**SANTA CLARA COUNTY PLANNING DEVELOPMENT APPLICATION**

**PROPERTY OWNER’S NAME**

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>City</th>
<th>Zip</th>
</tr>
</thead>
</table>

**APPLICANT OR APPELLANT NAME**

South Valley Islamic Center

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>City</th>
<th>Zip</th>
</tr>
</thead>
</table>
P.O. Box 1777, Morgan Hill CA 95038-1777

**ADDRESS OF SUBJECT PROPERTY:**

**APN:**

**EXISTING USE OF PROPERTY:**

**ACCESS RESTRICTIONS (gate, dog, etc.):**

The **ACKNOWLEDGEMENTS AND AGREEMENTS FORM** on the reverse side of this application must be completed and signed by the property owner(s).

**FOR DEPARTMENT USE ONLY**

**FILE NUMBER:** 2145 - 11P - 12 APL

**PROJECT DESCRIPTION:**

Appeal to the B/S of the
action by the PC related to a UP, AS, & for
the Cordova Center

<table>
<thead>
<tr>
<th>APPLICATION TYPES</th>
<th>FEE(S)</th>
<th>COMMENTS / SUBMITTAL MATERIALS</th>
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</thead>
<tbody>
<tr>
<td>Architecture and Site Approval / ASX</td>
<td></td>
<td></td>
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<tr>
<td>Building Site Approval / BA (Urban / Rural)</td>
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<tr>
<td>Certificate of Compliance</td>
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<tr>
<td>Design Review / DRX</td>
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<td>CEQA (EA / Cat Ex / Prior CEQA / EIR)</td>
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<td>Compatible Use Determination (WA / OSE)</td>
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<td>Geologic Report / Letter</td>
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<td>Grading Approval / Abatement</td>
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<td>Lot Line Adjustment / Lot Merger</td>
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<td>Pre-Screening</td>
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<td>Special Permit</td>
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<td>Subdivision</td>
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<td>Use Permit</td>
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<td>Variance</td>
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<tr>
<td>Other Appeal</td>
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**TOTAL FEES**

1,318.00

Application fees are not refundable.

Submittal reviewed and received by: YR

Date: 8-16-12

Map Coordinates: X _____ Y _____

USA / SOI

Zoning: ___________________________

WA / OSE

General Plan: ___________________

Supervisory Dist: ___________

Parcel Size: ___________________

Previous Files: ___________________
## Fee Description

<table>
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<tr>
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<tr>
<td>Appeals-All Others</td>
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<td>Planning Scan Fee</td>
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<td>IT Fee Appeals-All Others</td>
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### Payment Information

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<td>Balance</td>
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</table>
August 16, 2012

Gary Rudholm, Secretary
Santa Clara County Planning Commission
County Government Center, East Wing
70 West Hedding Street
San Jose, CA 95110-1705

RE: The Cordoba Center Project Conditional Use Permit (9145)

Dear Mr. Rudholm,

South Valley Islamic Center (SVIC) would like to formally appeal, in part, the Planning Commission’s decision granting a Conditional Use Permit for the above project to the Applicant. More specifically, SVIC is appealing to remove or modify only the following specific Conditions of Approval for the Use Permit (Exhibit A) and specific Conditions of Approval for the Architecture and Site Approval (Exhibit B) adopted by the Planning Commission on August 2, 2012. These conditions, as approved by the Planning Commission, are as follows:

**Use Permit Condition #5:** Maximum capacity of the facility is 80 patrons including three (3) staff members. A total of up to three (3) single-day special events with maximum of 150 patrons [in] attendance (including three (3) staff members) occurring between 8 a.m. and 10 p.m., are allowed per year.

**Use Permit Condition #6:** Temporary Event Permits, and Tent Permits may be required by Department of Environmental Health and Fire Marshal’s Office for the three special events that will accommodate up to 150 people.

**Use Permit Condition #7:** No overnight accommodations are allowed.

**Architecture & Site Approval Condition #1(b):** The following improvements are included with this approval for the religious institution and cemetery –

(b) 2,800 sq.ft. multi-purpose hall building

**Architecture & Site Approval Condition #37(a):** Sewage disposal conditions for the Prayer Hall and Multi-purpose Hall have been determined at 1100 plus 1100 lineal feet of subsurface drainline. The two drainline systems must be connected through a positive diversion valve. A 3000 gallon septic tank and 2000 gallon pump tank will be required. This septic system is adequate to serve a population of 80 persons per day maximum...
Architecture & Site Approval Condition #37(b): Up to four (4) special events exceeding 80 persons are allowed with the sizing of the septic system. These four (4) special events are allowed to augment their restroom capacity with portable toilets. The portable toilets can only remain onsite for the duration of the event (i.e., delivered on Friday and removed the following Monday). Also, the required Temporary Event Permits must be obtained from DEH at least 2 weeks prior to the special event.

(i) If there are additional special events exceeding 80 persons, the septic system will need to be enlarged with more capacity both for the septic tank(s) and the leachfields.

SVIC contends that the above conditions, as currently written, place undue restrictions on the Applicant; that these conditions are not based on any factual data; and that these conditions are contrary to the Applicant’s original intent for the use of this religious facility. We respectfully request that the following actions regarding the above mentioned Conditions of Approval be taken up on this partial appeal:

Use Permit Condition #5: We request that this condition be modified to allow a capacity of up to 150 people to use the facilities on any given day. This request is based on the previously submitted data and underlying studies conducted for this application, all of which confirm that the facilities, the land, the adjacent highway, the leach field and the septic system can accommodate a general capacity of 150 persons. There is no factual basis for limiting occupancy to 80 people generally and up to 150 persons on a mere three (3) single days per year, particularly in light of the demonstrated capacity of the facilities to accommodate 150 persons generally. Condition #5 unduly limits the use of the land and religious facilities in light of these facts. Removing this event v. non-event 80/150 occupancy condition and replacing it with a simple maximum occupancy condition of 150 people will also greatly simplify the Conditions of Approval for both the Use Permit and Architecture and Site Approval, as described below. Thus, we propose Condition #5 be modified to read as follows: “Maximum capacity of the facility is 150 patrons (including three (3) staff members).” This modification would also remove the previous time restriction for these three (3) events, which is consistent with the Planning Commission’s decision to remove the general time restriction that existed in Condition #3, which was removed entirely by the Commission on August 2, 2012.

Use Permit Condition #6: We request the removal of this burdensome condition potentially requiring SVIC to obtain Temporary Event Permits for the limited three (3), single-day events because the modification of Condition #5 above will remove the need for this condition. Thus, we request that this condition be stricken in its entirety.

Use Permit Condition #7: We request that this condition be stricken entirely or, alternatively, that it be modified to read as follows: “No commercial overnight accommodations allowed.”
We request this modification primarily in light of growing security concerns for our Mosque and to allow us to provide 24 hour security on site, among other reasons.

Architecture & Site Approval Condition #1(b): We request that this condition be modified to reflect SVIC’s original request to have two buildings, each with the same 5,000 square footage (i.e., both the prayer hall and the multi-purpose building would be 5,000 square feet each). Previously submitted plans and testing indicate the site can accommodate both buildings at this size and allowing both buildings to be an identical 5,000 square feet will make it easier for SVIC to use the facilities since the same number of people using the prayer hall can move to the multi-purpose hall for post-prayer events without the need for additional tents or tent permits. Thus, we ask that Condition #1(b) be modified to read: “(b) 5,000 sq. ft. multi-purpose hall building.”

Architecture & Site Approval Condition #37(a): We ask that this condition be modified to reflect the modified occupancy rate by stating that the septic system is adequate to serve a population of 150 persons per day maximum, not 80. As stated above, this modification is consistent with the previously submitted tests and studies conducted for this project and the site, including the septic system, can support this additional general occupancy of 150 persons, rather than the previous 80/150 occupancy condition. Thus we ask that the last sentence of #37(a) be modified to read: “This septic system is adequate to serve a population of 150 persons per day maximum.”

Architecture & Site Approval Condition #37(b): We ask that this condition be removed entirely because this condition is based on the previous 80/150 occupancy condition and its event v. non-event distinction, which would be removed by amending the conditions described above to allow 150 people generally. Moreover, the number of events permitted in this Condition #37(b) is internally inconsistent with the current Use Permit Condition #5 (e.g., 4 events v. 3 events).

Additionally, as a housekeeping matter, we request that Use Permit Condition #11 be modified to reflect that Use Permit Condition #5 has been modified, such that any ongoing monitoring reports concerning maximum occupancy comply with the modified occupancy requirements of a maximum of 150 people, not the previous 80/150 occupancy conditions.

Finally, in addition to the changes to the Use Permit Conditions of Approval (Exhibit A) and Architecture and Site Approval Conditions of Approval (Exhibit B) described above, SVIC also requests an update to the modified Architecture and Site Approval Condition #37d, which was modified by the Planning Commission on August 2, 2012 to require an “approval of [a] reserve field.” This modification was made in response to the Planning staff’s request – made only 48 hours before the Planning Commission’s August 2nd hearing – for additional soil profile testing to identify a reserve leach field. The requested soil profile tests were conducted
immediately following the hearing on the morning of August 3, 2012, and those soil profile tests passed and thus support the identification of a large 100% reserve leach field on site. A report from the Environmental Health staff indicating that the soil profile tests match and that no additional tests, such as percolation tests, are required is attached for your review. Thus, all necessary tests have been completed and we request that the Board of Supervisors take notice of this updated information.

A summary reflecting the SVIC’s proposed changes to the Use Permit Conditions of Approval and Architecture & Site Approval Conditions of Approval is attached to help simplify your review. Please feel free to contact me directly if you require any additional materials or if you have any questions regarding this partial appeal of the Planning Commission’s August 2, 2012 decision. I thank you in advance for your attention to this matter.

Sincerely,

Sal Akhter  
Project Manager  
The Cordoba Center, a project of SVIC  
Direct: (408) 205-9936  
Email: sakhter@induswest.com

Attachments:

Revised Site & Septic Plan with the addition of 100% reserve leach field as required.  
Summary of Proposed Changes to Conditions of Approval (as amended by SVIC).
REPORT OF OBSERVATIONS

DBA/NAME: CORDOBA CENTER
ADDRESS LOCATION: MONTEREY ROAD
APN: 779-06-002

DATE: 8/3/13
RECHECK DATE:

OWNER/OPERATOR:
MAILING ADDRESS:

<table>
<thead>
<tr>
<th>EMPLOYEE #</th>
<th>SERVICE</th>
<th>PROGRAM/ELEMENT</th>
<th>LOCATION CODE</th>
<th>TIME</th>
<th>WORK AREA</th>
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**100% Expansion Area**

- **Soil Profile**
  - 0 - 6" clay loam
  - 6" - 15" clay sandy
  - 1.5" brown clay
  - 3" less clay
  - 5" blocky clay less grit
  - 8 - 9" loam
  - 10' more gravel/rock
  - 10' loose w/sand

- Blocky clay
- 14' harder digging w/ depth
- 15' end (no wash/no luck)

Performed a soil profile in the 100% leachfield expansion area. The results of the soil profile match the previous soil profiles performed in 2012. Therefore, pedotrans tests are not required in the 100% leachfield expansion area.

Ann Pedem, REAS
408.918.3480
SUMMARY OF SVIC'S PROPOSED CHANGES

Use Permit Conditions of Approval (amendments italicized)

Use Permit Condition #5: Maximum capacity of the facility is 150 patrons (including three (3) staff members).

Use Permit Condition #6: REMOVED

Use Permit Condition #7: REMOVED (or, alternatively, modified to read “No commercial overnight accommodations allowed.”)

Use Permit Condition #11: An annual report assessing condition compliance regarding the religious institution and cemetery shall be prepared by the Planning Office and submitted to the Planning Commission for review for two (2) consecutive years following approval of the Use Permit...The report shall include information submitted by the property owner/operator as listed below:

Property Owner/Operator’s Responsibility

- Post-Approval Monitoring (PAM) fee, a minimum of five (5) hours of staff consultation time to cover review of and preparation of staff report subject to current fee schedule established by the Board of Supervisors.
- Report of monthly attendance at the facility, including the following information:
  - Date, duration and name of any events (starting and ending time).
  - Number of maximum patrons and employees that attended each event.

Architecture & Site Approval Conditions of Approval

(amendments italicized)

Architecture & Site Approval Condition #1(b): The following improvements are included with this approval for the religious institution and cemetery... –

(b) 5,000 sq.ft. multi-purpose hall building

Architecture & Site Approval Condition #37(a): Sewage disposal conditions for the Prayer Hall and Multi-purpose Hall have been determined at 1100 plus 1100 lineal feet of subsurface drainline. The two drainline systems must be connected through a positive diversion valve. A 3000 gallon septic tank and 2000 gallon pump tank will be required. This septic system is adequate to serve a population of 150 persons per day maximum...

Architecture & Site Approval Condition #37(b): REMOVED