picnics, summer camps).
- Use water-efficient irrigation systems (e.g., drip systems with smart irrigation meters) and landscaping techniques/design.
- Only use drought tolerant plants in landscaped areas (does not apply to orchard area).
- If feasible, install a grey water system to irrigate outdoor landscaping and/or to use for indoor non-potable water uses.
- To reduce landfill waste generated during operation of the project, include separate recycling and waste containers to support recycling collection service.
- Include any other GHG reduction measures that the applicant deems feasible and approved by County staff. Because mobile sources (vehicle trips) would constitute the majority of GHG emissions, and it is anticipated that the project proponent would be unable to reduce the operations-related incremental increase of GHG emissions to below the threshold of 2.8 MT of CO₂e/year/service population using the above measures, the project proponent shall offset all remaining incremental emissions above that threshold. Any offset of operational emissions shall be demonstrated to be real, permanent, verifiable, enforceable, and additional. To the maximum extent feasible, as determined by the County in coordination with the BAAQMD,

offsets shall be implemented locally. Offsets may include but are not limited to, the following (in order of preference):

- Funding of local projects, subject to review and approval by the BAAQMD, that would result in real, permanent, verifiable, enforceable, and additional reduction in GHG emissions. If the BAAQMD or County of Santa Clara develops a GHG mitigation fund, the County may instead pay into this fund to offset project incremental GHG emissions in excess of the significance threshold.
- Purchase of carbon credits to offset project incremental emissions to below the significance threshold. Carbon offset credits must be verified and registered with The Climate Registry, the Climate Action Reserve, or other source that is approved by the California Air Resources Board as being consistent with the policies and guidelines of the California Global Warming Solution Act of 2006 (AB 32), or available through a County- or BAAQMD-approved local GHG mitigation bank or fund.

Land Development Engineering

44. Property owner is responsible for the adequacy of any drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health or damage to adjoining property.

Roads & Airports

45. All employee, visitor and event parking and operations shall be provided on-site; no street parking shall be allowed with this permit.
46. Provide for the maintenance of adequate sight distance along Monterey Road at the driveway location.

Department of Environmental Health

47. Based on a percolation rate of 46 minutes per inch (application rate of 0.4 gallons per square foot per day), sewage disposal conditions have been determined for the single family residence. The OWTS shall utilize a 1500 gallon septic tank, 1500 gallon pump tank, a supplemental treatment unit, and a total of 2250 square feet drip dispersal field. This onsite wastewater treatment system design is adequate to serve a maximum design flow of 450 gallons per day (3-bedrooms).

48. Based upon the proposed number of proposed daily users/parishioners, special event participants, onsite staff and campers, a percolation rate of 41 minutes per inch (application rate of 0.6 gallons per square feet per day), sewage disposal conditions have been determined for the non-residential uses. The onsite wastewater treatment system shall utilizes a 1500 gallon septic tank for the bath house, a 20,000 gallon septic tank (greater than twice the peak daily flow), a 20,000 gallon flow equalization tank metering up to 6000 gallons per day, a 9000 gallon pump tank, a supplemental treatment unit, and a total of 20,000 square feet drip dispersal field. This onsite waste water treatment system design is adequate to serve either a single daily peak flow of 7530 gallons per day or a weekly peak flow of 6000 gallons per day.
49. All construction activities shall be in conformance with the Santa Clara County Noise Ordinance Section B11-154 and prohibited between the hours of 7:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or at any time on Sundays for the duration of construction.
50. All activities must comply with Santa Clara County Noise Ordinance.

Fire Marshal's Office

51. MAINTENANCE: Fire protection water systems and equipment shall be accessible and maintained in operable condition at all times, and shall be replaced or repaired where defective. Fire protection water shall be made available to the fire department.
52. Fire department access roads, driveways, turnouts, and turnarounds shall be maintained free and clear and accessible at all times for fire department use. Gates shall be maintained in good working order, and shall remain in compliance with Fire Marshal Standard CFMO-A3 at all times.

Santa Clara Valley Water District (Valley Water)

53. Any abandoned wells, or wells that are no longer in use, must be properly destroyed. As required by Santa Clara Valley Water District (Valley Water) Ordinance 90-1, an application must be filed with the District for a permit to construct or destroy any well, or to drill any exploratory holes deeper than 45 feet.

Building Inspection Office

54. All new structures shall require a building permit. For detailed information about the requirements for a building permit, obtain a Building Permit Application

Instruction handout from the Office of Building Inspection or visit their website (www.sccbuilding.org).

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO GRADING OR BUILDING PERMIT ISSUANCE

Planning Division

55. Prior to filing for a grading or a building permit, contact the Planning Department to schedule a pre-submittal meeting to discuss submittal requirements and process for the grading and building permits.
56. Any fees due to the County of Santa Clara Department of Planning and Development associated with staff time spent on the planning approval and condition compliance related to construction permit issuance shall be paid prior to issuance of any permits for this project.

ARCHITECTURAL DESIGN AND PLANS

57. Prior to any building permit issuance, submit a complete and consistent plan set that includes a site plan, elevations, and crosssections consistent with the project approval. The plan set shall include the following:
 - a. San Martin Integrated Design Plan and Guidelines: Building elevation, exterior colors and materials, in conformance with the Board adopted San Martin Integrated Design Guidelines. Highly reflective surfaces and colors, artificial, composition type materials (simulated wood or masonry) lacking durability and compatibility with traditional types of building materials are not permitted.
 - b. Massing: Consistent with the County's Design Review requirements, the maximum horizontal length of a continuous wall plane shall be 80 feet or less. Maximum height of a wall place, including foundation and other continuous components, shall be 24 feet with the following exceptions:
 - (a) Any architectural component where façade dimension does not exceed 18 horizontal feet, or
 - (b) Multiple such components (18 horizontal feet maximum) where combined horizontal dimension does not exceed 25% of the total horizontal dimension of the façade.Portions of a wall plane must be offset by at least five (5) horizontal feet to be deemed discontinuous for the purposes of this provision.

- c. Color: Submit color samples for the façade, trim and roof materials indicating the following:
 - i. Light Reflectivity Value is less than or equal to 65 for the mosque and community building.
 - ii. Light Reflectivity Value is less than or equal to 45, pursuant to Section 3.20.040.B.
 - iii. Exterior colors of buildings (including roofs) is consistent with the San Martin Integrated Design Plan and Guidelines and is a brown or neutral earth tone so as to blend in with the natural landscape.
- d. Traffic: The project design shall incorporate the following improvements:
 - i. A deceleration lane on the southbound side of Monterey Road leading to the project driveway.
 - ii. An acceleration lane on the southbound side Monterey Road leading from project driveway.
 - iii. A project driveway/entrance designed to allow only right-in, right-out operation from and to Monterey Road. The applicant shall submit the project driveway/entrance design to the County Department of Roads and Airports for review and approval prior to issuance of any grading or building permits.
 - iv. A stop sign shall be required where the driveway intersects with Monterey Road.

LANDSCAPE PLAN

- 58. Final Landscaping Plan: Prior to the issuance of any grading or building permit, the applicant shall submit to the County Planning Office an updated Final Landscaping Plan set that conforms to the San Martin Integrated Design Plan and Guidelines and that demonstrates through use of evergreen plantings of sufficient height, depth, and location that all project structures as well as the youth summer camp will be screened from public view at the key viewpoint locations on Monterey Road and California Avenue, as demonstrated through the approved preliminary landscape plan and visual simulations provided by the applicant on April 23, 2019.
- 59. The Final Landscaping Plans, shall be substantially consistent with the approved Preliminary Landscape Plan, shall incorporate additional landscaping as conditioned behind the water tanks and bathhouses, along the western property line, and retaining walls at the parking lot and play areas, and shall be prepared and stamped by a licensed landscape architect, and shall include the following information:

- e. Landscaping that does not interfere with traffic safety or infrastructure improvements on site, per the following conditions:
 - (1) The project applicant shall demonstrate that landscaping, as detailed on landscape plans for Planning approval, does not encroach into the sight distance triangle (a triangle formed between the location where the driver makes the decision to exit the driveway [decision point], the location of the approaching vehicle on Monterey Road, and the location where the two vehicles would intersect). [*per EIR Mitigation Measure, 4.6-1*].
 - (2) Overlay proposed below-surface site features, such as infrastructure improvements for storm drain or septic facilities, and demonstrate how the proposed landscaping and its growth, maturation, and maintenance will not be impacted by these facilities.
- f. Landscaping throughout the parking area where feasible, that includes fast-growing deciduous or evergreen trees to create maximum summer shade and provide adequate visual relief.
- g. Native or naturalized species with consideration to drought tolerance, adaptability and relationship to environment; color, form and pattern, ability to provide shade, soil retention, and fire resistance.
- h. A variety of landscape material types (i.e. large/small trees, shrubs, vines/ivy, and group cover) of varying species.
- i. Species name (generic and common), size and container size of all proposed plants.
- j. Describe any relevant details of irrigation and maintenance.
- k. Plan shall include one 24-inch box (minimum) oak tree, or two 15-gallon oak trees shall be installed for each 12-inch diameter or larger oak tree designated for removal.

Due to the increased frequency of observed sudden oak death (*Phytophthora ramorum*) in the western portions of Santa Clara County, replacement oak choices should be limited to species which have not shown susceptibility to sudden oak death, such as valley oak (*Quercus lobata*), Oregon white oak (*Quercus garryana*), blue oak (*Quercus douglasii*).

- l. All requirements to meet the County's Sustainable Landscape Ordinance – Division B33 of the County of Santa Clara Ordinance Code.
- m. A Tree Protection Plan shall be submitted with building and grading plans for approval, with tree protection fencing measures around all trees not slated for removal that are adjacent to construction areas and material storage areas. Such tree protection fencing shall be maintained during the duration of the construction.

- n. Soil characteristics, including structure, texture, percolation, pH, mineral content, and microbiology, shall be evaluated and included with the landscape architect's choice of landscaping in the final landscaping plan. Soil amendments, such as compost or fertilizer, shall be added as appropriate.
 - (1) A minimum two (2) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas, except in areas of direct seeding application (e.g. hydroseed).
 - (2) Stabilizing mulching products shall be used on slopes.

LIGHTING PLANS

- 60. Submit a lighting plan and manufacturer's detail, of all proposed exterior lighting for the parking area, buildings, and site landscaping to the Planning Department during the plan check process for review and approval. The outdoor lighting plan shall indicate use of full cut-off lighting fixtures directed downwards to minimize spillover lighting and visibility off the property consistent with Condition # 13 above.
- 61. Submit a photometric plan demonstrating the proposed lighting plan's spillover light at the property lines is 0 foot candle consistent with Condition # 13 above.

PARKING PLAN

- 62. Parking Plan: Prior to any construction permit issuance, a parking plan shall be submitted and approved by the County Planning Office, pursuant to all project conditions of approval (See conditions 15 through 21 above) and the County Zoning Ordinance parking requirements for approved residential and non-residential uses.
- 63. On Site Circulation/ Dedicated Drop-Off: Prior to any construction permit issuance, provide the following:
 - a. Identify on submittal plans dedicated loading, drop-off and pick-up areas, pursuant to the approved plans.
 - b. Provide location and design of signage to ensure these areas are not utilized for parking.
 - c. Provide a detailed description of traffic control and parking management measures such as signage, barriers or cones, striping, and traffic directing personnel, for events greater than 300 people, which shall be approved by Planning staff prior to building permit issuance.

GREENHOUSE GAS EMISSION REDUCTION PLAN

64. Prior to issuance of grading or building permits for project, the project applicant shall hire a qualified GHG specialist to prepare and submit to the County Planning Department a GHG reduction plan, pursuant to Condition #41 above.

GENERAL CONSTRUCTION NOTES

65. Grading: All construction plans shall note that:
- a. The cut shall be balanced on site pursuant to approved preliminary grading plans, with a maximum of approximately 700 CY of cut taken off-site to an approved disposal location.
 - b. Newly graded areas shall be seeded / mulched or re-vegetated within 30 days.
66. Air Quality: The applicant will incorporate the following basic measures into all construction documents to prevent air pollution in a manner consistent with the Bay Area Air Quality Management District's standards.
- c. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered twice per day.
 - d. All haul trucks transporting soil, sand, or other loose material off-site will be covered.
 - e. All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping will be prohibited.
 - f. All vehicle speeds on unpaved roads will be limited to 15 miles per hour.
 - g. All roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used.
 - h. Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage will be provided for construction workers at all access points.

- i. All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications. All equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - j. A publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints will be posted on-site. This person will respond and take corrective action within 48 hours. The Air District's phone number will also be visible to ensure compliance with applicable regulations.
67. All identified project conditions of approval (Conditions 31-36 above) and construction mitigation measures for the various resource areas as identified below shall be noted:
- k. Biological resources: If special-status plant species are identified on project site, the project plans shall identify an impact avoidance area per the biologist's recommendation with high visibility construction fencing, flagging, or other appropriate methods.
 - l. Cultural Resources: Project conditions of approval (Conditions 31-35 above) and construction Mitigation Measures 4.2-1, 4.2-2a, 4.2-2b, 4.2-2c shall be noted on plans.
2. Noise: The following notes shall be included on all grading, building, and improvement plans and implemented by the contractors:
- m. Construction shall be limited to the hours of 7 AM to 8 PM Monday through Friday and 9AM to 6PM on Saturdays. This includes all construction activities associated with the project, including grading, excavation, stripping, pavement, foundation, and installing new structures and improvements etc., on-site.
 - n. Contractors shall use "new technology" power equipment with state of the art noise shielding and muffling devices. All internal combustion engine driven equipment shall be equipped with intake and exhaust mufflers which are in good working condition and appropriate for the equipment.
 - o. To minimize stationary-source noise levels during construction activities, all grading and improvement plans shall state that all stationary construction equipment (i.e., generators and air compressors) shall be located at least 25 feet from the western and southern project property lines. The applicant shall ensure that this requirement is implemented by all contractors (Mitigation Measure 4.5-1)
 - p. Unnecessary idling of internal combustion engines shall be prohibited.

68. *Traffic Control Plan (Mitigation Measure 4.6-1)*: Prior to building and grading permit approval, the applicant shall submit to the Department of Roads and Airports a construction traffic control plan that shall:
- q. Restrict all ingress/egress at the construction entrance to right-in and rightout turns only;
 - r. Provide for the appropriate control measures, including barricades, warning signs, speed control devices, flaggers, and other measures to mitigate potential traffic hazards; and
 - s. Ensure coordination with emergency response providers to provide sufficient emergency response access for the surrounding area.

Land Development Engineering

69. Obtain a Grading Permit from Land Development Engineering (LDE) prior to beginning any construction activities. Issuance of the grading permit is required prior to LDE clearance of the building permit (building and grading permits can be applied for concurrently). The process for obtaining a Grading Permit and the forms that are required can be found at the following web page:

www.sccplanning.org > I Want to.. > Apply for a Permit > Grading Permit

If the County Roads and Airports Department provides a condition of approval to obtain an encroachment permit, the application for the permit will be submitted to the Land Development Engineering Office with the grading/drainage permit. For your convenience, the grading and encroachment permits are processed concurrently under one set of improvement (grading & drainage) plans.

Expect four to six weeks for plan review and plan check comments. Please contact LDE at (299-5734) for additional information and timelines.

70. Final plans shall include a single sheet which contains the County standard notes and certificates as shown on County Standard Cover Sheet. Plans shall be neatly and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information.
71. Final improvement plans shall be prepared by a licensed civil engineer for review and approval by LDE and the scope of work shall be in substantial conformance with the conditionally approved preliminary plans on file with the Planning Office. Include plan, profile, typical sections, contour grading for all street, road,

driveway, structures and other improvements as appropriate for construction. The final design shall be in conformance with all currently adopted standards and ordinances. The following standards are available on-line:

- Standard Details Manual, September 1997, County of Santa Clara, Roads and Airports Department available at: www.sccgov.org/sites/rda > Published Standards, Specifications, Documents and Forms
- March 1981 Standards and Policies Manual, Volume 1 (Land Development): www.sccplanning.org > Plans & Ordinances > Land Development Standards and Policies
- 2007 Santa Clara County Drainage Manual: www.sccplanning.org > Plans & Ordinances > Grading and Drainage Ordinance

72. Survey monuments shall be shown on the improvement plan to provide sufficient information to locate the proposed improvements and the property lines. Existing monuments must be exposed, verified and noted on the grading plans. Where existing monuments are below grade, they shall be field verified by the surveyor and the grade shall be restored and a temporary stake shall be placed identifying the location of the found monument. If existing survey monuments are not found, temporary staking delineating the property line may be placed prior to construction and new monuments shall be set prior to final acceptance of the improvements. The permanent survey monuments shall be set pursuant to the State Land Surveyor's Act. The Land Surveyor / Engineer in charge of the boundary survey shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.
73. Private Road per County Standard SD1 modified from approximate station 1+00 (at driveway approach) to station 8+25 (at Parking Lot B turnaround) per preliminary plans prepared by R.I. Engineering dated 5/17/16.
- a. One inbound and one outbound Vehicle Lane shall be provided with a lane width of ten feet (10').
 - b. No parking lanes along the access road shall be required nor provided.
 - c. No border or sidewalk along the access road shall be required or provided.
 - d. Structural section shall be based upon the Caltrans Highway Design Manual, Section 608.4 with a Traffic Index of 5.0 and an R-value provided by the Project Geotechnical Engineer.
74. Single Driveway per County Standard SD5 from approximate station 1+25 (at Parking Lot B turnaround) to station 7+50 (at Girls Tent Camp turnaround).

- e. No Parking lanes along the driveway shall be required nor provided.
 - f. No border or sidewalk along the driveway shall be required or provided.
 - g. Structural section shall be based upon the Caltrans Highway Design Manual, Section 608.4 with a Traffic Index of 5.0 and an R-value provided by the Project Geotechnical Engineer.
75. Street signage and striping in accordance with the California Vehicle Code. Signage and striping shall include but are not limited to:
- h. “No Parking” signage and curb painting for those portions of the common access roads intended not to allow on-street parking.
 - i. “Private Road” and Traffic Control signs.
 - j. Street striping and pavement markings.
76. All parking stalls shall be permanently delineated.
77. The improvement plans shall include an Erosion and Sediment Control Plan that outlines seasonally appropriate erosion and sediment controls during the construction period). Include the County’s Standard Best Management Practice Plan Sheets BMP-1 and BMP-2 with the Plan Set.
78. All improvements, including but not limited to parking stalls, path of travel, pavement surfaces, ramps, railing, etc. shall be shown on the improvement plans to be constructed in conformance with the American with Disability Act.
79. Show the limits of floodplain on the improvement plans.
80. Plans will be processed in accordance with the Grading Ordinance and checked for conformance with Article 5 (Design Standards) Section C12-489 to Section C12-527.
81. Provide a drainage analysis prepared by a licensed civil engineer in accordance with criteria as designated in the 2007 County Drainage Manual (see Section 6.3.3 and Appendix L for design requirements). The on-site drainage will be controlled in such a manner as to not increase the downstream peak flow for the 10-year and 100-year storm event or cause a hazard or public nuisance. The mean annual precipitation is available on the on-line property profile.
82. In order to mitigate the effects of the runoff discharge, the project civil engineer shall demonstrate how the concentrated discharge of runoff would not affect the downstream neighbors. Alternatively, the drainage discharge pattern shall be

designed in such a fashion that it mimics the existing sheet flow discharge over the property lien and doesn't adversely impact downstream properties.

83. All new on-site utilities, mains and services shall be placed underground and extended to serve the proposed development. All extensions shall be included in the improvement plans. Off-site work should be coordinated with any other undergrounding to serve other properties in the immediate area.
84. The improvement plans shall include at a minimum, one of the Low Impact Development site design measures. These measure include directing roof runoff into; cisterns or rain barrels for reuse, onto vegetated areas and; directing runoff from sidewalks, walkways, patios, driveways and uncovered parking onto vegetated areas; and constructing sidewalks, walkways, patios, driveways with permeable surfaces.
85. Provide a Storm Water Control Plan prepared by a licensed civil engineer. Include storm water quality treatment measures {PROJECTS > 5000 SF AND SF > 15,000} and runoff retention measures {PROJECTS > 15,000} sized per the County's Guidance Manual for Low Impact Development and Post Construction Requirements.
86. Provide peak flow management analysis for the project prepared by a licensed civil engineer. The analysis shall show the post -development peak flow discharge from the site doesn't exceed the pre-project peak flows for the 2-through 10-year storm events. {PROJECTS > 22,500}
87. Submit a signed/stamped geotechnical report providing recommendations for the project. The report shall provide geotechnical recommendations, as appropriate, for all improvements associated with the development, including, but not limited to, structural foundations, pavement & hardscape sections, storm drainage, cut slopes, fill slope construction, etc. The report shall also evaluate the proposed cemetery location, and provide recommendations, as appropriate.
88. Submit a plan review letter by the Project Geotechnical Engineer certifying that the geotechnical recommendation in the above geotechnical report have been incorporated into the improvement plan.
89. Indicate on the improvement plans the land area that will be disturbed. If one acre or more of land area will be disturbed, file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) for coverage under the State General Construction Permit. The SWRCB will issue a Waste Discharge Identification number (WDID). The WDID number shall be shown on the on the final improvement plans. The SWRCB web site is at: www.waterboards.ca.gov > Water Issues > Programs > Stormwater

90. Offer to dedicate Public Service Easements, in accordance to County Easement policies and as required for water, sewers, and utilities.
91. All applicable easements affecting the parcel with benefactors and recording information shall be shown on the improvement plans.
92. Enter into an Operations and Maintenance Agreement for Stormwater Quality Improvements with the County per Section C11.5-23 of the County Ordinance Code.
93. Potential adverse effects of long-term downslope creep shall be limited by incorporating final recommendations from the geotechnical engineer related to the design and operation of the cemetery, provided these recommendations do not affect approved cemetery and site design or other conditions of approval, and are in substantial conformance with the preliminary grading plans and grading quantities.

Roads & Airports

94. Dedicate an aviation easement for San Martin Airport. Submit current grant deed or title report to the Roads and Airports Department for preparation of the aviation easement.
95. Obtain an Encroachment Permit from the County of Santa Clara Roads and Airports Department for the following required improvements:
 - k. Improve Monterey Road to County Standard A/1 with sidewalk along the property's frontage.
 - l. Installation of the driveway approach per County Standard B/7. The driveway approach shall be modified to limit access on Monterey Road to right-in/right-out only with acceleration and deceleration lanes.
 - m. Installation of a stop sign and associated pavement markings for the driveway exit onto Monterey Road.

The process for obtaining an Encroachment Permit and the forms that are required can be found at: www.countyroads.org > Services > Apply for Permits > Encroachment Permit.

96. Demonstrate that the post-development maximum flow rate into the County Road right-of-way is equal-to or less-than the pre-development corresponding storm event flow rate per the County Drainage Manual. Provide engineered plans and drainage calculations for any detention or retention system necessary to satisfy this requirement.

Department of Environmental Health

Prior to Issuance of a Grading Permit

97. Prior to the issuance of a grading permit, submit a revised onsite wastewater treatment system design overlaid onto the final grading and drainage plan to the Department of Environmental Health for review and approval. For the proposed non-residential use, the revised OWTS shall include a 50-foot setback to the proposed cut slope adjacent to the pathway along the north side of play and sports area.
98. Prior to the issuance of a grading permit, submit a revised onsite wastewater treatment system design overlaid onto the final grading and drainage plan to the Department of Environmental Health for review and approval. For the proposed single family residence, the revised OWTS shall include a 60 to 100 foot set back to the existing cut slope on the eastern side of the property.

Prior to Issuance of a Construction Permit

99. Provide a current water will serve letter from West San Martin Water Company. The will serve letter shall indicate the water company's willingness and ability to provide potable water for the proposed uses—the single family residence and the proposed non-residential uses.
100. The applicant shall develop, submit for review and approval of County DEH, and implement a revised wastewater disposal plan that addresses the issue of soil saturation in the proposed drip field area by lengthening the wastewater disposal area and reducing the overall design hydraulic loading to 3,000 gpd (i.e., a 50 percent reduction compared to the proposed design). This shall be accomplished by: (a) eliminating the lower drip dispersal field shown on the proposed project wastewater plan; (b) confining drip dispersal to the area higher up on the slope in this area; (c) extending the drip field a greater distance laterally across the slope (250 to 300 feet); and (d) developing an additional alternate drip disposal field in the orchard area on the east side of property with capacity for 50 percent of the design wastewater flow.

The hillside drip field and orchard drip field shall be operated in tandem, each receiving 50 percent of the daily wastewater flow. Individually, each field shall have a primary (active) and secondary (resting) drip dispersal systems installed to meet minimum requirements for a dual, 200 percent capacity disposal system.

The applicant shall implement the following measures to treat and monitor nitrogen loading from the on-site wastewater system:

- a. Modify the proposed wastewater facilities plan to include changes in the dispersal facilities as described in Mitigation Measure 4.4-2 and incorporate a supplemental treatment system capable of meeting a 20 mg/L (average) nitrogen effluent performance limit.
- b. Coordinate with Santa Clara County DEH to establish wastewater effluent monitoring and sampling requirements to provide on-going assurance that the system performs adequately. Compliance with these requirements shall be considered conditions of the operating permit for the project.

Fire Marshal's Office

101. A written construction site safety plan shall be submitted directly to the Fire Marshal's Office.
102. A new will serve letter from West San Martin Water Works shall be required.

FIRE PROTECTION WATER SUPPLY

103. IMPORTANT: Fire protection water system shall be installed and inspected prior to approval of the foundation. System shall be maintained in good working order and accessible throughout construction. A Stop-Work order may be placed on the project if the required hydrant systems are not installed, accessible, and/or functioning.
104. Minimum fire-flow for this facility/structure shall be 1,500 gallons per minute at 20 psi for 120 minutes.
105. Three (3) Standard hydrants shall be provided. Hydrant placement shall be approved by this office.
106. A separate permit shall be obtained from the Fire Marshal's Office by a state licensed contractor prior to installation of hydrant system and any listed fire pump.
107. Obtain a building permit for the additional water tanks that will be supplementing the fire flow. The tank shall meet the requirement of NFPA 22, Standard for Water Tanks for Private Fire Protection. Structural design of the tank shall also meet the requirements of ASCE-7 current

edition, Standard for Minimum Design Loads for Buildings and other Structures. The tank capacity shall be the difference from what is provided by the Water Mutual times 120 minutes.(for example 300 gallons x 120 minutes = 36,000 gallons)

FIRE SPRINKLERS

108. All new construction exceeding 500 square feet shall be equipped with an approved automatic fire sprinkler system complying with NFPA 13. The temporary mobile home and the permanent caretaker dwelling shall also be equipped with residential automatic fire sprinkler system complying with NFPA 13D.
109. Exception: Accessory structures less than 500 square feet will not require fire protection water or automatic sprinklers.
110. The fire sprinkler system shall be installed and finalized by this office prior to occupancy. A separate permit shall be obtained from the Fire Marshal's Office by a state licensed C-16 contractor prior to installation.

FIRE DEPARTMENT ACCESS

111. IMPORTANT: All required access roads, driveways, turnarounds, and turnouts shall be installed, and serviceable prior to approval of the foundation and shall be maintained throughout construction. A Stop-Work order may be placed on the project if required driving surfaces are not installed, accessible, and/or maintained.
112. These are minimum Fire Marshal standards. Should these standards conflict with any other local, state or federal requirement, the most restrictive shall apply. Construction of access roads and driveways shall use good engineering practice.
113. See CFMO-C7 for minimum requirements for access roads/driveways during construction.
114. Fire department Access Roads shall be provided within 150-ft. of all exterior portions of all structures. Access roads shall comply with the following:
 - a. Width: Clear width of drivable surface of 20-ft. (no parking)
 - b. Vertical Clearance: 13 feet 6 inches.
 - c. Inside Curve Radius: 42-ft.

- d. Grade: Maximum grade shall not exceed 15%. The Fire Marshal may permit grades up to a maximum of 20% if no other method is practicable and if consistent with good engineering practices, provided an approved automatic fire sprinkler system is installed throughout the affected structure(s). In no case shall the portion exceeding 15% gradient be longer than 300 feet in length, unless there is at least 100 feet at 15% or less gradient relief between each 300 foot section. Grades exceeding 15% shall be paved in compliance with SD1.
- e. Surface: All driving surfaces shall be all-weather and capable of sustaining 75,000 pound gross vehicle weight.
- f. Gates: Gates shall not obstruct the required width or vertical clearance of the driveway, and may require a Fire Department Lock Box/Gate Switch to allow for fire department access. Installation shall comply with CFMO-A3.
- g. All fire apparatus access roads meeting the minimum width shall have permanent "no parking fire lane" signs located so that all access roads are clearly identified and the required clearance maintained as per 2013 CFC 503.3.
- h. A number address approved by the Building Inspection Office shall be placed on the building (or at the entrance to the facility) in such a position as to be plainly visible and legible from the street or road fronting the property. [REF: 2013 CFC §505.1]

Geologist

- 115. Prior to final grading permit issuance, submit Geotechnical Engineer's Plan Review Letter that confirms the plans conform with the intent of recommendations in the geotechnical report. A note to that effect will be stamped on the final plans.

CONDITIONS OF APPROVAL TO BE COMPLETED PRIOR TO OCCUPANCY

Planning Division

- 116. Project Implementation: Prior to final inspection/ occupancy, schedule a final site inspection to verify that required parking, landscaping, and all other design requirements have been constructed and installed according to the approved plans, the conditions of approval, and the project's Mitigation Monitoring and Reporting Program. Contact the Planning Department at least two weeks prior to scheduling the final site inspection.

117. Construction Condition Compliance and Monitoring: Prior to final inspection/ occupancy, the applicant shall provide to the Planning Department a report documenting how the project's construction met the required conditions of approval identified above.
118. Parking: If parking is proposed to be shared with an off-site parking provider, the parking agreement or contract between the parties shall be recorded against both properties prior to occupancy.
119. Landscaping: Approved landscaping materials and irrigation shall be installed per approved Final Landscaping Plans, prior to final inspection.
 - a. The landscape architect shall oversee the installation of plant materials and irrigation hardware and shall assess the quality of installation. After the planting is complete, the property owner shall provide to the Planning Office a written summary report from the landscape architect, which shall:
 - b. Detail the plant materials installed (species, number, location, size, quality) per the approved plan. Indicate any discrepancies between plan and installation (if applicable), and state reasons for such discrepancies.
 - c. Detail any necessary soil augmentation, fertilizer, staking or other plant-specific maintenance required for the installation.
 - d. Report any installation problems or concerns of long-term viability.
 - e. Detail any longer-term maintenance needs, including periodic professional tree fertilizing and pruning to better assure successful growth.
 - f. Original invoices and receipts from landscape contractor(s) and tree nursery must be kept on hand for one year following installation. Should verification of proper installation be necessary, such invoices shall be made available to the zoning administrator for inspection.

Land Development Engineering

120. Existing and set permanent survey monuments shall be verified by inspectors prior to final acceptance of the improvements by the County. Any permanent survey monuments damaged or missing shall be reset by a licensed land surveyor or registered civil engineer authorized to practice land surveying and they shall file appropriate records pursuant to Business and Professions Code Section 8762 or 8771 of the Land Surveyors Act with the County Surveyor.
121. Construct all of the aforementioned improvements. Construction staking is required and shall be the responsibility of the developer.

Roads & Airports

122. Construct the aforementioned improvements to the satisfaction of the Roads and Airports Department.

Department of Environmental Health

123. Apply for and receive on onsite wastewater treatment system operating permit from the Department of Environmental Health for an alternative onsite wastewater treatment system serving the single family residence and the non-residential use.
124. Provide proof of garbage service at the time of final occupancy sign-off. Garbage service in the unincorporated areas of Santa Clara County is mandatory.

Fire Marshal's Office

125. Construct the aforementioned improvements to the satisfaction of the Fire Marshal's Office.

Geologist

126. Prior to final inspection, submit a Construction Observations Letter that verifies the work was completed in conformance with the plans and specifications.

Exhibit 2

Exhibit 2

MITIGATION MONITORING OR REPORTING PROGRAM

Cordoba Center Project

COUNTY OF SANTA CLARA

May 2019

P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring or Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

The Environmental Impact Report (EIR) concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring or Reporting Program (MMRP) addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the EIR concluded that the impacts from implementation of the project would be less than significant.

MITIGATION MONITORING OR REPORTING PROGRAM
Cordoba Center Project

MITIGATION MONITORING OR REPORTING PROGRAM CORDOBA CENTER PROJECT				
Environmental Impacts	Mitigation Measures	Implementation		
		Timeframe	Responsibility	Oversight
Aesthetics and Visual Resources				
<p>Impact 4.1-2: Substantially degrade the existing visual character or quality of the site and its surroundings.</p> <p>Construction activities on the project site would occur over a span of approximately 4 years, and, although construction activities would change the visual character of the site by exposing soil and placing equipment and materials on site, this adverse effect would be temporary, and dust would be controlled by implementing best management practices (BMPs). Therefore, the construction phase of the project would not result in substantial adverse visual change to the project site. The operational phase of the project would place several structures and other facilities on the site where currently no structures exist. However, the structures would be subject to the County’s design review procedure and San Martin Integrated Design Plan and Guidelines standards, and mitigation to visually screen the proposed development from viewpoints along public roads would be required. Therefore, although the visual character of the site would change as a result of the project, this impact would be less than significant with mitigation incorporated.</p>	<p>Mitigation Measure 4.1-2: Update Landscape Plan for Project Site Screening</p> <p>Prior to issuance of any grading or building permits, the applicant shall submit to the County Planning Office an updated landscaping plan that conforms to the San Martin Integrated Design Plan and Guidelines and that demonstrates through use of evergreen plantings of sufficient height, depth, and location that all project structures as well as the youth summer camp will be screened from public view at the Key Viewpoint locations on Monterey Road and California Avenue, as demonstrated through visual simulations.</p> <p>Less Than Significant Impact With Mitigation</p>	Prior to a issuance of grading or building permits	South Valley Islamic Center (SVIC) and County Planning Office	Project Planner in the Planning Office

MITIGATION MONITORING OR REPORTING PROGRAM CORDOBA CENTER PROJECT				
Environmental Impacts	Mitigation Measures	Implementation		
		Timeframe	Responsibility	Oversight
Cultural Resources				
<p>Impact 4.2-1: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</p> <p>Although unlikely, construction and excavation activities associated with project development could unearth previously undiscovered paleontological resources, if they are present. This impact is potentially significant. Implementation of the mitigation measure below would reduce impacts associated with the discovery of unknown paleontological resources to a less-than-significant level.</p>	<p>Mitigation Measure 4.2-1: Avoidance or treatment of uncovered paleontological resources.</p> <p>The project proponent shall retain a qualified paleontologist to provide a preconstruction briefing to the supervisory personnel of the excavation contractor to alert them to the possibility of exposing significant paleontological resources within the property. In the event that paleontological resources are discovered during project construction, construction shall halt in the immediate vicinity of the find until a qualified paleontologist is consulted to determine the significance of the find, and has recommended appropriate measures to protect the resource. Further disturbance of the resource shall not be allowed until those recommendations are approved by the County Planning Office and the recommendations or protection of the resource have been implemented.</p>	Prior to and during construction	SVIC/ Contractor	Planning Office - Project Planner
<p>Impact 4.2-2: Cause a substantial adverse change in the significance of an archaeological resource.</p> <p>Although unlikely, construction and excavation activities associated with project development could unearth previously undiscovered archaeological resources, if they are present. This impact is potentially significant. Implementation of Mitigation Measures 4.2 2a, 4.2-2b, and 4.2-2c would reduce impacts associated</p>	<p>Mitigation Measure 4.2-2a. Notification and training regarding potential archaeological resources.</p> <p>The applicant shall note on any plans that relate to ground-disturbance that there is a potential for exposing unknown, buried cultural resources. The project proponent shall retain a Professional Archaeologist to provide a preconstruction briefing to the supervisory personnel of the excavation contractor to alert them to the</p>	Prior to and during construction	SVIC/ Contractor	Planning Office - Project Planner

**MITIGATION MONITORING OR REPORTING PROGRAM
CORDOBA CENTER PROJECT**

Environmental Impacts	Mitigation Measures	Implementation		
		Timeframe	Responsibility	Oversight
with the discovery of archaeological resources to a less-than-significant level.	<p>possibility of exposing significant historical and archaeological resources within the property. The briefing shall describe the types of archaeological objects that could be exposed, the need to stop excavation at the discovery, and the procedures to follow regarding discovery protection and notification of the project proponent and archaeologist. If archaeological materials are exposed or discovered during subsurface construction activities on the site, then the operator of the cemetery shall receive a similar briefing as the construction personnel.</p> <p>Mitigation Measure 4.2-2b. Treatment of buried cultural resources.</p> <p>In the event that archaeological materials are exposed or discovered during subsurface activities, activities within 50 feet of the find shall stop, and a Professional Archaeologist who meets the Secretary of the Interior's standards shall be contacted for evaluation and further recommendations. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) under CEQA and/or unique archaeological resources. If the Professional Archaeologist determines that any cultural resources constitute a significant archaeological resource, he/she shall notify the project proponent and the County Planning Office of the evaluation and recommended mitigation measures to mitigate any impact to a less-than-significant level. If a discovery is determined to</p>	Prior to and during construction	SVIC/ Contractor	Planning Office - Project Planner

MITIGATION MONITORING OR REPORTING PROGRAM CORDOBA CENTER PROJECT				
Environmental Impacts	Mitigation Measures	Implementation		
		Timeframe	Responsibility	Oversight
	<p>be a significant archaeological resource, and if avoidance of the resource is not possible, the Professional Archaeologist shall prepare and assist in the implementation of a Cultural Resources Management Plan, which must be reviewed and approved of by the Santa Clara County Planning Office, for appropriate treatment of the resource. Potential recommendations could include evaluation, collection, recordation, and analysis of any significant archaeological materials. Treatment of any significant archaeological resources shall be undertaken in accordance with the Cultural Resources Management Plan and approved by the Professional Archaeologist.</p> <p>Mitigation Measure 4.2-2c. Treatment of human remains.</p> <p>If human remains are discovered during construction, CEQA Guidelines 15064.5(e)(1) shall be followed, which is as follows: In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <p>1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:</p> <p>a) The Santa Clara County coroner must be contacted to determine that no investigation of the cause of death is required; and</p>	Prior to and during construction	SVIC/ Contractor	Planning Office - Project Planner

**MITIGATION MONITORING OR REPORTING PROGRAM
CORDOBA CENTER PROJECT**

Environmental Impacts	Mitigation Measures	Implementation		
		Timeframe	Responsibility	Oversight
	<p>b) If the coroner determines the remains to be Native American:</p> <ol style="list-style-type: none"> 1. The coroner shall contact the Native American Heritage Commission within 24 hours; 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American; 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or <p>2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <p>Less Than Significant Impact With Mitigation</p>			
Biological Resources				
Impact 4.3-2: Disturbance to or loss of special-status plant species and habitat. Project implementation includes conversion of grassland habitat, removal of trees, and ground disturbance associated with construction of new buildings and roads. These activities could result in the disturbance or direct loss of special-status plants, because of direct removal or trampling. The loss of special-status plant	<p>Mitigation Measure 4.3-2: Identify and Avoid Special-Status Plant Species</p> <p>The applicant shall implement the following measures to reduce impacts on special-status plants:</p>	Prior to and during construction	SVIC/ Contractor	<p>Planning Office - Project Planner</p> <p>U.S. Fish and</p>

**MITIGATION MONITORING OR REPORTING PROGRAM
CORDOBA CENTER PROJECT**

Environmental Impacts	Mitigation Measures	Implementation		
		Timeframe	Responsibility	Oversight
species and their habitat would be a potentially significant impact.	<ul style="list-style-type: none"> Prior to construction and during the blooming period for the special-status plant species with potential to occur in the project site, a qualified botanist will conduct protocol-level surveys for special-status plants in areas where potentially suitable habitat would be removed or disturbed by project activities. A report of the completed survey shall be provided to the Santa Clara County Planning Division. Table 4.3-3 summarizes the normal blooming periods (shown in gray) for special-status plant species with potential to occur on the project site, which generally indicates the optimal survey periods when the species are most identifiable. If no special-status plants are found, the botanist shall document the findings in a letter report to USFWS, CDFW, and South Valley Islamic Center (SVIC) and no further mitigation will be required. If special-status plant species are identified, the applicant shall hire a qualified botanist to prepare an impact avoidance plan. The plan shall include mapping of special-status plants within the project site and shall identify sufficient buffers to avoid impacts to the plants and root systems. Buffer areas will be identified with high visibility construction fencing, flagging, or other appropriate methods. 			Wildlife Service California Department of Fish and Wildlife

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Environmental Impacts	Mitigation Measures	Implementation		
		Timeframe	Responsibility	Oversight
	<ul style="list-style-type: none"> If special-status plant species are found that cannot be avoided during construction, the applicant shall consult with CDFW and/or USFWS, as appropriate depending on species status, to determine the appropriate protection measures to minimize direct and indirect impacts that could occur as a result of project construction and shall implement the agreed upon measures to achieve no net loss of occupied habitat or individuals. Protection measures may include preserving and enhancing existing populations, creation of off-site populations on mitigation sites through seed collection or transplantation, and/or restoring or creating suitable habitat in sufficient quantities to achieve no net loss of occupied habitat and/or individuals. A monitoring plan shall be developed describing how unavoidable losses of special-status plants will be compensated. If relocation efforts are included in the protection measures, the measures shall specify the methods to be used, including collection, storage, propagation, receptor site preparation, installation, long-term protection and management, monitoring and reporting requirements, success criteria, and remedial action responsibilities should the initial effort fail to meet long-term monitoring requirements. Success criteria for preserved and compensatory populations shall include: 			

**MITIGATION MONITORING OR REPORTING PROGRAM
CORDOBA CENTER PROJECT**

Environmental Impacts	Mitigation Measures	Implementation		
		Timeframe	Responsibility	Oversight
	<ul style="list-style-type: none"> - The extent of occupied area and plant density (number of plants per unit area) in compensatory populations will be equal to or greater than the affected occupied habitat. - Compensatory and preserved populations will be self-producing. Populations will be considered self-producing when: <ul style="list-style-type: none"> ▪ Plants reestablish annually for a minimum of 5 years with no human intervention such as supplemental seeding ▪ Reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity. • If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures will be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long term viable populations. 			

MITIGATION MONITORING OR REPORTING PROGRAM CORDOBA CENTER PROJECT				
Environmental Impacts	Mitigation Measures	Implementation		
		Timeframe	Responsibility	Oversight
	Less Than Significant Impact With Mitigation			
Hydrology and Water Quality				
<p>Impact 4.4-2: Conflict with County OWTS standards in a manner that is inappropriate for onsite soils or which could cause localized groundwater mounding and surface seepage.</p> <p>Soil profile evaluations and percolation testing have demonstrated that the property has suitable conditions for an on-site wastewater treatment system (OWTS) in accordance with County requirements. However, the horizontal setback between the non-residential dispersal field and the proposed cut-slope adjacent to the pathway along the north side of the play area and sports courts does not meet the necessary setback requirements. These factors pose the risk of an unacceptable level of saturation beneath the drip fields. Due to the possibility for lateral seepage of inadequately treated effluent at the proposed cut slope downhill, the OWTS, as proposed, would result in a significant impact. With implementation of the recommended mitigation, which would modify the design of the OWTS, this impact would be less than significant.</p>	<p>Mitigation Measure 4.4-3: Revise wastewater disposal plan design.</p> <p>The applicant shall develop, submit for review and approval of County DEH, and implement a revised wastewater disposal plan that addresses the issue of soil saturation in the proposed drip field area by lengthening the wastewater disposal area and reducing the overall design hydraulic loading to 3,000 gpd (i.e., a 50 percent reduction compared to the proposed design). This shall be accomplished by: (a) eliminating the lower drip dispersal field shown on the proposed project wastewater plan; (b) confining drip dispersal to the area higher up on the slope in this area; (c) extending the drip field a greater distance laterally across the slope (250 to 300 feet); and (d) developing an additional alternate drip disposal field in the orchard area on the east side of property with capacity for 50 percent of the design wastewater flow.</p> <p>The hillside drip field and orchard drip field shall be operated in tandem, each receiving 50 percent of the daily wastewater flow. Individually, each field shall have a primary (active) and secondary (resting) drip dispersal systems installed to meet</p>	Prior to issuance of grading or building permits	SVIC	County Department of Environmental Health

MITIGATION MONITORING OR REPORTING PROGRAM CORDOBA CENTER PROJECT				
Environmental Impacts	Mitigation Measures	Implementation		
		Timeframe	Responsibility	Oversight
	<p>minimum requirements for a dual, 200 percent capacity disposal system.</p> <p>Less Than Significant Impact with Mitigation</p>			
<p>Impact 4.4-3: Exceed acceptable nitrate or salt concentrations in groundwater due to operation of the on-site wastewater disposal facilities.</p> <p>Operation of the on-site wastewater treatment system could result in nitrogen levels that exceed the RWQCB/DEH water quality standards for areas served by individual water wells. This would result in a significant impact to water quality. With mitigation requiring modification of the OWTS and groundwater quality monitoring, this impact would be less than significant.</p>	<p>Mitigation Measure 4.4-3: Supplemental nitrogen treatment and effluent monitoring.</p> <p>The applicant shall implement the following measures to treat and monitor nitrogen loading from the on-site wastewater system:</p> <ul style="list-style-type: none"> • Modify the proposed wastewater facilities plan to include changes in the dispersal facilities as described in Mitigation Measure 4.4-2 and incorporate a supplemental treatment system capable of meeting a 20 mg/L (average) nitrogen effluent performance limit. • Coordinate with Santa Clara County DEH to establish wastewater effluent monitoring requirements to provide on-going assurance that the system performs adequately. Compliance with these requirements shall be considered conditions of the operating permit for the project. <p>Less Than Significant Impact with Mitigation</p>	Prior to issuance of grading or building permits	SVIC	County Department of Environmental Health

**MITIGATION MONITORING OR REPORTING PROGRAM
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Environmental Impacts	Mitigation Measures	Implementation		
		Timeframe	Responsibility	Oversight
<p>Impact 4.4-4: Result in deterioration of groundwater quality nitrogen concentrations exceeding drinking water standards due to operation of the cemetery.</p> <p>Operation of the cemetery could result in nitrogen levels that exceed the water quality standards for areas served by individual water wells. This would result in a potentially significant impact to water quality. With mitigation that would limit the rate of burials and require groundwater monitoring and operational changes in response to changes in groundwater quality, this impact would be less than significant.</p>	<p>Mitigation Measure 4.4-4: Cemetery phasing and groundwater monitoring.</p> <p>Prior to initiating any burial, the applicant shall submit a cemetery development phasing and monitoring plan for review and approval by the Santa Clara County DEH that includes an established annual limit on the number of burials and a groundwater monitoring plan that includes (at a minimum) the following measures:</p> <ul style="list-style-type: none"> • The burials shall be sequenced to begin in the northeastern corner of the cemetery and proceed down-hill (southerly) on the east side of the proposed driveway, maintaining maximum buffer distance between the graves and the westerly property line. • The monitoring plan shall include the specific location, depth, and screened intervals for the wells, which shall be reviewed and approved by the County Planning Office prior to installation of monitoring wells and commencement of burials. Monitoring wells shall be installed within the cemetery and along the downslope (southerly and westerly) property lines; at a minimum, monitoring shall include quarterly sampling and analysis for nitrate and TDS concentrations to observe water quality changes over time. A minimum of six monitoring wells shall be installed as 		SVIC	<p>County Department of Environmental Health</p> <p>Planning Office - Project Planner</p>

**MITIGATION MONITORING OR REPORTING PROGRAM
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Environmental Impacts	Mitigation Measures	Implementation		
		Timeframe	Responsibility	Oversight
	<p>follows: three within the cemetery area; two along the westerly property line; and one along the southerly property line. Annual burial rate shall be limited to a baseline of 30 burials per year for the first 5 years of operation, subject to adjustment based on the results of groundwater monitoring.</p> <ul style="list-style-type: none"> Groundwater monitoring data shall be submitted to County Planning annually for ongoing review. If at any time the groundwater nitrate concentration at monitoring wells along the westerly property line exceed 7.5 mg-N/L, the monitoring wells shall be re-sampled and burials shall cease until monitoring results show the groundwater nitrate concentrations have dropped below the 7.5 mg-N/L evaluation criterion, at which time the County may authorize continued burials. If monitoring results show exceedance of the 7.5 mg-N/L criterion more than twice in one year, the monitoring frequency shall be increased to monthly sampling and nitrate analysis and continued until the results show at least 4 consecutive months of compliance with the 7.5 mg-N/L criterion. Additionally, repeat exceedances of 7.5 mg-N/L in the groundwater during a given year shall be sufficient cause for the County to require reduction in the annual burial rate, based on 			

**MITIGATION MONITORING OR REPORTING PROGRAM
CORDOBA CENTER PROJECT**

Environmental Impacts	Mitigation Measures	Implementation		
		Timeframe	Responsibility	Oversight
	<p>recommendations by a qualified groundwater quality specialist and approval by the County, or consideration of other mitigation measures proposed by the Cordoba Center to achieve the same objective of <7.5 mg-N/L.</p> <ul style="list-style-type: none"> After 5 years of cemetery operation, the groundwater quality data (nitrate and TDS), annual and total number of burials, and recorded rainfall conditions and other factors shall be compared to the expected groundwater quality changes according to the methodology presented in the analysis by Questa (2017a). This recorded data shall be used to confirm or modify the assumptions used in establishing the baseline rate of annual burial (30 per year). The review and analysis shall be conducted by a qualified professional with demonstrated groundwater expertise, and shall form the basis for either: (a) maintaining the baseline annual burial rate; or (b) adjusting the annual burial rate, either higher or lower than the adopted baseline amount. The full report, including any recommended adjustment to the rate of burials, shall be reviewed and approved by the County Planning Office. <p>Less Than Significant Impact with Mitigation</p>			
Noise				

**MITIGATION MONITORING OR REPORTING PROGRAM
CORDOBA CENTER PROJECT**

Environmental Impacts	Mitigation Measures	Implementation		
		Timeframe	Responsibility	Oversight
<p>Impact 4.5-1: Short-term construction-related noise impacts.</p> <p>Project construction activities would involve the use of heavy construction equipment that generates noise. Based on the noise modeling conducted, construction activities could result in maximum noise levels of approximately 94 dBA Lmax at 50 feet. Stationary equipment, such as a generator would typically generate maximum noise levels of 82 dBA at 50 feet. Based on the construction noise modeling, nearby sensitive receptors are located at a distance from the construction activities that mobile source noise levels would not exceed Santa Clara County standards of 75 dBA Lmax for mobile equipment. However, noise levels of stationary equipment could potentially exceed the County standard of 60 dBA Lmax. This impact would be potentially significant. With implementation of mitigation regarding the location of noise-generating stationary equipment, this impact would be less than significant.</p>	<p>Mitigation Measure 4.5-1: Implement stationary source construction-noise reduction measures.</p> <p>To minimize stationary-source noise levels during construction activities, all grading and improvement plans shall state that all stationary construction equipment (i.e., generators and air compressors) shall be located at least 25 feet from the western and southern project property lines. The applicant shall ensure that this requirement is implemented by all contractors.</p> <p>Less Than Significant Impact With Mitigation</p>	Prior to and during construction	SVIC	<p>Planning Office - Project Planner</p> <p>County Building Inspection</p>
<p>Impact 4.5-4: Long-term increase in noise levels from on-site sources.</p> <p>Operational noise sources associated with implementation of the project would include indoor activities (daily prayer, youth Sunday classes, potluck dinners, special events) and outdoor activities (annual youth summer camp, playground activities, parking lot activities), which would be limited to daytime and evenings. Amplified outdoor sound and outdoor call to prayer are not proposed. During daytime hours, noise</p>	<p>Mitigation Measure 4.5-4: Install Signage to Restrict Parking in Western Parking Lot.</p> <p>To prevent exceedance of the County's nighttime noise standard, the applicant shall install parking lot signage that prohibits parking after 10:00 p.m. or before 7:00 a.m. Signage shall be clearly posted at spaces within 120 feet of the western property line. No parking restriction is required for spaces farther than 120 feet from the property line. The applicant shall be responsible for enforcing the parking restriction.</p>	Prior to occupancy	SVIC	Planning Office - Project Planner

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generated by the project would not exceed County daytime exterior noise standards. However, dawn and nighttime prayers would occur before 7:00 a.m. and after 10:00 p.m. respectively; therefore, the County's nighttime noise standard would apply. Project-generated on-site noise associated with parking lot activity could exceed the nighttime noise standard measured at the residential property line. Because the adjacent residential properties have large rear yards, residents would not typically be outside near the property line before 7:00 a.m. and after 10:00 p.m. Also, because the project would not generate noise that would exceed interior noise standards, the project would not result in a substantial increase in ambient noise levels that would adversely affect existing noise-sensitive receptors. However, because the noise level could slightly exceed the County's nighttime exterior noise standard at the residential property line, the impact is considered potentially significant.				
Transportation and Circulation				
Impact 4.6-1: Conflict with an applicable plan, ordinance, policy, or program; substantially increase hazards because of a design feature or incompatible use; or result in inadequate emergency service during construction. Traffic generated during construction of the Cordoba Center would be attributable to delivery trucks and construction workers' trips to and from the site. These trips would be temporary and would occur over a roughly 4-year period. All roadways and intersections affected by construction traffic are operating at	Mitigation Measure 4.6-1: Construction Traffic Control Plan. Prior to building and grading permit approval, the applicant shall submit to the Department of Roads and Airports a construction traffic control plan that shall: <ul style="list-style-type: none"> restrict all ingress/egress at the construction entrance to right-in and right-out turns only; 	Prior to building and grading permit approval	SVIC and County Department of Roads and Airports	Department of Roads and Airports

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acceptable LOS. This impact would be potentially significant. With implementation of the recommended mitigation measures, this impact would be less than significant.	<ul style="list-style-type: none"> provide for the appropriate control measures, including barricades, warning signs, speed control devices, flaggers, and other measures to mitigate potential traffic hazards; and ensure coordination with emergency response providers to provide sufficient emergency response access for the surrounding area. <p>Less Than Significant Impact With Mitigation</p>			
<p>Impact 4.6-3: Substantially increase hazards because of a design feature or incompatible use, or result in inadequate emergency access during operation.</p> <p>The County Department of Roads and Airports reviewed the proposed site plan and determined that access improvements are needed to ensure adequate line of sight, maintain flow of traffic, and prevent traffic hazards associated with vehicles accessing and leaving the site. Without implementation of access and roadway improvements, the project would result in a potentially significant impact. With implementation of the recommended mitigation measures during the final design process, this impact would be less than significant.</p>	<p>Mitigation Measure 4.6-3: Traffic safety improvements to site plans</p> <p>Prior to building and grading permit approval, the following amendments shall be made to the final designs of the project and approved by the County Department of Roads and Airports:</p> <ul style="list-style-type: none"> SVIC shall demonstrate that landscaping, as detailed on landscape plans for Planning approval, does not encroach into the sight distance triangle (a triangle formed between the location where the driver makes the decision to exit the driveway [decision point], the location of the approaching vehicle on Monterey Road, and the location where the two vehicles would intersect). SVIC shall construct a deceleration lane on the southbound side of Monterey Road leading to the project driveway. 	Prior to building and grading permit approval	SVIC and County Department of Roads and Airports	<p>Planning Office - Project Planner</p> <p>County Department of Roads and Airports</p>

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	<ul style="list-style-type: none"> SVIC shall construct, an acceleration lane on the southbound side Monterey Road leading from project driveway. The project driveway/entrance shall be designed to allow only right-in, right-out operation from and to Monterey Road. The applicant shall submit the project driveway/entrance design to the County Department of Roads and Airports for review and approval prior to issuance of any grading or building permits. A stop sign shall be required where the driveway intersects with Monterey Road. <p>Less than Significant With Mitigation</p>			
Greenhouse Gas Emissions and Energy				
<p>Impact 4.7-1: Project-generated greenhouse gas emissions.</p> <p>Project-related construction would generate approximately 319 MT CO₂e and project operation would generate approximately 1,165 MT CO₂e per year at project buildout in 2021. This level of GHG emissions would result in a significant impact and a considerable contribution to cumulative emissions related to global climate change, and conflict with State GHG reduction targets established for 2030 and 2050. Mitigation is recommended, including emissions reduction, energy efficiency, renewable energy, and</p>	<p>Mitigation Measure 4.7-1: Prepare and implement GHG-reduction plan.</p> <p>Prior to issuance of grading or building permits for project, SVIC shall hire a qualified GHG specialist to prepare and submit to the County Planning Department a GHG reduction plan to calculate final emissions from construction and operations and propose quantifiable strategies to ensure that the project related incremental increase of GHG emissions do not exceed the 2030 threshold of 2.8 MT of CO₂e/year/service population. If at the time the GHG-reduction plan</p>	Prior to building and grading permit approval	SVIC	<p>Planning Office - Project Planner</p> <p>Bay Area Air Quality Management District</p>

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carbon credit purchase that minimize this impact. However, because of the current uncertainty over what the applicable threshold is for a project of this type due to the transition in regulatory standards, and given uncertainty over whether GHG reductions through current offset programs are reliable and verifiable, it cannot be guaranteed that the project would not generate GHG emissions that conflict with CARB's proposed 2017 Scoping Plan Update and the established statewide GHG reduction targets it is designed to achieve. Therefore, this impact would remain significant and unavoidable and would constitute a considerable contribution to a cumulative impact after mitigation.	<p>is being prepared BAAQMD has completed updating its CEQA Guidelines and the County Planning Office, in consultation with BAAQMD, determines that those guidelines include a project-level GHG threshold that is more appropriate for this project, the County Planning Office may approve use of that BAAQMD project-level GHG threshold from the updated guidelines in place of the threshold used in this EIR (2030 threshold of 2.8 MT of CO₂e/year/service population). Any revision to the project-level GHG threshold will be made after public notice and an administrative hearing. The GHG reduction plan may include, but not be limited to, the following measures:</p> <p><u>Construction-phase GHG Reduction Measures</u></p> <ul style="list-style-type: none"> To the extent feasible, all diesel-powered construction equipment shall be fueled with renewable diesel fuel. The renewable diesel fuel must be compliant with California's Low Carbon Fuel Standards. This measure does not apply to haul trucks with on-road engines that are used to carry equipment and materials to and from the construction site and other vendor trips because the selection and operation of these trucks are not in control of the contractor. Feasibility shall be determined by the County in coordination with the applicant and the qualified GHG specialist. Implement a construction-worker carpool and transit program to encourage construction workers to carpool and use public transit to 			

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	<p>commute to and from the project site. This measure applies only to workers who will work at the site five or more consecutive work days. The program shall include a virtual or physical “ride board” for workers to organize car pools. The program shall also reimburse workers for any expenses they incur from using local public transit to commute to the construction site.</p> <ul style="list-style-type: none"> • Install a temporary electric power connection at the construction site to power any electric power equipment used during project construction (e.g., welders, lights) in lieu of any stationary generators powered by fossil fuels. <p><u>On-site Operational GHG Emission Reduction Measures</u></p> <ul style="list-style-type: none"> • Implement a travel demand management program to increase carpool options and transit use to decrease GHG emissions from vehicle trips. • Install solar panels in appropriate locations on the site. Appropriate locations are not limited to rooftops but shall be limited to areas with impervious surfaces. Specific placement and appearance of solar panels shall be selected to integrate tastefully into the design and to minimize conspicuous visibility from public roads and shall comply with all applicable design guidelines. The locations and quantity of panels will be determined by the County in 			

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	<p>coordination with the applicant and the GHG specialist.</p> <ul style="list-style-type: none"> • Install electric tankless and/or rooftop solar water heating system(s). • Install all Energy Star®-certified appliances (if an Energy Star®-certified model of the appliance is available). Energy Star®-certified appliances are listed on EPA's website: https://www.energystar.gov/products?s=footer (EPA 2017). If EPA's Energy Star® program is discontinued before appliances and fixtures are selected, then this measure shall not be required. • Install high-efficiency lighting (i.e., LED) for all exterior and interior lighting needs. • Provide electrical outlets at the exterior of all project buildings and in outdoor activity areas to allow sufficient powering of electric landscaping equipment and special equipment used during outdoor events (e.g., community picnics, summer camps). • Use water-efficient irrigation systems (i.e., drip systems with smart irrigation meters) and landscaping techniques/design. • Only use drought tolerant plants in landscaped areas (does not apply to orchard area). • If feasible, install a grey water system to irrigate outdoor landscaping and/or to use for indoor non-potable water uses. 			

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		Timeframe	Responsibility	Oversight
	<ul style="list-style-type: none"> To reduce landfill waste generated during operation of the project, include separate recycling and waste containers to support recycling collection service. Include any other GHG reduction measures that the applicant deems feasible and approved by County staff. Because mobile sources (vehicle trips) would constitute the majority of GHG emissions, and it is anticipated that the project proponent would be unable to reduce the operations related incremental increase of GHG emissions to below the threshold of 2.8 MT of CO₂e/year/service population using the above measures, the project proponent shall offset all remaining incremental emissions above that threshold. Any offset of operational emissions shall be demonstrated to be real, permanent, verifiable, enforceable, and additional. To the maximum extent feasible, as determined by the County in coordination with the BAAQMD, offsets shall be implemented locally. Offsets may include but are not limited to, the following (in order of preference): Funding of local projects, subject to review and approval by the BAAQMD, that would result in real, permanent, verifiable, enforceable, and additional reduction in GHG emissions. If the BAAQMD or County of Santa Clara develops a GHG mitigation fund, the County may instead pay into this fund to 			

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	<p>offset project incremental GHG emissions in excess of the significance threshold.</p> <ul style="list-style-type: none"> Purchase of carbon credits to offset project incremental emissions to below the significance threshold. Carbon offset credits must be verified and registered with The Climate Registry, the Climate Action Reserve, or other source that is approved by the California Air Resources Board as being consistent with the policies and guidelines of the California Global Warming Solution Act of 2006 (AB 32), or available through a County- or BAAQMD-approved local GHG mitigation bank or fund. <p>Significant and Unavoidable</p>			

SOURCE: Santa Clara County, *Cordoba Center Environmental Impact Report*, April 2019

Exhibit 3

Exhibit 3

ATTACHMENT H2

GENERAL PLAN CONSISTENCY ANALYSIS

For

File: PLN16-2145; Cordoba Center Project

Policy or Requirement	Consistency Finding	County Planning Staff's Consistency Analysis
Growth and Development - Resources and Character of Rural Lands		
<p>R-GD 2</p> <p>For lands outside cities' Urban Service Areas (USAs) under the County's land use jurisdiction, only non-urban, low density uses shall be allowed.</p>	<p>Consistent</p>	<p><i>The project site is designated Rural Residential, within the San Martin Planning Area, and partially within the San Martin Industrial Use Permit Area. The proposed project is considered an Institutional use, with a cumulative building floor area of approximately 29,000 square feet; the site would be approximately 50% percent developed. The site is located across from industrial uses along Monterey Highway.</i></p> <p><i>The intent of Rural Residential is to permit rural residential development in certain limited unincorporated areas of the county designated by the general plan. Residential, agricultural and open space uses are the primary uses intended within the district. Commercial, industrial and institutional uses may be established only where they are sized to be local-serving in nature.</i></p> <p><i>The project is not urban, as it will be served by an onsite wastewater system It will require extension of water services from West San Martin Water Company.</i></p>

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		<p><i>The density of the use was evaluated within the Rural Resource Impact Study prepared for the project.</i></p> <p><i>The Rural Resource Impact study determined that the project meets the local-serving criteria identified in the County's zoning ordinance. While the proposed project includes large structures, they are sensitively designed to fit within the rural landscape and will be landscaped so that they are not visible. As designed or conditioned, there would be no impacts to Aesthetics, Agricultural Production, Natural Resources and Open Space, Traffic, and Noise. The impervious surfaces associated with the project have been reduced to the maximum extent feasible. Part of the project development is within the San Martin Industrial Use Permit Area which allows for higher intensity of uses.</i></p>
<p>R-GD 3</p> <p>Land uses and development permitted under County jurisdiction shall be consistent with the following major County policies:</p> <ul style="list-style-type: none"> a. conservation of natural resources; b. avoidance of natural hazards and the prevention of pollution which could pose a threat to public health, safety, and welfare; c. minimizing demand for public services and costs to the general public of providing and maintaining services; 	<p>Consistent, with conditions</p>	<p><u>Resources and Impacts:</u> <i>Several of the underlying resource protection and hazards policies were evaluated in the Environmental Impact Report ("EIR") for the project and found to be less than significant, with the exception of Greenhouse Gas ("GHG") Emissions. The project does not have any significant impact on natural resources (Scenic and Biological resources). There are Landslide Hazards present on site as identified in the attached map, and the project has been conditioned to require geotechnical reports prior to the issuance of construction permits, and to follow any resulting recommendations reviewed and approved by the County Geologist and the Land Development Engineering Division during project implementation. Project has been conditioned to limit air quality, noise, and light pollution to a less-than-</i></p>

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<p>d. preservation of rural character, rural lifestyle opportunities, and scenic resources;</p> <p>e. preservation of agriculture; and</p> <p>f. preventing unwanted or premature development that would preclude efficient conversion to urban uses and densities in areas suitable and intended for future annexation.</p>		<p><i>significant level. The impacts to GHG emissions, while could be lower with a smaller project, cannot be eliminated.</i></p> <p><u><i>Preserve Rural Character:</i></u> <i>In order to evaluate the potential impacts of the project upon rural resources and character, a Rural Resource Impact study was prepared for the project. As described within the Rural Resource Impact Study, the project is partially located in the San Martin Industrial Use Permit Area, along Monterey Road, a major thoroughfare in the County. It is sensitively designed to preserve a large part of the site in open space, includes an orchard towards the frontage along Monterey Road, and preserves the rural character through additional landscaping and screening.</i></p> <p><u><i>Prevents Unwanted or Premature Development:</i></u> <i>R-GD 3(f) does not apply. The site is not intended for annexation and is within the San Martin Planning Area and the San Martin Industrial Use Permit Area intended to "make provision for the maintenance and development of such light industrial uses as are of benefit to the community and environs through the appropriate discretionary permitting procedures." The underlying land use designation is Rural Residential which allows institutional uses, provided they are sized to be local-serving in nature as discussed below under Land Use Policies.</i></p>
<p>R-GD 4</p> <p>The rural character of land use and development within rural unincorporated areas shall be maintained</p>	<p>Consistent, with conditions</p>	<p><i>The project is conditioned to be consistent with the County Zoning standards and special guidelines, including the Board adopted San Martin Integrated Design Plan and Guidelines.</i></p>

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and enhanced through application of land use controls and by special area development guidelines, where appropriate.		
R-GD 6 Urban types and levels of services shall not be available outside of cities' Urban Service Areas from either public or private service providers.	Policy does not apply	<i>The project proposes an on-site septic system and extension of private water lines to provide potable water to the site by the West San Martin Water Company. This private water service provider has indicated adequate capacity to serve the potable water needs of the proposed use. The use, based on its size, scale and intensity, is not considered an urban use by staff. The proposed project will not require urban types and levels of services such as sewer or municipal water extensions.</i>
R-GD 8 No development proposal may be approved in areas requiring services provided by a special district, assessment district, or other private service provider, unless the needed services will be available to the development at the time of the development's approval.	Consistent, with conditions	<i>The use requires extension of private water lines to provide potable water to the site by the West San Martin Water Company. This private water service provider has indicated adequate capacity to serve the potable water needs of the proposed use.</i> <i>The proposed project's landscaping needs shall be served by an existing on-site well.</i>
Growth and Development - Design Review		
R-GD 19 Application of design review guidelines, landscaping standards, retaining wall design requirements, and related matters should reasonably relate to the goals of the General Plan and Zoning Ordinance, address the impacts of a project, and take into account the size of	Consistent, with conditions	<i>The project meets all applicable design review guidelines, landscaping standards, retaining wall design requirements to address the impacts of the project. Conditions have been incorporated related to landscape design, cemetery plaza, and retaining wall design to minimize the grading necessary to support the project. The project proposes to balance the grading on site (6,210 cubic yards of cut; 6,837 cubic yards</i>

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the structure, and the site-specific characteristics involved.		<i>of fill) with approximately 700 cubic yards of earth proposed to be imported.</i>
Growth and Development – Grading and Terrain Alteration Policies		
<p>R- GD 20</p> <p>Grading and terrain alteration to conduct lawful activities and use of property should conserve the natural landscape and resources, minimize erosion impacts, protect scenic resources, habitat, and water resources. Grading should not exacerbate existing natural hazards, particularly geologic hazards.</p>	Consistent, with conditions	<p><i>The project proposes the majority of the improvements in the flatter areas of the site, reducing the need for grading and terrain alteration. While the cemetery requires significant total grading (approximately 3200 CY), it would be mostly balanced to create the terraces for the grave sites. The access road and trail to the summer camp will be at grade.</i></p> <p><i>Grading for the mosque, community building and plaza, and Parking Lot A would lead to high retaining walls at the back. Staff recommends additional conditions of approval to further conserve the natural landscape and meet the County's Grading Ordinance findings (County Ordinance Code Section C12-433). The project would be consistent with this policy, as conditioned.</i></p>
<p>R-GD 22</p> <p>The amount, design, location, and the nature of any proposed grading may be approved only if determined to be:</p> <p>a. appropriate, justifiable, and reasonably necessary for the establishment of an allowable use;</p> <p>b. the minimum necessary given the various site characteristics, constraints, and potential environmental impacts that may be involved, and;</p>	Consistent, with conditions	<p><i>See analysis under R-GD 20 above. In addition, R-GD 22 a. through c in this policy have been thoroughly evaluated in the staff report under the Grading Findings and were found to be consistent.</i></p>

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c. that which causes minimum disturbance to the natural environment, slopes, and other natural features of the land.		
<p>R-GD 31</p> <p>Ridgelines and ridge areas have special significance for both public policy and private interests. Ridgeline and hillside development that creates a major negative visual impact from the valley floor should be avoided or mitigated, particularly for those areas most immediately visible from the valley floor. Ridgeline development policy should also take into account the need to allow reasonable use and development of private land.</p>	Consistent, with conditions	<p><i>Development along the distinctive ridge on the project site primarily consists of a new terraced cemetery; an access road and turnaround; a temporary summer camp area with minimum permanent improvements (580 square feet of total building area); water tanks and landscaping. These improvements follow the natural contours to the maximum extent feasible. The cemetery would not have any structures or features projecting above ground. Additional landscaping would ensure the few permanent features are not visible from surrounding properties.</i></p>
<p>R-GD 33</p> <p>For existing legal lots, the County encourages the consideration of alternatives to ridgeline or hilltop locations. Where grading policies and permit findings are involved, building sites may only be approved where consistent with the grading policies of the General Plan and the permit requirements and findings of the Grading Ordinance.</p>	Consistent, with conditions	<p><i>The majority of the large structures, such as the caretaker's residence, mosque, community building and plaza, and maintenance building are located towards the flatter parts of the site. These buildings, community plaza areas, and the play areas have been sensitively designed to minimize grading.</i></p> <p><i>While the summer camp is located on the ridge areas, it is not at the hilltop, and proposes minimal permanent improvements.</i></p>
<p>R-GD 35</p> <p>In applying and implementing Design Review requirements, the County shall also take into account such factors as distance from the valley floor, existing vegetation, intervening slopes and hillsides, and other</p>	Consistent, with conditions	<p><i>The ridge area on-site is only visible from surrounding Monterey Road, California Avenue, and neighboring properties. The hilltop is approximately 100-foot high when compared to the lowest point on the site. The limited visibility</i></p>

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factors that tend to mitigate visual impact of hillside development.		<i>of this area, outside the immediate vicinity has been accounted for in staff's analysis in the staff report.</i>
Resource Conservation – General		
<p>R-RC 4</p> <p>For both public and private lands in rural unincorporated areas, the overall strategy for resource management and conservation shall be to:</p> <ul style="list-style-type: none"> a. Improve and update current knowledge of resources; b. Emphasize pro-active, preventive measures; c. Minimize or compensate for adverse human impacts; d. Restore resources where possible; and, e. Monitor the effectiveness of required mitigations. 	Consistent, as conditioned	<p><u><i>Pro-active, preventative measures for resource conservation:</i></u></p> <p><i>The proposed cemetery has been conditioned to limit the burials conducted on site to 30 per year. The project applicant has further reduced impervious surfaces, to those comparable with a smaller project, to the maximum extent feasible.</i></p> <p><i>The project <u>minimized adverse impacts</u> as identified in the project EIR and <u>includes monitoring</u> to gauge the effectiveness of the required mitigation measures and conditions.</i></p>
<p>R-RC 5</p> <p>Public and private development projects shall be evaluated and conditioned to assure they are environmentally sound, do not degrade natural resources, and that all reasonable steps are taken to mitigate potentially adverse impacts.</p>	Consistent, as conditioned	<p><i>The project's Mitigation, Monitoring and Reporting Program and project conditions of approval shall ensure the project is environmentally sound, does not degrade natural resources, mitigates potentially adverse impacts, with the exception of GHG emissions. A "Statement of Overriding Considerations" is required pursuant to the California Environmental Quality Act (CEQA) if the Planning Commission should choose to approve the project, accounting for these significant, unavoidable GHG emission impacts.</i></p>
R-RC 7	Consistent	<i>The San Martin Planning Advisory Committee shall be reviewing the project and making recommendations to the</i>

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Planning and decision-making regarding resource management and conservation in rural areas of the county, when they occur, should be undertaken with the participation of rural property owners and other who may be most directly affected by policies and actions.		<i>Planning Commission. The project meetings and public hearings would also be duly noticed pursuant to state and County noticing requirements.</i>
Resource Conservation – Water Supply, Quality and Watershed Management		
<p>R-RC 8</p> <p>The strategies for assuring water quantity and quality for the rural unincorporated areas shall include:</p> <ol style="list-style-type: none"> 1. Require adequate water quantity and quality as a pre-condition of development approval. 2. Reduce the water quality impacts of rural land use and development. 3. Develop comprehensive watershed management plans. 	Consistent, with conditions	<p><i>The project site is located in a rural area, where higher concentrations of nitrates have been found in nearby potable wells. Due to the proposed cemetery design and burial practices without caskets or vaults, the potential for nitrate leaching was evaluated as a part of the EIR. Based on technical modeling, the hydrology report recommended a conservative 30 burials per year to evaluate the transfer of nitrates from the cemetery into the groundwater, and monitoring to ensure no impacts to surrounding wells.</i></p> <p><i>Adequacy of water supply, quality and impacts to surface and groundwater conditions were evaluated in the project EIR and found to be less than significant with mitigation measures.</i></p> <p><i>The region's Groundwater Management Agency - Santa Clara Valley Water District; and the Central Coast Regional Water Quality Control Board provided extensive input into the EIR analysis and had no additional concerns or comments.</i></p> <p><i>The County's Department of Environmental Health has reviewed the septic, water supply and noise issues resulting</i></p>

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		<p><i>from the project proposal and has conditioned the project to limit any potential impacts to these resources.</i></p> <p><i>Similarly, the County's Land Development and Engineering Division has reviewed stormwater design and surface water quality impacts and recommends several conditions of approval.</i></p> <p><i>Mitigation measures from the EIR, and construction and post approval monitoring requirements have been incorporated into the preliminary project conditions.</i></p>
<p>R-RC 9</p> <p>Development in rural unincorporated areas shall be required to demonstrate adequate quantity and quality of water supply prior to receiving development approval.</p>	<p>Consistent, with conditions</p>	<p><i>The use requires extension of private water lines to provide potable water to the site by the West San Martin Water Company. This private water service provider has indicated adequate capacity to serve the potable water needs of the proposed use.</i></p>
<p>R-RC 10</p> <p>For lands designated as Resource Conservation Areas (Hillsides, Ranchlands, Agriculture, and Baylands) and for Rural Residential areas, water resources shall be protected by encouraging land uses compatible and consistent with maintenance of surface and ground water quality.</p> <p>1. Uses that pose a significant potential hazard to water quality should not be allowed unless the potential impacts can be adequately mitigated.</p>	<p>Consistent, with conditions</p>	<p><i>See R-RC 8 above.</i></p> <p><i>There are no impervious surfaces proposed within 150 feet of Llagas Creek.</i></p> <p><i>The design of the wastewater treatment system and the cemetery has been conditioned to minimize impacts to water quality.</i></p>

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2. The amounts of impervious surfaces in the immediate vicinity of water courses or reservoirs should be minimized.		
R-RC 11 Areas with prime percolation capabilities shall be protected to the maximum extent possible, and placement of significant pollution sources within such areas shall be avoided.	Consistent, with conditions	<i>The subject site has been tested for percolation rates, and the septic system and cemetery has been designed and conditioned such that the groundwater is not impacted by nitrates or other effluents.</i>
R-RC 12 Excessive concentrations of septic systems shall be avoided, especially in areas vulnerable to groundwater contamination or in which normal functioning may be impaired by hydrologic constraints.		<i>The project site is located within a Rural Residential area with a minimum lot size requirement of 5 acre. The EIR prepared for the project evaluated the cumulative impacts of the proposed project's onsite wastewater system with an adjacent RV park proposal and other adjacent rural residential septic systems, and found no significant cumulative impacts</i>
R-RC 13 Sedimentation and erosion shall be minimized through controls over development, including grading, quarrying, vegetation removal, road and bridge construction, and other uses which pose such a threat to water quality.	Consistent, with conditions	<i>The proposed project minimizes its impervious surface areas to the maximum extent feasible. Storm water detention facilities are proposed as a part of the project to capture the resulting stormwater runoff, and has been conditioned to mimic existing sheet flows. Also, see R-RC 8 above.</i>
Resource Conservation – Biological Resources, including Riparian Habitats		
R-RC 20 Strategies and policies for maintaining and enhancing habitat and biodiversity should include the following :	Consistent, with conditions	<i>There are no sensitive biological habitat and communities on site, other some riparian areas of Llagas creek. Biological Resources were evaluated in the project EIR and mitigation measures identified have been incorporated as conditions of</i>

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Policy or Requirement	Consistency Finding	County Planning Staff's Consistency Analysis
<p>1. Improve current knowledge and awareness of habitats and natural areas.</p> <p>2. Protect the biological integrity of critical habitat areas.</p> <p>3. Encourage habitat restoration wherever possible.</p> <p>4. Evaluate the effectiveness of project mitigations as required under CEQA.</p>		<p><i>approval. Llagas Creek is protected through a proposed 150-foot buffer area.</i></p>
<p>R-RC 37</p> <p>Lands near creeks, streams, and freshwater marshes shall be considered to be in a protected buffer area, consisting of the following:</p> <p>a. 150 feet from the top bank on both sides where the creek or stream is predominantly in its natural state;</p> <p>b. 100 feet from the top bank on both sides of the waterway where the creek or stream has had major alterations; and</p> <p>c. In the case that neither (1) nor (2) are applicable, an area sufficient to protect the stream environment from adverse impacts of adjacent development, including impacts upon habitat, from sedimentation, biochemical, thermal and aesthetic impacts.</p>	<p>Consistent</p>	<p><i>The project proposes a 150-foot buffer from the top of bank of Llagas Creek to the nearest project improvements (water tanks in the summer camp area) proposed as a part of the project.</i></p>
<p>R-RC 38</p> <p>Within the aforementioned buffer areas, the following restrictions and requirements shall apply to public</p>	<p>Consistent, as conditioned</p>	<p><i>No such features within this buffer area are proposed. Preliminary conditions require that no ground disturbance activities shall be allowed within this protected buffer zone.</i></p>

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Policy or Requirement	Consistency Finding	County Planning Staff's Consistency Analysis
<p>projects, residential subdivisions, and other private non-residential development:</p> <p>a. No building, structure or parking lots are allowed, exceptions being those minor structures required as part of flood control projects.</p> <p>b. No despoiling or polluting actions shall be allowed, including grubbing, clearing, unrestricted grazing, tree cutting, grading, or debris or organic waste disposal, except for actions such as those necessary for fire suppression, maintenance of flood control channels, or removal of dead or diseased vegetation, so long as it will not adversely impact habitat value.</p> <p>c. Endangered plant and animal species shall be protected within the area.</p>		
<p>R-RC 40</p> <p>Where new roads, clustered residential development, or subdivisions are proposed in proximity of streams and riparian areas, they should be designed so that:</p> <p>a. Riparian vegetation is retained;</p> <p>b. Creeks and streams remain open and unfenced; and</p> <p>c. There is adequate separation of new roads and building sites from the stream environment.</p>	Consistent	<p><i>The closest road proposed to be developed is the access road leading up to the summer camp area. This proposed new road or the summer camp development does not affect any existing riparian vegetation, and is adequately separated (more than 150 feet from top of bank) from Llagas Creek. No fencing is proposed.</i></p>
<p>R-RC 41</p> <p>Where trails and other recreational uses are proposed by adopted plans to be located in the vicinity of</p>	Consistent	<p><i>A temporary summer camp use is proposed at the top of the hill, just outside the 150-foot riparian buffer area. All</i></p>

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Policy or Requirement	Consistency Finding	County Planning Staff's Consistency Analysis
<p>streams and riparian areas or reservoirs, trail alignments and other facilities should be placed on the fringe of the riparian buffer area or at an appropriate distance to avoid disturbance of the stream or vegetation.</p> <p>1. Environmental impacts from development or use of the facility shall be effectively mitigated.</p> <p>2. Fencing should not restrict access by wildlife to the stream environment.</p>		<p><i>environmental impacts have been addressed in the EIR. No fencing is proposed.</i></p>
Resource Conservation – Agricultural Resources		
<p>R-RC 57</p> <p>Agriculture shall be encouraged and prime agricultural lands retained for their value to the overall economy and quality of life of Santa Clara County, including:</p> <p>a. local food production capability;</p> <p>b. productive use of lands not intended or suitable for urban development; and,</p> <p>c. preservation of a diminishing natural resource, prime agricultural soils.</p>	<p>Consistent</p>	<p><i>The project site does not have any existing or recent agricultural use and is not designated Prime Farmland under the state's Farmland Mapping and Monitoring Program. There are 5 acres of prime farmland soils, which shall be covered by the proposed structures and improvements associated with the project (see attached map). A 0.6 acre orchard is proposed along Monterey Road.</i></p> <p><i>The County recently adopted a Valley Agricultural Plan and identified all Agricultural and Rural Residential areas and vicinity as being within an Agricultural Resource Area.</i></p> <p><i>However, the County currently does not have any standards that require further avoidance or mitigation of prime agricultural soils that have not been designated Prime Farmland, especially in the Rural Residential zoning district. The proposed project's agricultural impacts were reviewed in the EIR and were found to be less than significant.</i></p>

Policy or Requirement	Consistency Finding	County Planning Staff's Consistency Analysis
Resource Conservation – Scenic Resources		
<p>R-RC 96</p> <p>The general approach to scenic resource preservation for the rural unincorporated areas consists of the following strategies:</p> <ol style="list-style-type: none"> 1. Minimize scenic impacts in rural areas through control of allowable development densities. 2. Limit development impacts on highly significant scenic resources, such as, ridgelines, prominent hillsides, streams, transportation corridors and county entranceways. 	Consistent, with conditions	<i>See analysis for policies above under Growth and Development for “Grading and Terrain Alteration” and “Design Review”.</i>
<p>R-RC 98</p> <p>Hillsides, ridgelines, scenic transportation corridors, major county entryways, stream environments, and other areas designated as being of special scenic significance should receive utmost consideration and protection due to their prominence, visibility, and overall contribution to the quality of life in Santa Clara County.</p>	Consistent, with conditions	<i>See analysis for policies above under Growth and Development for “Grading and Terrain Alteration” and “Design Review”.</i>
<p>R-RC 101</p> <p>Roads, building sites, structures and public facilities shall not be allowed to create major or lasting visible scars on the landscape.</p>	Consistent, with conditions	<i>See analysis for policies above under Growth and Development for “Grading and Terrain Alteration” and “Design Review”.</i>

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Policy or Requirement	Consistency Finding	County Planning Staff's Consistency Analysis
<p>R-RC 102</p> <p>Structures on ridgelines must be located, constructed or landscaped so that they do not create a major negative visual impact from the Valley floor. Land should be divided in such a way that building sites, if possible, are not located on ridgelines.</p>	Consistent, with conditions	<i>See analysis for policies above under Growth and Development for "Grading and Terrain Alteration" and "Design Review".</i>
<p>R-RC 103</p> <p>Development in rural areas should be landscaped with fire resistant and/or native plants which are ecologically compatible with the area.</p>	Consistent, with conditions	<i>See analysis for policies above under Growth and Development for "Grading and Terrain Alteration" and "Design Review". The project has been conditioned to require native landscaping, consistent with the requirements of the San Martin Integrated Design Plan and Guidelines, as well as the County's Sustainable Landscape Ordinance.</i>
Safety and Noise		
<p>R-HS 1</p> <p>Significant noise impacts from either public or private projects should be mitigated.</p>	Consistent, with conditions	<i>The project EIR identified one noise impact related to night-time noise on the closest sensitive receptors, which can be mitigated through sensitive parking use closest to these receptors. This mitigation measures has been incorporated as a condition of approval.</i>
<p>R-HS 2</p> <p>The County should seek opportunities to minimize noise conflicts in the rural areas.</p>	Consistent, with conditions	<p><i>For day time use, the ambient conditions include noise from adjacent Monterey Highway. The project proposes very limited night time use and would not create any noise conflicts, with conditions.</i></p> <p><i>The project has been conditioned to meet County noise requirements. Any public nuisance related to noise can be reported to the County Department of Environmental Health, for any areas within the County, which are investigated and monitored by this Department. Notice of Violation may be</i></p>

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Policy or Requirement	Consistency Finding	County Planning Staff's Consistency Analysis
		<i>issued if continued violations are observed and the Use Permit may be modified or revoked, at the discretion of the Planning Commission, to eliminate impacts.</i>
<p>R-HS 3</p> <p>New development in areas of noise impact (areas subject to sound levels of 55 DNL or greater) should be approved, denied, or conditioned so as to achieve a satisfactory noise level for those who will use or occupy the facility (as defined in “Noise Compatibility Standards for Land Use” and “Maximum Interior Noise Levels For Intermittent Noise”).</p>	Consistent, with conditions	<p><i>The existing noise environment in the project vicinity is primarily influenced by transportation noise from motor vehicle traffic on Monterey Road and freight and commuter train (i.e., Caltrain) traffic on the Union Pacific Railroad tracks that parallel Monterey Road. Traffic noise modeling indicates that noise-levels are expected to be 64.7 Ldn dBA at 100 feet from the centerline of the road.</i></p> <p><i>Project buildings typically reduce the existing noise by 20 decobels; therefore, the anticipated noise for building occupants would be less than 45dBA interior noise, other than for summer camp users, which are in canvas tents and would not filter sound. However, the traffic noise at night is expected to be lower and would not cause significant noise levels for the youth and adults occupying these facilities.</i></p>
<p>R-HS 4</p> <p>Land uses approved by the County and the cities shall be consistent with the adopted policies of the Santa Clara County Airport Land Use Commission's Comprehensive Land Use Plan.</p>	Consistent, with conditions	<i>The project is within the Airport Influence Area of the San Martin Airport and is consistent with the Airport Land Use Plan. It has been conditioned to require an aviation easement.</i>
<p>R-HS 12</p> <p>Proposals shall be conditioned as necessary to conform with County General Plan policies on public safety. Projects which cannot be conditioned to avoid hazards shall be conditioned to reduce the risks</p>	Consistent, with conditions	<i>The project is located within the County Landslide Hazard Zone (see Exhibit A). While the proposed Mosque, Community Building, Maintenance Building, and Caretaker's Residence structures primarily avoid this area, the cemetery and summer camp uses would be located within this area.</i>

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Policy or Requirement	Consistency Finding	County Planning Staff's Consistency Analysis
associated with natural hazards to an acceptable level or shall be denied.		<p><i>The project has been conditioned to require a Geotechnical Report, prior to the issuance of any grading or building permits, evaluating the safety of all structures and uses proposed on site and proposing any recommended design or construction measures to ensure no impact.</i></p> <p><i>Any recommendations that affect the design of the project, that trigger modification of any land use approvals, shall require review and approval per the County Ordinance Code requirements.</i></p>
<p>R-HS 15</p> <p>No structure proposed for involuntary occupancy, such as schools, hospitals or correctional facilities, and no structure proposed for high voluntary occupancy, such as theaters, churches, or offices shall be approved in areas of high geologic or seismic hazard.</p>	Consistent, with conditions	<p><i>The project proposes a Religious Institution, youth summer camp (temporary) and a Sunday school. It is located within a landslide area and has been conditioned to require geotechnical reports verifying safe design and construction methods, prior to issuance of any construction permits.</i></p>
<p>R-HS 16</p> <p>No new building site shall be approved on a hazardous fault trace, active landslide, or other geologic or seismic hazard area that poses a significant risk.</p>	Consistent, with conditions	<p><i>The project is located within a "Landslide" hazard area and has been conditioned to require geotechnical reports, and any recommendations to be incorporated into the project plans before issuance of any construction permits.</i></p>
<p>R-HS 21</p> <p>Proposals involving potential geologic or seismic hazards shall be referred to the County Geologist for review and recommendations.</p>	Consistent, with conditions	<p><i>The County Geologist reviewed the proposed project and has recommended conditions of approval incorporated into the preliminary conditions of approval recommended by the Planning Department.</i></p>
Land Use Policies		

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Policy or Requirement	Consistency Finding	County Planning Staff's Consistency Analysis
<p>R-LU 57</p> <p>Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they are sized to be local-serving in nature.</p>	Consistent, with conditions of approval	<p><i>Proposed Religious Institution and Cemetery are considered institutional uses, while the Camp and Retreat is ancillary to the Religious Institution use. Commercial uses may only be sized to be local serving in nature. The project's Rural Resources Impact Study evaluates the project's size, scale and intensity against the local serving provisions in the Zoning Ordinance. The study concludes that the project's size, scale and intensity impacts to Aesthetics, Agricultural Production, Watersheds, Natural Resources and Open Space, Traffic, and Noise have been reduced to the maximum extent feasible.</i></p> <p><i>Since there are no size standards for Cemetery, the Cemetery was evaluated for groundwater standards and has been conditioned to limit the number of burials to 30 per year.</i></p>
San Martin Planning Area Policies		
<p>R-LU 119</p> <p>Non-residential development in the San Martin Planning Area shall conform to adopted development and design guidelines for the San</p> <p>Martin Community contained within the "San Martin Integrated Design Guidelines." [Amended Nov. 19, 2015; File#: 10571-15GP]</p>	Consistent, with conditions of approval	<p><i>The project is consistent with the San Martin Integrated Design Guidelines with respect to Architecture, Siting, Signage, Parking and Fencing. With respect to Landscaping, the project has been conditioned to include native landscaping consistent with the San Martin Integrated Design Plan and Guidelines that can adequately shield the proposed massing of the mosque and community building as well as the summer camp development. [See staff report attachment San Martin Integrated Design Plan Consistency Matrix].</i></p>
R-LU 144	Policy does not apply	<p><i>No federal floodways or soils of high permeability are located on-site.</i></p>

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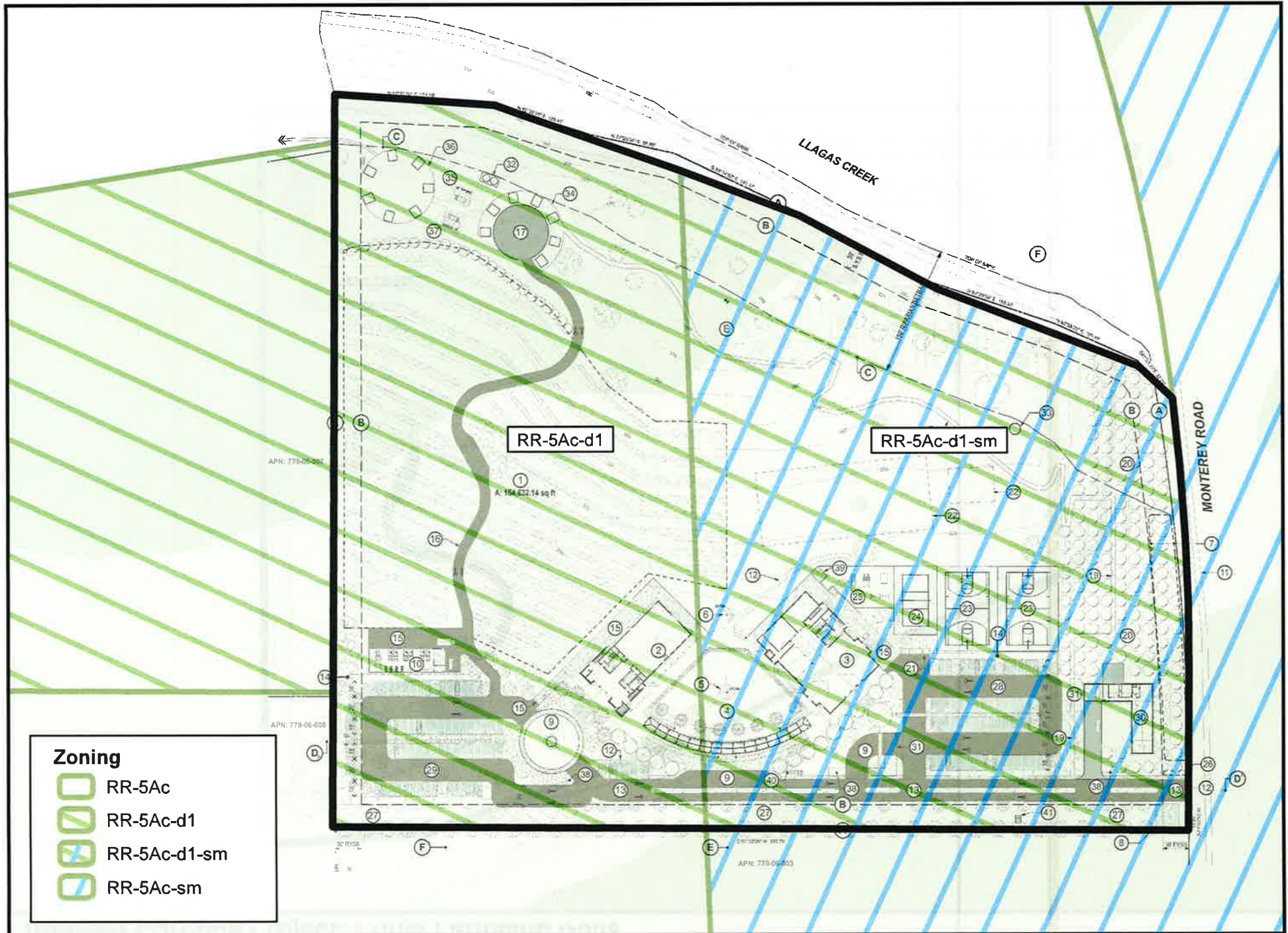
Policy or Requirement	Consistency Finding	County Planning Staff's Consistency Analysis
<p>Within the San Martin area, certain areas are defined as being of particular concern for development activity. These include lands within federal floodways, within Special Flood Hazard Rate Zones, and lands with soils of high permeability. The following policies are intended to address land use and development within such areas of San Martin. [Amended Dec. 5, 1995; File #: 6009-95GP]</p> <p>R-LU 145</p> <p>In the areas of Federal Floodways and Soils of High Permeability activities permitted should be limited to those specific uses which: a. do not provide the potential for contamination of surface runoffs; b. will not require additional septic systems; and c. will not add potential for generating significant volumes of organic liquid wastes or nitrates to the ground water aquifers.</p>		
<p>R-LU 147</p> <p>In the area designated a Special Flood Hazard in the National Flood Insurance Program, any development shall comply with special regulations regarding the construction and improvement of structures, mobile homes, water and sewer systems adopted by the</p>	Policy does not apply	<p><i>The site is not located within an area designated as Special Flood Hazard under the National Flood Insurance Program.</i></p>

Policy or Requirement	Consistency Finding	County Planning Staff's Consistency Analysis
County Board of Supervisors in order to minimize flood damage and potential contamination of surface waters.		

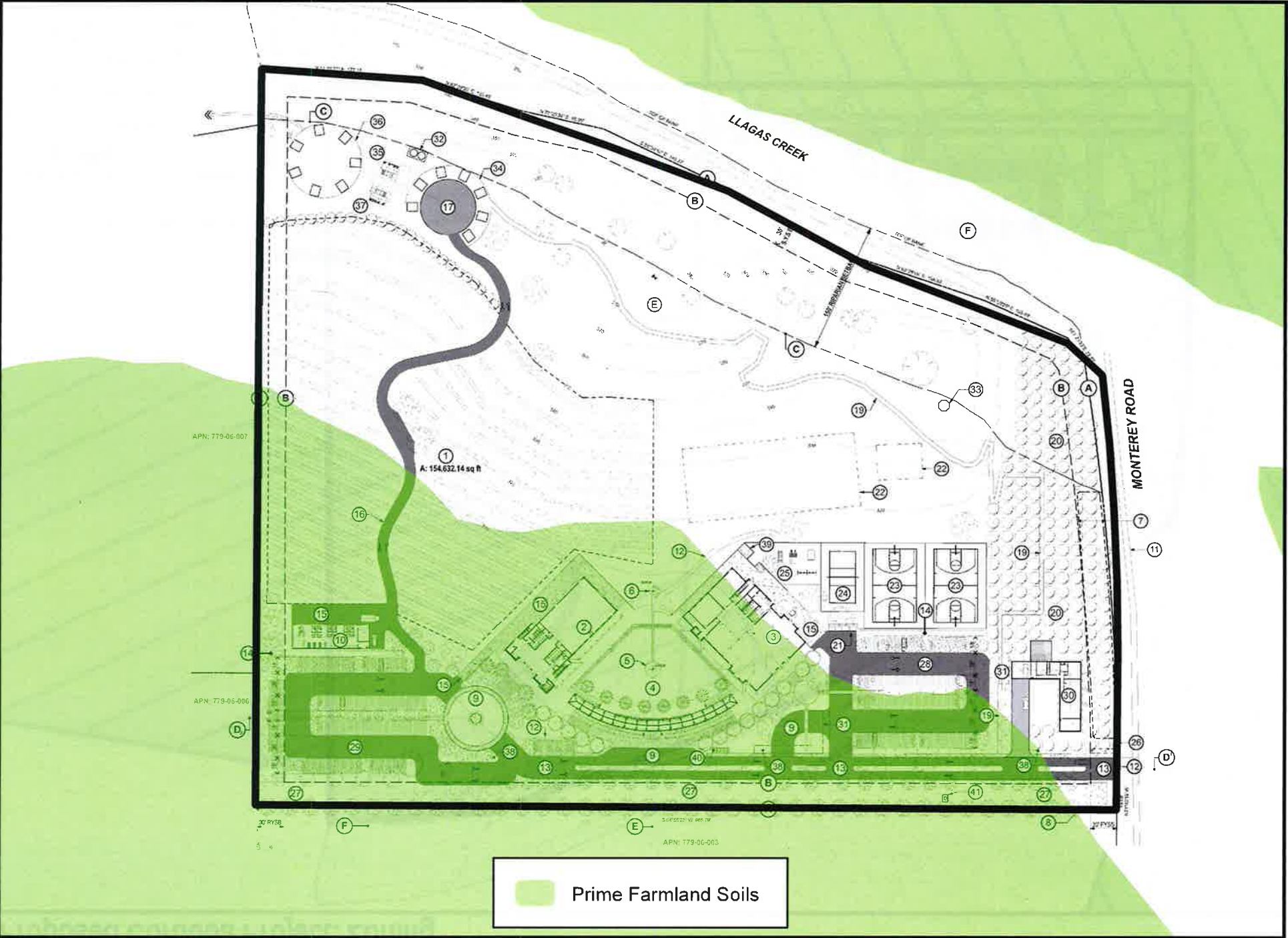
EXHIBITS ATTACHED:

1. Zoning Map with Industrial Use Permit overlay
2. Geology Map with Landslide Hazard Areas
3. Prime Farmland Soils Map

Proposed Cordoba Project: Zoning



Proposed Cordoba Project: Prime Farmland Soils



Proposed Cordoba Project: County Landslide Hazard Zone

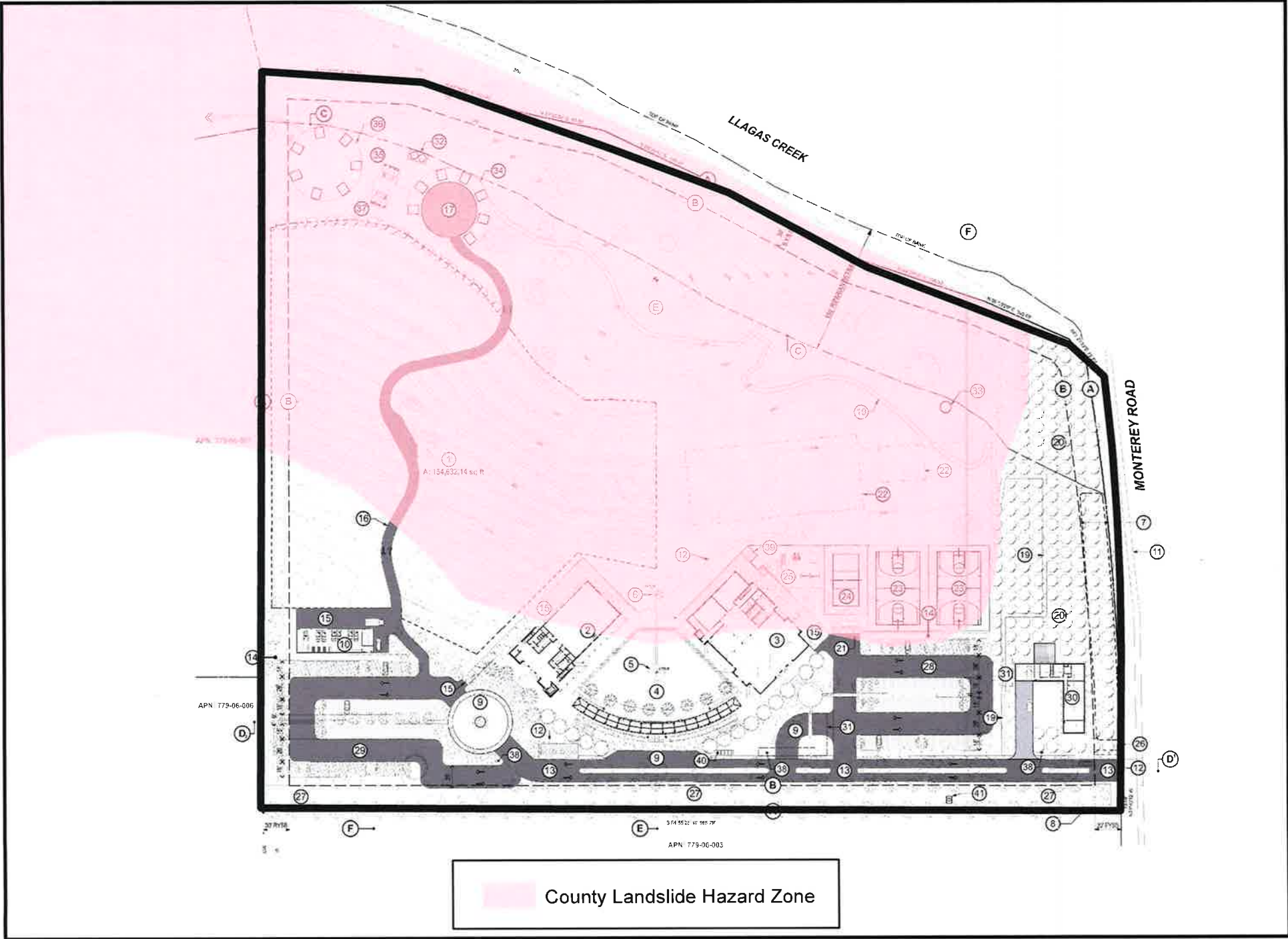


Exhibit 4

Exhibit 4

Rural Resources Impact Study

For the

Cordoba Center Project

(Assessor's Parcel Number 779-06-002)

PREPARED FOR

**County of Santa Clara
70 W. Hedding Street
San Jose, CA 95110**

Contact: Manira Sandhir

PREPARED BY

**County of Santa Clara Planning and Development Department
with Assistance from Ascent Environmental**

May 2019

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ACRONYMS AND ABBREVIATIONS

ADA	Americans with Disabilities Act
APN	Assessor's Parcel Number
CEQA	California Environmental Quality Act
dB	decibel
dBA	A-weighted decibel
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
L ₅₀	noise level of 50
L _{eq}	equivalent noise level
L _{max}	maximum noise level
SVIC	South Valley Islamic Community
sf	square feet
U.S. 101	U.S. Highway 101

1 INTRODUCTION

On October 20, 2015, the Board of Supervisors (Agenda Item #8) amended the County General Plan (R-LU 57, R-LU 119 and R-LU 127) and Zoning Ordinance relating to local serving policies. General Plan Policy R-LU 57 allows institutional uses to be established where they are sized to be local serving in nature. Local serving uses are of a size, scale and intensity intended to provide goods and services to the resident rural population. The purpose of this Rural Resources Impact Study is to present a detailed evaluation of the proposed project's conformance with local-serving provisions of the General Plan and Zoning Ordinance.

This Rural Resources Impact Study ("Study") is prepared by the County of Santa Clara (County) in compliance with County of Santa Clara Zoning Ordinance Section 2.20.090. The Study is not prepared to comply with the California Environmental Quality Act (CEQA). An Environmental Impact Report (EIR) has been prepared for this project pursuant to CEQA. Please note that the terminology used in Section 2.20.090 is similar to the CEQA lexicon. For example, like CEQA, Section 2.20.090 refers to "impacts," thresholds," and "baseline." However, the methodology and purpose of Section 2.20.090 is distinct from CEQA. CEQA requires a lead agency to determine and mitigate a project's significant impacts to the physical environment as compared to existing conditions. By comparison, Section 2.20.090 requires an evaluation of the impacts on rural resources of a proposed project compared to a hypothetical scenario of a project designed at the 75th percentile of the statistical range of the size of projects that are considered to be of a local serving nature. The evaluation illustrates whether, and to what degree, a proposed project's size, scale, and intensity result in incompatibilities with rural resources and character, as compared with the "typical size of a local-serving project," represented at the 75th percentile threshold. Although the terminology used in Section 2.20.090 is similar to CEQA's terminology, the methodology and purpose is different because Section 2.20.090 relates to a determination of an appropriate size, scale, and intensity for a proposed land use for a site and is not intended to identify the environmental impacts and mitigation measures to reduce environmental impacts of a project under CEQA. This Study is not part of the CEQA document or process; instead, this Study has been prepared in compliance with the County's Zoning Ordinance.

2 PROJECT SUMMARY

The proposed Cordoba Center project proposes a new *Religious Institution* and a *Cemetery* facility, and includes ancillary summer camp, community building for events, a maintenance building, and a caretaker's residence. The total proposed building square footage (cumulative floor area of all buildings) is proposed to be approximately 30,000 square feet, and the maximum number of people on a daily basis is 300, and for events is 500. Table 2-1 shows the proposed land uses and project site coverage.

Table 2-1 Proposed Land Uses and Project Site Coverage

Building or Land Use	Approximate <i>Site Coverage</i> Square Footage ¹	Portion of Project Site
Mosque	7,100	6%
Community Building (including event hall)	10,100	
Community Plaza	15,000	
Maintenance Building	2,500	
Caretaker's Dwelling	3,400	
Cemetery	155,000	40%
Youth Camp	16,500	
Playfield and Playground	21,000	
Orchard	26,000	
Parking and Access Road	53,200	
Stormwater Swale and Pond	26,100	54%
Open Space, including Leach Field	341,000	
Total Site Area	676,900	100%

Notes: ¹ For buildings, square footage represents the aggregate building footprint, or the total area of the *ground floor*. This square footage represents site coverage and is a different square footage than the total square footage of a building as defined in the Zoning Ordinance.

Source: compiled in 2017 by Ascent Environmental with assistance from the County of Santa Clara and Cypress Environmental and Land Use Planning

2.1 LOCAL-SERVING USES THRESHOLDS

Under Zoning Ordinance (Section 2.20.090), the size, scale, and intensity of a proposed institutional use in the rural areas shall be evaluated based on data in the *Local-Serving Data* document. Religious Institution and Cemeteries are considered institutional uses under the Zoning Ordinance (Section 2.10.040); however, Section 2.20.090 only applies to certain uses listed in Table 2.20-2 (Non-Residential Uses in Rural Base Districts), including *Clubs, Hospitals and Clinics, Manufacturing: Small Scale Rural, Nonprofit Institutions, Religious Institutions, and Schools*. The *Cemeteries* use is listed in Table 2.20-2 and does require a Use Permit; however, it is not subject to the provisions of Section 2.20.090. For projects where building square footage or maximum number of people is more than the 75th percentile values in the *Local Serving Data* document, further analysis and findings are required pursuant to Section 2.20.090(B)-(C). Table 2-2, below, sets forth the 75th percentile thresholds in the *Local Serving Data* document.¹ As shown in Table 2-2, for

¹ The *Local Serving Data Document* is available at https://www.sccgov.org/sites/dpd/DocsForms/Documents/RLU57_DataDocument.pdf.

Institutional Uses within the Rural Residential (RR) District, the 75th percentile daily attendance is 50 people, special events attendance is 220 people, and floor area is 6,510 sf. Table 2-3 compares the project information to the 75th percentile values for Institutional Uses in the RR District.

Table 2-2 County of Santa Clara Thresholds (75th Percentile) for Local-Serving Indicators^{1, 2}

	Maximum Number of People	Floor Area (sf)
Commercial Uses	30	16,440
Rural Residential (RR) District		
Institutional Uses ³	50 (daily)	6,510
	220 (special events) ⁴	
Agricultural (A), Agricultural Ranchlands (AR), and Hillside (HS) Districts		
Institutional Uses	70 (daily)	
	320 (special events) ⁴	

Notes: This table presents information from Table 1.1 in the Santa Clara County Department of Planning and Development Local Serving Data document.

All values have been rounded to the closest 10.

Institutional Use is shown in bold because it applies to the project.

Special Events are defined as 4 events per year. Events can be 1-3 consecutive days.

Source: Santa Clara County 2016a

Based on the information presented in Table 2-3 below, the proposed project exceeds the 75th percentile threshold for all categories (number of people onsite for daily and events usage and total building size). Because the project is proposed at a size and intensity that exceeds the thresholds, this Rural Resources Impact Study is required to evaluate the project impacts for six key rural resource areas identified below and to evaluate size, scale, and intensity related impacts of the project in relation to a baseline project at the 75th percentile threshold. Per Section 2.20.90 (C) of the Zoning Ordinance, uses that are greater than the 75th percentile may only be allowed if the following finding can be made:

The project is designed, to the maximum extent feasible, such that the use does not result in size, scale and intensity impacts to the criteria identified in Section 2.20.090(B) greater than what might result from a use which is equal to the 75th percentile baseline value. As used in this section the maximum extent feasible, means making all changes that are possible taking into account the physical limitations of the site, considerations of project, engineering design, and financial cost.

Table 2-3 Rural Resource Institutional Thresholds for Cordoba Center

	Cumulative Building Size (sf)	People: Daily – max at any given time	People: Special Events – max at any given time
75 th Percentile Thresholds	6,510	50	220
Cordoba Center	29,946 ³	300 ¹	500 ^{1,2}
Is the project above the thresholds	Yes	Yes	Yes

Notes:

1. Value represents the maximum number of people potentially using the facility at one time.

2. Eid prayers and community picnics would each be held twice a year for a total of four special events per year with attendance of up to 500 people.

3. Building square footage, which represents all internal useable area, includes mosque, community building, maintenance building, and caretaker's dwelling, and youth camp bathhouses.

Per Section 2.20.090(B), the size, scale and intensity impacts evaluated in this Study at the 75th percentile and in relation to the proposed project are as follows:

1. **Aesthetics.** The scale and massing of the building(s) and improvements shall be compatible with the existing rural setting, taking into consideration the surrounding open space, scenic resources, ridgelines, agricultural uses, and rural residences.
2. **Open Space and Habitat.** The use shall be sized and designed to minimize disturbance of natural landscapes and biological communities.
3. **Agricultural Production.** The use shall retain agricultural productivity and minimize conflicts with surrounding agricultural lands. Any loss of agricultural productivity shall be quantified and minimized to the extent feasible.
4. **Watersheds.** The use shall not create a hazard to water quality or create significant drainage, flooding, erosion or sediment impacts. Increases in impervious surface area, drainage volumes and erosion levels shall be quantified and minimized to the extent feasible.
5. **Traffic.** The use shall not generate significant additional traffic that creates a safety hazard or impairs local rural roads. New traffic associated with the use should not increase traffic levels significantly above existing conditions.
6. **Noise.** The use shall not significantly increase noise over existing ambient levels.

2.2 THE BASELINE 75TH PERCENTILE INSTITUTIONAL PROJECT

This section describes a baseline 75th percentile project that will be used as a reference point and comparison for the proposed project. Per Section 2.20.90 (C), local serving uses larger than the 75th percentile may be authorized if they are designed, to the maximum extent feasible, to avoid size, scale and intensity impacts greater than projects at the 75th percentile. As such, this Study presents a characterization of a hypothetical 75th percentile project for analysis.

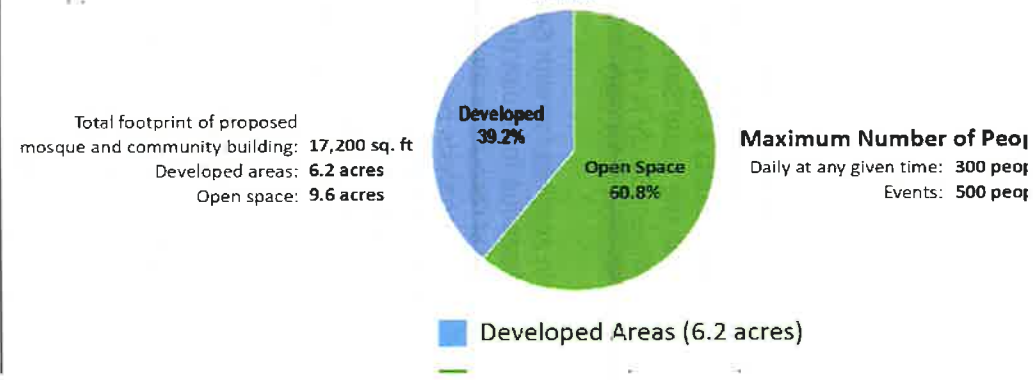
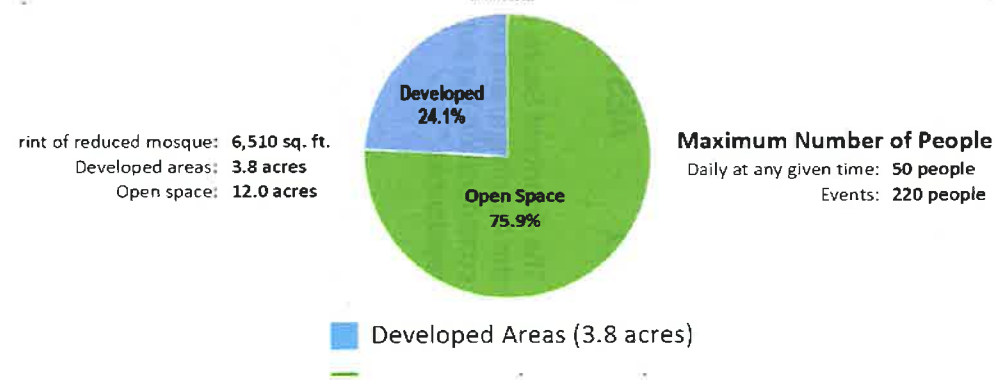
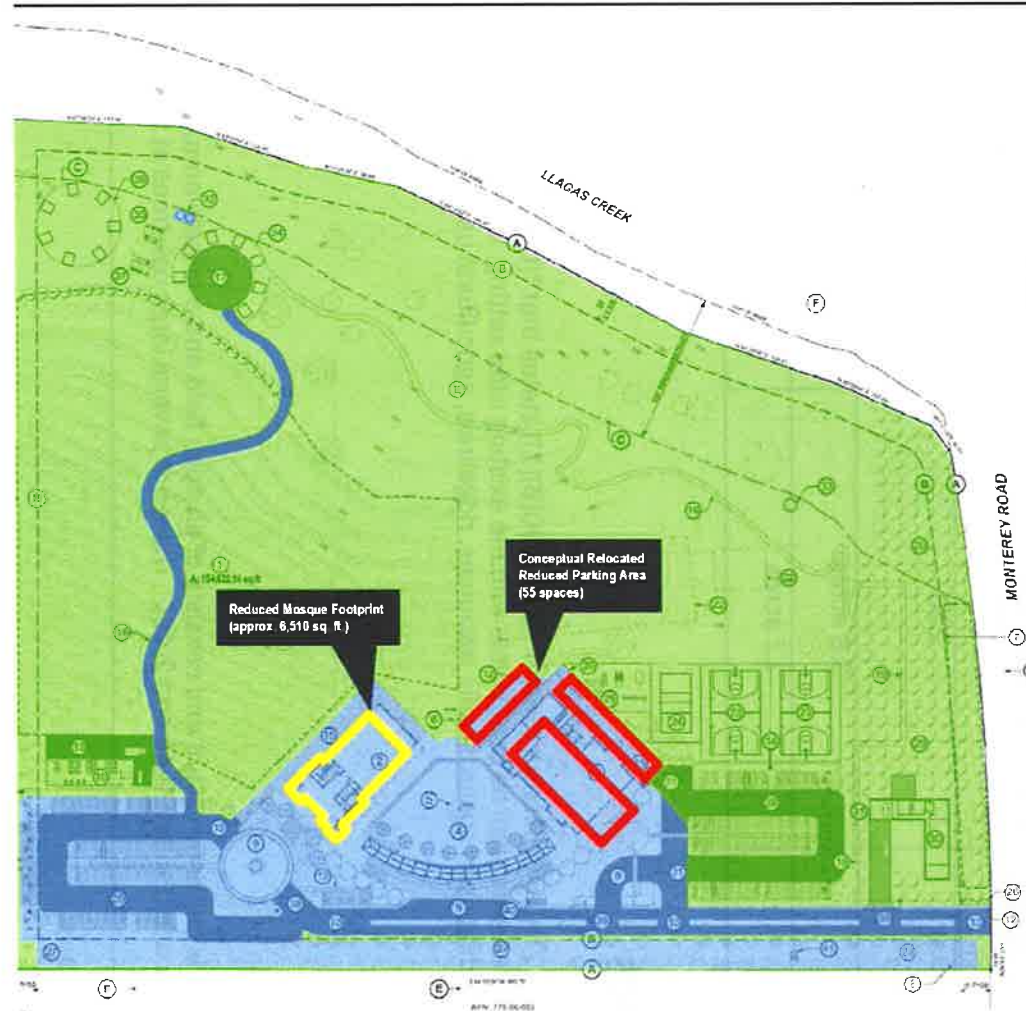
As specified above in Table 2-3, the baseline 75th percentile institutional project (hypothetical project) (developed at the 75th percentile of the statistical range of previously approved institutional projects of a local serving nature) would be 6,510 sf in size with 50 daily maximum attendees (on-site at any given time) and 220 special-event (up to 4 times a year) attendees. It is assumed that the baseline project would include only one structure. The 75th percentile (hypothetical) baseline project could consist of two or buildings. However, it is expected that such a configuration would have a similar development footprint, massing, and attendance. Therefore, this distinction was not critical to analyzing the size, scale, intensity impacts of the project against this baseline. Exhibit 2-1 below compares the proposed project and the 75th percentile (hypothetical) baseline project. The hypothetical project shown in Exhibit 2-1 is intended only for comparison purposes; a hypothetical institutional use could be sited and configured on the property differently than shown.

As shown in Exhibit 2-1, the baseline project would have approximately 3.80 acres of developed area (24% of project site) area compared to the proposed project's 6.2 acres (39% of project site). Developed area includes all buildings and associated features (e.g., parking areas, plazas, walkways, recreational areas) that would permanently cover the site. The smaller developed area of the baseline 75th percentile project would be due primarily to reductions in building size and proportionate reductions in those associated features. Because the cemetery component of the Project is not subject to the requirements of Section 2.20.090, the baseline project did not include a comparative cemetery developed at the 75th percentile standard. In addition, because the proposed cemetery does not include any buildings or structures and would largely be covered with native grasses, it is treated as open space, not developed area.

The comparison assumes that all County requirements would be applied consistently between the proposed project and the baseline project, including all conditions of approval and design requirements, including the - d1 Design Review requirements. Therefore, it is assumed that the design of the baseline project would include a landscape plan that would include tree plantings that would screen the structure from views on Monterey Road and surrounding residential development to be compatible with the surrounding residences and agricultural character of the area.

Proposed Cordoba Center Project at 75th Percentile Building Size

Proposed Cordoba Center Project



3 ANALYSIS

This Study is a tool to evaluate the proposed project's impacts to the six rural resources criteria (Aesthetics, Open Space and Habitat, Agricultural Production, Watersheds, Traffic, and Noise) identified in Table 2-2 of the County's Rural Resources Study Template (County of Santa Clara 2016b), to demonstrate compliance with the Local Serving provisions of the County's Zoning Ordinance (Section 2.20.090). The Rural Resources Impact Study is required for all those uses identified in Zoning Ordinance, Table 2.20-2, as subject to Section 2.20.090.

In accordance with Section 2.20.090(B), the following analysis has been prepared that (a) establishes a baseline for a use designed at the 75th percentile and (b) evaluates the size, scale, and intensity impacts to rural resources and character from the proposed project as compared to the baseline 75th percentile project. The analysis below focuses on impacts associated with the proposed patronage of 300+ persons on site (as compared to 50 persons for the baseline project scenario), special events of 500 people (compared to 220 people for the baseline project scenario), and total building floor area of approximately 30,000 sf (compared to 6,510 sf for the baseline project scenario), specific to the characteristics of the proposed project that exceed the baseline 75th percentile project scenario.

The Table 3-1 summarizes the comparative 75th percentile baseline project and the proposed project, including buildings size, total persons on site, developed area, and open space.

Table 3-1 Summary of Hypothetical 75th Percentile Project and Proposed Project

	75 th Percentile Baseline Project	Project
Total Building Size	6,510 sf	29,946 sf
Total persons on site (daily)	50	300
Total persons on site (special events)	220	500
Total developed area	3.8 acres	6.2 acres
Open Space	12 acres	9.6 acres

3.1 AESTHETICS

The County of Santa Clara Zoning Ordinance (Section 2.20.090[B][1]) states that “[t]he scale and massing of the building(s) and improvements shall be compatible with the existing rural setting, taking into consideration the surrounding open space, scenic resources, ridgelines, agricultural uses, and rural residences.”

3.1.1 Analysis

SETTING

The 15.8-acre project site is currently vacant and consists of an open field and a hillside area, encompassing the northern portion of the site (Exhibits 2-4a and 2-4b). There are several large oak trees at the base of

and on top of the hillside. The site fronts Monterey Road, just north of the intersection with California Avenue, at 14065 Monterey Road. Neither Monterey Road nor California Avenue are designated by the County as a scenic road.

The surrounding rural setting can be characterized as mostly flat and partially developed with a mix of small agricultural operations and large-lot rural residences west of Monterey Road and large food processing facility east of Monterey Road. Views in the vicinity of the project site include the foothills of the Diablo Range to the east and the foothills of the Santa Cruz Mountains to the west. Generally, the rural setting to the south and west consist of rural residences and small agricultural operations, and land to the east (across Monterey Highway) is developed for industrial uses. Although the site contains open space characterized by the existing open field and hillside, its location next to a major transportation corridor (Monterey Highway and the Union Pacific Railway) and across from larger industrial buildings (east side Monterey Highway) compromises the overall visual setting.

No State-designated scenic highways nor state highways that are eligible for such designation are located near the project site. The nearest County-designated scenic route is Santa Teresa Boulevard and it is 0.60 mile from the project site. The project site is not visible from Santa Teresa Boulevard.

As the property contains a low-elevation ridgeline located on the north side of the project site, the property is located within the -d1 design review district designated for the Santa Clara Valley Viewshed. As detailed in Chapter 3.20, Section 3.20.040, -d1 District (Santa Clara Valley Viewshed) of the *County of Santa Clara Zoning Ordinance*, this combining district addresses hillside lands most immediately visible from the valley floor and is intended to minimize the visual impacts of structures and grading on the natural topography and views from the valley floor. Consistent with practices used for proposed uses in a -d1 design review district, GIS mapping was conducted to evaluate the visibility of project's hillside areas from the surrounding valley floor. Exhibit 3-1 shows areas of the project site with "low," "medium," "medium-high," and "high" potential visibility from the valley floor.

All proposed project structures are subject to the -d1 Design Review requirements, including design standard that promote visual consistency and minimize visibility from the valley floor. These standards address landscaping, color samples of buildings and roofs, lighting, and massing requirements.

BASELINE 75TH PERCENTILE PROJECT

The (hypothetical) baseline institution at the 75th percentile would encompass 6,510 sf, and would not exceed 35 feet or 2 stores. The hypothetical baseline institutional building was assumed to developed in the same general location as the proposed Mosque and Community center buildings for the project, and thus would encroach into the medium-visibility area shown on Exhibit 3-1. In conformance with Design Review and Architectural and Site Approval standards, it is assumed that landscaping would be installed to screen visibility of the building from Monterey Road. The baseline project does not assume development of the camp platforms on the top of the ridgeline onsite.

PROPOSED PROJECT

The proposed project includes an 8,938-sf mosque (total floor area), 14,548-sf community building (total floor area), 15,000-sf plaza, 3.5-acre cemetery, 2,500-sf maintenance building, a 3,380-sf residence, two 290-sf bathhouses, 14 square wooden tent platforms, rubberized-surface playfield, two basketball courts, volleyball court, children's playground, walkways, roads, and parking lots.

As shown in Exhibit 3-1, the majority of the large structures would be located outside the medium, medium-high, and high-visibility areas, with only a portion of the proposed mosque and community center structures, as well as some pathways, within the medium-visibility area. Almost none of the proposed structures would be located in the medium-high- or high-visibility areas corresponding with the top of the low-elevation ridgeline (only the bath houses and the tent platforms).

The proposed buildings would be developed in conformance with height and setbacks requirements from the County Zoning Ordinance. As described above, an orchard would be planted to reduce the views of the

buildings from Monterey Road, and a row of trees would be planted along the southern property line to reduce visibility of the mosque and community center from California Avenue. Exhibit 3-1 shows key observation points (KVPs), which represent public views from Monterey Road and California Avenue. The photo simulations provided in Exhibits 3-3 through 3-7 represent views of the proposed project from these KVPs. The submitted landscape plans for the project do not indicate screening for the campground area located near the hillside ridgeline.

The EIR requires—as a mitigation measure—that an updated landscaping plan be submitted conforming with the San Martin Integrated Design Plan and Guidelines to demonstrate that evergreen plantings of sufficient height, depth, and location will screen public views of the structures and youth summer camp from Monterey Road and California Avenue.

COMPARISON OF BASELINE 75TH PERCENTILE PROJECT AND PROPOSED PROJECT

The project proposes buildings that are approximately 22,000 sf larger in size than baseline 75th percentile project (6,500 sf), and includes two story buildings (the 75th percentile baseline project is assumed to be a one story building). A comparison of the massing of the project versus the baseline project reveals a substantial difference in the visual scale of development (Exhibit 3-7). Overall, aesthetic impacts associated with the proposed project would be greater than those associated with a hypothetical institutional project developed at the 75th percentile.

Without any proposed landscape screening or other visual buffers, the proposed massing and scale of the project would create size and scale impacts to the existing rural setting, in comparison with the baseline 75th percentile baseline project.

Mitigation Measure 4.1-2, required under CEQA, is intended to mitigate and soften views of the project from the surrounding rural setting and will require the project to plant trees along Monterey Road and the southern boundary of the property. The tree plantings would, after 5-to-10 years, substantially screen the project from views from Monterey Road and surrounding residential properties. In comparison, a smaller hypothetical institutional project would not be as visible from these areas when tree plantings (assumed to also be included with the hypothetical project) are younger than 5 years due to their more limited horizontal extent.

The proposed site design, combined with the implementation of Mitigation Measure 4.1-2, would ensure that the scale and massing of the buildings and improvements are compatible with the existing rural setting, taking into consideration the surrounding open space, scenic resources, ridgelines, agricultural uses, and rural residences. With the exception of the two 290 sf bathhouses in the summer camp area on the ridge, the project structures are located at the lowest elevation of the project site near the southern boundary of the parcel. At maturity, the updated landscaping plan required by Mitigation Measure 4.1-2 would fully screen all project structures from public views along Monterey Road and California Avenue.

DETERMINATION

In summary, through installation of the landscaping plan with enhancements as required under Mitigation Measure 4.1-2, the project would not create size, scale and intensity impacts upon the existing rural setting.

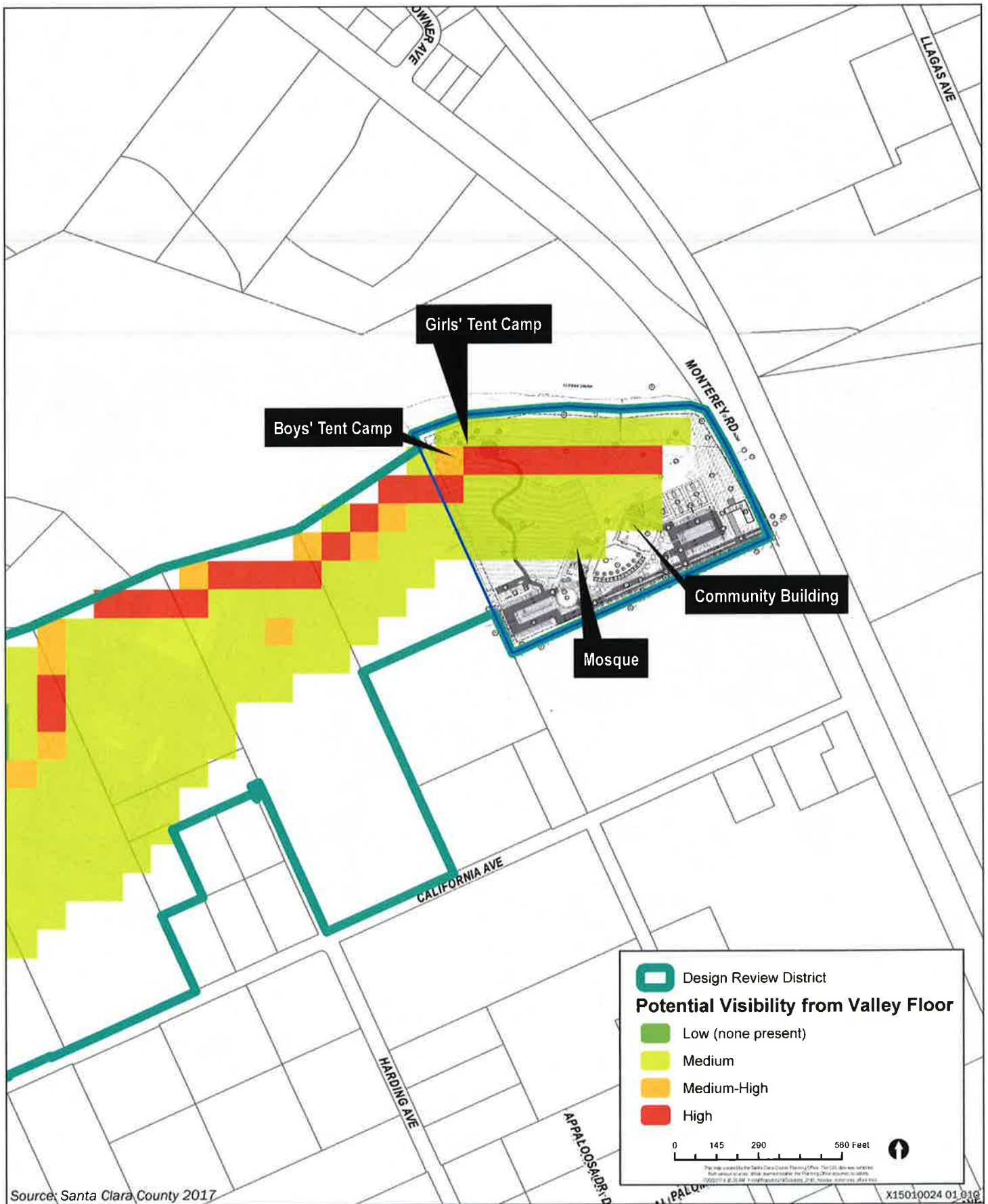


Exhibit 3-1

Potential Visibility from Valley Floor



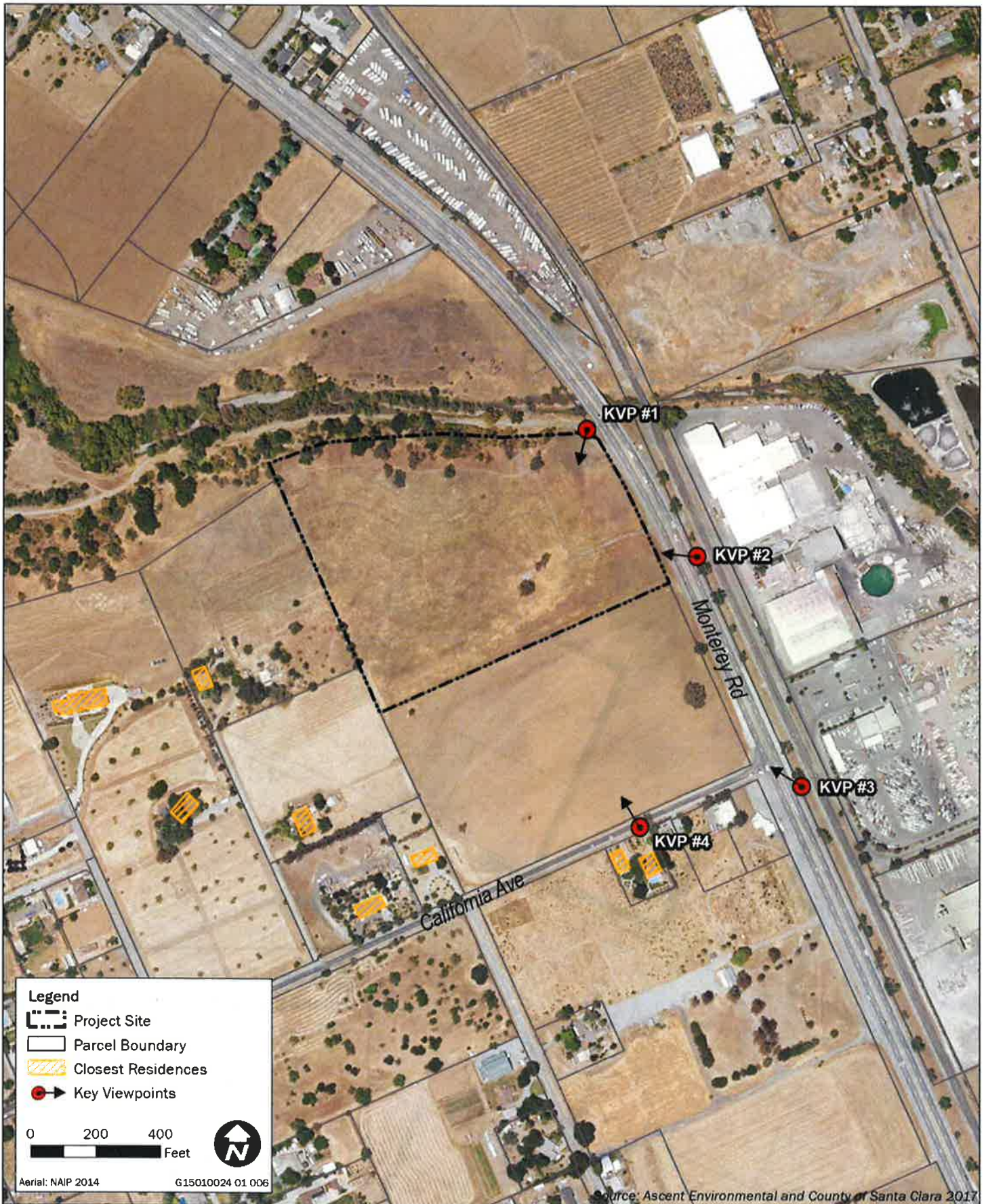


Exhibit 3-2

Viewpoints





Existing View



Simulated View - Proposed Entrance on Monterey Road with Mature Trees

Source: Animate House Visual Simulators and Ascent Environmental 2017

X15010024 01.004



Existing View



Simulated View with Mature Trees

Source: Animate House Visual Simulators and Ascent Environmental 2017

X15010024 01 005



Existing View



Simulated View with Mature Trees

Source: Animate House Visual Simulators and Ascent Environmental 2017

X15010024 01 006



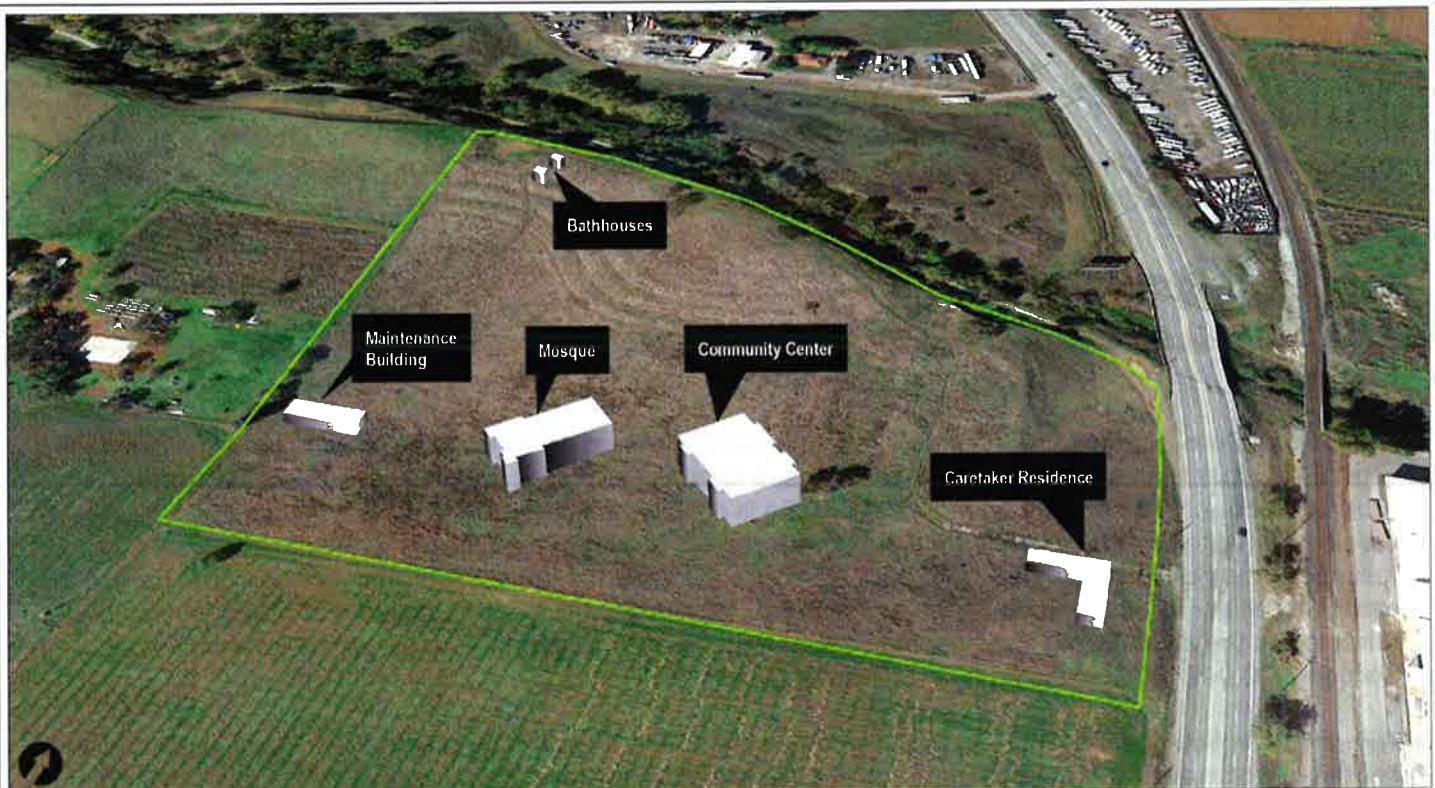
Existing View



Simulated View with Mature Trees

Source: Animate House Visual Simulators and Ascent Environmental 2017

X15010024 01 007



Cordoba Project: General Massing of Proposed Configuration



Cordoba Project: General Massing of Hypothetical 75th Percentile Institutional Use

Source: adapted by Ascent Environmental 2017

X15010024 01 011

3.2 OPEN SPACE AND HABITAT

The County of Santa Clara Zoning Ordinance (Section 2.20.090[B][2]) states that “[t]he use shall be sized and designed to minimize disturbance of natural landscapes and biological communities.”

3.2.1 Analysis

SETTING

The project site is located on a currently vacant parcel in southern Santa Clara Valley. The project site mostly consists of grassland, and also contains two trees, a large Eucalyptus (*Eucalyptus* sp.) and a valley oak (*Quercus lobata*). The northern boundary of the site is adjacent to Llagas Creek, and a pond along Llagas Creek called Atherton Way Hidden Pond. A bedrock ridge with a maximum elevation of approximately 400 feet spans the northern boundary of the project site, separating the project site from a wooded riparian area associated with Llagas Creek. Although signs of former farming cultivation exist on the project site, including terracing on the south-facing hillside, the site is now considered a “natural landscape” as referenced under Section 2.20.090 [B][2] of the Zoning Ordinance.

With the exception of the riparian corridor located on the northern part of the site, the site does not contain any sensitive habitat areas. The EIR prepared for the project disclosed that several special-status plant species may occur within the project site, including big-scale balsamroot, fragrant fritillary, woodland woollythreads, and most beautiful jewelflower. Suitable habitat for all four of these species includes grassland, which is present within the project site. Four special-status animal species may occur within the project site, including burrowing owl, northern harrier, white-tailed kite, and other nesting raptor species.

BASELINE 75TH PERCENTILE PROJECT

The (hypothetical) baseline institution at the 75th percentile would encompass 6,510 sf, and would likely be developed in the same general location as the proposed Mosque and Community center buildings for the Cordoba project. As the building size for the baseline 75th percentile project would be smaller, proportionally the associated improvements supporting this development (driveways, parking lots, pathways) were assumed to be smaller in size. Under these assumptions, the total development of the baseline 75th percentile project would encompass 3.8 acres of the site and 12 acres of the existing 15.8-acre site would remain in open space.

PROPOSED PROJECT

The proposed project includes an 8,938-sf mosque (total floor area), 14,548-sf community building (total floor area), 15,000-sf plaza, 3.5-acre cemetery, 2,500-sf maintenance building, a 3,380-sf residence, two 290-sf bathhouses, 14 square wooden tent platforms, rubberized-surface playfield, two basketball courts, volleyball court, children's playground, walkways, roads, parking lots, and a 0.60-acre orchard intended to limit views of the site from Monterey Road and to reduce traffic noise on-site. The total development areas associated with these improvements encompasses 6.2 acres of the site and the remaining 9.6 acres of the site would remain as open space.

There are two large trees located near the center of the site that are planned for removal, a eucalyptus and a valley oak. The trees were assessed by an arborist in March of 2016. The eucalyptus was determined to be in fair health with fair structure, and the native valley oak was observed to be in fair-to-poor health with poor structure (Fouts 2016). The landscape plan includes new plantings of sixteen native oak trees (four coast live oak [*Quercus agrifolia*] or canyon live oak [*Q. chrysolepis*], nine interior live oak [*Q. wislizenii*], and three valley oaks), which would exceed the replacement requirements of County of Santa Clara's Guidelines for Tree Protection and Preservation for Land Use Applications. Native oaks would be planted west of the

driveway leading to the caretaker residence, along the southwestern face of the community building, and east and west of the maintenance building.

The project is consistent with County's General Plan policies to protect riparian and freshwater habitats. The County's General Plan Policy R-RC 37 requires a 150-foot setback from the top bank of creeks to protect waterways and water quality, and to avoid adverse impacts of adjacent development such as sedimentation, biochemical, thermal, and aesthetic impacts. The distance of Llagas Creek's top of bank ranges from 200 to 250 feet from the northern edge of the camp area, which is the closest proposed area of development.

The EIR concludes that proposed grading and other ground-related construction activities would result in potentially significant impacts to the special-status species that potentially occur on the site. EIR mitigation measures require the project to protect these biological resources. Measures include pre-construction surveys and appropriate response measures if the species are identified.

COMPARISON OF BASELINE 75TH PERCENTILE PROJECT AND PROPOSED PROJECT

The potential impacts related to the Cordoba Center's effect on open space and habitat would be greater than a baseline project designed at the 75th percentile. As shown in the Table 3-1, the proposed project would retain 61% of the project site in open space compared to 76% for the hypothetical 75th percentile use.

Table 3-1 Site Coverage for Proposed Project Compared to Hypothetical 75th Percentile Project

Type	Developed Area	Open Space
Proposed Cordoba Center (not including cemetery as developed area)	6.2 acres (39% of site)	9.6 acres (61% of site)
Baseline 75 th percentile project (not including cemetery as developed area)	3.8 acres (24% of site)	12 acres (76% of site)

Although the project would have a greater disturbance to the natural landscapes on the project site, in comparison with the baseline 75th percentile project, the proposed development, as shown on Exhibit 2-1, is located on the lower portion of the site and mostly avoids permanent disturbance to the natural landscape. Approximately 61% of the project site would remain in open space, encompassing the natural open space and cemetery area, not occupied by buildings or associated hardscaping, such as parking lots, driveways, plazas, sidewalks, or sports courts.

With respect to impacts to biological communities, the EIR concludes that construction activities associated with development of the Local-Serving Threshold (baseline 75th percentile) Alternative would likely result in similar potential for impacts to special-status plant and wildlife species as the proposed project and would require similar mitigation measures to reduce impacts.

The amount of open space that will be retained by the project (9.6 acres, 61% of the site) is comparable in size with the amount of open space that is modeled to be retained with a baseline 75th percentile project (12 acres, 76% of the site). In addition, the project will not directly impact any sensitive biological communities, such as the adjacent Llagas Creek, and preserves the hillside area located along the northern boundary of the property, which serves as the character defining open space feature of the site.

DETERMINATION

Therefore, to the maximum extent feasible, the use has been sized and designed to minimize disturbance of natural landscapes and biological communities.

3.3 AGRICULTURAL PRODUCTION

The County of Santa Clara Zoning Ordinance (Section 2.20.090[B][3]) states that “[t]he use shall retain agricultural productivity and minimize conflicts with surrounding agricultural lands. Any loss of agricultural productivity shall be quantified and minimized to the extent feasible.”

3.3.1 Analysis

SETTING

The 15.8-acre site has been used for agriculture in the past. Aerial photography from 1939 shows that most of the southern half of the parcel was developed as an orchard. In 1956, the orchard had been reduced to a small area central to the eastern half of the site; the remainder of the site appeared to be cultivated with row crops at that time. The orchard was fully removed by 1987, and agricultural use of the property ceased thereafter. There is currently no agricultural use on the property.

The project site contains approximately 5.6 acres of Prime Farmland soils. However, the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) classifies the project site as Grazing Land and Other Land, neither of which are important farmland in the FMMP classifications. Adjacent parcels include Farmland of Local Importance to the south, Urban and Built-Up Land to the north and east, and Grazing Land and Other Land to the west. The property is not subject to or under a Williamson Act contract. The Zoning District on the property is Rural Residential (RR-5Ac-d1). The majority of surrounding rural properties to the west of the site are developed with single family residential uses and associated farming practices. Properties to the east of the site (across Monterey Road) are industrial.

The parcel (APN 779-06-003) located on the south side of the project site has a history of being used for non-irrigated hay farming. However, this adjacent parcel has not been in agricultural production for at least three years and the property owner has proposed a 124-space RV park, which would remove all future potential agricultural uses. An application for the proposed RV park has been submitted to the County Department of Planning and Development, which has deemed it complete.

In summary, the subject property is not mapped as important farmland and has not been used for any agricultural production for over 30 years. None of the adjacent properties are currently used for agricultural production.

BASELINE 75TH PERCENTILE PROJECT

The developed area of a baseline 75th percentile sized project would be approximately 3.8 acres. The site is large enough that it would be possible for the hypothetical baseline project to be sited to avoid most or all of the Prime Farmland soils. However, as noted above, the site has been mapped under FMMP as Grazing Land and Other Land, and agricultural production has been absent for over 30 years.

PROPOSED PROJECT

The proposed project would cover approximately 5.5 acres of Prime Farmland soils. However, as noted above, the site has been mapped under FMMP as Grazing Land and Other Land, and agricultural production has been absent for over 30 years.

COMPARISON OF THE PROPOSED PROJECT WITH THE BASELINE PROJECT

The development area of the proposed project would convert most of the Prime Farmland soils on the site, whereas the baseline 75th percentile sized project could avoid most of these soils. However, as noted above, the site has been mapped under FMMP as Grazing Land and Other Land, and agricultural production

has been absent for over 30 years. Therefore, the impact on agricultural productivity from the proposed project would be similar to that of the baseline 75th percentile sized project.

DETERMINATION

The project would not cause a loss of agricultural productivity or cause conflicts with surrounding agricultural lands because neither the project site nor surrounding parcels retain agricultural productivity.

3.4 WATERSHEDS

The County of Santa Clara Zoning Ordinance (Section 2.20.090[B][4]) states that “[t]he use shall not create a hazard to water quality or create significant drainage, flooding, erosion or sediment impacts. Increases in impervious surface area, drainage volumes and erosion levels shall be quantified and minimized to the extent feasible.”

3.4.1 Analysis

SETTING

The project site is a vacant parcel in southern Santa Clara Valley, located within the upper reaches of the Llagas Creek and greater Pajaro river watershed. The northern boundary of the project site is adjacent to Llagas Creek, and a pond along Llagas Creek called Atherton Way Hidden Pond. A bedrock ridge with a maximum elevation of approximately 400 feet spans the northern boundary of the project site, separating the project site from a wooded riparian area associated with Llagas Creek. As evaluated within the EIR prepared for the project, the approximate depth to groundwater at the project site is 18-to 25 feet below the ground surface.

APPROACH TO ANALYSIS

The watershed analysis evaluates whether the proposed project can, with all feasible measures, detain and treat stormwater at a level that would reduce water quality hazards and drainage, flooding, erosion impacts to a level similar to a baseline 75th percentile sized project. This analysis also compares the extent of the proposed project's impervious surfaces against that of a baseline 75th percentile sized project. It should be noted that impervious surfaces are buildings or hardscapes that prevent direct rainfall or stormwater runoff from other areas of the site to percolate into soils and potentially to groundwater. The area of impervious surfaces is not the equivalent of the developed area (see Table 4-1 above), which contains a mixture of impervious surfaces (e.g., concrete or asphalt) and pervious surfaces (e.g., pervious pavers, sand, gravel, and landscaping). As such, the area of impervious surfaces is smaller than the developed area.

BASELINE 75TH PERCENTILE PROJECT

A baseline 75th percentile sized facility assumes the construction of a 6,510-sf building. This square footage represents 27.5 percent of the footprint of the proposed mosque and community building, which together total 23,633 sf.² The amount of impervious surfaces for the baseline 75th percentile facility was estimated by calculating 27.5 percent of the total impervious surfaces of the proposed project, consisting of the

²Note that although the other proposed buildings (e.g., caretaker's residence and maintenance building) increase the proposed building footprint to 29,946 sf, these structures were not included for purposes of calculating the proportion of the 75th percentile sized facility because they could be developed as a matter of right (not require a discretionary use permit).

buildings and also the ancillary development areas including the plaza, camp areas, and sports courts. Roadways to establish the use including parking lot aisles, pedestrian walkways, parking spaces driveway and drop-off areas, and the cemetery and campground access road, were also reduced in proportion to the requirements of the hypothetical 75th percentile sized facility. Development not requiring a discretionary permit—including the maintenance building and parking and the caretaker residence and driveway and patio, were not included in this reduction—were assumed to be built at the same size as the proposed project.

Table 3-2 totals each of these sub-components to provide the total of all impervious surfaces for the baseline 75th percentile sized facility.

Table 3-2 Impervious Surface Area of the Hypothetical 75th Percentile Project

Component – Hypothetical 75 th Percentile Sized Project	Footprint Area (sf)
Structures	6,510
Ancillary Surface Development	18,374
By-Right Development	11,404
Roadways	53,398
Total of all Surfaces	89,686

PROPOSED PROJECT

All project elements would be setback at least 150 feet from the top of the bank for Llagas Creek to provide a buffer. Major structures would be concentrated on the southern portion of the site.

Table 3-1 (above) lists land use elements of the project and identifies their approximate site coverage. However, as discussed above, site coverage (development area) is not the equivalent to impervious surfaces. The project as originally proposed would result in the addition of 139,423 square feet (approximately 3.2 acres) of impervious surfaces; the remaining 12.6 acres of the project site would be pervious. The development of these new impervious surfaces could potentially reduce groundwater recharge in a relatively small portion of the 87-square-mile Llagas subbasin.

With respect to drainage volumes, a biofiltration swale and connected retention pond have been designed to maintain off-site drainage discharges at pre-development rates for up to a 10-year storm event. The on-site swale would also promote groundwater recharge rather than surface flow off-site.

As noted above, the proposed project as originally proposed would result in the addition of 139,423 square feet (approximately 3.2 acres) of impervious surfaces. However, the project proponent has identified 43,700 sf of surfaces that can be converted from impervious to pervious. These conversions are shown in Table 3-3.

Table 3-3 Additional Reductions in Impervious Surface Area for the Proposed Project

Location on Site Plan	Feature Converted to Pervious	Square Footage of Conversion
West Parking Area	Pedestrian walkway to pervious concrete	570
Plaza	Entrance and surrounding buildings to pervious concrete	29,420
Driveways and Dropoff Area	Pedestrian walkway to pervious concrete	6,110

East Parking Area	Pedestrian walkway to pervious concrete	650
Athletic Courts Area	Trash and utility area converted to permeable concrete	750
	Volleyball court and playground converted to sand	6,200
Total		43,700
Total Impervious Surfaces After Conversions		95,723*

*139,423 sf minus 43,700 sf

On April 23, 2019, the applicant submitted revised plans showing the conversion of the areas described above from impervious surfaces to pervious surfaces, using the cover treatments described above.

COMPARISON OF BASELINE 75TH PERCENTILE PROJECT AND PROPOSED PROJECT

Following the modifications described in Table 3-3 and as shown on plans submitted on April 23, 2019, the project's impervious surfaces are 95,723 sf, which is substantially within range of the hypothetical 75th percentile square footage of 89,686. This reduction has demonstrated that the project's impervious surfaces have been minimized to the extent feasible.

Regarding drainage, flooding, erosion or sediment impacts, the project design features also include a biofiltration swale and connected retention pond that has been designed to detain stormwater and release runoff at a rate equal to the predevelopment flowrates for the 10 -year design storms, which is consistent with the requirements of the County Drainage Manual. Overall stormwater discharge rate leaving the site will match predevelopment discharge rates. The biofiltration swale would be vegetated to capture sediments and biologically degrade pollutants carried by stormwater runoff. In addition, terracing associated with the cemetery design would also likely slow stormwater runoff, which would reduce erosion potential.

DETERMINATION

Therefore, the project would not create a hazard to water quality or create significant drainage, flooding, erosion, or sediment impacts.

3.5 TRAFFIC

The County of Santa Clara Zoning Ordinance (Section 2.20.090[B][5]) states that "[t]he use shall not generate significant additional traffic that creates a safety hazard or impairs local rural roads. New traffic associated with the use should not increase traffic levels significantly above existing conditions."

3.5.1 Analysis

SETTING

The proposed project is located on Monterey Highway, a two lane County highway with significant volume capacity (3,800 vehicles per lane per hour in both directions) that is used for interregional travel between Gilroy, San Martin, Morgan Hill, and San Jose. Construction and operation of the project would include the construction of a new driveway connecting to Monterey Highway.

BASELINE 75TH PERCENTILE PROJECT, PROPOSED PROJECT, AND EVALUATION

In accordance with Section 2.20.090(B) of the Zoning Ordinance amendments, the following traffic analysis prepared by Fehr and Peers (Fehr and Peers 2017) establishes a baseline for a use designed at the 75th percentile and evaluates the size, scale, and intensity of impacts to rural resources and character from the proposed Cordoba Center as compared to the baseline 75th percentile project.

This traffic analysis focuses on impacts associated with the proposed 300 daily persons on site (as compared to 50 persons with the hypothetical project scenario), and special events of 500 people (as compared to 220 people with the hypothetical project scenario). The results of this analysis are used to determine if the proposed project generates “significant additional traffic that creates a safety hazard or impairs local rural roads.” Table 3-4 provides the comparison for three traffic scenarios—weekday peak hour, weekend peak hour, and special event hour. These volumes are based on an analysis prepared by Fehr and Peers, which is attached as Appendix A.

Table 3-4 Comparison of Traffic Volumes for Three Peak-Hour Scenarios

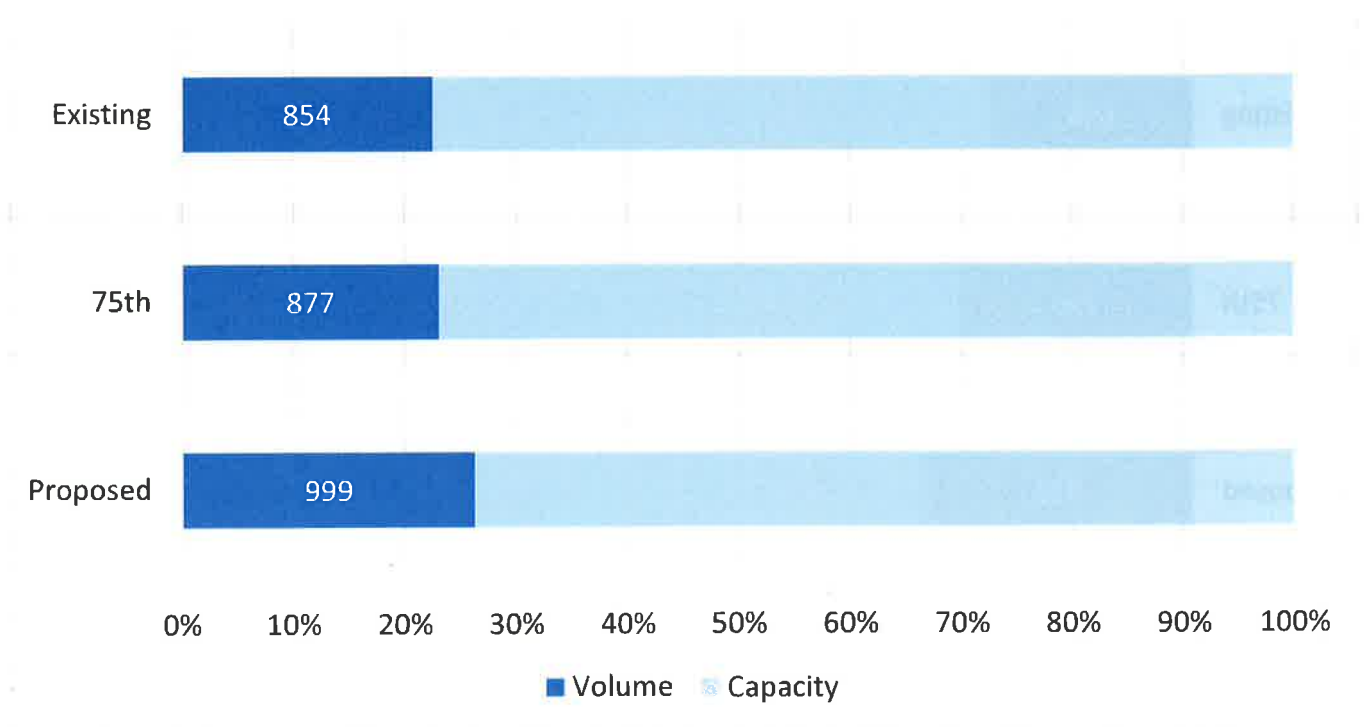
Scenario	Existing Volume	Existing Volume, plus trips from the 75 th Threshold Project	Existing Volume, plus trips from the Proposed Project	Difference between 75 th Project and Proposed Project (trips)	Percent increase from 75 th Project to Proposed Project (%)	Hypothetical Maximum Capacity in one direction (1,900 per lane per hour)
Weekday Peak Hour	854	877	999	122	13.9%	3,800
Weekend Peak Hour	817	840	954	114	13.6%	3,800
Special Event Peak Hour*	696	796	923	127	16%	3,800

*This attendance level corresponds with both Eid prayers which would take place twice a year, and the community picnic which would also take place twice a year.

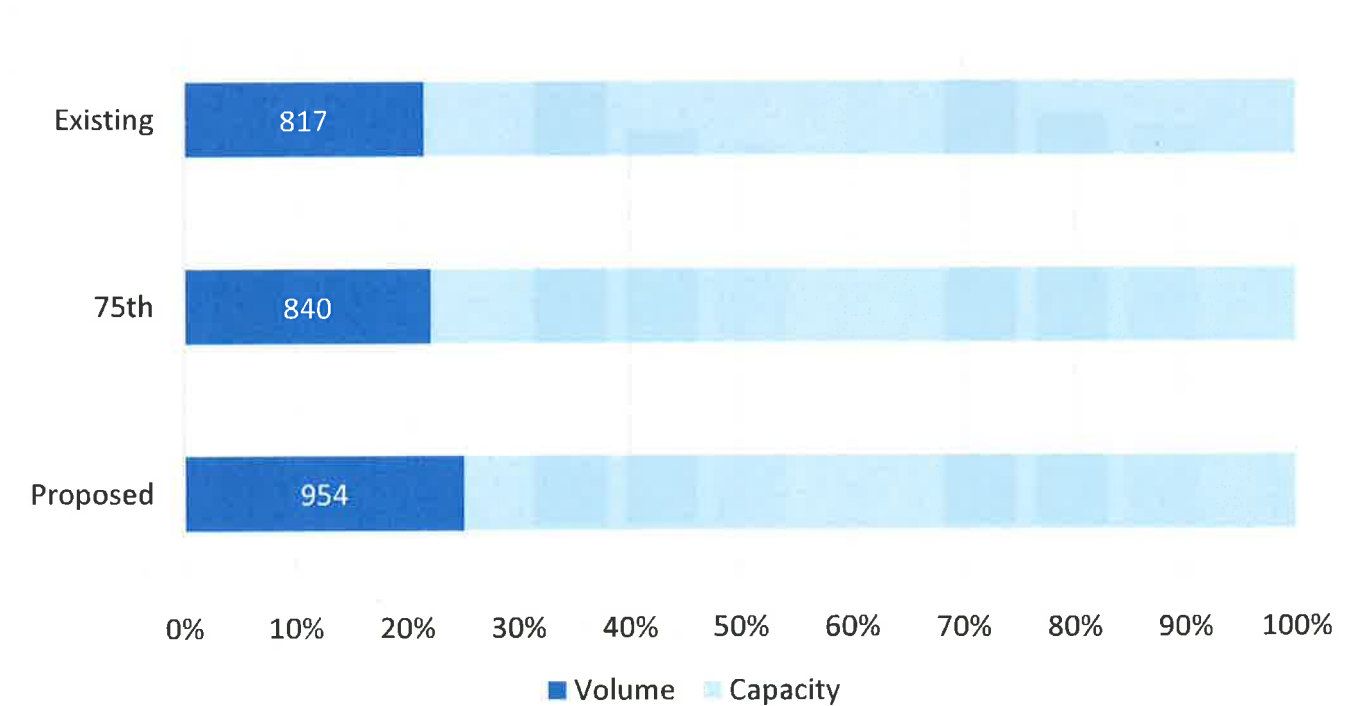
As shown in the table, the difference of peak hour traffic volume between the hypothetical 75th percentile project and the proposed project for the three scenarios are 13.9%, 13.6%, and 16%, respectively.

The following three bar charts illustrate the comparison between volume and roadway capacity for existing conditions, the baseline 75th percentile project, and the proposed project for the weekday peak hour, weekend peak hour, and special event peak hour scenarios. The fourth chart, “Traffic Comparisons,” uses columns to compare existing, the hypothetical 75th percentile project, and the proposed project for the weekday peak hour, weekend peak hour, and special event peak hour scenarios.

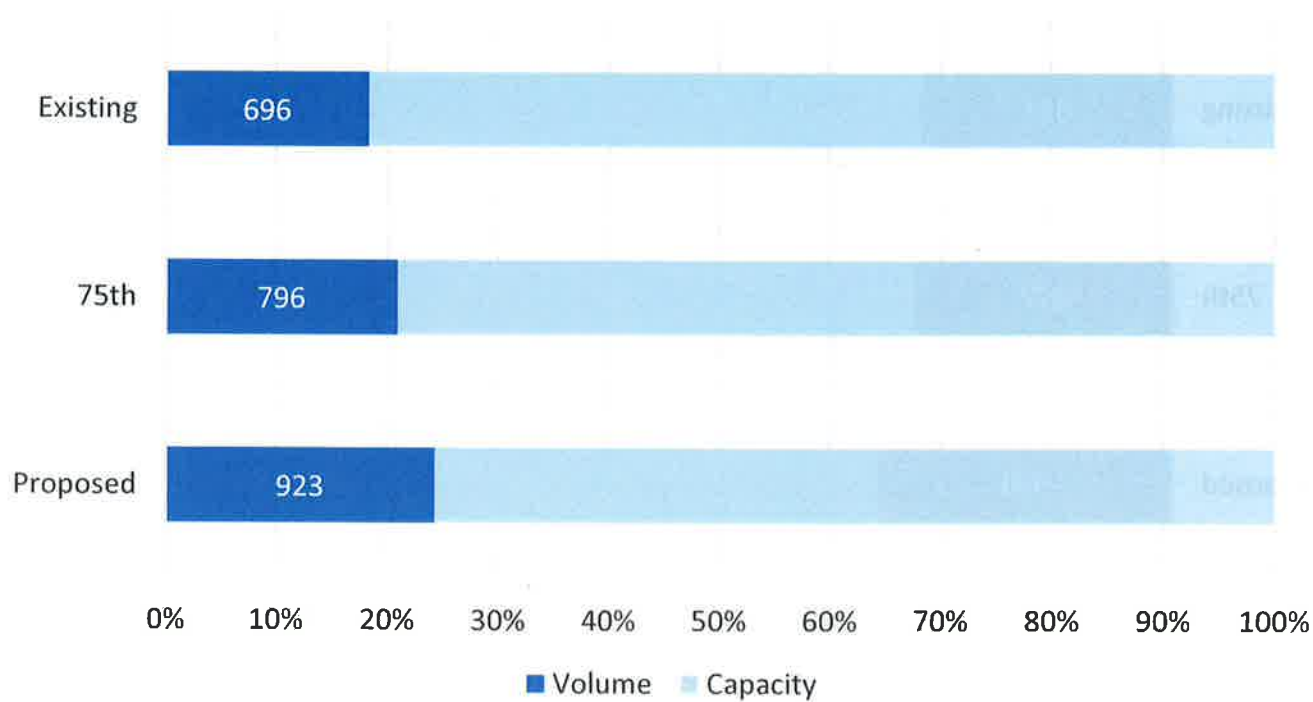
Weekday Peak Hour



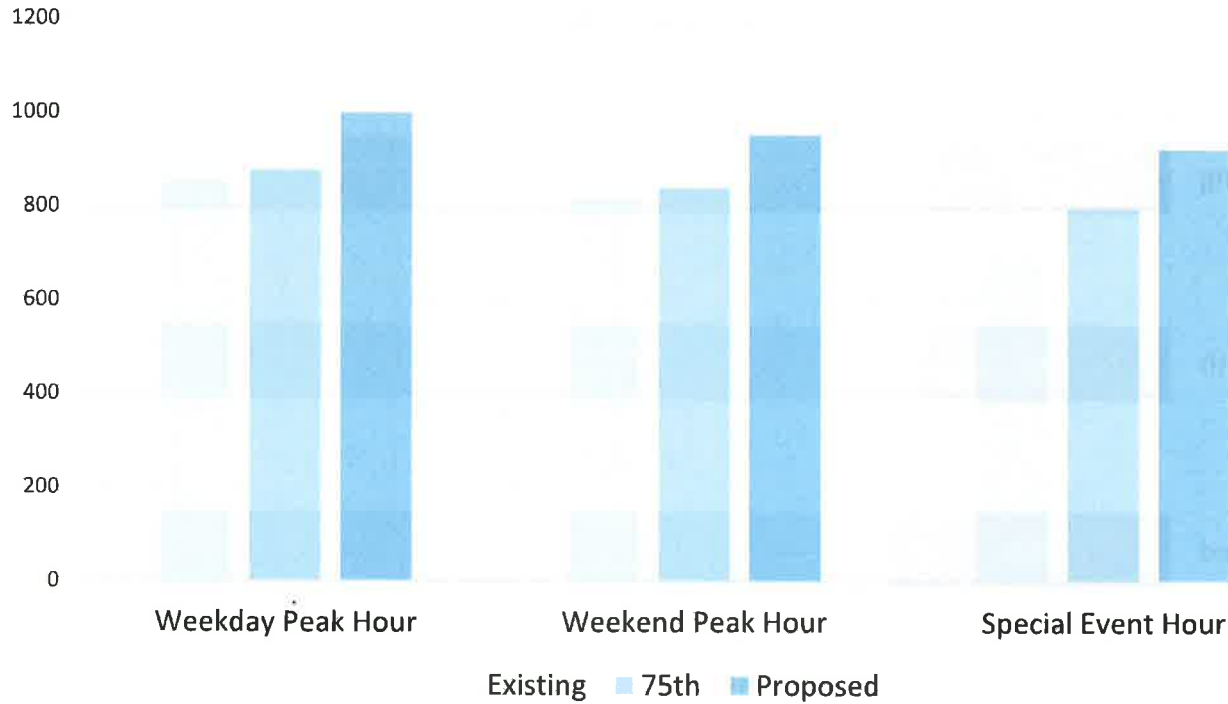
Weekend Peak Hour



Special Event Hour



Traffic Comparisons



As the proposed project would increase traffic by 13% to 16% greater than the traffic volumes generated by a baseline 75th percentile project, and these volumes would result in a cumulative traffic volume on Monterey Highway that is significantly lower than the projected volume capacity of the road, the project

would not result in size, scale and intensity impacts with respect to traffic, and would not increase traffic levels significantly above existing conditions.

Safety hazards associated with driveway access to and from Monterey Road would be avoided through implementation of the mitigation measures identified in the project EIR. Mitigation Measure 4.6-3 restricts driveway access to right-turn in and right-turn out only. It would also require construction of a deceleration lane north of the driveway and an acceleration lane south of the driveway. These improvements would ensure that even with the increases in traffic volume, the project would not create a safety hazard.

As all project traffic would be directed to Monterey Road, a regional County highway, the project would not impair local rural roads.

DETERMINATION

In summary, the project would not generate significant additional traffic that creates a safety hazard or impairs local rural roads and the new traffic associated with the use would not increase traffic levels significantly above existing conditions.

3.6 NOISE

The County of Santa Clara Zoning Ordinance (Section 2.20.090[B][6]) states that “[t]he use shall not significantly increase noise over existing ambient levels.”

3.6.1 Analysis

SETTING

The project site is currently vacant and adjacent to rural residential areas to the west and south. A creek and riparian area are located directly north. Monterey Road, a transit corridor, is adjacent to the eastern boundary of the property. A Union Pacific Railroad corridor is located east of Monterey Road, just over 120 feet from the project site. Several large industrial buildings are located further east of the project site, across Monterey Road and the railroad corridor.

BASELINE 75TH PERCENTILE PROJECT, PROPOSED PROJECT, AND EVALUATION

Potential noise impacts from the proposed project include (a) Construction Noise (b) Operational Noise and (c) Noise from new project traffic. Potential noise impacts from the proposed project were evaluated within the Draft EIR prepared for the project, which identified mitigation measures for potentially significant noise impacts, as referenced in this analysis.

Construction Noise

Construction noise associated with the proposed project would likely be more intense and would last longer than the construction of a baseline 75th percentile project; however, with implementation of mitigation measures identified in the EIR, neither the proposed project, nor the baseline 75th percentile project would exceed the County's threshold for daytime construction-related noise. Because construction noise is short term and because both the proposed project and baseline 75th percentile project would generate construction noise, even though the baseline 75th percentile project would likely generate less noise over a shorter duration than the proposed project, the difference would not be considered substantial.

Traffic Noise

As discussed in the EIR prepared for the Cordoba Center, traffic generated by the project would not result in a substantial increase in traffic noise (i.e., 3 decibels (dB)) on Monterey Road. Based on the traffic analysis conducted for the project, existing weekday peak-hour volume for Monterey Road in the project vicinity is 1,595 vehicles. A daily increase of 104 vehicles would represent a 6.5 percent increase in traffic over existing volumes. According to noise modeling results, the resulting increase in traffic noise would be 0.3 dB. A 3-dB increase in noise is barely perceptible to the human ear; therefore a 0.3-dB increase would not be perceptible.

Operational Noise

Operational noise sources associated with implementation of the project would include indoor activities (daily prayer, youth Sunday classes, potluck dinners, special events) and outdoor activities (annual youth summer camp, playground activities, parking lot activities), generally occurring between 10:00 a.m. and 10:00 p.m. (Note that because accessory uses are not assumed for the baseline 75th percentile institutional use, no further discussion of the youth summer camp noise or noise from other accessory uses is provided. Noise associated with parking is discussed further below.) Amplified sound is not proposed for these events. No outdoor call to prayer is proposed. Outdoor activities include an annual youth summer camp that would use the camp sites located on the northwestern corner of the site, playground activities, and parking lot activities. Noise associated with indoor and outdoor events are evaluated separately below.

Operational Noise – Indoor activities

Based on the typical noise levels identified in Table 4.5-1 of the Draft EIR, indoor activities associated with the project, such as personal worship, would be most similar to library noise levels of 30 dBA L_{max} . Interior noise levels of 30 dBA L_{max} would not exceed County exterior noise standards of 55 dBA L_{50} or interior noise standards of 45 dBA L_{max} for any period of time on the project site and, therefore, would not expose any nearby receiving land uses to noise levels above County standards.

Other project-related indoor activities that may generate more noise, such as Sunday classes and special events, could result in noise levels of up to 60 dBA L_{max} , similar to conversational noise levels (National Institute for Occupational Safety and Health 2016). The noise level reduction afforded by common building construction with the windows closed is 25-30 dB (Caltrans 2002). Therefore, assuming the conservative interior-to-exterior reduction of 25 dB, exterior noise levels on the project site associated with the loudest indoor activities would not exceed 35 dBA L_{max} for any period of time, thus not exceeding County exterior noise standards of 55 dBA L_{50} and interior noise standards of 45 dBA L_{max} at any offsite receptor. A baseline 75th percentile institutional use would likely involve similar indoor noise levels as the proposed project (not likely to frequently exceed 60 dBA L_{max}) and would similarly not exceed County's noise standards.

Operational Noise – Outdoor activities

The project would include 125 parking spaces in two parking lots. The west parking lot is located closest to existing residences (sensitive receptors): it is approximately 90 feet from the property line of the nearest residence. Typical noise generated from parking lots is associated with horns honking, engines starting, doors slamming, engines idling, car alarms sounding, and various other sounds associated with moving vehicles. These noise sources are typically short in duration, intermittent throughout the day, and vary as a function of the number of vehicles present throughout the day (i.e. peak hours would result in more noise). Noise associated with proposed parking lots was calculated using FTA's noise and vibration impact methodology for a parking lot. It is anticipated that the proposed parking lot would result in daytime noise levels of 52.6 dBA L_{eq} at 50 feet from the edge of the proposed parking lot and 47.5 dBA L_{eq} at the property line of the nearest sensitive receptor, 90 feet away. These noise levels would not exceed the County exterior noise standard of 55 dBA L_{50} (assumed to be comparable to the L_{eq}). In regard to the County's nighttime exterior noise standards of 45 dBA L_{eq} , the noise generated by the parking lot could potentially exceed the 45 dBA L_{50} nighttime standard.

It should be noted that the Noise Ordinance allows intermittent noise to exceed the noise standard identified. In this case, noise levels up to 65 dBA (+20 dBA over the 45 dBA standard) would be allowed for instantaneous noise events during nighttime hours (car door shutting or engine starting), or noise levels up to 60 dBA (+15 dBA over the 45 dBA standard) for noise events lasting more than 1 minute in a given hour; however, this analysis conservatively assumes a consistent level of parking lot activity in morning and evening hours (before 7:00 a.m. and after 10:00 p.m.), which is assumed to last for a cumulative period of over 30 minutes during these hours. Therefore, no additional allowance to the noise standard is assumed, and the potential nighttime noise level generated in parking areas located at the western edge of the project site could exceed the County's nighttime noise standard identified in the County of Santa Clara Ordinance Code. However, the EIR identified mitigation (Mitigation Measure 4.5-4: Install signage to restrict parking in western parking lot), which would prohibit parking during nighttime hours in areas where noise associated with the parking lot could result in exceedance of the County's nighttime noise standard at nearby noise sensitive receptors. Prohibiting parking within 120 feet of the residential property line would reduce the noise level by 2.5 dBA, which brings the noise level to the County's 45 dBA L50 nighttime noise standard.

Noise levels associated with parking areas of the baseline 75th percentile institutional use would likely be lower than the proposed project because the parking areas would likely be located farther from sensitive receptors and fewer vehicles would move through the parking areas, thus generating less noise. It should be noted that, similar to construction noise, operational noise associated with the baseline 75th percentile project cannot be quantified without knowing the specific siting of structures and the types and locations of other proposed uses (playgrounds, sports fields, camp sites, etc.).

DETERMINATION

Noise modeling shows that project-related activities would not generate noise levels that exceed the County's interior or exterior noise standards at the property line of the nearest sensitive receptors. Thus, even though the proposed project exceeds the baseline 75th percentile project threshold in all categories (number of people onsite for daily and events usage and total building size), the proposed project would not significantly increase noise beyond the level that would be expected from a baseline project that meets the 75th percentile threshold or significantly increase noise over existing ambient levels.

4 FINDINGS

In accordance with 2.20.090(C) of the Zoning Ordinance, uses where the building floor area square footage or maximum number of people are more than the applicable 75th percentile values may be authorized in rural districts in accordance with all other zoning ordinance requirements and upon making the following finding:

The project is designed, to the maximum extent feasible, such that the use does not result in size, scale and intensity impacts to the criteria identified in Section 2.20.090(B) greater than what might result from a use which is equal to the 75th percentile baseline value. As used in this section, the maximum extent feasible means making all changes that are possible taking into account the physical limitations of the site, considerations of project, engineering design, and financial cost.

The proposed project exceeds the 75th percentile threshold for attendance (daily and special events) and building floor area square footage, as established in the Local Serving Data document. However, based on the analysis and conclusions above, the project would have comparable size, scale, and intensity impacts to aesthetics, open space and habitat, agricultural production, watersheds, traffic, and noise compared to a project scenario that is equal to the 75th percentile of a typical institutional use.

Although the proposed project is larger in scale than the majority of other similar institutional uses, it (1) is located on a major thoroughfare (Monterey Highway) across the street from industrial uses, (2) does not contain sensitive rural resources (such as agricultural production, sensitive biological communities, or scenic open space), (3) the proposed operation would not substantially impact nearby rural residences, roads, or agricultural production.

5 REFERENCES

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- _____. 2015. *Santa Clara County General Plan, 1995-2010*. Adopted by the city council December 20, 1994; reflects amendments through November 19, 2015.
- _____. 2016a. Santa Clara County Department of Planning and Development Local Serving Data. Available at <[file:///C:/Users/mike.parker/Downloads/Attachment-153773%20\(1\).pdf](file:///C:/Users/mike.parker/Downloads/Attachment-153773%20(1).pdf)> As amended September 27, 2016.
- _____. 2016b. *Santa Clara County Department of Planning and Development Rural Resources Study Template*. Draft from February 9, 2016.
- Fehr & Peers. 2017 (April 12). *Memorandum Subject: Rural Resources Impact Study for Cordoba Center in San Martin*.
- Fouts, Kurt. Arborist Consultant. 2016 (March 25). Tree Resource Evaluation/Construction Impact Assessment for: Development Proposal/Cordoba Center, 14065 Monterey Highway San Martin, CA 95046-9548, APN: 779-06-002. Letter report to Kim Tschantz of Cypress Environmental and Land Use Planning. Aptos, CA.

APPENDIX A - FEHR AND PEERS TRIP GENERATION ANALYSIS FOR RURAL RESOURCES IMPACT STUDY

TABLE 2: WEEKDAY TRIP GENERATION COMPARISON^{1,2}

Proposed Land Use	ITE Land Use	ITE Land Use Code	Size	Unit	Daily Trips	AM Peak Hour			PM Peak Hour			Peak Hour of Generator		
						In	Out	Total	In	Out	Total	In	Out	Total
Proposed Land Use														
Mosque	Mosque ³	562	Varies ⁴	Attendees	727	45	45	90	46	22	68	131	5	136
Cemetery	Cemetery	566	3.5	Acres	17	1	0	1	1	2	3	5	1	6
Maintenance Building	Utilities ⁵	170	2,500	Square Feet	6	1	1	2	1	1	2	1	1	2
Caretaker's Dwelling	Single-Family Detached Housing	210	1	Dwelling Units	10	0	1	1	1	0	1	1	0	1
Total Trips					760	47	47	94	49	25	74	138	7	145
Hypothetical 75th Percentile Land Use														
Mosque		562	Varies ⁶	Attendees	227	23	23	46	15	8	23	22	1	23
Total Trips					227	23	23	46	15	8	23	22	1	23
Difference (Proposed - Hypothetical)					533	24	24	48	34	17	51	116	6	122

Notes:

- Trips calculations based on number of attendees presented on Table 2 of Attachment A, and a vehicle occupancy of 2.2 persons per vehicle from the *ITE Parking Generation (4th Edition)* manual's Church Land Use (Code 560) parking demand of 0.45 vehicles per attendee on Sundays.
- Community Plaza, Orchard, Parking and Access Road, Stormwater and Pond, Community Building, Playfield and Playground, and Open Space including Leach field* assumed to generate zero additional trips. *Youth Camp* considered a special event and not included in this table.
- Morning Peak Hour captures full *Dawn "Fajr" Prayers* event (1-hour long event), therefore all attendees are assumed to arrive and depart during the peak hour. PM Peak Hour directional split based on the *ITE Trip Generation Manual (9th Edition)* Mosque Weekday P.M. Peak Hour of Generator directional split. Peak Hour of Generator directional split based on the *ITE Trip Generation Manual (9th Edition)* Mosque Friday Peak Hour of Generator directional split.
- All scenario attendee estimates presented on Table 2 of Attachment A. Daily trips based on 800 daily attendees. AM Peak Hour trips based on 100 morning peak hour attendees. PM Peak Hour trips based on 150 evening peak hour attendees. Peak Hour of Generator based on 300 attendees.
- ITE 9th Edition lacks directional split information for the 'Utilities' land use for the AM peak hour, as well as 'peak hour of generator' and 'daily' trip rates. A 50/50 inbound/outbound split was assumed. Peak Hour of Generator trips equals the maximum of AM Peak Hour trips and PM Peak Hour trips. Daily trips equals the sum of AM peak hour trips, PM peak hours trips, and Peak Hour of Generator Trips.
- Hypothetical 75 percentile land use assumes 250 attendees total for daily events (50 attendees for 5 daily events), 50 attendees assumed for the AM Peak Hour event, 50 attendees for the PM Peak Hour event, and 50 attendees for the Peak Hour of Generator event.



TABLE 3: WEEKEND TRIP GENERATION COMPARISON^{1,2}

Proposed Land Use	ITE Land Use	ITE Land Use Code	Size	Unit	Daily	Weekend Peak Hour ³		
						In	Out	Total
Proposed Land Use								
Mosque	Mosque	560	Varies ⁴	Attendees	818	57	57	114
Cemetery	Cemetery	566	3.5	Acres	27	11	11	22
Maintenance Building	Utilities ⁵	170	2,500	Square Feet	N/A	N/A	N/A	N/A
Caretaker's Dwelling	Single-Family Detached Housing	210	1	Dwelling Units	9	1	0	1
Total Trips					854	69	68	137
Hypothetical 75th Percentile Land Use								
Mosque		560	Varies ⁶	Attendees	273	12	11	23
Total Trips					273	12	11	23
Difference (Proposed - Hypothetical)					581	57	57	114

Notes:

1. Trips calculations based on number of attendees presented on Table 2 of Attachment A, and a vehicle occupancy of 2.2 persons per vehicle from the *ITE Parking Generation (4th Edition)* manual's Church Land Use (Code 560) parking demand of 0.45 vehicles per attendee on Sundays.
2. *Community Plaza, Orchard, Parking and Access Road, Stormwater and Pond, Community Building, Playfield and Playground, and Open Space including Leach field* assumed to generate zero additional trips. *Youth Camp* considered a special event and not included in this table.
3. Weekend peak hour uses trip rates use the highest weekend peak hour between Saturday and Sunday for the cemetery and caretaker's dwelling land use. This table includes the Sunday peak hour of generator rate for cemetery and caretakers dwelling land use. Weekend Peak Hour directional split for Mosque is based on the *ITE Trip Generation Manual (10th Edition)* directional split for the Church land use (Code 560) for Sunday Peak Hour of Generator (Attendees).
4. All scenario attendee estimates presented on Table 2 of Attachment A. Daily trips based on 900 daily attendees. Weekend Peak Hour of Generator based on 250 attendees.
5. ITE 9th Edition lacks weekend trip data for the Utilities land use. It is assumed this land use generates zero trips during the weekend.
6. Hypothetical 75 percentile land use assumes 300 attendees total for all daily events (50 attendees for 5 daily events plus 50 Youth Sunday Class attendees). Weekend Peak Hour assumes 50 attendees.



TABLE 4: SPECIAL EVENT TRIP GENERATION COMPARISON¹

Proposed Land Use	Size ²	Unit	Weekend Peak Hour ³		
			In	Out	Total
Proposed Land Use					
Mosque	500	Attendees	114	113	227
Total Trips			114	113	227
Hypothetical 75th Percentile Land Use					
Mosque	220 ³	Attendees	50	50	100
Total Trips			50	50	100
Difference (Proposed - Hypothetical)			64	63	127

Notes:

1. Trips calculations based on number of attendees presented on Table 2 of Attachment A, and a vehicle occupancy of 2.2 persons per vehicle from the *ITE Parking Generation (4th Edition)* manual's Church Land Use (Code 560) parking demand of 0.45 vehicles per attendee on Sundays.
2. All scenario attendee estimates presented on Table 2 of Attachment A.
3. Hypothetical 75 percentile land use assumes 220 attendees for Special Event Weekend Peak Hour.



TABLE 5: MONTEREY HIGHWAY TRAFFIC VOLUME COMPARISON

Scenario ¹⁻²	A Existing Volume ²	B 75th percentile Threshold	C Threshold % of Existing (B+A)	D Project Trips	E Project Trips % of Existing (D+A)	F Project Trips Above Threshold Trips (D-B)	G Project % Above Threshold % (E-C)
Weekday Peak Hour (vph)	854	23	2.7%	145	17.0%	122	14.3%
Weekend ² Peak Hour (vph)	817	23	2.8%	137	16.8%	114	14.0%
Special Event Peak Hour (vph)	696	100	14.4%	227	32.6%	127	18.2%
Weekday Daily	17,872	227	1.3%	760	4.3%	533	3.0%
Weekend Daily	9,506	273	2.9%	854	9.0%	581	6.1%

Notes:

1. The Weekday Peak Hour represents the Weekday Peak Hour of Generator time period. Weekday Peak Hour of Generator, Weekend Peak Hour, Special Event Peak Hour, Weekday Daily, and Weekend Daily Events and Attendances are presented on Table 2 of Attachment A.
2. Weekday Peak Hour volumes represent the lowest weekday peak hour volume on Monterey Highway between 12:30 p.m. to 2:30 p.m. Weekend Peak Hour volumes represent lowest Sunday peak hour volume on Monterey Highway from 12:30 p.m. to 2:00 p.m. Special Event Peak Hour volumes represent lowest Saturday or Sunday peak hour volume on Monterey Highway from 11:00 a.m. to 5:00 p.m. Weekday Daily volumes represent average daily volume from Tuesday to Thursday. Weekend Daily volumes represent Sunday daily volume. All volumes collected between Saturday February 11 and Thursday February 16, 2017.
3. vph = vehicles per hour

Attachment A:

**Program Attendance and Existing
Volumes Summary**

TABLE A1: CORDOBA PROGRAM ATTENDANCE

Event	Attendance	Hours ¹	Duration ²	Frequency	Notes
<i>Religious Events</i>					
Dawn "Fajr" Prayers	100	6:00 a.m. – 7:00 a.m.	0.5 hour	Daily	Attendees would not all arrive at the same time.
Mid-Afternoon "Duhr" Prayers	150	12:30 p.m. – 2:00 p.m.	0.5 hour	Daily	Attendees would not all arrive at the same time.
Late-Afternoon "Asr" Prayers	150	3:30 p.m. – 5:30 p.m.	0.5 hour	Daily	Attendees would not all arrive at the same time.
Sunset "Maghrib" Prayers	200	5:30 p.m. – 8:30 p.m.	0.5 hour	Daily	Attendees would not all arrive at the same time.
Night "Isha" Prayers	200	7:30 p.m. – 11:00 p.m.	0.5 hour	Daily	Attendees would not all arrive at the same time.
Friday "Jummah" Prayers	300	12:30 p.m. – 2:30 p.m.	1 hour	Once a week	Replaces mid-afternoon prayers on Fridays.
"Eid" Prayers	500	8:00 a.m. – 12:00 p.m.	4 hours	Twice a year	Prayer is followed by "Eid" banquet.
Funeral Prayer	300	1:00 p.m. -4:00 p.m.	1 hour	Varies	Not a regularly scheduled event – only occurs in conjunction with funerals.
Youth Sunday Classes	100	11:00 a.m. – 2:00 p.m.	2 hours	Once a week	Does not occur during summer and winter breaks.
<i>Social and Community Events</i>					
Mawlid Al-Nabi Banquets	300	5:00 p.m. – 10:00 p.m.	3 hours	Once a year	Would be held on a weekend.
Community Potluck Dinners	200	6:00 p.m. – 11:00 p.m.	3 hours	Once a month (except during Ramadan)	Would be held on a weekend.
Community "Iftar" Dinners	300	5:00 p.m – 11:00 p.m.	3 hours	Four times a year (once a week during Ramadan)	Would be held on Saturdays.
Community Picnics	500	11:00 a.m. – 5:00 p.m.	5 hours	Twice a year	Would be held outdoors on a weekend. (Would not occur during other scheduled events.)
Weddings	300	5:00 p.m. – 11:00 p.m.	4 hours	Four to six times a year	Not a regularly scheduled event – would be held on a weekend.

TABLE A1: CORDOBA PROGRAM ATTENDANCE

Event	Attendance	Hours ¹	Duration ²	Frequency	Notes
Youth Camp and Retreat	50	24 hours/day	Throughout summer break	Annually	A series of week-long camps.
Onsite Caretaker	5	24 hours/day	At all times	Throughout the year	Assumes caretaker with family.

Notes:

1. Hours indicate the span of time during which a type of prayer or other event is anticipated to occur.
2. Duration is the length of time that an individual is anticipated to be on the site engaging in a type of prayer or other event. For example, dawn "Fajr" prayers may occur between 6:00 a.m. and 7:00 a.m., but individuals would spend 0.5 hour in prayer within this hour-long time window.

Source: SVIC 2015

TABLE A2: ATTENDANCE USED FOR PROPOSED LAND USE ANALYSIS

Event ¹	Attendance ²	Time Period ²
<i>Weekday Morning Peak Hour</i>		
Dawn "Fajr" Prayers	100	6:00 a.m. – 7:00 a.m.
<i>Weekday Evening Peak Hour</i>		
Late-Afternoon "Asr" Prayers	150	3:30 p.m. – 5:30 p.m.
<i>Weekday Peak Hour of Generator</i>		
Friday "Jumma" Prayers	300	12:30 p.m. – 2:30 p.m.
<i>Weekday Daily</i>		
Dawn "Fajr" Prayers, Mid-Afternoon "Duhr" Prayers, Late-Afternoon "Asr" Prayers, Sunset "Maghrib" Prayers, Night "Isha" Prayers	800	24 Hours
<i>Weekend Peak Hour</i>		
Mid-Afternoon "Duhr" Prayers, Youth Sunday Classes	250	11:00 a.m. – 2:00 p.m.
<i>Weekend Daily</i>		
Dawn "Fajr" Prayers, Mid-Afternoon "Duhr" Prayers, Late-Afternoon "Asr" Prayers, Sunset "Maghrib" Prayers, Night "Isha" Prayers, Youth Sunday Classes	900	24 Hours
<i>Special Event Peak Hour</i>		
Community Picnics	500	11:00 a.m. – 5:00 p.m.

Notes:

1. Peak hour events selection based on events that take place during Monterey Highway's traffic peak hours, presented on Tables A3 and A1.
2. Attendance and Time Period based on Table A1: Cordoba Program Attendance

Source: SVIC 2015, Fehr & Peers 2018

TABLE A3: EXISTING CONDITIONS PEAK VOLUMES AND TIME PERIODS¹

Scenario	Time	Monterey Highway Volume
Weekday Morning Peak Hour	6:00 a.m. - 7:00 a.m.	1,938
Weekday Evening Peak Hour	4:30 p.m. - 5:30 p.m.	1,595
Weekday Daily	24 Hours	17,872
Weekend (Sunday) Peak Hour	1:30 p.m. - 2:30 p.m.	883
Weekend (Sunday) Daily	24 Hours	9,506

Notes:

1. Volumes represent volumes on Monterey Highway at the proposed project's driveway.

Source: Fehr & Peers 2018

Exhibit 5

Exhibit 5

SAN MARTIN INTEGRATED DESIGN PLAN CONSISTENCY ANALYSIS

The following matrix summarizes an evaluation of the Cordoba project with the San Martin Integrated Design Plan. The purpose of the San Martin Integrated Design Plan and Guidelines ("Design Plan") is to inform and guide public and private property development in San Martin so that the form and character of the overall community is protected and enhanced. The Integrated Design Plan contains several elements, including (1) Flood Control / Drainage Design Concepts (2) Circulation and County Roads Conceptual Design Standards (3) Rural Residential Design Concepts and (4) Non Residential Design Guidelines.

As the proposed Cordoba project consists of a proposed religious institution and cemetery, it was evaluated in conformance with the Non-Residential Design Guidelines. The described intent of the Non-Residential Guidelines component of the Design Plan (beginning on page II-1 of the Design Plan) is to ensure that new and expanded non residential development, primarily in the village core of San Martin, be of a nature and design and intensity which reinforced the rural character of San Martin and unifies the overall aesthetic appearance of the area. The guidelines also encourage excellence of design and ensure that reasonable steps be taken to mitigate potential adverse impacts on the natural environment.

The San Martin Integrated Design Plan Consistency Analysis below evaluates the proposed Cordoba Project, including the architectural style of the buildings, the associated site improvements, and landscaping with the Design Plan

San Martin Integrated Design Plan – Non Residential Sections	Description	Evaluation
B. <i>General character</i>	The Design Plan describes three areas that are the focus of the Guidelines – a) Village Core b) South of Village Core c) South Valley Freeway Interchanges	The proposed project is located just north of the intersection of California and Monterey Highway in northern San Martin, an area that is not one of the three focus areas of the Design Plan
C. <i>Architecture</i>	The Design Plan states that non-residential structures shall enhance the community through excellence of design, the architectural style shall be compatible with the neighboring uses,	The proposed Cordoba Center includes a Spanish Mission style architecture that incorporates Mission style architectural elements including stucco walls, and tile roofs. The two largest buildings, Mosque and

	<p>that all aspects of the building shall comply with the guidelines, and the use of architectural styles compatible with the surrounding neighborhood shall be required.</p>	<p>Community Center, are shown to be of a higher architectural quality with articulation within the façade design including multiple windows and arches, and roof articulation, including domes.</p> <p>The site is not located within one of the three focus areas and the subject property and adjacent property to the north (fronting California) are vacant. Viewsheds into the site from Monterey and California would not frame the site within an established 'neighborhood' with a distinctive design style. The most prominent buildings nearest the site are large industrial buildings located across Monterey Highway which are utilitarian in design.</p> <p>As the most predominant non-residential architectural character in the area is the industrial buildings, and the proposed project is not industrial and instead incorporates a Spanish Mission style architecture of higher quality, while this design style is new in context, it would represent an improvement in overall architectural design for the immediate area.</p>
<i>C. Architecture</i>	<p>Buildings shall create an attractive exterior form through arrangement of colors, that shall be compatible with the natural setting, neighborhood and intent of guidelines.</p>	<p>The proposed architecture of the Cordoba Center buildings incorporates a Mission style architecture and the materials incorporate smooth stucco and roofing composed of terra cotta tiles, consistent with these guidelines</p>

	The guidelines encourages materials such as adobe, wood, stucco, and roofing materials such as ceramic, terra cotta, and the use of earth tone colors	
	Larger structures shall use a more complex building shape or a cluster of small buildings. Building height shall be limited to two stories, and pitched roofs, covered porches and walkways shall be encouraged.	<p>The Cordoba Center proposes larger buildings, consisting of a 9,000 s.f. Mosque and a 14,500 square foot Community Center.</p> <p>While the proposed Cordoba buildings are not designed as a cluster of smaller buildings, the two larger buildings do incorporate a complex building shape, including the incorporation of a plaza between the buildings and overhangs, walkways, and different architectural features within the building to create articulation and avoid the appearance of a blank, monolithic mass.</p> <p>The project incorporates pitched roofs and the buildings are two stories and 35 feet in height.</p>
<i>D. Siting</i>	Structures shall be designed to create minimal disturbance to the natural landscape and shall be sited to protect creeks	As described within the Rural Resource Impact Study, the project will maintain over 50% of the site as natural open space and 60% of the site as open space, including the cemetery. The improvements will be located more than 150 feet from Llagas Creek, consistent with County General Plan Riparian Setback standards.
<i>E. Landscaping</i>	The Guidelines state that preliminary	A preliminary landscape plan was submitted

	<p>and final landscape plans shall be submitted, and consist of a combination of trees, shrubs and groundcover.</p> <p>The guidelines speak to landscaping in the village core and south of the village core, and along the South Valley Freeway</p> <p>Landscaping shall account for water requirements, and shall not interfere with septic and traffic.</p>	<p>with the Cordoba Center project application.</p> <p>As described in the EIR prepared for the project and consistent with these guidelines, an enhanced landscape plan shall be submitted that demonstrates use of evergreen plantings so that all project structures as well as the youth summer camp are screened from public views.</p>
<i>F. Signage and Lighting</i>	<p>Signage shall be reviewed and shall comply with the County signage policies.</p> <p>The guidelines encourages use of rural icons.</p> <p>Lighting shall be low level and prevent glare.</p>	<p>The applicant has not submitted any signage plans.</p> <p>Any future signage plans would be required to conform to these guidelines.</p> <p>The applicant has submitted a lighting plan. Conditions of approval applied to the project will require that the lighting use a 'full cutoff' design to prevent glare from offsite.</p>
<i>G. Parking</i>	<p>Parking shall meet the County's off street parking standards.</p> <p>The guidelines contains standards for the village core areas and requires asphalt paving or better for institutional developments.</p>	<p>Conditions of approval applied to the project require maintenance of off-street parking areas for the project through existing spaces and services such as valet or off-site shuttles to ensure parking will be accommodated for without the need for street parking.</p>
<i>H. Fencing</i>	<p>The Guidelines state that rural or natural looking fencing shall be used.</p>	<p>No fencing has been proposed. Any future proposed fencing will be required to comply with these guidelines</p>

Exhibit 6

Exhibit 6

APPEAL OF SOUTH VALLEY ISLAMIC CENTER
AKA CORDOBA CENTER

PLANNING OFFICE FILE #2145-16P-164-16G
South County Partners

RECEIVED
AUG 04 2019

COUNTY OF SANTA CLARA
PLANNING OFFICE

FROM: Peoples Coalition For Government Accountability
Post Office Box 23
Gilroy, California 95021

DATE: September 04, 2019

TO: Supervisor Wasserman, District 1
Supervisor Cortese District 2
Supervisor Chavez District 3
Supervisor Ellenberg District 4
Supervisor Simitian District 5

RE: Appealing Santa Clara County Planning Commission decision
regarding South Valley Islamic Center AKA Cordoba Center.
Meeting Date: Planning Commission Hearing August 22, 2019.

FILE: #2145-16P-164-16G. Assessor's Parcel #779-06-002.
LOCATION: 104045 Monterey Road, San Martin.

APPELLANTS: Peoples Coalition for Government Accountability

Dear Board Members:

On August 22, 2019, the Santa Clara County Planning
Commission approved Application for Religious Institution and
Cemetery.

APPELLANTS ARE CONTESTING THE FOLLOWING ISSUES:

General Plan Land Use

1. Land Use Plan Designation: Jurisdiction: Unincorporated:
Rural Residential. Cordoba is a Commercial Project.

GEOLOGY: LANDSLIDE (Earthquake) HAZARD ZONE.

1. Applicants retained their own Geologist, Steven Connelly
who submitted Map showing Scope of Project to be 50+
Acres; instead of 15+ Acres. (Exhibit 1)

During the 1989 Earthquake, Windells who lived on Parcel
779-06-002 lost their entire backyard.

FIRE MARSHAL. Provide Proof for Fire Protection.

1. West San Martin Water Works, Inc. "To provide water for
domestic/Commercial fire protection. "We wouldn't be
able to supply you with a flow of 1500 GPM." (Exh.2 & 3)

COUNTY PLANNING.

1. Rural Land Use Code, R-LU 57 reads, "Institutional uses
in Rural Residential areas shall be local serving, and

4 may be established only where they serve the needs of
the resident population."

5 2. South Valley Islamic Center (SVIC). South Valley is not
San Martin. SVIC extends from South San Jose to San Benito
County. There are only 2-3 families in San Martin. Cordoba
is in violation of Land Use Code R-LU 57.

6 3. SC 17.6. reads: "If it is determined that a use proposed
for the unincorporated area is needed in the South County,
but would be more appropriately located in a City, then
the use should not be located in an unincorporated area;
but should be located in a City.

7 4. Planning deleted Llagas Creek, and 50 Acre Santa Clara
County Llagas Creek Park from Vicinity Map, and replaced
Llagas Creek & Park with "CITY OF MORGAN HILL". (Exh. 4)

Department of Environmental Health (DEH).

8 2006, Ann Peden (DEH) reported that all 9 holes failed stating
that she and Staff were on site while percolation tests
were being conducted.

9 Michael Batz, Consultant, submitted report for only 6
6 holes dug 4.0', 5.0', 5.0', 7.0', 7.0' & 7.0'; none
of which were dug the required 15.0'. Nor did Batz
conduct wet weather testing. (Exhibit 5)

10 At the July 31, 2012 San Martin Planning Advisory
Committee Meeting, and the South County Joint Planning
Advisory Meeting on August 1, County Planning reported
that Applicants had to conduct another percolation test,
and Cordoba item on Planning Commission Agenda for
August 2, 2012 would be taken off Calendar. (Exh. 6)

11 However, the item was not taken off of Calendar and the
Planning Commission approved Cordoba Project 7-0; with-
out conducting another percolation test.

12 2012. Ann Peden waived all DEH Requirements citing "Percola-
tion Tests, Soil Profiles, Wet Weather Testing was all
done in 2006 for a 3 Lot Subdivision." "These results
are still valid for this project and no further soil
testing is necessary".

13 2011, Ann wrote, "Move cemterey to another location because it
will cause disease to spread."

FEMA Flood Zone (99.7%) Special Resources/Hazards Constraints.

14 1. For years, properties down gradient from the Cordoba
parcel have flooded requiring pumps to be installed

14 under houses to get rid of storm water.

15 2. Unlike dirt and grass that decreases rate of flooding, 33,000 s.f. of roof tops/3½ Acres Cemetery & Sidewalks will increase rate of flooding dramatically.

16 3. The Main Sewer Pipeline has ruptured several times. In 2015, 12,000 gallons discharged into Llagas Creek.

17 4. Pipeline broke on California Avenue causing \$50,000 in damages. Sewage continued down Colony Avenue to San Martin Avenue; then entered the basement of a house.

18 5. 2018. 204,000 gallons of sewage was discharged along Harding Avenue; plus 3 more breakages in 2018 caused a septic system to fill and overflow with sewage.

Regional Water Quality Control Board (RWQCB).
Special Riparian Setback Area.

19 1. RWQCB's response to PCGA'S questions regarding Special Riparian SetbackArea was non-responsive. (Exh. 7 & 8)

The State RWQCB has jurisdiction over the County, and the RWQCB determines Riparian Setbacks for Federal EPA 303(d) Impaired Water Bodies; not the County.

20 2. The adjoining Parcel, Plans for a 125 Unit R.V. Park, also lies within the Reparian Setback area. If the adjoining parcel is 820' away from Llagas Creek, then the entire Cordoba Parcel is included in the Setback.

21 Assembly Bill AB 885 Wastewater Disposal System (OWTS), County Planning indicated that Cordoba could use OWTS; however, AB 885 requires a 600' Setback from Impaired Water Bodies.

22 The World Health Organization (WHO) requires a 820' setback from Cemetery to Drinking Water Wells. There are 8 Drinking Water Wells located less that 820' away from the Cemetery and Wastewater Disposal System. .

23 GeoConsultants, Inc. did a study for the RWQCB that concluded, "There is only 1 Drinking Water Well which is located 1½ miles from the Cordoba Site."

And, GeoConsultants stated, "We do not guarantee that Cordoba Project could be approved for development".

24 South County Joint Planning Advisory Committee (SCJPAC) has 2 San Martin members; but Bill Knole died 20 years ago, and the other representative retired a year ago, neither of whom were replaced.

CHRONOLOGY RE: APN 779-06-002 & 003 AKA 30 ACRES.

1957. Water quality was excellent; but Nick Bayto's 30 acres of prune orchard would not grow beyond 4' due to high ground water. Nick pulled trees out and sold the 30 acres with a 1/bedroom cabin to the Windells.

The Windells applied to subdivide the 30 acres into 2/15 acre parcels, and an application to build a small 1000 sf 2 bedroom home. COUNTY SAID, "NO".

The Windells put the property up for sale, and every time someone wanted to purchase and develop the 30 acres, the COUNTY SAID, "NO".

1981. County conducted a Study, Ordinance No. NS 1200-310, and found high concentrations of Nitrates due to density of residential development; so development & Secondary Dwelling units were restricted to 5 acre minimum.

The Study demonstrated that specific adverse impacts to the groundwater resources would occur unless the density of residential development (NOT COMMERCIAL AND CEMETERIES) was restricted within the San Martin area. This restriction is necessary to avoid specific adverse impacts to the public health, safety and welfare that would occur from intensification of septic discharges. (**Exhibit 9**)

2005. Llagas Creek was listed as a Federal EPA 303(d) Impaired Water body with 11 Contaminates including Fecal Coli; together with a Riparian Setback designation which precludes all development Commercial & Residential next to Llagas Creek.

Thereafter, six investors purchased the 30 acres and applied to subdivide the parcel into 2/15 acres parcels. THE COUNTY APPROVED.

PARCEL A, AKA APN 779-06-003 A, was purchased to build 1/Lite Industrial building & 1/Unisex Bathroom. COUNTY SAID, "NO".

PARCEL A. Baptist Pastor applied to build a Church and School. COUNTY SAID, "NO"! "You can't build more than 10,000 s.f., and Water Table is too high to pass a sewage disposal test.

2006. PARCEL B, AKA APN 779-06-002. SVIC purchased 15 acres next to Llagas Creek & applied to subdivide into 3/5 Acre Parcels, and to build 1/5000 s.f. religious building. COUNTY APPROVED. See Santa Clara County Department of Planning and Development Online Property Profile.as. (**Exhibit 10**)

2016. SVIC applied to build 30,000 s.f. 3½ Acre Cemetery and. 3380 s.f. Caretakers Residence. COUNTY IS APPROVING. See Santa Clara County ONLINE PROPERTY PROFILE. (**Exh. 10**)

2016. PARCEL A. Plans for 125 Space/R.V. Park. this Parcel is also in a Special Reparian Setback from Llagas Creek. If Parcel A has a Reparian Setback; then nothing can be built on Parcel B next to Llagas Creek. See Santa Clara County ONLINE PROPERTY PROFILE. (**Exhibit 11**)

County Planning denied Frederico's Project on Parcel A because the percolation test failed due to high ground water; as well as telling a potential buyer of Parcel A that he could never pass a percolation test.

THE DRAFT ENVIRONMENTAL IMPACT REPORT DATED May 10, 2018, CORDOBA CENTER, State Clearinghouse Number 20161f22022, County File #2145, was prepared for Santa Clara County Department of Planning and Development. Identified as "EXHIBIT 2" "PROJECT VICINITY". (**Exhibit 12**)

PLANNING OFFICE is still using the same VICINITY MAP used to approve the 2012 Cordoba Project; whereby the Department of Planning and Development deleted Llagas Creek and 50+ Acres known as Santa Clara County Llagas Creek Park.

The cover sheet used for DRAFT ENVIRONMENTAL IMPACT REPORT CORDOBA CENTER for the current VICINITY MAP includes "PROJECT VICINITY". "EXHIBIT 2"; as well as PROJECT VICINITY "ASCENT", and "PAGE 16 of 17". (**Exhibit 12**)

The only difference in Vicinity Map for 2012 and the Vicinity Map used for the current Cordoba Project is:

1. Planning deleted the fine print at lower right hand corner; which read:

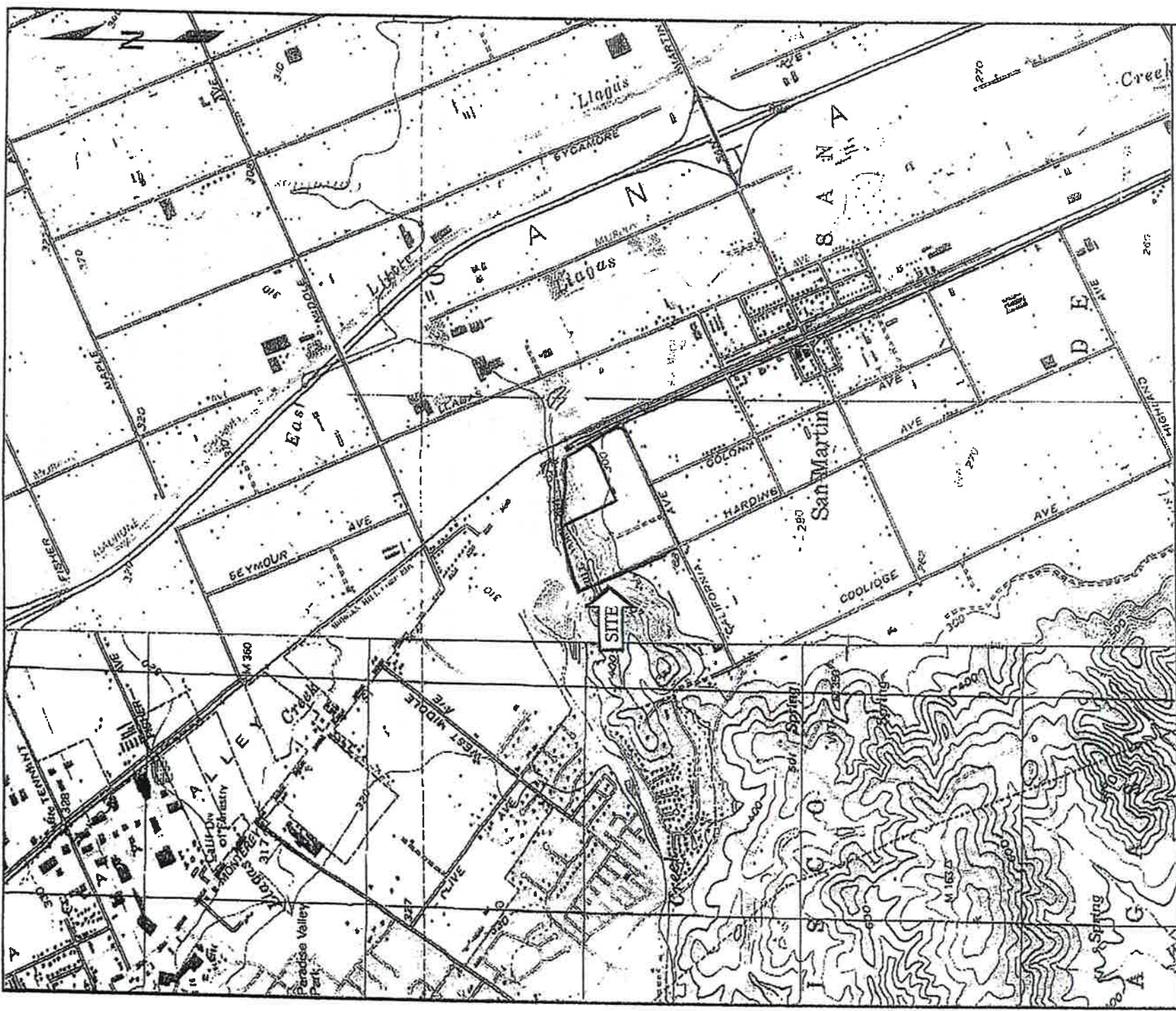
"VICINITY MAP. APN 779-06-002." "This Map created by Santa Clara County Planning Office from various sources. While deemed reliable, the Planning Office assumes no liability." (**Exh. 4**)

2. Also deleted from the 2012 Vicinity Map is "MORGAN HILL"; which replaced Llagas Creek & Santa Clara County Park. Neither Llagas Creek, nor Llagas Creek County Park are included on the May 20, 2018 Vicinity Map. (**Exhibit 13**)

EXHIBITS

26

1. Geologist's Map Composed of 50+ Acres.
2. San Martin Water Works May 2, 2007 Letter.
3. San Martin Water Woks April 2, 2011 Letter.
4. Planning Office Vicinity Map.
5. Batz Environmental Consulting Test Results.
6. Additional Percolation Studies Needed.
7. Regional Water Board. Answers to Questions, P. 1.
8. Regional Water board. Answers to Questions, P. 2.
9. Ordinance No. NS 1200-310.
10. Online Property Profile. APN 779-06-002.
11. Online Property Profile. APN 779-06-003.
12. DRAFT ENVIRONMENTAL IMPACT REPORT CORDOBA CENTER
13. PROJECT VICINITY MAP. May 20,2018. EXHIBIT 2 P.16 of 17.



Regional Topographic Map		APN 779-06-002 14045 Monterey Road Santa Clara County, California		
CONNELL CONNELLY & CO. Consulting & Engineering Co., Inc.		Project #	Scale	Figure
		0721	1 Inch = 2000 Feet	2
			Date	
			11/20/07	

WEST SAN MARTIN WATER WORKS, INC.

1005 HIGHLAND AVE. • SAN MARTIN, CALIFORNIA 95046 • 408-683-2098

May 2, 2007

SVIC
c/o Indus-West Developments, LLC
2580 Bridle Path Drive
Gilroy, CA 95020
Fax No. 408-842-0690

Subject: Development/subdivision of APN 779-06-002, north of California Avenue and west of Monterey Road in San Martin, to provide water for domestic and fire protection for 2 single family dwellings and 1 commercial lot.

Dear Mr. Akhter,

This letter is to inform you that this Utility, West San Martin Water Works, is willing and able to provide your subdivision with domestic and fire protection. We have an 8 inch water main approximately 650 feet away from the southern most property line of your parcel. It would be most economical if one could install a 6 or 8 inch extension from the intersection of California and Colony in a utility easement. The water pressure would be approximately 75 psi at your southern property line. We wouldn't be able to supply you with a flow of 1500 GPM, but we do have over 400,000 gallons in storage. We could deliver approximately 1200 GPM.

All improvements will be at your cost and the main extension will become the property of this Utility per Rule 15 of the California Public Utility Code (PUC). The contract with you may include a reimbursement agreement for a period of 10 years where any party requesting hook-up to main extensions installed with your monies will be required to reimburse you their pro-rata share. It would be the suggestion of this Utility that you consider having 1 ½ inch meter connections to the dwellings within your subdivision. I am enclosing a copy of our Schedule F of our PUC tariff sheets.

If you have any questions, please do not hesitate to call me at 408-683-2098.

Sincerely,



Bob Ulkestad, Manager

Exhibit 2

2148-018

WEST
SAN MARTIN

1005 Highland Ave · San Martin, Ca 95046
Phone: (408)683-2098 Fax: (408)686-9633

April 2, 2011

SVIC
c/o Indus-West Developments, LLC
2580 Bridle Path Drive
Gilroy, CA 95020
Fax No. 408-842-0690

Subject: Development/subdivision of APN 779-06-002, north of California Avenue and west of Monterey Road in San Martin, to provide water for domestic and fire protection for Cordoba Center Project.

Dear Mr. Akhter,

This letter is to inform you that this Utility, West San Martin Water Works, is willing and able to provide your subdivision with domestic and fire protection. We have an 8 inch water main approximately 650 feet away from the southern most property line of your parcel and approximately 135 feet from Monterey Road.. Thus, the total length of your main extension roughly 800 feet of 8 inch C900 PVC pipe to your project. Since we are not talking about the structures being located up on the hill; we should be able to provide you with approximately 75 psi to your parcel. We wouldn't be able to supply you with a flow of 1500 GPM, but we do have over 400,000 gallons in storage and could deliver approximately 1200 GPM.

All improvements will be at your cost and the main extension will become the property of this Utility per Rule 15 of the California Public Utility Code (PUC). The contract with you may include a reimbursement agreement for a period of 10 years where any party requesting hook-up to main extensions installed with your monies will be required to reimburse you their pro-ratus share. It would be the suggestion of this Utility that you consider having 1 ½ inch meter connections to the dwellings within your subdivision. I am enclosing a copy of our Schedule F of our PUC tariff sheets.

If you have any questions, please do not hesitate to call me at 408-683-2098.

Sincerely,



Bob Ukestad, President
West San Martin Water Works, Inc.



Vicinity Map

APN 779-06-002

0 500 1,000 2,000 Feet
EXHIBIT 4



This map was prepared by the Santa Clara County Planning Office. The map is not a legal document and should not be used for legal purposes. The map is for informational purposes only.

BATZ ENVIRONMENTAL CONSULTING

Michael Batz, REHS - Consultant

106 Marcela Drive, Watsonville, CA 95076
Office(831)724-2223 Fax(831) 724-2338

	A	B	C	D	E	F	G	H	I
1	OWNER/APPLICANT: Sal Akhter				BEC FILE No.: 06-SCC-021				
2	CONDUCTED BY: MB				SITE LOCATION: Monterey Rd., San Martin - LOT 2				
3	CHECKED BY: AP				DATE: 11/08/06				
4					APN:				
5									
6			Stabilized		Adjusted				
7		Hole #	Rate (MPI)	Adj. factor is 1.4	Rate (MPI)	Hole Depth			
8									
9		P1	80		112.00	7.0'			
10		P2	80		112.00	4.0'			
11		P3	73.33		102.66	5.0'			
12		P10	40		56.00	5.0'			
13		P11	80		112.00	7.0'			
14		P12	80		112.00	7.0'			
15									
16		Average (6 Tests)			108.89				
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Staff Recommendation

- Additional Percolation studies needed for expansion system
- Recommend continuance.

Central Coast Water Board response to People's Coalition for Government Accountability (PCGA) letter dated March 23, 2019, regarding the Cordoba Center Project. PCGA questions are written in *italics* (below, as written by PCGA) and Central Coast Water Board response is provided in **bold** below

Question #1: What is the Riparian Setback distance from Llagas Creek, a Federal EPA 303(d) Impaired Water Body for APN 779-06-002/Cordoba Project?

Response: Please contact the County of Santa Clara, Department of Planning and Development for this information

Question #2: What is the Riparian Setback distance from Llagas Creek, a Federal EPA 303(d) Impaired Water Body for APN 779-06-003, the proposed R.V. Park?

Response: Please contact the County Planning for this information.

Question #3 Did CCRWQC approve the Cordoba Cemetery and Ablution Facility in 2012?

Response: Our understanding is that the Final Environmental Impact Report for the Project has not been released for public review/comment and County Planning Commission has not approved the Project as of this date

In May 16, 2012¹, the Central Coast Water Board determined that the proposed cemetery and wastewater disposal system did not pose a threat to water quality if properly installed and operated. The Central Coast Water Board determined that it did not need to issue a permit provided that the Project proponent obtain all the other appropriate local agency permits applicable for the Project.

Question #4. If there were 6 pollutants/Stressors in 2006, how many in 2012 when the CCRWQB approved the Cordoba Center?

Response: As shown in the Fact Sheet², the Central Coast Water Board's Pajaro River basin nutrient Total Maximum Daily Load adopted in July 2015 includes a map showing reaches of Llagas Creek that are impaired by un-ionized ammonia, nitrates, and biostimulatory impairments (nutrients, chlorophyll-a, microcystins, and low dissolved oxygen)

Question #5. Did CCRWQCB approve the OWTS, Alternative Waste-water treatment System in 2012?

Response: See our response to Question #3. Since 2012, County Planning adopted a new ordinance that replaced previous onsite treatment wastewater system (OTWS) regulations on December 26, 2013. The County developed a local agency management program (LAMP)³, which was approved by the San Francisco Bay Water Board in December 2015. If approved, the project proponent would be required to follow the County's LAMP requirements

¹https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/7377358555/Cordoba%20Project%20Review%20Determination%2005-2012.pdf

²https://www.waterboards.ca.gov/centralcoast/water_issues/programs/tmdl/docs/pajaro/nutrients/maps_impaired_streams_final.pdf

³Onsite Systems Manual: https://www.sccgov.org/sites/cpd/programs/LU/Documents/LU_SCC_LAMP.pdf

Question #6. If AB85, the Commercial Development Wastewater Discharge formula for quantities of flow per Ch. 15-20, 20c is 8 hour shifts/15 gallons per person/open from 6 a.m./11 p.m./17 hours, how much waste-water will current 33,361 s/f Project generate?

Response: Please refer to the Cordoba Center, Draft Environmental Impact Report (Appendix F)⁴ for this information.

Question #7 In 2012, did Regional Water Board know that Planning deleted Llagas creek & Park from the Vicinity Map?

Response: No.

Question #8. Why doesn't R-LU 125 and 129 apply to Cordoba Center?

Response: Please contact County Planning to obtain this information.

Question #9. Did CCRWQCB use 50+ Acres or 15+ Acres to approve Project in 2012?

Response: In 2012, the Central Coast Water Board declined to issue a permit for the 15.8-acre project.

Question #10. How was Cordoba approved in 2012 when in 2006 Llagas Creek/Pajaro River/Monterey Bay Watershed was listed as a Federal EPA 303(d) Impaired Water Body with Reparian Stetbacks? And, how does Cordoba qualify as a "domestic" development; especially, when applicants sent a letter to West San Martin Water Works asking if they could supply adequate water pressure for a domestic and commercial development.

Response: County Planning has not approved the project. Please contact County Planning to obtain this information.

Question #11 How did Central Coast Regional Board arrive at 2 500 gallons per day of Wastewater Discharge?

Response: In 2012, the Central Coast Water Board used a more conservative number (i.e. 2,500 gallons per day) to evaluate if there is a potential for groundwater mounding beneath the proposed leach field.

Question #12. Does the current 2016 application consisting of 33,000 s.f. and 3-1/2 acre cemetery qualify as a domestic or commercial development?

Response: Please contact County Planning to obtain this information.

Question #13. How many gallons of wastewater does the Ablution Facility discharge?

Response: Please refer to the Cordoba Center, Draft Environmental Impact Report (Appendix A) for this information.

⁴ <https://www.sccgov.org/sites/dpd/Development/Current/Pages/2145.aspx>

Ordinance No. NS - 1200-310

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF SANTA CLARA TO REVISE SECTIONS
4.10.340, 2.20.020, 2.30.020 AND 2.50.020 OF THE
ZONING ORDINANCE OF THE COUNTY OF SANTA CLARA
RELATED TO SECONDARY DWELLINGS**

Summary

This ordinance revises zoning regulations applicable to secondary dwellings pursuant to Assembly Bill 1866. While maintaining the intent and structure of the regulations currently in effect, the revisions primarily change the review process from discretionary (special permit) to ministerial (building permit only).

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
MAKES THE FOLLOWING FINDING REGARDING SECONDARY
DWELLINGS IN THE SAN MARTIN AREA:**

The San Martin Water Quality Study, which was undertaken by the County in 1981 at the request of the Central Coast Regional Water Quality Control Board, evaluated present and potential groundwater quality problems in the aquifers underlying the San Martin area. The study documented a high concentration of nitrates in the area's groundwater, and identified the cumulative sewage from individual septic systems in the area as one of the primary sources of contaminants. The study demonstrated that specific adverse impacts to the groundwater resources would occur unless the density of residential development was restricted within the San Martin area. Therefore, secondary dwellings have been prohibited, and will continue to be prohibited on lots smaller than five acres gross within the San Martin General Plan Area. This restriction is necessary to avoid specific adverse impacts to the public health, safety and welfare that would occur from intensification of septic discharges if secondary dwellings were permitted on lots of this size.



June 28, 2019 10:50:17 AM. The GIS data used in this analysis was compiled from various sources. While deemed reliable, the Planning Office assumes no liability.

Location and Jurisdiction

APN: 779-06-002

Site Address: 14045 Monterey Rd San Martin

CA 95046-9548

Jurisdiction: **Unincorporated**

Urban Service Area: None

Sphere of Influence: None

Supervisor District: 1

Special Districts:

- Fire Protection District: **South Santa Clara County Fire Protection District**
- Sanitary District: **N/A**
- Water District: **N/A**

Area Information

Recorded Size (source: Assessor's office): **15.77 acres**

General Plan Land Use

Land Use Plan Designation: **Rural Residential**

San Martin Planning Area: **IN**

San Martin Industrial Use Permit Area: **IN**

Zoning District

Zoning: **RR-5Ac-d1-sm, RR-5Ac-d1**

Other Planning Information

Approved Building Site: Information Not Currently

Available Online

HCP Study Area: **IN**

Special Resources/Hazards/Constraints Areas

Airport Influence Area: **YES**

Oak Woodlands: **YES**

FEMA Flood Zone: **D (97.8%), X (1.7%)**

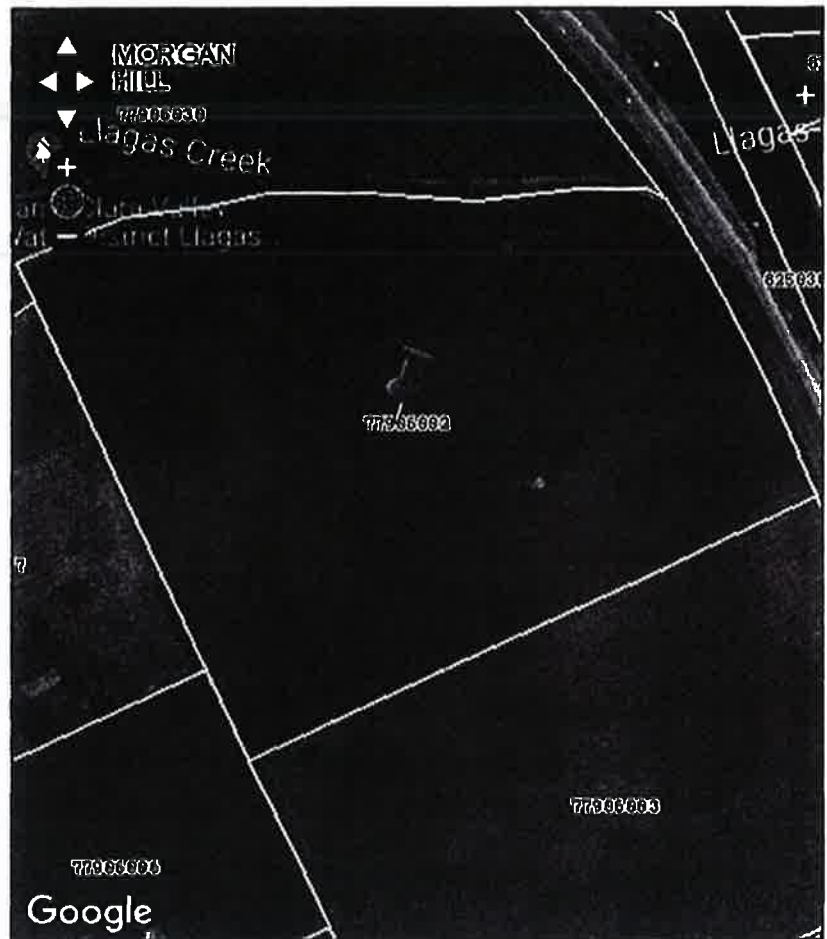
Central Coast Regional Water Quality Control Board Special Riparian Setback Area: **IN**

Drains to: Central Coast

Central Coast Watershed Management Zone: 9 (53.6%), 1 (33.4%), 3 (10.7%), 1 (2.3%)

Mean annual precipitation: 21 inches, 19 inches

County Landslide Hazard Zone: **IN**





May 11, 2018 06:02:58 PM. The GIS data used in this analysis was compiled from various sources. While deemed reliable, the Planning Office assumes no liability.

Location and Jurisdiction

APN: 779-06-003

Site Address:

City/State/ZIP: ,

Jurisdiction: **Unincorporated**

Urban Service Area: None

Sphere of Influence: None

Supervisor District: 1

Special Districts:

- Fire Protection District: **South Santa Clara County Fire Protection District**
- Sanitary District: N/A
- Water District: N/A

Area Information

Recorded Size (source: Assessor's office): **13.8 acres**

General Plan Land Use

Land Use Plan Designation: **Rural Residential**

San Martin Planning Area: **IN**

San Martin Industrial Use Permit Area: **IN**

Zoning District

Zoning: **RR-5Ac-sm (55.3%)RR-5Ac (44.7%)**

Other Planning Information

Approved Building Site: Information Not Currently Available Online

HCP Study Area: **IN**

Special Resources/Hazards/Constraints Areas

Airport Influence Area: **YES**

FEMA Flood Zone: **D (100%)**

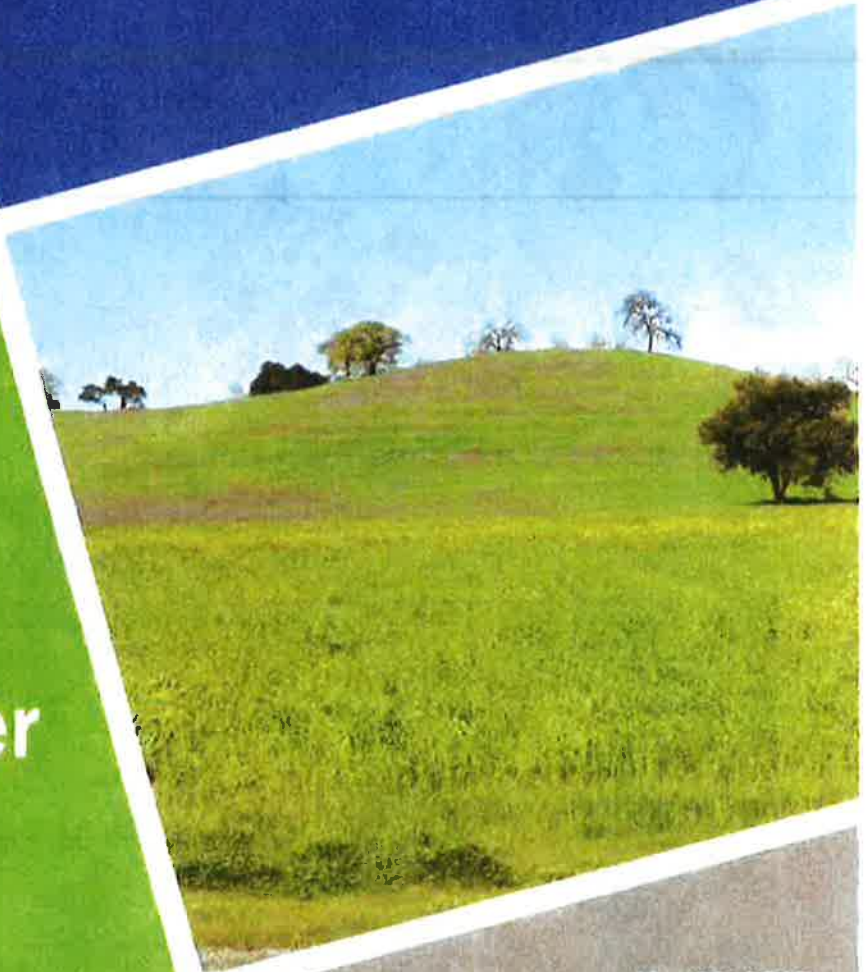
Central Coast Regional Water Quality Control Board Special Riparian Setback Area: **IN**

Drains to: **Central Coast**

Central Coast Watershed Management Zone: **1 (100%)**

Mean annual precipitation: 21 inches, 19 inches

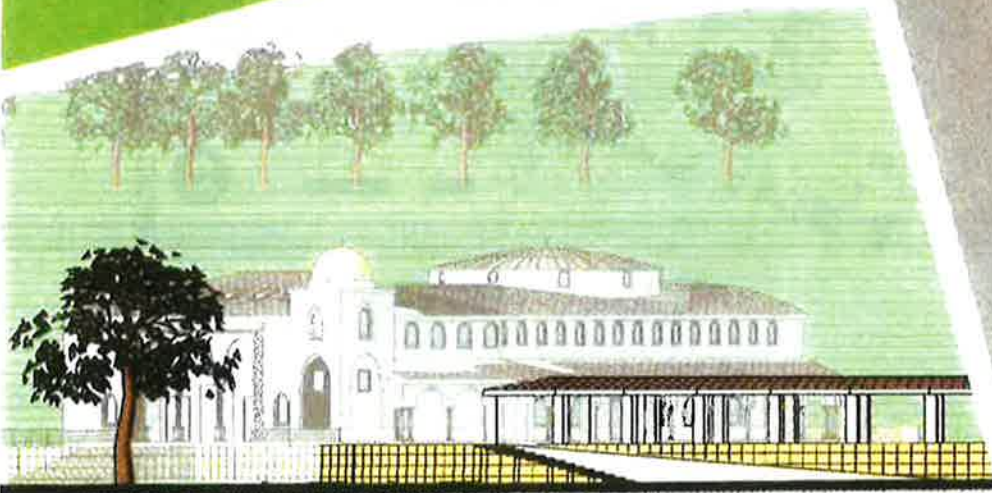




Draft
Environmental Impact Report
Cordoba Center

State Clearinghouse Number: 2016122022
County File # 2145

May 30, 2018



PREPARED FOR:
Santa Clara County Department
of Planning and Development



Exhibit 2

Project Vicinity

Exhibit 7



"Together We Make A Difference"

P.O. Box 886 • San Martin, CA 95046

info@sanmartinneighbor.org • www.sanmartinneighbor.org

September 6th, 2019

Santa Clara County Board of Supervisors
70 West Hedding Street, 7th Floor
San Jose, California 95110

**RE: APPEAL OF AUGUST 22, 2019 PLANNING COMMISSION APPROVAL OF THE
CORDOBA CENTER AND CEMETERY PROJECT (FILE #PLN15-2145)**

Dear Supervisors:

This protest appeal is against the Santa Clara County Planning Commission's action approving the Cordoba Center Project (FILE #PLN15-2145) at their August 22, 2019 meeting. The San Martin Neighborhood Alliance (SMNA) is protesting this decision for failure to follow County Plans, Policies, and Regulations.

SMNA believes that the Planning Commission's approval of the Cordoba Center Project clearly violates significant provisions of the Santa Clara County General Plan. All these violations were pointed out by others, such as LAFCO, the Committee for Green Foothills, and Planning Commissioner Vicki Moore, who filed comment letters outlining the need to follow the General Plan. Our comments below are excerpted from those letters and we believe it is highly unfortunate that, as the record clearly demonstrates, these violations were not substantively discussed during the Planning Commission Meeting and urge the Supervisors to do so, prior to voting on this appeal.

There are additional negative impacts of the project as approved (such as greenhouse gas emissions, ridge-line development, etc.) while a much less impactful option for a 50% reduction in the project size was ignored. That option is substantially like the project applied for and approved, in 2012. SMNA supports that reduced option and urges the Supervisors to reject the "100% option". Rather, than to repeat those arguments here SMNA has focused our comments strictly on the General Plan violations.

The State of California Planning, Zoning, and Development Law 2011, Article 1 - General Provisions 65800 states, *"It is the purpose of the Zoning Regulations to provide for the adoption and administration of zoning laws, ordinances, rules and regulations by counties and cities, as well as to implement such General Plan as may be in effect in any such county or city... the Legislature declares that in enacting this chapter it is its intention to provide only a minimum of limitation in order that counties and cities may exercise the maximum degree of control over local zoning matters."*

1) Consistency with Countywide Urban Development Policies and County General Plan Policy R-GD 2

In 1973 the Local Agency Formation Commission (LAFCO), the County of Santa Clara, and the surrounding 15 cities jointly developed and adopted a countywide policy framework for managing urban growth known as the "Countywide Urban Development Policies." These Policies established important mutual commitments between LAFCO, the County, and the cities regarding timing and location of urban

development. A key provision of these Policies is that urban development and urban services should occur within cities and not in unincorporated areas. The County agreed to limit development within rural unincorporated areas to rural land uses and densities. These Policies are discussed in greater detail in the:

- County's General Plan Book A - Part 2: Countywide Issues and Policies in the "Growth and Development Chapter".
- County General Plan Book B - Part 3: Rural Unincorporated Area Issues and Policies in the "Growth and Development Chapter".

Per the Cordoba Project's - Draft Environmental Impact Report (DEIR), the proposed project would include a mosque, multi-purpose community building, community plaza, maintenance building, caretaker's dwelling, cemetery, youth camp with restroom facilities, playfield and playground, orchard, infrastructure for stormwater runoff, sewage disposal and landscape irrigation, and two parking lots for up to 125 vehicles.

As stated by the County, the proposed project will require an extension of water service from West San Martin Water Works (WSMWW), a private water provider. The proposed project is urban in scale and cannot be fully supported by onsite services, such as a well.

Furthermore, County General Plan Policy R-GD 2 states that "For lands outside cities Urban Service Areas (USAs) under the County's land use jurisdiction, only non-urban, low density uses shall be allowed." The County's analysis concluded that the proposed project is consistent with this policy. However, such a conclusion is difficult to reach given the scale and magnitude of the proposed project, including 30,000 square feet of buildings, the size of population it is anticipated to serve, and the fact that the proposed project will require an extension of water service from a private water provider.

2) Applicability and Consistency with County General Plan Policy R-GD 6

County General Plan Policy R-GD 6 states that "Urban types and levels of services shall not be available outside of cities Urban Service Areas from either public or private service providers." The proposed Cordoba Project is located outside of a city's Urban Service Area (USA) boundary and the project proposes to receive water from West San Martin Water Works (WSMWW), a private water service provider.

The threshold for determining whether urban types or urban levels of service are being provided is not whether the service is being provided by a municipality as stated in the County's analysis. Therefore, County General Plan Policy R-GD 6 applies to the proposed project.

The County's analysis states that the proposed use is not an urban use based on its size, scale, and intensity. It is unclear what methodology or thresholds were used to reach that conclusion. The proposed project includes 30,000 square feet of buildings and requires extension of a water line to provide potable water to the site by WSMWW. Per the County, the onsite well is only enough to meet landscaping needs of the project. As such, the proposed project is not consistent with County General Plan Policy R-GD 6.

3) Consistency with County General Plan Policy R-RC 57

The proposed project will result in the loss of agricultural soils and the County General Plan Policy R-RC 57 calls for preservation of such soils. The County's analysis notes that there are 5 acres of prime farmland soils that will be covered by the proposed structures and improvements associated with the project. Therefore, the proposed project is not consistent with County General Plan Policy R-RC 57.

The County recently adopted the Santa Clara Valley Agricultural Plan, a plan to conserve Santa Clara Valley's farmland and ranchlands as an innovative climate change mitigation and economic development strategy. As a result, the County has received funding from the State to permanently preserve farmland through the acquisition of agricultural conservation easements. Conversion of prime agricultural soils should first be avoided.

County staff note that, "the County currently does not have a standard that requires further avoidance or mitigation of prime agricultural soils that have not been designated Prime Farmland, especially in the Rural Residential zoning district." Where avoidance is not possible, the County should consider adopting standards that require mitigation of prime agricultural soils based on soil classification and not solely based on designation as Prime Farmland under the State Department of Conservation's Farmland Mapping and Monitoring Program.

County General Plan Policy R-LU 57 states that "Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they are sized to be local-serving in nature." The County's analysis indicates that the proposed uses are institutional and concludes that the proposed project is consistent with this policy. However, such a conclusion is difficult to reach given the scale and magnitude of the proposed project, including 30,000 square feet of buildings, size of population it is anticipated to serve, and that the proposed project will require an extension of water service from a private water provider.

4) Zoning Ordinance-Chapter 1.30—Open Space General Terms

In a letter dated May 9, 2019 from Cypress Environmental, it states that the project includes the "open space development" of .5-acre orchard and 3.55 cemetery. The cemetery is also defined as open space however does not meet the County Zoning Ordinance definition of open space and the project consultant has identified it as an area of "open space development".

Open space general term is defined in Zoning Ordinance 1.30 as; "any parcel(s) or portion of a parcel that is essentially unimproved and devoted to an open space use. This term includes land(s) designated for permanent open space preservation as shown on a recorded subdivision map, approved site plan, or other development plan, and which may be the subject of an easement or other permanent conveyance of development rights restricting the use and development potential of the open space in accordance with applicable general plan policies regulations, mitigations, zoning or conditions of approval."

In Commissioner Moore's public comment letter, she points out if you remove all the proposed development from the map and remove the required riparian setbacks, the only portion of the site not developed are the properties steepest sections. The rest is covered by buildings, parking lot, bioswales, patio, orchard, leach fields, camp etc. The developer is intentionally not leaving any part of the site as open space aside from the required riparian setback.

5) Ridgeline Development Policies (R-GD 31,33, 35 and R-RC 96-98)

The ridgeline development policies all focus on trying to prevent development on the ridgelines. No analysis was done to propose an alternative site off the ridgeline for the camp area. Justifying ridgeline development by screening with trees is still ridgeline development. The staff report states that the camp will be a temporary use, but while the camp is seasonal, the structures are permanent in nature.

The Planning Commission has recommended masking the large project with trees in order to have this project approved, rather than reduced the size of the project to comply with policies. The 75% baseline value exception calls for the maximum extent feasible to make changes, to meet the same impacts as a 75% project. Documents state that without the proposed landscape screening or other visual barriers, the proposed massing and scale of the project would create size and scale impacts to the existing rural setting, in comparison to the 75% baseline project. The fundamental rationale that this project size is consistent with the General Plan and Zoning Ordinance and rural in nature therefore concludes that screening would "mitigate and soften views". This type of analysis will set a precedence for future projects to be recommended for approval if they are screened and site-specific impacts mitigated.

6) EIR - TECHNICAL ISSUES NOT FURTHER ADDRESSED

Pursuant to CEQA and the State CEQA Guidelines, a lead agency shall focus the EIR's discussion on significant environmental effects and ... the EIR must also discuss the way significant impacts can be feasibly mitigated or avoided. The Cordoba Project EIR addresses many technical issues including; Aesthetics, Biological and Cultural Resources, Hydrology & Water Quality, Noise, Transportation & Circulation, Greenhouse Gas and Energy.

All significant environmental effects and impacts have not been adequately addressed. For example:

- Aesthetics, the project is designed as rustic Spanish-Andalusian architecture and is contrary to the San Martin Integrated Design Plan.
- Water Quality, the project land use will be generating discharges which are high in volume or high in nitrates, organic materials or other problem chemicals, that should be restricted.

The Initial Study prepared to determine the appropriate scope of the EIR for the Cordoba Project, determined the project would not result in significant environment effects associated with Geology & Soils. Yet, the Geohazard Atlas Map shows the Cordoba Project property at a 75% Landslide Hazard.

The Planning Commission approved the project without having the County's Engineering Geologists sign off approval for this project. Based on the County's own guidelines a Geological Review would be required when construction is proposed on property located within a geologic hazard zone and a site-specific geologic investigation must be performed. Additionally, a geologic report prepared and signed by a Certified Engineering Geologist, must be submitted for review by the County Geologist, prior to approval of the application.

Several different companies were utilized during the Initial Study process for the Cordoba Project; Questa Engineer, RI Engineering, & Milestone Geotechnical. Each of these companies performed different tasks (primarily traffic and hydrology) but no one addressed the landslide hazard designation or how the entire project, including ground water, wastewater facility, grave-sites and structures/bathrooms on the ridgeline will affect this property that is designated 75% Landslide Hazard.

In summary, your role as elected County Supervisor's is to follow and uphold the Santa Clara County General Plan and Zoning Ordinances. Your appointed Planning Commissioners failed to adhere to the General Plan. Instead, your Planning Commissioners approved a project; for the unincorporated rural residential community of San Martin, with inappropriate measures, overriding considerations, and which fundamentally violates the General Plan.

The SMNA Board of Directors supports the Cordoba Project with a 50% reduction in size, scale and intensity, along with relocation of all ridgeline components of the project. We ask the Board of Supervisors to uphold the General Plan and thank you for your consideration of this protest appeal.

Respectfully submitted,



Trina Hineser – SMNA President
On behalf of the SMNA Board of Directors

Cc: LAFCO
Committee for Green Foothills
Planning Commissioner Vicki Moore
Members of the San Martin Neighborhood Alliance

Exhibit 8

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor

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Exhibit 8

DEPARTMENT OF PLANNING AND DEVELOPMENT RESPONSES TO APPEALS FILED

The appeals are Attachments [A 1 and A2]. The numbering below corresponds to the bracketed numbering located on each appeal. For example, PCGA-1 corresponds to bracket 1 on page 1 of the PCGA appeal, which reads:

General Plan Land Use

1. Land Use Plan Designation: Jurisdiction: Unincorporated: Rural Residential. Cordoba is a Commercial Project.

Appeal by the People's Coalition for Government Accountability (PGCA)

PGCA-1

The General Plan designates the site as Rural Residential, and it is located in the unincorporated area. However, the proposed project is institutional, not commercial. The Rural Residential designation allows institutional uses.

PGCA-2

It is not clear from the comment how the geologist map submitted by Steven Connelly in 2007 that covers 50 acres is inconsistent with the evaluation of a project on a 15.8-acre parcel. It is common for exhibits to show adjacent parcels, as is the case with many of the exhibits for the Final EIR for the proposed project. The geological study submitted by the applicant has been peer reviewed by the County.

PGCA-3

The proposed project includes two 5,000-gallon water tanks in the campground area, which will provide sufficient flow to three hydrants to be used for fire protection.

PGCA-4

General Plan Policy R-LU 57 and Zoning Ordinance section 2.20.010(D) allow institutional uses that “are sized to be local-serving in nature.” The local serving language cited in the comment was revised with General Plan and Zoning Ordinance amendments approved by the Board of Supervisors in October of 2015.

PGCA-5

As noted above, General Plan Policy R-LU 57 does not restrict uses to only serve local residents.

PGCA-6

The Department has determined that this policy does not apply to the project, as there has been no determination by the County or the south-County cities that the proposed use would be more appropriately located in a city.

PGCA-7

If the comment letter is referring to the Draft EIR, Llagas is not labeled on Exhibit 3-1, Cordoba Center Project Vicinity. However, Llagas Creek is shown and labeled in the aerial map in Exhibit 3-2, Cordoba Center Site Location.

PGCA-8

It is not clear from the comment how Department of Environmental Health (DEH) observations of percolation tests performed in 2006 relate to the proposed project. The on-site wastewater treatment system, including conformance with the County’s percolation requirements, has been fully evaluated in Appendix F of the Draft EIR in the November 2017 report prepared by Questa Engineering Corporation titled, “Wastewater Facilities Review for Cordoba Center Project, Santa Clara County, California. This report was reviewed by County Department of Environmental Health staff, which concurred with its findings. The report concluded the following regarding percolation: “The area selected for the wastewater disposal fields has minimum soil depth (2 feet below dripline) and percolation rates (41 to 46 mpi¹) suitable for use of shallow drip dispersal, which is the dispersal method proposed.”

PGCA-9

See response to PGCA-8.

¹Minutes per inch

PGCA-10

The comment refers to the project proposed by SVIC for the subject site previous to the currently proposed project. See response to PGCA-8.

PGCA-11

See responses to PGCA-8 and PGCA-10.

PGCA-12

See responses to PGCA-8 and PGCA-10.

PGCA-13

The comment refers to the project proposed by SVIC for the subject site prior to the currently proposed project. However, the cemetery proposed as part of the current project was evaluated with respect to the effects of pathogens from burials in Appendix F of the Draft EIR in the November 2017 report prepared by Questa Engineering Corporation titled, "Cemetery Water Quality Impact Review for Cordoba Center Project, Santa Clara County, California.

PGCA-14

The comment relates to existing flooding conditions on properties near the project site. The proposed project has been designed to detain stormwater and release runoff at a rate equal to the predevelopment flow rates for both the 10- and 100-year design storms and therefore would not exacerbate existing flood conditions.

PGCA-15

See response to PGCA-14. The design of the stormwater drainage and treatment system has factored in all proposed impervious surfaces of the project, including rooftops. The cemetery would be terraced and planted in native/naturalized grasses and therefore would remain pervious and would not contribute significantly to stormwater runoff.

PGCA-16

The comment regards an existing condition, which is a history of sewer pipeline ruptures. This history has no connection with the proposed project.

PGCA-17

See response to PGCA-16.

PGCA-18

See response to PGCA-16.

PGCA-19

The comment is incorrect. The County does in fact have jurisdiction through its land use authority to establish creek setbacks. Regional Water Quality Control Boards (RWQCB) does not have land use authority and relies on local jurisdictions to regulate development near creeks consistent with water quality objectives, such as for 303(d) Impaired water bodies. The project is consistent with the County's most restrictive creek setback, which is 150 feet from the top bank on both sides where the creek or stream is predominantly in its natural state (General Plan Policy R-RC 37).

PGCA-20

The County is not aware of a special riparian setback of 820 feet, and the comment provides no reference in State code or other references. See response to PGCA-19.

PGCA-21

The County's On-Site Wastewater Treatment Systems (OWTS) ordinance requires a minimum setback for septic systems of 100 feet from watercourses. This ordinance and Local Area Management Plan was reviewed by the Central Coast RWQCB and certified that it was consistent with the requirements of AB 885. OWTS within 600 feet of an impaired body may be subject to increased requirements under AB 885, such as supplemental treatment systems. The proposed OWTS incorporates supplemental treatment.

PGCA-22

An 820-foot setback is a recommendation of the World Health Organization (WHO), but it is not a requirement because WHO is not a regulatory body and therefore cannot require anything with respect to development standards. WHO's recommendation is discussed on pages 9 and 10 of Questa Engineering's report, "Cemetery Water Quality Impact Review for Cordoba Center Project, Santa Clara County, California" (Appendix F of the Draft EIR).

PGCA-23

Figure 9 on page 15 of Questa Engineering's report, "Cemetery Water Quality Impact Review for Cordoba Center Project, Santa Clara County, California" (Appendix F of the Draft EIR), shows several wells in the vicinity of the project on adjacent parcels. It is not clear what GeoConsultants statement that there is not guarantee that the project could be approved for development is relevant to the appeal of the Planning Commission's approval.

PGCA-24

The relevance of the comment to the appeal is not clear.

PGCA-25

The comment does not explain why a timeline events leading up to 2012 is germane to the appeal to the Board of Supervisors of the Planning Commission's decision on the Cordoba Center project applied for by SVIC in 2016. The comment also does not explain the relevance of comparing a vicinity map in an unidentified document from 2012 to the vicinity map contained in the Draft EIR for the currently proposed project.

PGCA-26

The comment is a list of attached exhibits relating to comments that are responded to above.

Appeal by the San Martin Neighborhood Alliance

SMNA-1

Responses to specific comments are provided below.

SMNA-2

A 50 Percent Reduced Size and Attendance option was provided to the Planning Commission for the August 22, 2019 hearing. This option would have reduced the total floor area of the mosque and community building to 11,743 square feet, maximum daily attendance to 150 persons, and maximum special event attendance to 375. This option would have lower unmitigated greenhouse gas emissions compared to the proposed project through reductions in electricity usage and vehicle trips. However, it is not a foregone conclusion that this would be the case after mitigation is applied. The only certainty is that the 50 percent option would require less mitigation effort to achieve reach a given threshold. Regarding the ridgeline development, the 50 percent option did not address removal of the summer camp structures.

SMNA-3

The comment quotes from Article 1, General Provisions 65800, of the State of California Planning, Zoning, and Development Law.

SMNA-4

The fact that the proposed project would have its water for domestic uses supplied by West San Martin Waterworks is not an indication of urban scale, as many rural residences are also served by private water providers. In addition, the combined square footage of all buildings would be less than 5% of the parcel size (15.77 acres). Urban development is ten times as dense, with lot coverage typically above 50%.

SMNA-5

The provision of domestic water for a use that is not urban in scale is not in conflict with General Plan Policy R-GD 6.

SMNA-6

The subject 15.77-acre site, while including some prime farmland soils has had no active agriculture since the 1980s. Until the County adopts standards for avoidance and mitigation for preservation of prime agricultural soils, the project proponent has a right to develop their property consistent with all County requirements.

SMNA-7

As suggested by the comment, the County is considering as one of the available options adopting standards that would require mitigation of prime agricultural soils based on soil classification and not solely based on designation as Important Farmlands under the State Department of Conservation's Farmland Mapping and Monitoring Program.

SMNA-8

The project's Rural Resources Impact Study (RRIS) evaluated the project's size, scale and intensity against the local serving provisions in the Zoning Ordinance. The study concluded that the project is designed, to the maximum extent feasible, such that it would not result in size, scale and intensity impacts to Aesthetics, Agricultural Production, Watersheds, Natural Resources and Open Space, Traffic, and Noise. Therefore, it was determined the project is sized to be local serving and therefore consistent with General Plan Policy R-LU 57.

SMNA-9

The RRIS evaluated Open Space and Habitat impacts based on whether the project was sized and designed to minimize disturbance of natural landscapes and biological communities. Based on this analysis, the project would develop 6.2 acres of the site, and the remaining 9.6 acres (61%) of the site would remain as open space. This compares to 12 acres (76%) of the site if it were developed with a hypothetical 75th percentile use.² Open space is defined in Zoning Ordinance 1.30 in the context of regulations governing development of cluster subdivisions with open space preserves. Therefore, it is not applicable to an institutional (non-residential) use.

SMNA-10

General Plan policies R-GD 31 and R-GD 33 do not focus on trying to prevent development on ridgelines but to avoid or mitigate visual impacts for those areas most immediately visible from the valley floor and to encourage consideration of alternatives to ridgeline or hilltop locations. The project site is located in a -d1 Design Review combining district, which, in furtherance of the R-GD 31 and R-GD 33 general plan policies, is intended to conserve the scenic attributes of those hillside lands most immediately visible from the valley floor. The project was be subject to Tier 3 level of review because more than 12,500 square feet (sf) of gross floor area is proposed, the community building being approximately 14,500 sf. The Design Review analysis

²The evaluation illustrates whether, and to what degree, a proposed project's size, scale, and intensity result in incompatibilities with rural resources and character, as compared with the "typical size of a local-serving project," represented at the 75th percentile threshold.

determined that both buildings have been sited to avoid viewshed impacts as they are located away from the ridgeline in the “Not Visible” portion of the site. The proposed maintenance building, caretaker’s residence, and two 290 sf bathhouses are subject to Tier 1 Design Review and therefore not subject to siting criteria and findings but are required to comply with color and any other applicable design review standards. It should be noted that of these structures, only the bathhouses are located on the ridge. A 5,000-gallon water tank is also located on the ridge. These structures would be screened from view by landscaping. However, as noted above, because of their small size they are not subject to Tier 2 or 3 design review and therefore are not subject to siting criteria.

SMNA-11

Consideration of discretionary approval of Use Permits or other land use entitlements is based on the specific characteristics of the proposed project and its setting. There is no provision in the Zoning Ordinance that because a Use Permit has been granted for a project at a given size, that a precedent has been set that a subsequent project of an equal or larger size should be approved on that basis.

SMNA-12

San Martin Integrated Design Plan Guidelines do not specify one type of architectural style for this area; instead they focus on compatibility with the neighborhood, attractive exterior form, use of natural materials, and complex building shapes for larger structures. The project consistency with the guidelines was evaluated by the Department as a part of the project review, and the project’s architectural style was found to be consistent with these requirements.

Regarding water quality, the project’s impacts to water quality were adequately evaluated in the project EIR and found to be less than significant with the incorporation of mitigation and monitoring measures, which are part of the project’s conditions of approval. The appellant does not provide any technical basis for their statement.

SMNA-13

Regarding Geology & Soils, the County’s Geologist reviewed the project’s engineering geologic report and supplements prepared by Steven F. Connelly, C.E.G, dated November 20, 2007, with a correction issued on October 7, 2011 and a supplement letter for the current proposed project issued on October 22, 2014. The report identifies a small area with an active landslide at the northeastern corner of the subject site and recommends a 25-foot setback for all structures. The proposed project buildings are

hundreds of feet away from this active landslide area. Only the proposed trail would be located within the recommended 25 feet. Therefore, development of the project would not alter this existing condition. In addition, the landslide is not in close enough proximity to the proposed development to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death.

SMNA-14

See Response to SMNA-13. The County Geologist has reviewed the proposed project with respect to the landslide. He has determined that the project would not cause a public, health, safety issue for publicly accessible structures. Regarding groundwater, Questa Engineering thoroughly evaluated the effects on groundwater of both the cemetery and the wastewater treatment system, which are hundreds of feet away from the active landslide. Therefore, the landslide would have no effect on how the cemetery and wastewater treatment system discharge to groundwater. In addition, these discharges would be occurring hundreds of feet down-gradient of the landslide area and therefore would have no effect on this geology.

SMNA-15

The Planning Commission made the necessary findings of General Plan consistency, as recommended by Planning staff.

Exhibit 9

County of Santa Clara

Department of Planning and Development

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Exhibit 9

MEMORANDUM

DATE: December 17, 2019

TO: Board of Supervisors

FROM: Jacqueline ~~Br~~nciano, Director, Dept. of Planning and Development

SUBJECT: Item #11 – Cordoba – Response to Stoel Rives Letter

As it relates to Item No. 11 on the December 17, 2019 Board agenda, the Department of Planning and Development has prepared the following responses to a letter submitted on December 16, 2019 by Stoel Rives, LLP on behalf of the San Martin Neighborhood Alliance.

The Department has determined that the Stoel Rives letter does not raise any issues that identify a new significant environmental impact or would otherwise invalidate the adequacy and conclusions of the Environmental Impact Report prepared for the project, or the Department's conclusion that the proposed project is consistent with applicable policies and standards from the County General Plan and Zoning Ordinance.

The responses below correspond to the numbered comments in the Stoel Rives letter, which is attached hereto as Attachment 1.

1.

Specific responses to comments on the Environmental Impact Report (EIR) and County policies are provided below.

2.

The comments summarizing the project and process are accurate.

3.

Specific responses to the letter's comments in the areas of hydrology and water quality, noise, and transportation and circulation, agricultural resources, and land use are provided below.

4.

Specific responses to the letter's comments on the EIR's evaluation of impacts of the proposed cemetery, groundwater mitigation, and water use are provided below.

5.

Contrary to the statements in 12/16/2019 letter, the EIR did not defer environmental analysis of operation of the cemetery and potential impacts of nitrogen levels that could exceed water quality standards for areas served by individual water wells. This analysis was provided by Questa Engineering in the report, "Cemetery Water Quality Impact Review For Cordoba Center Project Santa Clara County, California" (Appendix F of the Draft EIR) and summarized in Impact 4.4-4. A water-chemical balance analysis was completed to assess the potential contribution of nitrogen from the proposed cemetery and burial locations to the subsurface environment and the resulting long-term effect on local groundwater quality. The analysis (page 4.4-26 of the Draft EIR) concluded that annual burial rates of 30 per year or fewer would be safely within the 7.5 mg/L criterion¹ based on a conservative estimate of 25 percent soil nitrogen removal. The purpose of Mitigation Measure 4.4-4 is to employ groundwater monitoring to ensure that the assumptions used in the analysis are correct and require cessation of burials if at any time the groundwater nitrate concentration at monitoring wells along the westerly property line exceed 7.5 mg-N/L. Monitoring would also provide feedback on water quality changes in the cemetery area over time, with adjustment in burial rates based on the results and findings. The 7.5 mg-N/L evaluation criterion applied at the western property line is a performance standard, and the mitigation measure provides the mechanism to ensure that the project does not exceed it and cause nitrate concentrations at neighboring wells to exceed the standard.

6.

The Stoel Rives comment claims that Mitigation Measure 4.4-4 improperly defers formulating mitigation for the cemetery by submitting a cemetery development phasing plan after a project approval. Mitigation Measure 4.4-4 does not require that the monitoring plan contain any recommendations for additional mitigation measures to be submitted to County DEH for review, as the mitigation measure itself is designed to ensure that nitrate loading from operation of the cemetery would not exceed the 7.5 mg-N/L evaluation criterion. The purpose of the DEH review and approval is to ensure that the monitoring plan conforms to the requirements set forth in Mitigation Measure 4.4-4. The comment letter provides no evidence that formulation of mitigation would occur after project approval.

7.

The Stoel Rives comment suggests that the EIR ignores other mitigation measures for the burials. The water quality analysis did not propose additional mitigation measures (e.g., larger setback or tree

¹ Under Santa Clara County cumulative impact guidelines for nitrate loading analysis, an evaluation compliance criterion of 7.5 mg-N/L or less is specified in areas served by individual water wells, determined at the point of an existing or potential future well.

buffering) because the analysis determined that controlling the burial rate and monitoring of the groundwater would be effective at reducing the impact to less than significant.

8.

The Stoel Rives comment refers to a World Health Organization (WHO) standard that human remains should be buried at least 820-feet from any well used as a potable water source. The commenter misstates the information in the 1998 WHO publication regarding the horizontal setback between burial locations and drinking water supplies. The WHO refers to setbacks in a list of “draft conditions” that “... could be used to site and design a future well managed cemetery.” The WHO publication does not contain any specific justification or discussion of horizontal setback criteria. The Questa Engineering report (pages 9-10 of the “Cemetery Water Quality Impact Review for Cordoba Center Project, Santa Clara County, California” in Appendix F of the Draft EIR) provides a comparative analysis of the siting criteria in the WHO publication with the Santa Clara County standards for onsite wastewater treatment systems, concluding that the County standards are comparable and generally more protective of water quality than the WHO criteria. The County standards guided the analysis of groundwater quality impacts for the proposed cemetery.

Regarding using trees as mitigation, the analysis in the Questa report recognizes and accounts for the importance of vegetative uptake of nutrients (nitrate) by the proposed native grassland landscaping, which is an integral part of the cemetery design. In a more conventional cemetery with managed, irrigated lawns and other landscaping, planting of trees along the perimeter of the cemetery may be a useful tool to intercept and help cleanse seepage and runoff. It is not a necessary or practical mitigation measure for deep soil and groundwater conditions on the project site.

The cemetery monitoring wells will be operated and sampled throughout the duration of the cemetery. The County may permit the burial rate to increase after the first 5-year monitoring period if monitoring results indicate that doing so will not cause the exceedance of the 7.5 mg-N/L evaluation criterion. Because the burial rate will always be tied to ensuring no exceedance, the statement in footnote 4 of the comment that South Valley Islamic Center (SVIC) may have no limits on the number of burials per year after five years has no basis in fact.

9.

The comment provides no explanation for why an additional buffer would be needed after the first 5 years when Mitigation Measure 4.4-4 provides a mechanism for ensuring nitrate levels remain below the 7.5 mg-N/L evaluation criterion —namely, that burials would cease if there is an exceedance and not resume until monitoring shows the levels have dropped below that level. Therefore, based on the EIR’s analysis, if the three phases of burials are completed there will be no impact to the groundwater because Mitigation Measure 4.4.-4 requires burials to stop not at the end of any phase but upon a showing that the 7.5 mg-N/L evaluation criterion has been exceeded.

10.

Impact 4.4-4 did not analyze non-natural burial impacts because such sources (e.g., embalming fluids, caskets, vaults, and ornamentation) are not proposed for any burials and would not be allowed under the cemetery conditions of approval.

11.

See response to Comment #10. Non-SVIC burials would be subject to the same cemetery conditions of approval as would SVIC burials. Only natural burials would be permitted.

12.

A very small percentage of the population have medical devices such as pacemakers and joint replacements that might end up buried in a cemetery. These devices are made of materials chosen because they are non-toxic and highly resistant to degradation. The most common metal is titanium. The most common plastic is polyethylene, which is biologically inert. When buried in the soil, the potential for leaching into the environment and groundwater supply would be miniscule to nil. Likewise for dental fillings, although more common, the materials are selected because of being safe for placement/ingestion in the human body (gold, silver, zinc, copper, titanium, and some plastics). There is no reason to anticipate or analyze leaching effects and adverse impacts from dental devices on drinking water quality.

13.

West San Martin Water Works has adequate capacity to serve the project, as discussed on pages 1-2 of Appendix A of the Final EIR. Maier & Dougherty Pump & Supply performed a flow test on the on-site well in May 2017 and found its yield to be 12.5 gallons per minute. The proposed orchard is 0.6 acres. A typical orchard is approximately 300 trees per acre, which would be 187 for the proposed orchard. Total water demand of 187 trees is 2,992 gallons per day, which equates to 2.07 gallons per minute. Therefore, the yield of the well is more than adequate to supply the irrigation needs of the orchard. This demand is conservative, because SVIC has proposed olive trees, which would require even less irrigation than typical fruit trees.

14.

Mitigation Measure 4.5-4 is not a deferral of analysis because noise modeling indicates that by prohibiting nighttime activities in the parking area within 120 feet of the western property line, noise levels at the nearest sensitive receptor would be below the County Standard of 45 dBA L₅₀ (nighttime standard). This analysis conservatively assumes that parking lot noise would be continuous for more than 30 minutes in the evening hours. It is more likely that these noise sources (e.g., engines starting, car doors slamming) would be far more intermittent.

15.

As discussed under Mitigation Measure 4.5-4 (Significance after Mitigation), prohibiting parking within 120 feet of the residential property line would reduce the noise level by 2.5 dBA, which would bring the noise level to the County's standard of 45 dBA L₅₀ (nighttime standard). The parking requirements are a condition of approval and enforced through required onsite signage and SVIC is required to comply with all conditions.

16.

Conditions of approval restrict assembly uses involving over 20 people between the hours of 11 p.m. and 6 a.m. on all 7 days of the week. Night “Isha” Prayers would occur from 7:30 p.m. to 11 p.m. daily. Although there could be up to 200 attendees during this period, attendees will not be there at the same time. It should be noted that no parking restriction is required for spaces further than 120 feet from the western property line, which would leave 20 spaces still available in the western parking lot during nighttime hours. This would leave a total of at least 80 spaces available during nighttime hours. This number would be more than adequate given that at no time would the maximum 200 attendees be present during the 3½ period when Night “Isha” Prayers are occurring.

17.

See responses to Comment #14 and Comment #15.

18.

Due to the larger size of rural properties, which per the County Zoning can be used for multiple non-residential uses, including agriculture, there is not a nexus with evaluating the potential noise impacts at a property line for a rural property when the intent of the County’s ordinance is to evaluate noise impacts on sensitive receptors, where a residence (house) and residents are located. Thus, in rural areas, the County evaluates potential noise exposure to the residents at a residence, not at a property line. The EIR concluded that noise exposure at the residence during nighttime hours would meet County standards with implementation of Mitigation Measure 4.5-4, which would prohibit use of the parking lot within 120 feet of the property line. There are no large community events allowed during the nighttime period. SVIC has not proposed nighttime activities for the summer camp which will be located approximately 640 feet from the nearest sensitive receptor. . The comment asserts conclusions about noise impacts but offers no evidence supporting these conclusions.

19.

Traffic capacity on Monterey Road is 3,600 vehicles per hour. The analysis by Fehr and Peers determined the volume on this roadway during the weekday p.m. peak hour would be 1,595 vehicles. With the addition of 104 vehicles from the proposed project during the p.m. peak hour, this volume would increase to 1,699 vehicles. In order for this volume to reach the 3,600 per hour vehicle capacity of Monterey Road, thus triggering a Level of Service (LOS) impact, the volume would have to increase by 1,901 vehicles, which would be more than double. There is no evidence supporting the conclusion that the volume on Monterey Highway has doubled since 2017 because of mobile traffic applications.

Friday “Jumah” Prayers would have the largest attendance during the week (300 attendees). However, this event would occur from 12:30 to 2:30 p.m., which is in the early afternoon, well before the p.m. peak hour of Monterey Road, which is between 4 p.m. and 6 p.m. Therefore, in this case the peak hour of the generator would not correspond to the peak hour of adjacent streets. The peak hour of the generator and surrounding roadways is during the Sunset “Mahghrib” Prayers, which is between 5:30 p.m. and 8:30 p.m. This would represent the worst case in terms of peak-hour impacts. The analysis by Fehr and Peers concluded that the addition of 104 vehicle trips during the p.m. peak hour would

result in a total volume of 1,699 vehicles, which is much lower than the LOS B capacity (3,600 vehicles for a four-lane roadway).

20.

See response to Comment #19. There is no evidence supporting the conclusion that volumes on Monterey Road to have increased since the traffic counts were taken in 2017 to such an extent—a 100% increase in 2½ years—that an LOS impact would be triggered even with the addition of project-generated trips. The traffic report by Fehr and Peers assumed an annual growth rate of 1.2% based growth projections obtained from the Morgan Hill 2035 General Plan EIR.

21.

The EIR provided a discussion of Vehicle Miles Traveled (VMT) for informational purposes (pages 9-11 of Draft EIR Appendix E). VMT was not analyzed as an impact because the CEQA Guidelines do not require VMT impact analysis until the VMT standards become effective on July 1, 2020.

22.

Responses to the letter's specific comments on Agricultural Resources and Land Use are provided below.

23.

As explained in Response 1-CGF-3 of the Final EIR, the presence of prime farmland soils by themselves is not the threshold for evaluation of farmland conversion under CEQA. The difference between the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency is that designations of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) are not just based on soil resource quality but also other factors, such as water resource availability, surrounding agricultural lands, and surrounding protect resource lands. Despite the presence of prime farmland soils, FMMP has not rated the property as Prime Farmland or any other type of important farmland. It is rated as grazing land. Therefore, the project would not convert Farmland to a non-agricultural use.

24.

The goal expressed in GP Policy R-RC 57 is not the threshold for evaluation of farmland conversion under CEQA. The threshold is the FMMP designations, as explained above, and the FMMP designation has not designated the project site Prime Farmland.

25.

Neither the Initial Study (IS) nor the EIR identified any inconsistencies between the project and County General Plan policies. Additionally, the Department of Planning and Development's analysis of the project did not identify any inconsistencies.

26.

Responses to specific comments on environmental impacts were provided above.

27.

As outlined in the Staff report prepared for the December 17, 2019 Board meeting, and as shown in Attachments H2 and H3, the Department has determined that the project is consistent with all applicable General Plan Policies.

28.

The statement that the project would be incompatible with General Plan Policies R-GD 6 was raised in the San Martin Neighborhood Appeal letter, and has been responded to within the Staff Report and in Attachment B of the Staff Report. The Department concludes that the project, at the size, scale and intensity proposed, is consistent with R-GD 6 and no reduction in the project size is needed to make a finding that the project is consistent with this policy.

29.

As responded to under Comments 5-12 and per the conclusions of the Draft and Final Environmental Impact Report prepared for the project, the installation and operation of the cemetery will not cause any significant impacts to groundwater quality. The County had identified mitigation measures regarding burial rates and groundwater monitoring to ensure the cemetery will not create any significant groundwater impacts, and as such the project is consistent with Policy R-RC 10.

30.

The potential impact from the project to Agricultural Resources and Prime Farmland soils was evaluated both within the Environmental Impact Report prepared for the project and within the Rural Resources Impact Study (RRIS) prepared for the project. Both of these evaluations determined that the project would not have any significant impact on agricultural resources. Consistent with state standards that only identify prime farmland as lands that have a recent history of farming and irrigation, the project does not have any prime farmland.

31.

Appellant San Martin Neighborhood Alliance (SMNA) contends that the County provided SMNA with misleading information on how to request a continuance. SMNA was notified of its opportunity to be heard of the December 17, 2019 Board hearing on November 21, 2019—25 days before the hearing date. A request to continue a public hearing is considered by the County when the public hearing is scheduled before the Board and not earlier. Appellant has had ample time to prepare for this hearing. Appellant SMNA filed its appeal of the Planning Commission's decision with the County on September 6, 2019, and Appellant SMNA has continuously participated in the application processing as evidenced by its written comments on the Draft Environmental Impact Report and prior to the Planning Commission's consideration of the Cordoba Center Project.



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December 16, 2019

**VIA EMAIL AND
U.S. FIRST-CLASS MAIL**

President S. Joseph Simitian, Santa Clara County Board of Supervisors, and County Counsel
Board of Supervisors Chambers
County Government Center
70 West Hedding Street, 1st Floor
San Jose, CA 95110

**Re: San Martin Neighborhood Alliance's Appeal of the Planning Commission's
Approval of the Cordoba Center Project on August 22, 2019**

Dear President Simitian, Members of the Board, and County Counsel:

1 The San Martin Neighborhood Alliance ("SMNA") appeals the Planning Commission's decision to approve the Cordoba Center Project (the "Project") at its August 22, 2019 meeting and urges the Board of Supervisors to deny the Cemetery Permit for the Project. SMNA respectfully contends that approval of the Project was improper and without a proper basis in law, because the Environmental Impact Report ("EIR") fails to meet the requirements of the California Environmental Quality Act ("CEQA"). In addition, the Project is directly inconsistent and wholly incompatible with multiple Santa Clara County ("County") General Plan ("GP") policies. The following comments are submitted on behalf of SMNA for the Board of Supervisors' consideration.

Many of the background facts, evidence, data, and other materials relating to the Project have previously been provided to the County. Because of the volume of information contained in these prior transmittals, and the County's familiarity with many of the issues, SMNA incorporates by reference the materials listed in **Attachment 1**, and requests that these materials be included in the administrative record for this matter and considered by the Board of Supervisors. This list is not all encompassing; SMNA hereby incorporates all materials presented to the County in this and prior hearings regarding the Project and Cemetery Permit. For your convenience, a short summary of the Project's timeline is provided below.

I. PROJECT TIMELINE

The South Valley Islamic Center ("SVIC") initially received approval from the Board of Supervisors for the Project in August 2012. This approval was for a 5,000 square foot ("sq. ft.") prayer hall, 2,800 sq. ft. multipurpose hall building, outdoor play area and fields, two restrooms and a two-acre cemetery. Later that month, SVIC filed an appeal to increase the Project size and number of people the Project would accommodate. Among other organizations, SMNA filed an appeal seeking proper environmental analysis prior to approval of the larger project. This and accompanying appeals were denied by the Board of Supervisors. The People's Coalition for Government Accountability filed a lawsuit against the County demanding an EIR be prepared and, subsequently, SVIC relinquished its use permit.

2 On January 4, 2016, SVIC applied for approval of a significantly larger Project. As currently proposed, the Project covers a 15.8-acre site on Monterey Road within the unincorporated community of San Martin, and includes a 14,500 sq. ft. community building, 15,000 sq. ft. community plaza, 3.55-acre cemetery, 9,000 sq. ft. mosque, maintenance building, caretaker's dwelling, youth camp, playfield, playground, and orchard. (Final EIR, or "FEIR", 1-2.¹)

On May 23, 2019 the Planning Commission certified the EIR and continued the Project approval action to August. On August 22, 2019, despite an outpour of community opposition, the Planning Commission voted to approve the Project by a 5-2 vote. SMNA timely appealed this approval to the Board of Supervisors.

II. THE FINAL EIR IS INADEQUATE AND REQUIRES FURTHER ANALYSIS BEFORE THE PROJECT MAY BE LAWFULLY APPROVED

3 The EIR is the "heart" of CEQA. (*Laurel Heights Improvement Ass'n v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123; Cal. Code Regs., § 15003, subd. (a)².) The EIR is a vehicle for identifying, analyzing, disclosing, and, to the extent possible, avoiding a project's significant environmental effects. (*Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1373.)

The Project EIR fails to adequately analyze and disclose a disconcerting number of potentially significant environmental impacts. In particular, SMNA objects to the lack of adequate analysis in the following sections: Hydrology and Water Quality, Noise, and Transportation and Circulation. In addition to these deficient sections of the EIR, certain

¹ An electronic copy of the Final EIR is accessible at:
https://www.sccgov.org/sites/dpd/DocsForms/Documents/2145_FEIR.pdf.

² The CEQA Guidelines are contained in California Code of Regulations §§ 15000 et seq. All further references to these sections will be cited as the "Guidelines" or the "CEQA Guidelines".

3 | environmental impacts, specifically Agricultural Resources and Land Use, were improperly dismissed in the Initial Study ("IS") phase of CEQA review. Consequently, the EIR is incomplete and does not form a proper legal basis for the Project's approval.

a. The EIR Inadequately Addresses Hydrology and Water Quality

4 | The Project is located on the western edge of the Llagas Subbasin of the Gilroy-Hollister Valley Groundwater Basin. (FEIR, Appendix G at p. 3.) Groundwater from this Basin is utilized for a variety of purposes including domestic, agricultural, and industrial uses. (*Ibid.*) Groundwater from the Basin provides 95% of the water supply for Gilroy, Morgan Hill, San Martin, and other rural residential uses in the area. (*Ibid.*) Since the surrounding communities are heavily dependent on the Basin, it is of the utmost importance that the EIR analyze hydrology and water quality impacts that may result from the Project. Unfortunately, the Hydrology and Water Quality section of the EIR falls short, by inadequately mitigating potentially significant groundwater contamination, providing incomplete analysis of the expanded cemetery's effects on the Basin, and failing to account for water use that will be required to sustain the Project's orchard.

i. Mitigation Measure 4.4-4 Fails to Sufficiently Analyze or Remediate the Cemetery's Potentially Significant Impacts on Groundwater and Drinking Water

5 | Cemeteries are among the chief anthropogenic sources of pollution and water contamination in urban areas. (Żychowski & Bryndal, *Impact of Cemeteries on Groundwater Contamination by Bacteria and Viruses*, 13 J. OF WATER AND HEALTH 2, 285 (2015), <https://iwaponline.com/jwh/article/13/2/285/28303/Impact-of-cemeteries-on-groundwater-contamination>.) Mitigation Measure 4.4-4 addresses the potentially significant impacts the Project cemetery will have on water quality. (Draft EIR or "DEIR", 4.4-23.³) Specifically, operating the cemetery may result in nitrogen levels that exceed water quality standards for areas served by individual water wells. (*Ibid.*) Nitrogen accumulation in groundwater is a critical concern in the San Martin area because of the substantial reliance on groundwater for water supply. (DEIR 4.4-6.) The measures presented in 4.4-4 purport to reduce the environmental impacts of the cemetery to a less than significant level; however, the analysis simply defers environmental analysis to a later date and fails to sufficiently analyze reasonable and practical mitigation measures. Deferral does not equate to mitigation.

It is improper for lead agencies to defer formulation of mitigation programs by simply requiring future studies to see if mitigation may be feasible. (*Fairview Neighbors v. County of Ventura* (1999) 198 Cal.App.4th 238, 244.) By deferring environmental assessment to a future

³ An electronic copy of the Draft EIR is accessible at:
https://www.sccgov.org/sites/dpd/DocsForms/Documents/2145_DraftEIR.pdf.

5 | date, conditions run counter to a cornerstone principle of CEQA under which environmental review must be carried out at the earliest feasible stage in the planning process where “genuine flexibility remains.” (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307.)

6 | Mitigation Measure 4.4-4 improperly defers formulating mitigation measures until after the project is approved. According to 4.4-4, SVIC must submit a cemetery development phasing plan for review and approval by the Santa Clara Department of Environmental Health (“DEH”) that includes an estimated annual limit on the number of burials and a groundwater monitoring plan. (DEIR, 4.4-27.) While the groundwater monitoring plan must abide by certain requirements like sequencing burials in a certain order, installing monitoring wells in select locations, and limiting burials for the first five years, additional and more specific mitigation measures proposed later to the DEH will not be subject to the public review process. This circumvents CEQA’s purpose. A similar situation occurred in *Sundstrom v. County of Mendocino*, where the court held a proposed project’s hydrologic studies provided to the Mendocino County Planning Commission and Division of Environmental Health after the EIR process violated CEQA, because the studies would be exempt from public and governmental scrutiny. (*Sundstrom v. County of Mendocino, supra*, 202 Cal.App.3d at 308.) By deferring environmental analysis and remediation measures to shortly before burials occur, there is no longer “genuine flexibility” nor an opportunity for public review. This violates the policies and requirements of CEQA. (See, e.g., Guidelines § 15126.4(a)(1)(B).)

7 | Regarding mitigation measures, the EIR’s analysis is impermissibly limited to assessing rates of burials and groundwater monitoring, the latter masquerading as an attempt to mitigate groundwater impacts. It ignores potential practical measures such as creating a larger setback between the cemetery and water wells or buffering the cemetery with deep rooted trees. (DEIR, 4.4-23.)

8 | The DEIR states that the nearest existing domestic water supply is located approximately 350 feet west of the southwest corner of the proposed cemetery, and at “a sufficiently safe horizontal setback distance” to ensure against water quality contamination from the cemetery. (DEIR 4.4-24.) According to the World Health Organization (“WHO”), however, human or animal remains may not be buried within 820 feet [250 meters] of any well, borehole, or spring from which a potable water supply is drawn. (Üçisik & Rushbrook, *The Impact of Cemeteries on the Environment and Public Health*, WORLD HEALTH ORGANIZATION (1998), [https://apps.who.int/iris/bitstream/handle/10665/108132/EUR_ICP_EHNA_01_04_01\(A\).pdf;jsessionid=D52589018CD912531EAF2B3EF22E709F?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/108132/EUR_ICP_EHNA_01_04_01(A).pdf;jsessionid=D52589018CD912531EAF2B3EF22E709F?sequence=1).) Here, there are eight drinking water wells within an 820-foot zone around the Project’s cemetery and Wastewater Disposal System. (People’s Coalition Appeal Letter at p. 3, Planning Office File #2145-16P-164-16G.) Despite repeated community requests for examples of other cemeteries in well-dependent rural communities, none were provided. (See, e.g., FEIR, 188, 482.) The public also raised specific concerns of whether the setback was a safe distance from surrounding water wells. In response,

8 the FEIR states that because it would take more than 15 to 20 years to fill the first 800 plots⁴, there is no need to adopt a 500-foot setback between the cemetery plots and down-gradient water wells and watercourses. (*Ibid.*)

9 As discussed above, the proper time for environmental analysis and review is when flexibility remains, and the public can be involved. (*Sundstrom v. County of Mendocino, supra*, 202 Cal.App.3d at 307.) The EIR fails to adequately analyze the need for a safe barrier between the cemetery and drinking water wells once the plots in the first three phases of the cemetery are full. Particularly in a community that has already suffered from percolate water contamination for over 10-years, further analysis is warranted before blithely assuming the cemetery is a "safe" distance away from drinking wells.

9 The EIR also failed to consider practical mitigation such as planting trees to restrict the movement of viruses and bacteria from the soil. Appropriately scaled tree buffers are recommended around cemeteries to help decrease the movement off-site of bacteria and viruses in seepage water and rain water. (Üçisik & Rushbrook, *supra*, at p. 5.) The cemetery is proposed to be landscaped to resemble native grassland rather than include deep rooted trees. (DEIR 1-2.) Because tree plantings are considered feasible mitigation measures that can remediate groundwater contamination resulting from the cemetery, the failure to consider this and other practical mitigation measures presents a legal defect in the EIR.

ii. The Water Quality Degradation Analysis due to the Project's Cemetery is Incomplete

10 The DEIR fails to fully and accurately analyze water quality effects that will result from the Project's cemetery. In section 4.4-4, the DEIR states that because the Project will implement natural Muslim burial rites whereby deceased bodies are returned to the earth in natural form, untreated and unembellished (see DEIR, 3-18), concerns associated with cemetery operations that include leaching of embalming fluids, chemicals and substances that result from the decay of man-made artifacts and materials buried with the body including caskets, vaults, and ornamentation are not addressed. (DEIR 4.4-17.) The EIR improperly dismisses any analysis of non-natural burial impacts and simply fails to account for chemical or artificial materials within the human body that may contaminate surrounding water sources.

11 While according to the Preliminary Project Conditions of Approval, the cemetery would provide burials for SVIC members, their families, and extended families; burials for anyone

⁴ The FEIR's comment that it will take 15-20 years to fill the 800 sites is unsupported by any evidence, considering after 5 years, SVIC may have no limits on the number of burials per year. (See FEIR 4.4-27.) Even if one assumes the phantom 15 year minimum to be valid, in the relatively short time until 2036, it will be too late and homeowner drinking water supplies will be placed at severe risk.

beyond these categories would be considered on a case-by-case basis by the SVIC Board. (Conditions of Approval, p. 1, <file:///C:/Users/Lvn5642/Downloads/Snapshot-141021.pdf>.) For this reason, it was inappropriate to only analyze natural burials and dismiss any possible impacts from embalming processes and/or casket materials since the SVIC Board has the power to approve non-Muslim burials.

Decomposition of inhumed bodies results in leachates (liquids), typically comprised of water, protein, fat, mineral salts, and carbohydrates, potential microbial pathogens such as bacteria and viruses, and in some cases, other chemical products such as heavy metals. (Miller and Wiens, *Cemetery Setback Distances to Prevent Surface Water Contamination*, NATIONAL COLLABORATING CENTRE FOR ENVIRONMENTAL HEALTH (Oct. 2017), http://www.nceeh.ca/sites/default/files/Cemetery_setback_distances_surface_water_contamination-Oct_2017.pdf.) These heavy metals include amalgam dental fillings, cardiac pacemakers and metal from joint replacements. (*Ibid.*; see also S. Fiedler et al., *Graveyards – Special Landfills*, 419 SCIENCE OF THE TOTAL ENVIRONMENT 90 (Mar. 1, 2012) [Finding large amounts of human remains including cardiac pacemakers, dental fillings, and metal from hip replacements in 25-year old graves.]) While natural burials do not carry the same risks of formaldehyde, methanol, and other chemical contamination from embalming practices and do not utilize coffins for burials, dismissing all artificial or chemical components that may be present in bodies buried in the cemetery was improper. The EIR does not address all potential sources water contamination and thus understates potential water quality degradation that will result from the Project.

iii. The EIR Fails to Analyze Water Requirements Necessary to Sustain the Orchard

An EIR must consider whether there is sufficient available water to serve project demand in both the near and long term. (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 431.) CEQA's informational purposes are not satisfied by an EIR that ignores or assumes a solution to the problem of supplying water to the proposed development; decisionmakers must be supplied with sufficient facts to evaluate the pros and cons of supplying the water the project will need. (*Ibid.*)

The Project proposes to plant a 0.6-acre fruit tree orchard along Monterey Road to create a barrier between the sanctuary space and the road. (DEIR, 1-2.) Other than the orchard, the Project intends to use drought-tolerant plants that are native to Santa Clara County or Mediterranean climates more generally. (DEIR, 4.4-16.) The IS states that an existing well on site will be rehabilitated and used for landscape irrigation. (DEIR, Appendix A, A-44.) The EIR, however, fails to consider and ensure the long-term reliability of the onsite well for irrigation needs. The EIR also does not address the amount of water required for the orchard, which may significant. Fruit trees, particularly newly planted fruit trees, need substantial amounts of water to become established in the soil. The IS failed to account for the water use

- 13 | required to sustain the fruit orchard and other landscaping; therefore, the EIR therefore did not consider water demand to serve the project demand as required by law.

b. Noise Impacts are Improperly Addressed in the EIR

i. Closing One Parking Lot is Insufficient Mitigation for Potentially Significant Noise Impacts

An EIR must describe feasible measures which could minimize significant adverse impacts. (Guidelines § 15126.4, subd. (a)(1).) An EIR may not defer the formulation of mitigation measures to a future time; impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR. (*Ibid.*; See also *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280-281.)

- 14 | Mitigation Measure 4.5-4 attempts to lower nighttime noise impacts to a less than significant level by installing signage to restrict parking in the western parking lot. (DEIR, 4.5-17.) Specifically, Mitigation Measure 4.5-4 requires the Applicant to install parking lot signage that prohibits parking after 10:00 p.m. or before 7:00 a.m. (*Ibid.*) Signage must be “clearly” posted at spaces within 120 feet of the western property line. (DEIR, 4.5-17.) This mitigation measure is necessary because nighttime parking lot activities are expected to exceed County standards: noise levels at the nearest sensitive receptor is 47.5 dBA L_{eq}^2 whereas the County Code sets the nighttime standard at 45 dBA L_{eq}^2 . (DEIR, 4.5-17-18.) Nighttime noise will consist of honking, engines starting, doors slamming, engines idling, car alarms sounding, wheels squealing, and other noises associated with moving cars. (DEIR, 4.5-17.)

- 15 | Mitigation Measure 4.5-4 fails to demonstrate how the potentially significant noise impacts will be mitigated. The EIR states that implementing this Mitigation Measure will prohibit parking at nighttime hours within 120 feet of the residential property line which will reduce the noise level by 2.5 dBA L_{eq}^2 , thereby bringing the impact to a less than significant level. (DEIR, 4.5-17-18.) No support or evidence is cited for this conclusion, however.

Moreover, the Mitigation Measure as proposed does not address whether and how the measure will effectively move noise impacts from a significant to less than significant level. First, there are no standards regarding how SVIC or the County will monitor the mitigation measure. Ineffective or non-existent monitoring will lead to cars parking in the west lot, causing noise levels to exceed permissible levels.

- 16 | Second, the EIR fails to analyze whether the eastern parking lot can solely accommodate the number of cars traveling to and from the Project site at nighttime hours. The EIR states the Project will include 125 parking spaces in two lots. (DEIR, 4.5-17.) Table 3-2 in the EIR estimates the number of visitors that will travel to Cordoba Center at different times of the day;

16 off-time traffic (that is, between 10:00 p.m. and 7:00 a.m.) includes: 100 people for Dawn “Fajr” Prayers, 300 for Mawlid Al-Nabi Banquets, 200 for Community Potluck Dinners, 300 for Community “Iftar Dinners”, 300 for weddings, and 50 for youth camps and retreats. (DEIR Table 3-2, 3-18.) If the eastern parking lot cannot accommodate all of these cars, the result will be cars parking in non-permitted areas. This will increase congestion and safety hazards in addition to noise at nighttime hours.

17 Mitigation Measure 4.5-4 is inadequate, as it fails to demonstrate how mitigation will be achieved, fails to assign standards assuring the desired noise reductions will result, and fails to explain whether the mitigation measure is feasible to reduce noise impacts. Nighttime noise impacts must be further analyzed, rather than baselessly concluding the noise issues will be resolved by posting signs in a single parking lot.

ii. The EIR's Analysis of Noise Impacts on the Community Arbitrarily Concludes There is No Significant Impact

When a court reviews an EIR for legal sufficiency, it focuses on adequacy, completeness, and a good faith effort at full disclosure. (*City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465, 486.) An EIR must contain facts and analysis, not just the bare conclusions of the agency. (*Ibid.*) The facts and analysis must provide sufficient detail to enable those who did not participate in its preparation to understand and meaningfully consider issues raised by the proposed project. (*Ibid.*)

18 The EIR improperly and arbitrarily concludes that noise impacts to adjacent residential properties will be less-than-significant. Impact 4.5-4 addresses long-term increases in noise levels from on-site sources. (DEIR, 4.15-15.) Dawn and nighttime prayers, as well as community events and youth camps, will occur before 7:00 a.m. and after 10:00 p.m., which requires analyzing noise impacts pursuant to the County's nighttime standards. (DEIR, Table 3-2, 3-17, 3-18.) The EIR states that “because the adjacent residential properties have large rear yards, residents would not typically be outside near the property line before 7:00 a.m. and after 10:00 p.m.” (DEIR, 4.15-15.) This is an improper “bare conclusion of the agency” and has absolutely no basis in fact. The EIR provides no analysis, studies, or other type of evidence to support its conclusion that residents living adjacent to the Project are not typically outside at these hours, particularly during the warm weather months. Property owners have complete and exclusive rights to use and enjoy their land at all hours of the day. By stating this bare conclusion, the EIR understates noise impacts on adjacent properties, thereby undermining the central feature and purpose of CEQA to inform decisionmakers and the public about potential environmental impacts. Noise impact 4.5-4 is arbitrary and fails to inform the Planning Commission and public about noise impacts that will result from the Project.

c. The EIR's Transportation and Circulation Analysis Fails to Assess Traffic Impacts at Peak Operation Times

The adequacy of an EIR's disclosure depends on whether the EIR reasonably fulfills its function of facilitating informed decision-making. (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 444.) Analysis that understates the severity of a project's impacts "impedes meaningful public discussion and skews the decisionmaker's perspective concerning the environmental consequences of the project, the necessity for mitigation measures, and the appropriateness of project approval." (*Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421, 431.) Analysis of environmental effects does not need to be exhaustive but is judged in light of what was reasonably feasible. (*City of Long Beach v. City of Los Angeles, supra*, 19 Cal.App.5th at 486.)

19 The traffic analysis relied upon to conduct the Level of Service ("LOS") and existing volumes analysis in the EIR is fundamentally flawed. The EIR used a transportation and traffic analysis conducted by Fehr and Peers in 2017. (DEIR, 4.6.4.) The Fehr and Peers study conducted traffic counts on Saturday, February 11, 2017 through Thursday, February 16, 2017. (*Ibid.*) The fact that no traffic analysis was conducted for a typical Friday is a significant problem, as the Peak Hour of Generator is expected to occur on Friday afternoons. (DEIR, 4.6.4.) According to Table 3.2 in the "Project Description", the project will reach its highest regular traffic generation right before and right after the Jummah Prayers on Fridays. (DEIR 3-17; DEIR 4.6.4.) Without analyzing traffic patterns during peak operational hours, the EIR understates potential traffic impacts of the Project. By understating the traffic impacts, the EIR skewed the Planning Commission's perspective and ability to have meaningful public discussion of traffic impacts.

Furthermore, community members have observed a marked increase in traffic congestion on Monterey Road since 2017.⁵ (See, e.g., FEIR, 200.) This is due, in part, to proliferated use of mobile traffic applications ("apps") redirecting traffic to Monterey Road because of increased traffic on US Highway 101. This is not an isolated problem in San Martin; noticeable increases in congestion on community and city roads due to traffic apps like Waze, Google Maps, and Apple Maps is garnering widespread media attention. In a recent study conducted by engineers at the University of California, app-based routing is causing a significant increase in congestion on local, low-capacity road networks. (Jessica Lazarus et al., *A Decision Support System for Evaluating the Impacts of Routing Applications on Urban Mobility*, 2018 International

⁵ Last year, a California court held residents' personal observations of traffic conditions where they live and commute may constitute substantial evidence of a significant adverse impact on traffic congestion, even where these observations contradict the conclusions of a professional traffic study. (*Protect Niles v. City of Fremont* (2018) 25 Cal.App.5th 1129, 1152 [citing *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.App.4th 714, 735-736]; see also *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 928.)

19 Conference on Intelligent Transportation Systems, 513 (Nov. 2018)⁶.) In particular, traffic is routed from highways onto local roads during peak hours, often greatly exceeding the design capacity of those roadways. (*Ibid.*) Applying another model, the UC Berkeley engineers found a 300 percent increase in vehicle miles traveled on low-capacity roads in the Los Angeles road network from traffic-based apps. (*Id.* at 514.) This data supports the community's valid concerns that the 2017 traffic study is outdated, as it fails to account for the increased traffic on Monterey Road observed in the past couple of years.

20 In addition to outdated data, the EIR's traffic analysis fails to assess vehicle miles traveled ("VMT"). According to CEQA Guidelines section 15064.3, VMT is the most appropriate measure of transportation impacts. (Cal. Code Regs., tit. 14, § 15064.3.) When California adopted Senate Bill 743, it modernized how transportation impacts are measured from new development by substituting VMT for LOS. (*Transportation Impacts (SB 743)*, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, <http://opr.ca.gov/ceqa/updates/sb-743/> (last accessed Dec. 4, 2019).) VMT refers to the amount and distance of automobile travel attributable to a project, and provides a more effective method for evaluating whether a project contributes to state goals like reducing greenhouse gas emission and preserving open spaces. (*Ibid.*) In contrast to California's new laws and policies regarding traffic impacts, this EIR quantifies traffic operations through a determination of LOS rather than VMT. It is problematic that the EIR's traffic conclusions are based on outdated data and an outdated process.

Traffic analysis for the Project needs to be redone, with studies that analyze traffic on Fridays to account for the Project's peak operational hours, and VMT rather than LOS. This is necessary prior to concluding the Project will have a less-than-significant traffic impact, as well as related impacts of noise, air quality, and health effects due to the surrounding roadway system. (DEIR, 4.6-7.)

III. ENVIRONMENTAL IMPACT AREAS WERE IMPROPERLY DISMISSED IN THE INITIAL STUDY PHASE OF CEQA REVIEW

21 In conducting the IS, many agencies rely on a checklist but, in doing so, they should disclose the data or evidence upon which the persons conduct the study rely. (Guidelines § 15063, subd. (d)(3).) Mere conclusions as to the absence of the possibility of a significant effect are inadequate to support an agency's decision to proceed with a negative declaration. (*Citizens Ass'n for Sensible Dev. Of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 171.)

The Project EIR improperly dismisses Agricultural Resources and Land Use in the IS phase of CEQA review. The IS lacks requisite analysis and supporting evidence for its

⁶ A copy of this study is provided in Attachment 2.

21 | conclusions that the Project's impacts in these areas will be less-than-significant. It was therefore improper to avoid analyzing these impacts in the EIR.

a. Agriculture Resources

The IS concludes that the Project will result in no impact to prime farmland and a less-than-significant impact to converting farmland to non-agricultural use. (FEIR, Appendix A, A-10-11.) The sole basis provided for the conclusion that no prime farmland will be affected is that, pursuant to the California Department of Conservation Farmland Mapping and Monitoring Program ("FMMP"), the Project site is identified as grazing land rather than prime farmland. (*Ibid.*) Other parts of the EIR, however, list 5.6 acres of prime farmland soil as being affected by the Project. (See, e.g., FEIR, 53.)

22 | The IS conclusory finding failed to consider important information regarding agricultural resources on or near the Project site. First, LAFCO's comments on the DEIR include a Farmland Soil Classification map for Santa Clara County that shows the project site includes prime farmland soils and soils of statewide importance under the "California FMMP Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance in Santa Clara County." (FEIR, 52.) The response to this comment states that although the project site contains approximately 5.6 acres of prime farmland soils, of which 98 percent will be developed under the proposed project, the significance criteria under CEQA is not conversion of prime farmland soils but conversion of prime farmland to non-agricultural use. (FEIR, 53.) The IS and this response do not explain how conversion of "prime farmland soil" and "prime farmland" differs. It is unclear how the IS concludes the Project does not convert prime farmland, when it develops 98 percent of prime farmland soil to non-agricultural use. Without any analysis or support, this is an arbitrary conclusion.

23 | Second, the IS states: "The project would not be located on land zoned or designated by the County for exclusive agricultural use, and the project site is not currently used for agriculture; therefore, the project would not directly convert Farmland to non-agricultural use." (FEIR, 53.) While the area is not zoned exclusively for agricultural use, retaining agriculture and prime agricultural lands are an explicit County goal solidified in GP Policy R-RC 57. (GP, O-34.⁷) The Project site was actively farmed until the late 1980s and neighboring land is classified as prime farmland soil and soil of statewide importance. The County also refers to the Project site as prime farmland in other contexts, including, but not limited to, the County Planning Department's online geographical information system mapping and the Santa Clara Valley Agricultural Resource Area. The EIR must acknowledge the presence of prime farmland soils, evaluate the impacts of the loss of such soils due to the Project, and consider whether this loss is

⁷ An electronic copy of the County of Santa Clara's General Plan is accessible at: <https://www.sccgov.org/sites/djpd/plansordinances/gp/pages/gp.aspx>.

23 | contrary to County policies. Currently, the IS contains nothing more than a bare, unsupported conclusion that no significant impact to agricultural resources exists.

b. Land Use and Planning

CEQA Guidelines require an EIR to “discuss any inconsistencies between the proposed project and applicable general plans.” (*Spring Valley Lake Assn. v. City of Victorville* (2016) 248 Cal.App.4th 91, 97; Guidelines § 15125, subd. (d).)

24 | The IS concluded that “no such inconsistencies with General Plan policies adopted for avoiding or mitigating an environmental effect were identified during preparation of the Draft EIR.” (FEIR, 53.) This is an erroneous statement, as the Project directly conflicts with multiple general plan policies including R-GD 2, R-GD-6, R-RC 10, and R-RC 57 (discussed in further detail in section five). While the city or county is ultimately tasked with determining whether a project is consistent with its general plan, it is a glaring omission that the EIR did not account for policies such as R-RC 10 on water quality protection and R-RC 57 encouraging protection of prime agricultural soils, which specifically address avoiding or mitigating harmful environmental effects, in its analysis.

IV. THE EIR IS INADEQUATE AS AN ENVIRONMENTAL FULL DISCLOSURE DOCUMENT

“CEQA is essentially an environmental full disclosure statute.” (*Rural Landowners Assn. v. City Council* (1983) 143 Cal.App.3d 1013, 1020.) The purpose of public review “is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment.” (*Id.*, citing Pub. Res. Code § 21061.) Put another way, it “demonstrate[s] to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.” (*Schoen v. Department of Forestry and Fire Protection* (1997) 58 Cal.App.4th 556, 573.)

25 | Protection of the environment is only one purpose of CEQA; informed self-government is on equal footing under the statute. (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1393.) When an EIR subverts the important public disclosure purposes of CEQA, an agency is deemed to have failed to proceed in the manner required by law and will not be protected by the substantial evidence standard of review. (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 881; *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1392.)

By failing to analyze the full impacts of hydrology and water quality, noise, traffic, agricultural resources, and land use impacts, this EIR fails to be an “environmental full disclosure” document. The public did not have access to pertinent information required for proper participation, and the lack of information resulted in the public and decisionmakers

25 | unable to fully comprehend potentially significant impacts. The Project will have potentially hazardous impacts that are either not fully mitigated or not analyzed at all. The Project cannot be approved based on this inadequate analysis.

V. THE PROJECT IS WHOLLY INCONSISTENT AND INCOMPATIBLE WITH THE COUNTY'S PLANS AND POLICIES

In addition to the abovementioned problems with the EIR, the Planning Commission erred in approving the Project which is incompatible with numerous County GP policies.

26 | The GP functions as a "constitution for all future developments" and land use decisions must be consistent with the general plan and its elements. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570.) A project is considered consistent with a GP when it furthers the objectives and policies of the general plan and does not obstruct their attainment; in contrast, a project is inconsistent when it conflicts with GP policy that is fundamental, mandatory, and clear. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782.) While perfect conformity is not required, a project must be compatible with the objectives and policies of the GP. (*Ibid.*) In *Napa Citizens for Honest Government v. Napa County Board of Supervisors*, the court announced a new test for general plan consistency: if a project "will frustrate the General Plan's goals and policies, it is inconsistent with the County's General Plan unless it also includes definite affirmative commitments to mitigate the adverse effect(s)." (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 378-381.)

A court will overturn a city or county's project approval when it acts arbitrarily, capriciously, without evidentiary support, or fails to follow proper procedures. (*Ideal Boat & Camper Storage v. County of Alameda* (2012) 208 Cal.App.4th 301, 320; see also *Families Unafraid to Uphold Rural El Dorado County v. County of El Dorado* (1998) 62 Cal.App.4th 1332, 1341-1342 [court overturning the county's finding that a planned development was consistent with the GP because the county was unable to overcome the "specific, mandatory and fundamental inconsistencies of the project with the land use policies of the general plan."].)

a. Policies R-GD 2 and R-GD-6

27 | According to GP Policy R-GD 2, in lands outside cities' Urban Service Areas (USAs) under the County's land use jurisdiction, only non-urban, low density uses are allowed. (GP, K-4.) General Plan policy R-GD 6 states that urban types and levels of services shall not be available outside of cities' Urban Service Areas from either public or private service providers. (GP, K-4.)

The Project is outside of the City of Morgan Hill's Urban Service Area. Yet, it will procure water from the West San Martin Water Works, a private service provider. (FEIR, 14.)

27 The Staff Report noted this inconsistency when it stated, “It should be noted that even with the reduced size and attendance options, the Cordoba Center would still rely on domestic water from West San Martin Water Works, a private water system. However, the Planning Commission could find that by reducing attendance and therefore water consumption, these conditions would make the project more consistent with R-GD 6 because the levels of service would be consistent with other levels of services in the rural areas.” (Staff Report at p. 7 (Aug. 22, 2019).) Planning Staff recognized the project is inconsistent with the General Plan but states that by reducing attendance, the project will be “more consistent” with R-GD 6. (*Ibid.*) Policy R-GD 6 however, is a clear mandate that urban levels of service *shall not* be available outside the Urban Service Area. (GP, K-4, *emph. added.*) Thus, a project either complies with this policy or it does not, there is no gray area or “more consistent”. The Project is in direct conflict with this clear and mandatory general plan policy. As such, the Project is inconsistent with the GP.

b. Policy R-RC 10

General Plan Policy R-RC 10 states that for lands designated as Resource Conservation Areas and Rural Residential areas, water resources shall be protected by encouraging land uses compatible and consistent with maintenance of surface and groundwater quality. Uses that pose a significant potential hazard to water quality should not be allowed unless the potential impacts can be adequately mitigated.

28 The Project’s cemetery presents a potentially significant threat to water resources in the surrounding area. The Project is within a Rural Residential area, triggering Policy R-RC 10, which means land uses that pose a potential hazard to water quality are not be allowed unless the hazards sufficiently mitigated. As more extensively explained above, the cemetery and its resulting impacts have not been fully analyzed. Moreover, the mitigation measures provide an unacceptable post-hoc remediation plan contingent on future planning and test results. The cemetery is wholly incompatible with R-RC 10, which prioritizes land uses encouraging maintenance of surface and groundwater quality in Rural Residential areas.

c. Policy R-RC 57

29 Under Policy R-RC 57, agriculture is encouraged, and the County vows to retain prime agricultural lands for their value to the overall economy and quality of life of the County, including (a) local food production capability; (b) productive use of lands not intended or suitable for urban development; and, (c) preservation of a diminishing natural resource, prime agricultural soils. (GP, O-34.)

The Project threatens to develop 5.6 acres of prime farmland soil. Approving the Project is thus in direct conflict to the County’s policy of encouraging agriculture and retaining prime agricultural land. The Project Site was actively farmed until 1987 and its neighboring lands to the south and west of the Site involve farming practices. (DEIR, 3-1.) The Staff Report states:

29 "While the site contains approximately 5 acres of prime farmland, the site does not have any recent history of agricultural production on the site." (Staff Report at p. 7 (Aug. 22, 2019).) Policy R-RC 57, however, does not provide that "recent history" of prime agricultural soil be taken into consideration for purposes of this policy. Developing the Project will cause prime farmland to be permanently converted to institutional use, covering agricultural soils under the proposed structures and improvements. The Project is in direct conflict with the County's clear policy goals.

VI. APPEAL AND CONTINUANCE PROCESS

30 In addition to the substantive concerns with the Project, SMNA would like to express its concerns and frustration in coordinating this appeal with the County. The County provided SMNA with misleading information on how to request a continuance, effectively eradicating any possibility SMNA could successfully make such a request. As explained more thoroughly in SMNA's letter submitted to the Board of Supervisors on December 13, 2019, SMNA was not notified of the present hearing's date until November 21, 2019. The County then advised SMNA that it could request a continuance, which SMNA did via a hand delivered request on December 3, 2019. It was only when SMNA followed up with the County on December 11, 2019 that it learned the Board of Supervisors was not able to hear its request at its December 10, 2019 meeting because the request was not provided four weeks in advance of the meeting. Before December 10, 2019, SMNA had never been advised of this four-week requirement to add items to the agenda. This is problematic for numerous reasons.

First, based on the timing of information provided to SMNA by the County, SMNA could not have complied with the four-week requirement even with its best efforts. Second, the four-week requirement has no basis in the County's Code of Ordinances. To the contrary, Ordinance section A17-6 states that notice and meeting agendas will be posted on the County's website at least 72 hours prior to a meeting and that posted agendas may be revised to amend or add agenda items consistent with general law. (County Ord. Sec. A17-6 "Notice of Meetings".⁸) Under California's Brown Act, an agenda must be posted and finalized 72 hours prior to a public meeting. (Gov. Code § 54954.2, subd. (a)(1).)

SMNA hand delivered its request for a continuance on December 3, 2019. The public meeting was scheduled on December 10, 2019. Thus, SMNA's request was made more than 72 hours before the meeting and should have been included on the agenda. It is unreasonable to impose a four-week requirement to post an item on an agenda, particularly when this requirement is not communicated in time and where it has no basis in the County code or California law. SMNA is a neighborhood group that has made every attempt to coordinate with the county in a timely and proactive manner. This miscommunication has made the process of

⁸ An electronic copy of the Santa Clara County Code of Ordinances is accessible at:
https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances.

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30 | coordinating with the county on this appeal much more difficult and has restricted SMNA's ability to prepare accordingly.

VII. CONCLUSION

Based on the abovementioned comments and those already submitted to the County concerning the Project, SMNA respectfully requests the Board of Supervisors overturn the Planning Commission's approval of the Project, direct immediate correction of the identified deficiencies in the EIR and recirculate the EIR for proper public review. After proper environmental analysis, the Planning Commission must then provide adequate analysis and support as to whether and how this Project is consistent with the County's General Plan, before the County may lawfully consider approving the Project.

Respectfully submitted,



Timothy M. Taylor
Lauren Neuhaus

Attachments:

- 1 – Materials Incorporated by Reference
- 2 – Jessica Lazarus et al., *A Decision Support System for Evaluating the Impacts of Routing Applications on Urban Mobility*, 2018 International Conference on Intelligent Transportation Systems, 513 (Nov. 2018)

cc: James R. Williams, County Counsel
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