EXHIBIT E PART II
Colleen Oda  colleen.oda@pln.sccgov.org
Department of Planning and Development
70 W. Hedding Street, East Wing
San Jose, Ca 951110
(408) 299-5700  (408) 279-8537 fax

Re: Cordova Center

I am writing in opposition to the proposed Cordova Center being built in San Martin. I am greatly concerned as to the effects a project of this nature would have on the small community of San Martin. This project appears to violate the current zoning laws and will bring huge amounts of traffic into San Martin, disrupting the residents.

This Islamic Center, School and Cemetery also violates sec. 2.02 of the zoning ordinance, religious institutions shall be limited in scale, and local serving to the communities in which they are located. The vast majority of San Martin residents are non-Muslim and cannot use this facility.

I am concerned as to the manner in which this project is being presented to the citizens. It is my understanding that the County has failed to report accurately the results of percolation tests done on the property, in essence stating that the property passed these tests when in actuality, they failed. This is unacceptable.

As a registered voter and longtime Santa Clara County resident, I am completely opposed to any furtherance of approval by the County regarding the Cordova Center.

Sincerely,

Selena Santa Cruz
Santa Clara County
From: Beth Calvert <bcalvert7755@yahoo.com>
Subject: Cordova Center in San Martin
Date: July 5, 2012 5:19:53 PM PDT
To: "Colleen.Oda@pln.sccgov.org" <Colleen.Oda@pln.sccgov.org>
Reply-To: Beth Calvert <bcalvert7755@yahoo.com>

To: Colleen Oda colleen.oda@pln.sccgov.org
Department of Planning and Development
70 W. Hedding Street, East Wing
San Jose, Ca 951110
(408) 299-5700 (408) 279-8537 fax
Re: Cordova Center

Ms. Oda,

I am writing in total opposition to the proposed Cordova Center being built in San Martin. I am greatly concerned of the effects a project of this nature would have on the small rural community of San Martin. This project appears to violate the current zoning laws and will bring large amounts of traffic into San Martin thus disrupting the area residents. The Traffic Road Safety Mitigation seems very inadequate by only requiring signage and turn lanes.

The Cordova Center also violates sec. 2.02 of the zoning ordinance, religious institutions shall be limited in scale, and serving the local communities in which they are located. The majorities of San Martin residents are non-Muslim and so will be unable to use this facility and the Cordova Center is not limited in scale since it is proposed to have an Islamic Center, School and Cemetery.

What concerns me the most is the manner in which this project is being presented to the citizens. It is my understanding that the County failed to report accurately the results of percolation tests done on the property, in essence stating that the property passed these tests when in actuality, they failed. I believe there is a real possibility for the potential pollution of nearby drinking water wells and Llagas Creek from the Cordova Center septic system and cemetery. This is totally unacceptable to the citizens of South County.

I am strongly opposing any further approval by the County regarding the Cordova Center.

Sincerely,
Beth Calvert
South Santa Clara County Resident
A BIT OF HISTORY

When the County informed the Public about locating an airport in San Martin, many eastside residents did not join in opposition; because the air traffic pattern was located to the West - from 101 Hwy. to Llagas Avenue claiming that the area would be rezoned industrial and no residential building permits would be issued in that area in the future.

As soon as the Federal Government approved the project and funds were secured, "They" said, "Oh, we didn't know there's an elementary school in San Martin. Now the flight pattern will have to be redirected to the east side. Then we got Palo Alto & Reed-Hillview student pilots doing touch and go landings and banking their turns over our homes (without air conditioning) and our quality of life was decimated.

We had the "San Martin perchlorate stigma". Then we had dead people earning millions to support incorporation & a $53,533 30 year sewer bond that would have been called when selling our property. And these are comments made by SMNA regarding the expansion of the airport runway and adding light jets. 1) The proposed expansion plan is inconsistent with the South County Joint Plan (SCJPAC); (2) The County has not provided sufficient public review for the affected communities and has not answered questions raised by San Martin residents; (3) County consultants and staff have not included a regional analysis in their proposals; (4) the proposal provides little factual documentation and is being rushed through the approval process seemingly in order to avoid careful review, interrogation and open discussion.

SMNA News. July 2010. A great big "Howdy Neighbor" to all of you! There's something special about the lives we live right here in San Martin. From the East Hills to the West, it's all about balance of rustic, simple, or elegant elements, of personal style, that contribute to the breathtaking beauty and unique ambiance of our community.

The Mission of San Martin Neighborhood Alliance (SMNA) is to protect San Martin's rural atmosphere, support positive controlled growth, ensure an influential voice in the local governing body, and provide members with information so they can take an active, informed role in finding solutions to our neighborhood concerns.

Where has SMNA been since 2006 when SVIC filed an application for the Cordoba Center and cemetery?

A small working group filed the 279 page Petition with the State Water Board. Please do your part and help us by sending comments to the County before 07-06-12. If you have not signed a petition, please do so, and return it promptly. WE NEED AT LEAST 200 PEOPLE OR MORE AT THE PLANNING COMMISSION HEARING. PLEASE LET US KNOW IF YOU CAN ATTEND.
THE "SCOPE" OF THE PROJECT SUBMITTED TO THE COUNTY AND WAS APPROVED IS APPROX. 50 ACRES IN SIZE; INSTEAD OF 15+ ACRES.
On June 18, 2012, PCGA filed a complaint with the State Water Resources Control Board (State Board) regarding the manner in which the Central Coast Regional Water Quality Control Board (CCRWQCB) ("regional board") recklessly approved this project.

The Petition included a Request For Stay citing the failure of the regional board to implement South County Plan Policies, noting that residents and property owners in San Martin were never afforded an opportunity to voice our concerns about the Project; which could conceivably be approved before the State Board would have an opportunity to review the Petition if the 30 day Stay Request was not granted."

Furthermore, due to provisions under Separation of Church and State, a religious institution is not required to obtain a license from the State; nor does the State Funeral & Cemetery Office have authority to inspect the cemetery or ablution facility.

The Petition also included: "This Stay Request will protect interested persons or the public residing south of San Martin who could also be substantially burdened with effluent that could escape into aquifers of our wells". The soil is so permeable that effluent could quickly escape into the substrata where no aquitard layer of soil exists to hold back effluent from the cemetery and septic system".

The Planning Office was able to adopted a Negative Declaration; due to the negligence of the regional board who irresponsibly shifted its duty as "lead agency" to the Department of Environmental Health (DEH), Its decision was not based on substantial evidence, for example:

The regional board used data GeoConsultants, Inc. provided, i.e., "Eight wells are located west and southwest of the property....The closest being 200 feet. Standard septic system practice specifies a minimum lateral separation of 100 feet between drainfield and nearby water well; along with the low permeability of the subsoils previously referred to, should mitigate any adverse effects on the wells from the presence of the cemetery!"

GeoConsultants, Inc. used the standard for a septic system (& low permeability of the soil previously referred to for LOT 2; not LOT 3 where cemetery is located); and applied it to the cemetery; and the regional board used that same strategy to approve the cemetery.

NOTE: Under LIMITATIONS it states: "GeoConsultants, Inc. does not guarantee nor warrant that a satisfactory project can be developed at the subject site."
The World Health Organization (WHO) proposed that human and animal remains must not be buried with 820 feet of any well from which potable water supply is drawn. Ann Peden said, "The proposed cemetery does not meet any of these setbacks. Revise location of cemetery to meet the requirements".

On March 20, 2012, two months before the project was approved, the regional board wrote to PCGA stating 1) the Central Coast Water Board understands PCGA is concerned about the potential for pollution from the septic system and cemetery to nearby drinking water wells and the Llagas Creek 2) the Santa Clara County Planning Office is waiting for our response prior to completing their California Environmental Quality Act (CEQA) analysis 3) the Santa Clara County Planning Commission remains the primary decision authority for the land-use policy matters 4) the Santa Clara County Planning Office is the lead on CEQA for the project location & 5) the Department of Environmental Health (DEH) is the lead agency for approving the onsite sewage disposal system.

On May 16, 2012, the Central Coast Regional Water Quality Control Board (CCRWQCB) ("regional board") lead agency for cemeteries, commercial projects and projects that exceed 2500 gallons of wastewater per day approved the cemetery and sent the on-site septic system back to Ann Peden, DEH, for final approval.

The regional board claims that 1) the cemetery and the wastewater disposal system for an *individual domestic wastewater disposal system (septic system)* does not pose a threat to water quality 2) the septic system leachfield is designed for 80 persons and does not exceed 2500 gallons per day and 3) no chemicals or additives are involved in the process of preparing and placing deceased human bodies in the cemetery 4) the required minimum 5 foot separation will be maintained between the highest anticipated groundwater and the bottom of the grave sites and the bottom of the septic leach field trenches 5) the waste discharges are located approximately 150 feet away from Llagas Creek and 6) the majority of stormwater or surface flow across the property is to the south-southeast, away from the Llagas Creek.

PCGA response to the aforementioned regional board's letter:

1) Ann Peden (DEH): "The cemetery is located in an area of high seasonal groundwater. Burials in this location could potentially affect groundwater adversely. Provide an alternative to the currently proposed location of the cemetery in an area where groundwater issues do not pose a hazard to public health and safety"; and
"The septic system leachfields have been designed at a maximum wastewater flow of 80 persons (including employees). Under Santa Clara County Sewage Disposal Ordinances, commercial facilities are designed based on peak wastewater flows. The leachfields need to be resized and designed to meet peak wastewater flows of 150 persons maximum."

"The wastewater flows from the ablution area were not provided in the original wastewater calculations. Please provide the peak wastewater flows per person for this area."

2) Calculations for a domestic system is 10 gallons per person per day. Calculations for a commercial project is 15 gallons per person for an 8 hour period. This facility will be open/5:00 a.m./11:00 p.m./365 days of the year (18 hours/day).

3) The World Health Organization (WHO) states that most existing cemeteries were sited without thinking about potential risks to the local community.

During putrefaction of the human corpse, there is a seepage of decay products into percolating water which contains bacteria, viruses and organic chemical decomposition of products. If the cemetery is located in a porous soil type, (such as exists near Llagas Creek) movement of seepage can be rapid and mix easily with groundwater beneath the site.

This could conceivably be a cause of local epidemics from waterborne diseases where the groundwater is used as a water source. (Llagas Creek recharges aquifers in South County)

Coffins can decompose and release chemical by-products into the environment.

4) Regarding to 5 foot separation between bottom of grave site and highest antiipiated groundwater, the environmental expert PCGA consulted with said:

"Some of the issues you have is that San Martin is close to Llagas Creek where the soil is very permeable, sandy soil. The other problem you have is high groundwater which is a deterrent to installing septic systems that would end up in failure. And, what you have in San Martin when you have porous and highly permeable soil is that you must provide 20' between drain and ground water. You can't get that because it is less than 12 feet to groundwater."

Ann Peden (DEH) and staff found groundwater at 4 feet in June 2006 when the percolations tests were conducted.
NOTE: Llagas Creek is a part of the Llagas Creek/Parajo River/ Monterey Bay Watershed and it is contaminated with E-Coli, Fecal Coli & Nitrates. The following article appeared in the San Benito County Pinnacle on April 23, 2005.

PAJARO IN PERIL, Local Waterway Named as "Most Endangered" in the U.S. The Pajaro River winds its way through 4 counties, Santa Clara, San Benito, and Santa Cruz County collecting contributions from tributaries stretching from Morgan Hill to southern San Benito County before emptying into Monterey Bay National Marine Sanctuary.

6) Stormwater flowing in a southeasterly direction from the project; instead of southwesterly. Flooding has historically been a major problem for immediate neighbors and properties located downgradient and southwesterly from the Cordoba Site.

NOTE: It has been reported that aquifers beneath the ground at different depths and intervals can tip in different directions. This could occur in San Martin and the wells on the east side could likewise become contaminated.

On May 18, 2012, the Planning Office completed an Initial Study stating, "The proposed project would not have a significant impact to any environmental resource. On the basis of this Initial Study, a mitigated Negative Declaration shall be prepared for the project. The project will not significantly degraded the quality of the environment or have substantial adverse effects on human beings directly or indirectly or have any cumulatively considerable impacts.

The basic purpose of The California Environmental Quality Act (CEQA), is to 1) inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities and 2) to prevent significant avoidable damage to the environment.

Per Title 14, California Code of Regulations Chapter 3, Guidelines for implementation of the California Environmental Quality Act (CEQA), Article 11, Sec. 15162(a). When an EIR has been certified or a negative declaration adopted for the project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record one or more of the following:

1) If new information becomes available after adoption of a Negative Declaration, the lead agency shall prepare a subsequent EIR.
2) If the local agency has failed to study an area of possible environmental impact, a fair argument may be based on the facts in the record.

3) It is essential that the environmental assessment (EA) has an accurate, well-conceived, stable description.

4) The negative declaration is inappropriate where the agency has failed to provide an accurate project description or to gather information & undertake an adequate environmental analysis. An accurate and complete project description is necessary for an intelligent evaluation of the potential environmental impacts of the agency's action. Only through an accurate view of the project may affected outsiders and public decision-makers balance the...... and advantage of terminating the proposed Project.

EXAMPLE: Colleen Oda submitted a maximum occupancy of 80 persons for environmental assessment (EA); even though using the State Building Code for maximum occupancy, she calculated 641 for the Mosque/245 for the Multi-purpose hall & 150 children as guests on weekend retreats. (Maximum/1036)

Applicants disagreed with Colleen Oda and submitted 90 persons as maximum to the regional board; AND THE REGIONAL BOARD USED "80" FOR FINAL APPROVAL;

Cordoba Center Description shows 200 maximum; plus 150 children as guests for weekend retreats. Future plans include a school, convalescent home and high school.

Ann Peden said a new percolation test was required to accommodate 150 persons.

Ann Peden stated that percolation tests conducted in 2006 failed; but new tests were performed and are under review; but when PCGA asked for copies of results, Ann sent copies (twice) of the 2006 percolation tests.

Gary Carnes, Project Manger refused to conduct new percolations tests as required by Ann Peden for the current application. Carnes is using 11-08-06 percolation test results for 80 persons. Holes were only excavated to a depth of from 4 feet to 7 feet; not the required 15 feet.

Gary Carnes in his 11-10-11 response letter to Colleen Oda said Ann Peden (DEH) waived the new test requirement and approved use of portable toilets when guests exceed 80 persons.
Ann Peden e-mailed a misleading California Health and Safety Code for using portable toilets for commercial projects, i.e., Section 114335-114363 which covers temporary food facilities regarding hand washing and food preparation for employees; not for hundreds of guests for a high density commercial project.

CEQA calls this unacceptable "convoluted evidence". If Carnes was so confident about LOT 2 passing a percolation test in 2006, why would he want to use portable toilets?

When Colleen Oda made the decision to require an environmental assessment (EA) for only 80 persons, she committed an act of "intentional deception" that could cause injury to thousands of people.

In San Jose Christian College vs. City of Morgan Hill (College wanted to purchase the former St. Louise Hospital for a Christian College), "City" denied the application and "College" filed a lawsuit. The Court awarded in favor of "City"; because investigators found that "College" boasted about plans for 1200 students publicly, but only claimed 400 students for the CEQA Study. "College" violated CEQA Guidelines regarding "FUTURE GROWTH", and failed to include future plans for 1200 students.

Christian College's ratio was 400/1200; Colleen Oda's ratio was 1036/80.

Ms. Oda published A NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION based on an environmental assessment (EA), not a CEQA. THE COUNTY DID NOT PROCEED IN A MANNER REQUIRED BY LAW (CEQA); DUE TO FAILURE TO PRODUCE PERCULATION TESTS RESULTS FOR THE "CURRENT APPLICATION".

WE HAVE UNTIL JULY 6, 2012 TO FORCE THE COUNTY TO REVERSE ITS DECISION ON ADOPTING A NEGATIVE DECLARATION. THIS PROJECT REQUIRES A FULL CEQA ANALYSIS.

TAKE INFORMATION FROM THIS FLIER THAT YOU FEEL CAN ASSIST IN TERMINATING THE NEGATIVE DECLARATION AND WRITE, FAX OR E-MAIL, TO ASK PERTINENT QUESTIONS ABOUT HOW THE COUNTY AND REGIONAL BOARD HAVE VIOLATED COUNTY POLICIES THAT AFFECT WATER QUALITY IN SAN MARTIN.

WE HAD 30 DAYS IN WHICH TO REGISTER OUR CONCERNS. THE DEADLINE IS JULY 6, 2012. In order for PCGA to be effective with stopping this Project, we must write, call, e-mail or Fax our concerns to: Colleen Oda, Department of Planning and Development, 70 W. Hedding Street, East Wing, San Jose, CA 95110; Phone 299-5700; E-mail (ColleenOda@pln.sccgov.org) or Fax 279-8537.
Bill Shoe agendizes matters for SMPAC and SCJPAC. Mr. Shoe violated the Brown Act when he failed to place the Cordoba Project on the agenda; so San Martin residents would have a role in the decision making process prior to the regional board approval & Planning adopting a Negative Declaration.

In June, Mr. Shoe was asked when this project would be on the agenda for SCJPAC & SMPAC. He said, "Oh, this is still in the pre-application phase. It won't we on the agenda for a very long time". Then on June 16th, 2012, the regional board sent their approval letter to the Planning Office.

Write to Bill Shoe (70 W. Hedding St. address); FAX: 288-9198; or e-mail (BillShoe@pln.sccgov.org).

Also, when you e-mail a comment, for example, to Ann Peden, copy Colleen Oda & Bill Shoe, etc. Better yet, also copy: Thea Tryon, Senior Engineering Geologist, Central Coast Regional Water Quality Control Board. (ttryon@waterboards.ca.gov)

More importantly, write to Ann Peden, DEH, 1555 Berger Drive, Suite 300, San Jose, CA 95112; call 918-3400; Fax: 258-5891; or e-mail: (AnnPeden@deh.sccgov.org)

(1) Ask Ann Peden to send you a copy of the percolation test conducted for the "current application"; not the 2006 test results. Ann Peden verified that 2006 tests failed.

(2) How did you evaluate this project - as a "commercial" project or an "individual domestic project". And, how did you arrive at a conclusion that the maximum wastewater disposal flow will not exceed 2500 gallons per day.

USE THE FOLLOWING RURAL LAND USE CODES AND SCJPAC CODES TO SEND QUESTIONS TO PLANNING, DEH and CCRWQCB.

Per R-LU 57, Institutional uses in rural residential areas (Rural Residential General Plan designation) shall be local serving, and may be established only where they serve the needs of the resident population and result in a net overall reduction of travel demand.

Per Sec. 2.02 of the Zoning Ordinance, religious institutions shall be limited in scale, and local serving to the communities in which they are located. In this case, the local community is San Martin. (Not South County)

The majority of residents in San Martin are not Muslims. Non-Muslims cannot use this facility. As a result, this project cannot be approved.
Per R-LU 116, The County endorses the concept of community participation by residents and property owners in the decisions affecting San Martin.

Per R-LU 129, No new septic systems shall be developed in the highly permeable soils near Llagas Creek.

Per R-LU 144, Types of area which have been designated areas of particular environmental concern for development are soils of high permeability.

Per R-LU 145, In areas of soils of high permeability activities permitted should be limited to those uses which:

(a) will not require additional septic systems and
(b) will not add potential for generating significant volumes of organic liquid wastes of nitrates into ground water aquifers.

Per SC 10.2, Close coordination should be maintained between the following agencies and organizations which share jurisdiction and interest relative to South County's water supply and water quality: the Regional Water Quality Control Board, Water District, DEH, County Counsel Office, County Planning, Gilroy Planning Department, Morgan Hill Planning Department and San Martin Planning Committee (SMPAC).

Per 17.5, The Advisory Committee should have a process to review projects of regional significance, decision making and have input relative to southern county issues.

Per 18.14. The existing County General Plan policies regarding development densities and the location of commercial and industrial uses in San Martin should remain in effect.

NOTE: According to the May 18, 2007 article in the Morgan Hill Times, applicants were quoted as follows: "Located west of Monterey Highway just north of California Avenue, the land is zoned for residential uses with a commercial overlay. The project, therefore, does not preclude such a project. And tests show the land is high enough above the water table to allow a septic system, according to preliminary plans". "In addition, SVIC envisions a school & convalescent home". In the San Jose Mercury, they were quoted as adding a hospital and high school.

FACT: Land north of California Avenue is zoned INDUSTRIAL/USE PERMIT AREA; NOT COMMERCIAL/USE PERMIT AREA.

Per R-LU 124, Commercial land uses should be granted within the boundary of the San Martin Commercial Use Permit Area.
PETITION IN OPPPOSITION TO SOUTH VALLEY ISLAMIC CENTER

SUBJECT PARCEL: Two thirds is zoned Industrial/Use Permit Area. It is NOT an appropriate use for Mosque, School & Cemetery.

PERCOLATION TESTS: Percolation tests were conducted by Batz Environmental Consultants. Health Department reported that all three lots failed. Batz reported that all test holes passed.

ZONING FOR RELIGIOUS INSTITUTIONS & CEMETERIES IN SMALL RURAL UNINCORPORATED AREAS state: proposed uses are intended, designed & sized to primarily serve the local rural area. Not intended to serve people from South San Jose to North San Benito County.

YOU DO NOT HAVE TO BE A REGISTERED VOTER TO SIGN THIS PETITION.

NOTICE TO PUBLIC: THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER.

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<th>All signers of this petition must be registered to vote in</th>
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<td>1. Print Your Name:</td>
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Sign As: Registered To Vote: City: Zip:
From: "Georgine Scott-Codiga" <gvscott@dslextreme.com>
Subject: Cordova Center
Date: July 5, 2012 3:45:29 PM PDT
To: <colleen.oda@pln.sccgov.org>

To: Colleen Oda
Department of Planning and Development
70 W. Hedding Street, East Wing
San Jose, Ca 951110
(408) 299-5700 (408) 279-8537 fax

Re: Cordova Center

I am writing in opposition to the proposed Cordova Center being built in San Martin. I am greatly concerned of the effects a project of this nature would have on the small community of San Martin. This project appears to violate the current zoning laws and will bring huge amounts of traffic into San Martin, disrupting the residents.

This Islamic Center, School and Cemetery also violates sec. 2.02 of the zoning ordinance, religious institutions shall be limited in scale, and local serving to the communities in which they are located. The majorities of San Martin residents are non-Muslim and cannot use this facility.

What greatly concerns me though, is the manner in which this project is being presented to the citizens. It is my understanding that the County failed to report accurately the results of percolation tests done on the property, in essence stating that the property passed these tests when in actuality, they failed. This is unacceptable.

I am strongly opposing any furtherance of approval by the County regarding the Cordova Center.

Sincerely,

Georgine Scott-Codiga
Richard Codiga
(408) 842-2129
PEOPLE'S COALITION FOR GOVERNMENT ACCOUNTABILITY (PCGA)
P.O. Box 23
Gilroy, CA 95021

FACSIMILE TRANSMISSION

TO: COLLEEN ODA, PLANNER III

OFFICE: SANTA CLARA COUNTY PLANNING & DEVELOPMENT

FACSIMILE NO.: 288-9198

FROM: People's Coalition For Government Accountability (PCGA)

DATE: July 5, 2012  TIME: 2:35 p.m.

ADDRESS: RE: Cordoba Project File #2145

No. of pages (including this cover letter): 18

****IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE E-MAIL TO: Maria Mello (melloangus@aol.com)

MESSAGE(S): Please acknowledge receipt of this facsimile by sending a message to Maria Mello (melloangus@aol.com)

The information contained in this facsimile is confidential. If you are not the intended recipient, or the employee of the intended recipient, please notify by e-mail or return the original facsimile to the address above. Thank You.
DATE: July 5, 2012
TO: Colleen Oda, Planner III
FROM: People's Coalition For Government Accountability (PCGA)
SUBJECT: PCGA'S COMMENTS REGARDING INITIAL STUDY DATED JUNE 07, 2012; & NEGATIVE DECLARATION/FILE #2145.

RE: A notice, pursuant to CEQA Act of 1970, as amended (Public Resources Code 21,000, et seq.) that the following will not have a significant effect on the environment; and County of Santa Clara Planning Staff reviewed project based on substantial evidence.

I. SPECIAL EVENTS

Staff cannot produce competent evidence to support a septic system capacity for 80 persons.

II. CEMETERY GROUNDS

Ann Peden (DEH) stated that because of high groundwater the cemetery had to be moved to another location.

III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

County staff failed to check 1) Land Use 2) Geology/Soils and 3) Hydrology/Water Quality. Aesthetics & Transportation/Traffic were checked and mitigated.

IV. HYDROLOGY AND WATER QUALITY

a) The percolation results that appear on the Site & Septic Plan for LOT 2 failed in 2006 which was verified by Ann Peden (DEH).

b) Flooding has been a historical problem for the past 50+ years and will be exasperated if this project is approved.

d) Ann Peden (DEH said it would degrade water quality.

DISCUSSION:

As discussed in the biological resources section, Llagas Creek is located on an adjacent parcel north of the site located in City of Morgan Hill. The city limits of Morgan Hill ends 1 mile north of the project site at the corner of Watsonville Road and Monterey Hwy.

NOTE: The staff member who changed the ownership of APN 779-06-001 which is contiguous to the site committed a deliberate fraudulent act.
Negative Declaration
PCGA Comments
Page 2

The negative declaration is inappropriate because the agency failed to provide an accurate project description and to gather information and undertake an adequate environmental analysis. An accurate and complete project description is necessary for an intelligent evaluation of the potential environmental impacts of the agency's action.

The foregoing documentation taken from the administrative record contains substantial evidence supporting a fair argument that the environmental assessment (EA) reviewed by the County of Santa Clara Planning Staff for the proposed project will have a significant effect on the environment.

In the initial study, although the County checked either the "no impact" or "less than significant impact" options, the County failed to cite any evidence in support of its findings, to wit:

1. The "VICINITY MAP" was manipulated by eliminating Llagas Creek as the northern boundary. APN 779-06-001 consists of 60.97 acres and is owned by the County of Santa Clara - Llagas Creek Park - and is contiguous to 779-06-002, the Cordoba parcel. It is not owned by the City of Morgan Hill.

MAP NOTATION READS: This map created by the Santa Clara County Planning Office. The GIS data was compiled from various sources. While deemed reliable, the Planning Office assumes no liability. 2-17-2011-Y Staff Reports Generic Vicinity_map 8½x11 mxd.

2. The Site & Septic Plan used to approve this project located in the upper left hand corner of the Site Plan shows the results of a percolation test that was conducted for LOT 2 failed because holes were not excavated to the required depth of 15 feet; and DEH verified that tests in 2006 failed.

Applicants have never produced results of a successful percolation test that can support 200 persons; plus 150 children on weekend retreats (or for that matter, even 80 people).

3. The consulting geologist filed a geology report in 2007 with the County depicting the scope of the project to be approximately 50 acres; instead of 15+ acres.

The neighbors whose properties were encroached upon asked that the 2007 Geology Report be amended to reflect its true size and to indicate what portion of the 50 acres was studied for suitable soil to build 2/5000 s.f. commercial buildings; but
Negative Declaration
PCGA Comments
Page 3

the County geologist refused stating that two errors did not diminish the validity of the report. (See Exhibits 1 & 2)

4. Nor will the regional board or DEH release the manner in which a final decision was calculated, i.e., "that this project will not discharge more than 2500 gallons per day of wastewater flows."

5. DEH required applicants to conduct new percolation tests for a minimum of 150 persons (instead of 80 persons). But Carnes and Ann Peden (DEH) decided that in lieu of expanding the leachfield, they would use portable toilets.

When PCGA asked for evidence which allows a commercial development to use portable toilets, PCGA received copies of California Health & Safety Code Sections 114336 through 114363. These codes deal with employees and food handling only.

ARTICLE 2, ON-SITE DISPOSAL SYSTEMS provides, "Every place of business, or place where persons congregate and which cannot be connected to a sanitary sewer, must be provided with a water flush toilet sewage disposal system.

SEC. B11-80. Subsurface leaching systems requirements. (g) Commercial sewage disposal systems must be sized based on peak flows.

6. South County Joint Plan Policies provide that San Martin residents and property owners must be included in the decisions regarding development in our community. To date, not one meeting was scheduled in 6½ years; yet a negative declaration has been adopted and the project is ready for a hearing before the Santa Clara County Planning Commission.

Barron's Law Dictionary defines "Fraud" as intentional deception resulting in injury to another. Elements of fraud are: a false and material misrepresentation made by one who either knows it is falsity or is ignorant of its truth; the maker's intent that the representation be relied on by the person and in a manner reasonably contemplated; the person's ignorance of the falsity of the representation; the person's rightful or justified reliance; and proximate injury to the person.

It "usually consists of misrepresentation, concealment, or nondisclosure of a material fact, or at least misleading conduct, devices or contrivance"

The proposed project cannot pass an environmental study
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(EA) or an EIR for our small, rural unincorporated community of San Martin even if it was located in the COMMERCIAL/USE PERMIT AREA because it cannot provide written justification that demonstrates how the project meets requirements of R-LU 57 and Zoning Sec. 2.20.

The majority of people living in San Martin are not Muslim. Non-Muslims cannot use the Cordoba facility. As a result, this project should have been denied in 2006.

(See Planning Office Letter dated September 9, 2011, P. 2, #1), Per Colleen Oda, Lead Agent for the environmental assessment, "The fact remains that the geographic area from which members and visitors are anticipated is truly regional in scope, spanning multiple counties. This fact lends weight to the applicability of policy considerations referenced in South County policy SC 17.6, regarding uses that may more appropriately be located within one of the cities of the South County (Morgan Hill or Gilroy) where urban uses are intended to be located, or uses which have need of urban services and may not be appropriate for a rural unincorporated community such as San Martin".

"This matter of General Plan and Zoning conformance was also raised previously in connection with policy R-LU 57, as noted on previous page. Findings regarding compliance are required to be deliberated and made.

AREA PLANS AND SPECIAL AREA POLICIES: (the Proposed Project is located in a "Special Policy Area"

The General Plan contains two "area plans" or community plans; the 2000 Stanford Community Plan, and the 1989 South County Joint Area Plan which was mutually adopted also by south valley cities of Morgan Hill and Gilroy.

In addition, the Land-Use element contains several sets of special area policies for certain geographic areas of a more limited nature than area plans. A prominent example is the San Martin Plan Area, an unincorporated rural community located between Gilroy and Morgan Hill.

Per SC 10.1, The two regional Water Quality Control Boards that have jurisdiction in South County should reach agreement upon compatible water quality standards for South County and consistent with the State Board's Non-degradation Policy.
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Per SC 18.10, For the current period San Martin should remain an unincorporated, predominantly rural residential community. Issue of its future level of development should be resolved by community residents.

Per R-LU 116, The County endorses the concept of community participation by residents and property owners in decisions affecting San Martin.

The regional board did not implement and enforce the aforementioned "SC" Codes, and, therefore, failed to properly evaluate the project. The regional board arbitrarily came to its decision in absence of compliance with water quality standards for San Martin.

PCGA sent volumes of documentation (which is part of the administrative record) to both the regional board and to Bill Shoe, Planner who agendizes projects for review with both SCJPAC and San Martin Planning Advisory Committee (SMPAC)

The regional board never responded; except to e-mail stating that they received our facsimile.

After being told by Bill Shoe (Planner who oversees projects for San Martin) that the project was still in the pre- application stage; that the SCJPAC Codes are advisory only and we would not be meeting for a very long time, PCGA sent a 4 page letter with 18 pages of documented evidence to Bill Shoe on May 14, 2012. PCGA informed him that the County violated the Brown Act; as well as County Codes specifically stating that San Martin residents and property owners must be involved with the decisions made regarding development in San Martin.

(See e-mail sent to PCGA from Bill Shoe dated 06-12-12); whereby Mr. Shoe stated that the Planning Commission hearing will be held on Sept. 6 at the earliest and the SMPAC meeting will be held before the County Planning Comission meets.

"One caveat with scheduling the SCJPAC meeting is that is may be held any time prior to the Board's final hearing and decision, given that the board and not the Planning Commission is the final granting authority for this bundled Use Permit and Cemetery permit. If things work out, meeting can be held on October 11, without having to schedule a special meeting; then the cities and County will likely favor that approach".

The "regional board", failed to implement and enforce the following water quality policies adopted for San Martin.
The San Martin Planning Advisory Committee was adopted in 1981 to act as the citizen planning committee for the development of the "San Martin Plan" as recommended in the General Plan. The committee is the official policy recommending body of the Board of Supervisors with regard to the San Martin water quality study established in the General Plan for San Martin, and the need for the scope of detailed planning for the San Martin area.

SOUTH COUNTY JOINT PLANNING ADVISORY COMMITTEE (SCJPAC) which was created in 1984 was formed to provide a framework for review of County policy, concurrent with Morgan Hill and Gilroy policies. Specifically, Phase II of the committee was charged with developing criteria for rural/urban land use policies.

Numerous SCJP Codes were adopted specifically for monitoring water quality in San Martin as it relates to development; especially SC 8.0, 8.1, 8.3, 8.4, 8.11, 8.13, 10.0, 10.1, 10.2, 12.0, 13.0, 15.1, 16.15, 17.1, 17.5, 17.6, 17.10, 17.11, 18.11, 18.4, 18.10, 18.13, 18.14; as well as R-LU 57, 114, 116, 119, 124, 127, 129 and 144.

The aforementioned policies were sent by facsimile to Bill Shoe & people who sit on SCJPAC on May 14, 2012.

See "Department of Planning & Development; Cordoba 15+ Acres". The Cordoba project is inconsistent with the South County Joint Plan Area.

Special Area Policies for San Martin:
1. San Martin Industrial Use Permit Area (Not Commercial/Use Permit Area)
2. Habitat Conservation Area
3. Geohazard: County Landslide Hazard Zone
4. FEEMA Flood Zone: D (99.7%)

General Plan & Zoning policies preclude this project from locating in the rural unincorporated community of San Martin.

5. Per R-LU 127, "New commercial land uses that are not near freeway interchanges should be those which provide support services for agriculture or satisfy the local day-to-day commercial needs of the residents of San Martin and do not result in significant additional traffic from outside the community.

6. Per R-LU 124, "Commercial land uses should be granted within the boundary of the San Martin Commercial Use Permit Area".
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6. The cemetery is located in an area of high seasonal groundwater. Provide an alternative to the currently proposed location to an area where groundwater issues do not pose a hazard to public health and safety

7. Per R-LU 129, "No new septic system shall be developed in the highly permeable soils near Llagas Creek.

8. The project has never passed a percolation test; even for 80 persons.

PCGA's argument is that in the initial study, County checked "no impact" or "less than significant impact"; however, County failed to cite any evidence in support of its findings, i.e.,

1) County failed to comply with CEQA because it failed to adequately consider reasonable anticipated future development;

2) County failed to enforce their own staff requirements cited in Planning Office letters dated 07-05-06, 08-20-07, 02-11-11, 05-25-11 & 09-19-11;

3) This project is not consistent with the County General Plan or the South County Joint Plan;

4) the County's initial study failed to consider significant "cumulative impacts"; and

5) Serious public controversy is present regarding this project. A petition was circulated in opposition and a poll was taken by going to each household asking if they were in favor, neutral or in opposition to this project - based on 1) project is not zoned commercial 2) Ann Peden & staff said all 3 lots failed the percolation test; but consultant said all 9 holes passed; and 3) project failed to pass R-LU 57 and Zoning Sec. 2.20 regarding religious institutions and cemeteries located in small, rural unincorporated communities. Opposition has never been about Muslim people or the Islamic religion.

The results of the polling on the Westside of San Martin was 94% Opposed; 5.9% Neutral; and .1% In Favor.

Opposition is solely about serious violations, i.e.,

The administrative record contains a complaint by several neighbors whose properties were encroached upon; which shows the scope of the project to be approx. 50 acres; instead of 15+. Jim Baker, County Geologist refused to ask the consulting geologist to amend this 2007 geology report.
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The most egregious and falsely misrepresented data that was relied on in order to arrive at a decision that "this project will not have any significant effect on the environment" is that there has never been a percolation test conducted for this project; whereby all the holes were excavated the required fifteen (15) feet.

QUESTION: IS THERE ANY EVIDENCE IN THE ADMINISTRATIVE RECORD WHEREBY THE 11-08-06 PERCOLATION TEST WAS APPROVED FOR THIS PROJECT?

THE 6 HOLES THAT WERE EXCAVATED FOR THE 11-08-06 PERCOLATION TEST ( THAT APPEARS ON THE SITE AND SEPTIC PLAN) WERE EXCAVATED TO 4', 5', 5', 7', 7' & 7'. APPLICANTS CLAIM THAT THIS TEST WAS APPROVED FOR MAXIMUM OCCUPANCY OF 80 PEOPLE.

A. HISTORY:

1. The County has refused every inquiry to develop subject property for the past 50 plus years;

2. A "For Sale" sign has been a perennial sight on that property for over 50 years.

3. When a Baptist Pastor scheduled a pre-application meeting, he was not given the opportunity to file a formal application. Staff told him 1) that soil would never pass a percolation test and 2) groundwater was too high.

4. The following article appeared in the Morgan Hill Times on May 18, 2007 - "Mosque Plan Forges Ahead".

"Located west of Monterey Highway just north of California Avenue, the land is zoned for residential uses with a commercial overlay. The property's zoning, therefore, does not preclude such a project. Additionally, the organization has addressed the obvious questions of providing water and sewer in the rural neighborhood. West San Martin Water Company has pledged to provide service and tests show the land is high enough above the water table to allow a septic system, according to preliminary plans".

"In addition, ....SVIC envisions a school and convalescent home....the SVIC group now includes 75 South County families up from 4 in 1999 when the Islamic organization was founded".

NOTE: The aforementioned statements made by applicants regarding commercial zoning and water table are false.
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ZONING:

1. The property is zoned residential uses with a INDUSTRIAL/USE PERMIT OVERLAY MAP. Therefore, this commercial project is precluded from developing on that parcel.

   (See R-LU 124, "Commercial land uses should be granted where use permits are limited in the vicinity where use permits have been previously granted on property within the boundary of the San Martin Commercial Use Permit Area.

2. (See West San Martin Water Company letter dated 05-02-07), whereby the water company agreed to provide water for a "commercial lot".

SEPTIC SYSTEM:

3. (See 07-05-06 Planning Office Letter sent to applicants), P. 3, DEH, 1(b) "This parcel as a whole is in an area of potential high groundwater, as it appears to be in a low-lying area adjacent to Llagas Creek. High groundwater, usually located at less than 15 feet below the natural grade is generally a barrier to installation of a septic system. Areas that are adjacent to creeks are often found to have very rapid percolation rates, which can further restrict the location of a septic system".

   P. 4, 1 (i) "Groundwater was found between 4 & 15 feet.

AUDACIOUS CONVOLUTED EVIDENCE:

4. (See 08-20-07 Planning Office Letter sent to applicants), P. 5 (b) There is a discrepancy relating to the percolation test results as observed in the field by Ann Peden, REHS, DEH staff, and the testing results submitted by Batz Environmental Consulting. All three lots were observed in the field by DEH staff to be failing the percolation test (absorption rate was too slow), however the percolation test results submitted by the consultant show all lots passing the percolation test.

   P. 6, (i) For Lots 1 and 2, all the percolation test holes (6 holes) were figured into the the percolation rate calculation, however, on Lot 3 the consultant performed percolation tests on 9 holes but chose to discard 5 of the 9 because the holes either failed to drain at all, or exceeded the maximum of 120 minutes/inch.
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Lot 3 did not have a sufficient number of passing test results to call this lot's test acceptable, and the acceptable test holes were not contiguous to each other. (COULD THE AFOREMENTIONED CONVOLUTED SENTENCES PASS CEQA?)

P. 6, (iii), A 100% expansion area for the proposed leachfield on Lot 2 is required due to slow percolation rate of the soil, 109 minute/inch. Additional percolation tests will be required to establish the expansion area. Contact Ann Peden to schedule the additional soil profile and percolation tests.

NOTE: The requirement to conduct additional percolation tests to establish the expansion area was made on 08-20-07; but Michael Batz conducted this test on 11-08-06.

P. 6, 1(ii) "soil profiles... were not all excavated to the required depth of 15 feet.

REMARK: Why would Gwen Sax on 08-20-07 request an additional percolation test when a test for 100% expansion was conducted on 11-08-06; 9 months prior to this request made on 08-20-07.

Nothing is included in any of the Planning Office letters about the 11-08-06 percolation test. THE TEST RESULTS, HOWEVER, APPEAR ON THE SITE & SEPTIC PLAN THAT HAS BEEN APPROVED BY DEH TO SERVE 80 PEOPLE. The problem with the 11-08-06 percolation tests is that all 6 holes were only excavated to a depth of 4', 5', 5', 7', 7' and 7'. THE REQUIRED DEPTH IS 15 FEET.

P. 6, (iv), All three lots will be required to have a wet weather groundwater soil profile test due to the presence of high groundwater on three parcels. (THERE ARE ONLY 3 PARCELS)

QUESTION: If DEH reported that all 3 lots failed, how could test results be acceptable for Lot 2 providing an area for 100% expansion is added to the leachfield?

If consultant reported that all 3 Lots (9 holes) passed the percolation tests, why discard 5 of 9 holes?

And, if Lot 3 failed; so did LOT 2, because each lot has identical soils type. (See Exhibit 1)

EVIDENCE: Dan Keith who was hired by the consultant to perform the percolation tests said Michael Batz told him that all holes failed. (See Exhibit 2)
5. (See 02-11-11 Planning Office Letter sent to applicants), Ann Peden stated on P. 7, Environmental Health, "Percolation 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."

Also on P. 7, under Cemetery: Ann Peden wrote: "The cemetery is located in an area of high seasonal groundwater.

Burials in this location could potentially affect groundwater adversely. Provide an alternative to the currently proposed location of the cemetery in an area where groundwater issues do not pose a hazard to public health & safety."

6. (See 05-25-11 Planning Office Letter sent to applicants), Ann Peden stated, on P. 5, item 22, "The World Health Organization (WHO) proposes that human and animal remains must not be buried within 820 feet of any well...... THE PROPOSED CEMETERY DOES NOT MEET ANY OF THESE SETBACKS. REVISE LOCATION OF CEMETERY TO MEET THE ABOVE REQUIREMENTS.

7. (See 09-19-11 Planning Office Letter sent to applicants), Ann Peden stated, on P. 2, #5, The Cordoba Center - Summary Use Chart states there will be events......where expected number of people are 150 persons maximum. "The septic system leachfields have been designed at a maximum wastewater flow of 80 persons maximum including employees). Under the Santa Clara County Sewage Disposal Ordinance, commercial facilities are designed to meet peak wastewater flows of 150 persons maximum. The leachfields need to be resized and designed to meet peak wastewater flows.

P. 2, #6, "The wastewater flows from the Ablution Area were not provided in the original wastewater calculations. Please provide the peak wastewater flows per person for this area.

P. 2, #7, "The Carnes letter, page 2 of 4, #1(d), states the total number of persons present at one time will rarely approach the maximum capacity of 200."

NOTE: THE USE CHART STATES THAT 200 (ADULTS) IS MAXIMUM; 150 CHILDREN FOR WEEKEND RETREATS EQUALS 350 MAXIMUM.

8. (See 09-02-11 E-mail from Colleen Oda to Rick Spohn), "I have confirmed with Ann (Peden) that percolation tests concluded in 2006 failed. For the current application, new percolation tests were conducted and are currently under review".
9. (See 04-09-12 E-mail from PCGA to Ann Peden), "Could you please e-mail the percolation test results for the current application."

(See 04-13-12 E-mail from Ann Peden to PCGA), "Attached please find soil profile and percolation test data for the Cordoba Center septic system. (ANN PEDEN SENT COPIES OF TWO PERCOLATION TESTS CONDUCTED ON 06-14-06 & 11-08-06; NOT THE NEW TESTS CONDUCTED IN 2011 FOR THE CURRENT APPLICATION)."

NOTE: On May 2, 2012, PCGA sent a second e-mail asking for tests results of the current application conducted in 2011. Once again, Ann Peden e-mailed the results of two tests performed in 2006.

10. (See 10-18-11 E-mail from Ann Peden to PCGA), Question from PCGA, "Why was WHO requirement of 820' setback waived by DEH? Response: "The hydrologist report is no longer needed because a wet weather test was done on the parcel to determine high seasonal groundwater levels.

NOTE: Ann Peden has never produced results of a wet weather test conducted for seasonal groundwater in 2006.

FUTURE GROWTH: (Morgan Hill Times Article)

1. 75 families in 2007 grew from 4 families in 1999. Average family is considered to be 4 people; which equates to 300 people in 2007. (HOW CAN IT BE 80 PEOPLE MAXIMUM IN 2012?)

PRAYER HALL AND MULTIPURPOSE HALL:

(See 05-25-11 Planning Office Letter, Colleen Oda stated on P. 2, item 3, " Per California Building Code occupant load standards, it appears that the buildings are oversized. A rough estimate of the 5,000 sq. ft. prayer hall indicates accommodation for 471 to 671 people, and the rough estimate of the 5,000 sq. ft. multipurpose hall indicates accommodation for 245 people. (COLLEEN FAILED TO MENTION THE 150 CHILDREN AS GUESTS FOR WEEKEND RETREATS) (MAXIMUM TOTALS 1066)."

NOTE: The multi-purpose hall was reduced in size to 2800 sq. ft. (MAXIMUM OCCUPANCY REDUCED TO 808 PERSONS). (However, 2,200 sq. ft. could be added for future growth.)

LAND USE AND ZONING CODES:

(See 09-19-11 Planning Office Letter, P. 1, pp. 7, Colleen Oda
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NOTE: The multi-purpose hall was reduced in size to 2800 sq. ft. (MAXIMUM OCCUPANCY REDUCED TO 808 PERSONS). (However, 2,200 sq. ft. could be added for future growth.)

LAND USE AND ZONING CODES:

(See 09-19-11 Planning Office Letter, P. 1, pp. 7, Colleen Oda
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stated, ".....The Cordoba Center Project description notes that proposed users of the facility to include families located in a widespread geographic area outside the unincorporated County jurisdiction. This statement in combination with a proposed building site which could accomodate more people than the proposed occupancy conflicts with the below General Plan policy and South County Joint Area Plan policy."

Per General Plan Policy R-LU 57, institutional uses in rural residential areas (Rural Residential General Plan designation) shall be local serving, and may be established only where they serve the needs of the resident population and result in a net overall reduction of travel demand.

Per Section 2.20 of the Zoning Ordinance, religious institutions shall be limited in scale, and local serving to the communities in which they are located. (COLLEEN ODA (lead agent for this project) TOOK IT UPON HERSELF TO CHANGE THE CODE BY ADDING: "AND SURROUNDING AREA". (The Board of Supervisors can change the language of a county policy; but not Colleen Oda)

NOTE: The majority of people residing in San Martin are not muslim. Non-muslims cannot use the Cordoba facility; therefore, this project cannot be approved.

A MUSLIM CEMETERY CANNOT BE APPROVED UNDER R-LU 57 AND ZONING SEC. 2.20 BECAUSE SAN MARTIN RESIDENTS CANNOT USE THE MUSLIM CEMETERY regardless of what Jeremy Wire of GeoConsultants test showed on April 10, 2012 (the rainfall for 2011/2012 rain season was 58% of normal).

The well located 200 feet from the cemetery has water standing around the entire well and pumping system when we have a normal rainy season. And the owner can put a shovel in the ground and find water.

(See 05-25-11 Gary Carnes letter, P. 2, #5. "SVIC's congregation represents Muslims from all these communities and San Martin offers a relatively central location for the congregants coming from these communities." Colleen Oda stated, "Please demonstrate how this project qualifies under R-LU 57 and Zoning Sec. 2.20"; (nor does it qualify per Colleen Oda under SC 17.6). Gary Carnes gave a non-responsive answer. And, Colleen Oda did not enforce any of the "planning" policies required for this project.

09-19-11 Planning Office letter continued, P. #1, "Although the proposal appears to have striven to reduce the occupancy of the facility, the fact remains that the
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d geographic area from which members and visitors are anticipated is truly regional in scope, spanning multiple counties.

This fact lends weight to the applicability of policy considerations referenced in South County policy SC 17.6, regarding uses that may more appropriately be located within one of the cities of the South County (Morgan Hill or Gilroy) where urban uses are intended to be located.......This matter of General Plan and Zoning conformance was also raised in connection with R-LU 57 as noted on previous page. Findings regarding compliance are required to be deliberated and made.

(GARY CARNES EITHER DID NOT RESPOND INTELLIGENTLY TO REQUIREMENTS COLLEEN ODA INCLUDED IN THE PLANNING OFFICE LETTERS; OR FAILED TO RESPOND AT ALL: YET COLLEEN ODA, LEAD AGENT DEEMED THIS PROJECT COMPLETE ON 01-03-12 AND ALLOWED COUNTY STAFF TO CONDUCT AN ENVIRONMENTAL ASSESSMENT.

Colleen Oda also sanctioned allowing applicants to use a Entertainment Event/Circus License in order to use portable toilets for their over-flow crowds that exceed 80 people. She, herself, said that these guests would come from a widespread geographic area which was not in keeping with the South County Joint Plan. (THEY CANNOT BRING IN PEOPLE FROM OUTSIDE OF SAN MARTIN)

When PCGA asked for evidence sanctioning the use of portable toilets for a commercial project, Colleen Oda e-mailed policies that had nothing to do with with project.

NOTE: Bill Shoe, Planning, refuses to implement and comply with any of the South County Joint Planning Advisory (SCJPAC) "SC" Codes. When PCGA questioned him about agendizing this matter for both the SMPAC and SCJPAC meetings, he said that SCJPAC was advisory only!

(Per R-LU 116, The County endorses the concept of community participation by residents and property owners in the decisions affecting San Martin. (HOW WAS THIS POLICY IMPLEMENTED. BILL SHOE NEVER PLACED THE CORDOBA PROJECT ON THE SCJPAC or SMPAC AGENDA. FINAL DECISIONS HAVE ALREADY BEEN CONCLUDED BY CCRWQCB, DEH AND PLANNING) (CEQA guidelines encourages community participation even when there is no controversy.)

FLOODING:

(See 05-25-11 Planning Office Letter, P. 6, #18), Shelly Theis
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stated, "This proposed development is considered a Category 2 project within the Pajaro River/Monterey Bay Watershed.

(See 02-11-11 Planning Office Letter, P. 5, (b) The development of this site will not cause problems to nearby properties.

A PCGA member collected 75 signatures on a petition that reads: "We, the undersigned, do hereby declare that we are residents or property owners in West San Martin and can attest to the fact that flooding has been a serious problem for adjoining properties; as well as properties located south and southwest of the Cordoba parcel. (RWQCB claims water runs southeasterly).

The signatures were taken from people who reside on California, Colony, Harding, Santa Teresa, Roosevelt, Palamino, Appaloosa and W. San Martin AVenues. Total signatures collected to date is 75. The petition will be circulated south of W. San Martin Avenue after the July 4th holiday. A copy of the petitions will be made available for the Planning Office.

FINALLY, IF DEH CANNOT PRODUCE PERCOLATION TEST RESULTS OTHER THAN THE TESTS CONDUCTED ON 06-14-06; AND THE RESULTS THAT APPEAR ON THE SITE & SEPTIC PLAN CONDUCTED ON 11-08-06, THIS MITIGATED NEGATIVE DECLARATION CANNOT BE FINALIZED.

Colleen Oda has a problem re: asking for written justification that demonstrates how this project meets R-LU 57 & Zoning Sec. 2.20; together with stating that the project does not meet SC 17.6, a South County Joint Area Plan policy.

The aforementioned General Plan policies, DEH requirements, Zoning Codes and South County Joint Plan Codes; together with the administrative record all contain substantial evidence supporting a fair argument that the environmental assessment (EA) reviewed by the County of Santa Clara Planning Staff for the proposed project will have a significant effect on the environment.

The Court awarded the case of San Jose Christian College v. the city of Morgan Hill to Morgan Hill because "College" accounted for only 400 students for the CEQA Study; instead of 1200. Colleen Oda calculated maximum occupancy to be 671/137 (150 children as weekend guests) totaling 958; but she as the lead agent only reported 80 people for the environmental study. College lost their lawsuit with a ratio of 400/1200; Ratio County Planning used was 80/958. College's case sets a precedence which is recognized as authority for the disposition of future cases; which San Martin can use should litigation be forthcoming.
We are writing to voice our opposition to the proposed Cordoba Center in San Martin. As residents of San Martin for the past 25 years we are very aware of the needs of our town. The proposal for a 5,000 sq. ft. Islamic prayer hall, 2,800 sq. ft. Islamic multipurpose hall building with additional Sunday school classrooms, play area and fields, and a proposed cemetery ground of 2 acres is totally unwarranted for our area. This is obviously not intended to meet the needs of the San Martin, Gilroy and Morgan Hill area because the Islamic population is very small, estimated at 2%. Why was this proposal pushed through the system without any opportunity for San Martin residents to be involved in the decision making process? Below are just a few of the many concerns that we would like answers to.

In 2007 an article in the Morgan Hill Times stated that the South Valley Islamic Center envisions a school and convalescent home in the future, while the San Jose Mercury News said SVIC planned to add a hospital and high school. This violates guidelines regarding “Future Growth” because this was not disclosed in the plans submitted for approval. This misrepresentation should be reason enough to deny the application for this project.

Colleen Oda submitted a total of 80 persons maximum occupancy for environmental assessment, however she calculated a total of 1036 persons for State Building Code maximum occupancy. Why this intentional deception and what will be done about this?

The land use was approved as ‘Residential with Commercial overlay, when in fact the property north of California Avenue is zoned ‘Industrial/Use Permit Area. Why was this mistake not noticed and what will be done about this?

2006 percolation tests on this property failed. No results from any subsequent tests have been forthcoming. This is reason to deny this project.

We look forward to hearing what will be done to address these important issues regarding the proposed Cordoba Center.

Sincerely, John and Nancy Murphy

11892 DePaul Circle, San Martin
We are writing to voice our opposition to the proposed Cordoba Center in San Martin. As residents of San Martin for the past 25 years we are very aware of the needs of our town. The proposal for a 5,000 sq. ft. Islamic prayer hall, 2,800 sq. ft. Islamic multipurpose hall building with additional Sunday school classrooms, play area and fields, and a proposed cemetery ground of 2 acres is totally unwarranted for our area. This is obviously not intended to meet the needs of the San Martin, Gilroy and Morgan Hill area because the Islamic population is very small, estimated at 2%. **Why was this proposal pushed through the system without any opportunity for San Martin residents to be involved in the decision making process?** Below are just a few of the many concerns that we would like answers to.

In 2007 an article in the Morgan Hill Times stated that the South Valley Islamic Center envisions a school and convalescent home in the future, while the San Jose Mercury News said SVIC planned to add a hospital and high school. **This violates guidelines regarding “Future Growth” because this was not disclosed in the plans submitted for approval. This misrepresentation should be reason enough to deny the application for this project.**

Colleen Oda submitted a total of 80 persons maximum occupancy for environmental assessment, however she calculated a total of 1036 persons for State Building Code maximum occupancy. **Why this intentional deception and what will be done about this?**

The land use was approved as ‘Residential with Commercial overlay, when in fact the property north of California Avenue is zoned ‘Industrial/Use Permit Area. **Why was this mistake not noticed and what will be done about this?**

**2006 percolation tests on this property failed.** No results from any subsequent tests have been forthcoming. **This is reason to deny this project.**

We look forward to hearing what will be done to address these important issues regarding the proposed Cordoba Center.

Sincerely, John and Nancy Murphy

11892 DePaul Circle, San Martin

Nancy Murphy
As San Martin residents living on California Avenue, we want to go on record as being opposed to the Cordoba project (SCC File #2145). There are NO valid percolation tests for this project and numerous code violations exist. We find it unbelievable that a negative declaration would be issued by the Planning Commission. We do have one question. What formula was used to determine that this project does not exceed 2500 gallons of waste water per day?

Sheryl & Dwight Summers
(sshurers@garlic.com)
County of Santa Clara Planning Office
County Government Center
70 W. Hedding Street, 7th Floor, East Wing
San Jose, CA 95110

RE: Cordoba Center in San Martin

Dear Sirs;

This letter is in regards to the proposed Cordoba Center project located in San Martin, at Monterey Road north of California Ave.

With the proposed events in the proposed Cordoba Center, throughout the days, weeks, and months, how are the amount of persons attending these events to be monitored, in other words, policed enforced? If the amount of persons exceed the maximum, would their used permit be terminated?

Traffic: If the parking areas in the Cordoba Center are full, the County has in their traffic study that parking is allowed on the east side of Monterey Rd. but not on the west side. So will the traffic be policed for the activities for persons walking across Monterey Rd.? If so, is that expense paid by the Cordoba Center, not by taxpayers? With the County allowing parking on the east side of Monterey Rd. and not on the west side, this will surely add to the traffic problem created for the community of San Martin because this center is to accommodate members from South San Jose through San Benito County.

With the construction of the proposed Cordoba Center, your studies state that there will be 4,179 cubic yards of cut. Will there be a full time inspector from the native American Indians to inspect the grounds for American Indian burial grounds? It is well known that the native American Indians exist in this area.

Water Contamination: Water contamination for San Martin, Morgan Hill, Gilroy as well as water from the Llagas Creek flow through and out into the Monterey Bay will be a huge factor if this center is permitted to be built on this property. It is my understanding that because of the permeable soil on the proposed site that domestic animals can not be buried there. But the County is allowing a cemetery in the proposed project? Llagas Creek border lines this project. Animals are not allowed to be buried within 500 ft. from a flowing creek. There is another law, right?, that a cemetery can not be located on grounds lower than the rest of the property. The proposed cemetery is to be located on the southwest corner of the property. This location is at the lowest part of the property with the rest of the property higher and sloping down towards that corner of the property. This property does not have any level ground. In your study of this proposed project, would you please explain the term, "level" slope?

With the serious health concerns, has the County made any studies of water run off from higher ground during the rainy season? The proposed site is all sloped land. Flooding always occurs in the lower lands north of California Ave. and continues south. With the proposed site large cut and the 3,466 cubic yards of fill for building pads for new structures and construction of parking lot areas and driveways this will create more water run off which will flow into neighboring properties, into their water wells, and eventually find its way into the aqua fur in which the West San Martin Water Works supplies potable water for many residents in San Martin.

What happened to R-U57, zoning sec. 2.20? This was adopted for the community of San Martin. Projects that are community serving. The percentage of members of the Cordoba Center living in San Martin is very minimal.

The County is setting itself up for one huge lawsuit from the residents of San Martin. Also, the County denied the Shadow Mountain Baptist Church and the Luisamerica Fish Packing Co. to build because of the permeable layer of soil which the percolation tests failed. If the County allows the Cordoba Center build there, then wouldn’t the Shadow Mountain Baptist Church and the Luisamerica Fish Packing Co. have the right to file a lawsuit against the County as well?

There are so many unanswered questions from the County. The County is pushing this project through every open door where as for anyone else trying to build or improve, they are met up with a solid wall. Why hasn’t the County ever put the Cordoba Center on the SMPAC monthly meeting agenda? This would give the community a chance to speak and be heard or at least have questions asked and answered. The County, so far, has not allowed the residents of San Martin to be heard. The County is not serving the property owners of San Martin. We pay taxes like everyone else.

One last question: What part of fraud does the County does not understand?

Concerned Resident of San Martin,
Janis Jud
ejjud@sbcglobal.net

Please acknowledge receipt of this fax.

Sent from my iPad
I have the following concerns in regards to the Cordoba Center being built in San Martin.

- Per R-LU 57 - Institutional uses in rural residential areas. Rural Residential General Plan designation shall be local serving, and may be established only where they serve the needs of the resident population and result in a net overall reduction of travel demand.
- Per Sec. 2.02 of the Zoning Ordinance. Religious institutions shall be limited in scale, and local serving to the communities in which they are located. In the Cordoba case the local community is San Martin, not the whole south county. The majority of the residents in San Martin are not Muslims. Non-Muslims cannot use this facility and therefore is not local serving. As a result, the Cordoba Center cannot be approved.
- Per R-LU 116 - The County endorses the concept of community participation by residents and property owners in the decisions affecting San Martin.
- Per R-LU 129 - No new septic systems shall be developed in the highly permeable soils near Llagas Creek.
- Per R-LU 144 - Types of area which have been designated areas of particular environmental concern for development are soils of high permeability.
- Per R-LU 145 - In areas of soils of high permeability activities permitted should be limited to those uses which:
  - will not require additional septic systems and
  - will not add potential for generating significant volumes of organic liquid wastes of nitrates into ground water aquifers.
- Percolation tests conducted in 2006 failed. New tests were asked to be performed. What were the results of these tests?
- Land north of California Avenue is zoned Industrial/Use Permit Area, NOT Commercial/Use Permit Area.

Rick and Joy Spohn
13771 Harding Ave
San Martin CA 95046

--

Rick
Dear Mr. Warren,

Thank you for your email with letter.

The date on the Mitigated Negative Declaration - Planning Commission hearing date of July 12th was a tentative date listed on the notice subject to change. Unfortunately, the Cordoba Center Project is not scheduled till the August 2nd Planning Commission hearing date. Responses to public comments will be incorporated within the staff report prepared for the August hearing.

Colleen

Colleen A. Oda
Planner III
Santa Clara County Planning Office
70 W. Hedding St., E. Wing, 7th Floor
San Jose, CA 95110
Phone: (408) 299-5797
Fax: (408) 288-9198
Email: Colleen.Oda@pln.sccgov.org

Please consider the environment before printing this email.

On Jul 4, 2012, at 6:14 PM, Larry Warren wrote:

Dear Ms. Oda,

Please find attached my comments regarding the Mitigated Negative Declaration for the proposed Cordoba Center Religious Facility and Cemetery. I live near the proposed project and do have environmental concerns regarding the project. I did experience loss of personal use of our well for a few years until the perchlorate levels in the water were reduced to an acceptable level so I am very sensitive to potential ground water issues. Incidentally, I live Southwest of the source of the contamination as I do from the proposed Cordoba Project so clearly the ground water does flow in this direction. If the hearing remains the 12th of July, I have travel plans for that date and will not be able to attend the hearing so please make my comments available to the Planning Commission.

Please acknowledge receipt of my email and I would appreciate being informed if the hearing date changes.

Thank you.

Sincerely, Larry Warren
<Cordoba Center comments 2012.docx>
Dear Ms. Oda,

Please find attached my comments regarding the Mitigated Negative Declaration for the proposed Cordoba Center Religious Facility and Cemetery. I live near the proposed project and do have environmental concerns regarding the project. I did experience loss of personal use of our well for a few years until the perchlorate levels in the water were reduced to an acceptable level so I am very sensitive to potential ground water issues. Incidentally, I live Southwest of the source of the contamination as I do from the proposed Cordoba Project so clearly the ground water does flow in this direction. If the hearing remains the 12th of July, I have travel plans for that date and will not be able to attend the hearing so please make my comments available to the Planning Commission.

Please acknowledge receipt of my email and I would appreciate being informed if the hearing date changes.

Thank you.

Sincerely, Larry Warren

[Attachment: Cordoba Center docx (13.6 KB)]
After reviewing the **NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION** for the proposed Cordoba Center Religious Facility and Cemetery, I believe there are very important factors not considered in this decision.

1. The Planning Staff is surely realistic enough to realize that a facility of 5000 Sq. ft. with a maximum capacity of 641 will not permanently limit itself to 80 people maximum or 150 for limited special events. It is my understanding that future growth must be considered before approval. Other projects have been turned down because of future growth. No numbers were given for growth and it appears no research was done on growth rates of other similar mosques. If indeed the maximum is to remain at 150 forever and drain field tests are conducted which support this number, then the facility should only be approved for ⅓ the planned size.

2. The drain field was approved by the Regional Board for a maximum of 80 people not 150 or more. If there are percolation tests to support the maximum number of people, then they should have been made available to the public before any Mitigated Negative Declaration was made. If such tests do exist, then what mechanism is in place to monitor and enforce the maximum numbers?

3. Special Events in the Mitigation Report cites several events that will occur with an attendance of up to 150 persons including a Community Soup Kitchen. I don’t believe any Soup Kitchen open to the public operates as a special event. They are typically open every day. Under Cemetery Grounds it is stated that 150 persons is not to exceed 6 planned events per year and a Community Soup Kitchen is not included in the 6 events.

4. Outdoor Play Area and Field Events will require the use of the rest room facilities and the numbers given are 165 people without considering food preparation & serving and other volunteers needed for events such as this. Based on similar children retreats a realistic total number of people is at least 250 people. A similar children’s event in the same immediate area a couple of weeks ago had 135 children with an additional 105 volunteers required to make it happen. The report says there will be 10 such events annually which on top of the the 6 special events makes portable toilets a totally unacceptable solution.

5. I could find no information that investigation was done to determine if there would be an impact on wildlife in the Llagas Creek area.

What is most disturbing to myself and others is that this proposed project is not having to meet the same requirements as that of other proposed projects in the area which were turned down. This certainly does not create a favorable public opinion for the Cordoba Project. I live a short distance south of the proposed project and a few years ago I made plans to enlarge our kitchen. Even though the number of occupants of our home, two, would remain the same I learned I would have to substantially increase our drain field because of the added square footage. In other words, the drain field requirement was based on the potential number of people not the number we planned. Applying this criteria to the proposed project says the drain field should support 641 people for the mosque plus 245 people for the multi-purpose hall without even considering the children in the play field areas.

Sincerely, Larry Warren
Dear Sylvia Hamilton,

Sorry that we didn't get a chance to talk today. I've been busy helping customers as Thursday afternoon is my assigned counter shift. A lot of people coming in before the 4th of July holiday. Just got to your voicemail and email just now as I have been away from my desk most of the afternoon. I will be back in the office on Thursday and Friday, so you are welcome to give me a call then.

Bill Shoe may be able to assist you in your question regarding "Local Serving." Bill is very familiar with the County General plan policies can be contacted at (408) 299-5749, Bill.Shoe@pln.sccgov.org. I believe that Bill will also be back in the office on Thursday and Friday.

There are a number of sections of the County zoning and code sections that refer to cemeteries. I'm not sure what in particular you are looking for. Perhaps we can discuss this further on Thursday. County Code Section B6 "Cemeteries." concerns Cemetery Permit findings and notification requirements. Section 4.10.080 of County Zoning Ordinance details supplemental findings for Cemeteries. Section 2.20 of County Zoning Ordinance in Table2.20-1 identifies that cemeteries are required to obtain Use Permit/ASA. Regional Water Quality Control Board is the authority for water quality issues pertaining to the cemetery. RWQCB's evaluation is online on County Planning Office website for reference at www.sccplanning.org. Click on Environmental Documents. The Initial Study, Mitigated Neg. Dec., groundwater study, traffic study, and RWQCB evaluation are all posted. I hope this helps in what you are looking for. If not, feel free to give me a call later this week.

Sincerely,
Colleen

Colleen A. Oda
Planner III
Santa Clara County Planning Office
70 W. Hedding St., E. Wing, 7th Floor
San Jose, CA 95110
Phone: (408) 299-5797
Fax: (408) 288-9198
Email: Colleen.Oda@pln.sccgov.org

Please consider the environment before printing this email.

On Jul 3, 2012, at 2:43 PM, Sylvia Hamilton wrote:

Hi Colleen,

Please direct me to the section(s) of Santa Clara County 'Cemetary' and 'burial' guidelines, regulations and/or policies. This is obviously time-sensitive.

Another question -- what is County's definition of 'Local Seving'?

I look forward to hearing from you.

Thanks,
Sylvia Hamilton
(408) 683-2667
Hi Colleen,

Please direct me to the section(s) of Santa Clara County 'Cemetary' and 'burial' guidelines, regulations and/or policies. This is obviously time-sensitive.

Another question -- what is County's definition of 'Local Seving'?

I look forward to hearing from you.

Thanks,
Sylvia Hamilton
(408) 683-2667
TO: County of Santa Clara Planning Office  
70 West Hedding Street  
7th Floor East Wing  
San Jose, California 95110  
FROM: Karen Harley  
PO Box 24  
San Martin, CA 95046  
Re: Cordoba Center Project San Martin California  

Dear Department of Planning and Development,

This letter provides comments regarding the Cordoba Center Project based on review of the following planning documents:

1) Intent to Adopt a Mitigated Negative Declaration dated June 6, 2012  
2) Initial study Environmental Checklist and Evaluation for Santa Clara County dated May 18, 2012, and  
3) California Water Board letter dated May 16, 2012

This review has revealed significant issues that do not appear to be adequately addressed for the proposed project. These issues cause concern about the sufficiency of mitigations for the identified negative impacts to water quality, adequacy of the number of parking spaces planned and the lack of a defined process for monitoring compliance to capacity limits if this project is approved in its current form. Each concern is addressed below.

Water Quality

The letter from the Central Coast Regional Water Quality Control Board dated May 16th 2012 (#3 above) states "staff has determined that the proposed cemetery and waste water disposal system for the Cordoba Center Project does not pose a threat to water quality if properly installed and operated." This determination is dependant on the validity of the assumptions about the population that will be serviced by the Cordoba Center, the design criteria applied in planning the project, and once the project is completed, operation of the facility in conformance with those assumptions and criteria.

As to assumptions about the population serviced, the septic system is being sized to accommodate utilization by 90 people on a daily basis. This appears to be based on the registered membership population of the Islamic Center (currently about 75 Muslim families). The following excerpts from a May 11, 2007 Morgan Hill Times article, however, indicate a larger population which should be anticipated for facility utilization:

[Obtained from URL http://www.morganhilltimes.com/search/?t=article&q=muslim+community+center]
Note - This URL should all be on one line.

"We have a very fast-growing Muslim community in this area, with a lot of them moving from Silicon Valley," said Sai Akhter, a local developer and president of the organization's board of directors.
The Islamic Center, founded in 1999, has about 75 families registered as members, but Akhter believes the project will help attract many more of the estimated 300 Muslim families between Hollister and Morgan Hill.

Waste Water Disposal - Basing water quality requirements on the 75 families that are currently registered members of the Islamic Center does not consider the larger Muslim population in the area who will likely be attracted to the center and also any normally anticipated growth when new families move into the area. This growth will assuredly accelerate once the Cordoba Center is built and begins to attract more families and relatives of the existing member families as well as
the other Muslim families already in the area. Consequently, it appears that the project is being
under-sized right from the beginning.

The Cordoba Center Summary Use Chart indicates there are 31 events per year that will exceed
the 900 gallon usage per day (this is for 90 persons at 10 gallon usage per person per day). This
estimate is already approaching on average one exceeding event per week. If there is more
usage than envisioned by the assumed utilization model, or if there is growth that has not been
adequately considered, many more events will move into the exceed category. For all practical
purposes, the result would be a facility operating in a nearly constant state of overuse.

The mitigation for facility overuse proposed in the planning is to employ usage permits for larger
events that will require portable toilets. Who will monitor that this happens as events grow in
number and size? When people go to these events, who will ensure that portable toilets will be
used? As an example, I would wait in line for a regular toilet instead of using a portable one. As
a consequence, portable toilets may get very little usage, causing flows into the permanent
facilities to be higher than planned. No evidence has been included in the planning documents
as to what empirical data was used to estimate the extent of usage of portable toilets when the
permanent facility toilets remain available for use. The only way to ensure that the portable
toilets are used is to lock the doors of the permanent toilets whenever the usage of the center
exceeds the design capacity. This, however, could potentially have health consequences as the
provision for wash-up in portable toilets is typically minimal unless full size sinks are included in
each portable toilet. The potential negative impact to health has not even been addressed in
planning documents.

It should also be noted that the design criteria applied in sizing the waste water disposal system
appears to be considerably less stringent than as applied to new development of single family
residence septic systems in Santa Clara County, which has required at minimum a 1500 foot
length leach field (times two for switchover if needed). The plan for the Cordoba Center Project
currently shows just 1100 foot length (x2). The appropriateness of applying such relaxed criteria
for a facility that will most likely be over utilized (either at the outset or in the near future) should
be justified in the planning documents.

Cemetery - The requirements for the cemetery appear to be minimal. When my mother was
buried in a different state that depends on agriculture and individual wells, my family was
required to have a casket meeting certain requirements and a vault for the casket. These rules
were in place to protect the water supply. Are there required inspections for the cemetery to
ensure that the soil conditions at each gravesite are consistent with the slow percolation as
measured at the test locations? Will the community be informed when the Cordoba Center
moves to the next step of cleansing of the bodies on site?

Even though ground water level measurements and separation calculations appear to indicate
ground water will not be affected, when you drive Monterey and California Avenues on a daily
basis for over thirty years you see a site that has been flooded during wet winters. During the
winter of 1982/1983 water level was very high and major portions of the entire valley floor were
visibly flooded. California Avenue was impassable for a time with several feet of flood water
covering the road from Harding to Monterey. The entire parcel adjacent to the Cordoba Center
Project as well as the nearly level portion of the designated cemetery area of Cordoba Center
Project parcel was flooded. Planning for this site should consider ground water level data that
goes significantly further back in time than 2005. In addition, the dates of these measurements
should be correlated with the dates of the most severe flooding experienced for this site. If well
water level measurements are not available for the dates of severe flooding then this data should
be estimated by evaluating the water level of the floodwater observed against the site
topography and establishing the groundwater height for wells covered by or adjacent to the
floodwater to be at the same height as the groundwater. This method will yield significantly
higher maximum groundwater estimates for this site. This should not be a showstopper for this
project provided that the area designated for the cemetery be moved higher up the slope of the
hill to a point where the minimum separation from groundwater will be maintained during times of flooding. One approach that would provide an immediate solution would be to make the portion of the cemetery at the highest point on the hill the designated initial area for the cemetery and then grow the cemetery down the hill in subsequent expansions of the facility when better floodwater height estimates could be adequately examined.

With a community that has already suffered the effects of Olin water contamination (PCBs), we need to be protected from threats to our water supply.

Parking

Adequate parking is another issue that initially appears to meet current guidelines but leaves no room for anticipated growth. Many of the current events listed are at maximum parking space utilization. No-Parking signs are proposed for Monterey Road. Where will excess cars park? On California Avenue? This is a two lane country road that has joggers, horses, farm equipment and 2 way traffic. California Avenue is not sized for street parking. Since there is no provision for parking anywhere on this road shouldn't No-Parking signs also be installed on California Avenue?

There is also concern with the persons-per-car calculation methodology used to arrive at the number of parking spaces. This method may underestimate the number of cars during peak periods. The 2.5, 3.5, and 4.5 people per car estimates don't appear realistic when considering that many families may arrive in 2 or even more cars when they arrive from different locations. Busy families often meet at events, arriving from different starting locations. Again, as the center grows, more spaces will be needed and there is currently no mitigation planned to protect California Avenue from overflow parking.

Monitoring

The excerpt from the water board letter cited above ("...the Cordoba Center Project does not pose a threat to water quality if properly installed and operated") illustrates a major problem with the approval of this project. There is no process identified to effectively monitor and ensure this project will meet guidelines going forward. Approved utilization capacities intended to ensure water quality and parking space adequacy can't be maintained if the utilization increases even by a small amount. Growth is a natural expectation as people move to the area and the facility already appears to be on the verge of over utilization based on the planning calculations. Local San Martin and Morgan Hill residents of the vicinity should not be expected to be monitors for compliance with these approvals. If it becomes visibly apparent that the facility is being over utilized on a regular basis then private citizens will likely feel the necessity to report such incidents. This situation should be avoided as it would most likely result in tensions between the local community and the Muslim community serviced by the center. It would be very unfortunate if this situation could have been avoided by addressing the above concerns, incorporating further mitigations as needed and sizing the capacity requirements of the facility to meet near-term utilization anticipated.

Conclusion

Based on review of the aforementioned planning documents it appears that serious issues remain with the sufficiency of planned mitigations for the negative impacts from the Cordoba Center Project. These issues, if addressed and incorporated into the planning documents and any resulting changes updated to the Cordoba Center Project plans will provide a better development that would be more suited to the constraints of the site location.

Thank you for considering these concerns regarding this project.

Karen Harley  
Karen Harley 1/2/2012
Dear Mr. Soe and Ms. Oda

My father, Hudson Barrow, drilled water wells in the South county for over 35 years, including the wells on many of the properties along Harding Ave, Colony Ave, California Ave. the well on the proposed Cordoba Center and along Llagas Creek, Llagas Ave. East and West Middle Avenues plus many more in the south county. We had a scare a few years ago with the perchlorate contamination that infected so many wells. Contaminates in the ground seep into the water strata and flow anywhere. This past experience should show all of you, but, especially the Water Board that the proposed Cordoba Center will definitely effect the ground water EVERYWHERE and eventually will affect our health.

Please rethink, re-audit, reevaluate re-TEST any and all decisions having to do with this highly populated corner that will DEFINITELY pollute the ground water with the usage daily of gray water, but, most importantly pollute with BLACKWATER. The population of the proposed site including school, mosque, multipurpose hall, and future grade school, convalescent home and high school needs ALL testing to incorporate the number of people using the plumbing/septic system when at full capacity and not at the small numbers used in prior tests. If the Center is going to use portable toilets for the overpopulation (what a eye sore as well as an odor problem) - GET REAL. It looks good on paper and may satisfy a few of you for your vote, but, once the buildings are built none of you will be there to audit the number of people using the toilets.

The ground water is very porous and less than 14 feet down. The probability of BLACKWATER contaminating the Llagas creek is very real. When, not if, Fecal Matter and Sewage discharges from leaking septic tank get into the ground water if ingested can cause polio, cholera, typhoid fever, dysintary, infectious hepatitis and other health problems including death - especially to our young and old. You, We, ALL of us know that people will get SICK and DIE. YOU - ALL of YOU that allow this to go forward WILL be guilty. Can you live with yourselves.

Please - reevaluate R-LU 116; R-LU 129; R-LU 144; R-LU145; SC 10.2; 17.5; 18.14.

ALL of these say NO -

PLEASE don't approve of this Cordoba Center.

Sincerely - praying for the future of San Martin

Marilyn Barrow
PS I sent this earlier to Thea Tyron and Ann Peden and yourselves, but, left the . out of your email address - Sorry
Hi Colleen, this was not a recent permit request. The Shadow Mountain Church has resided in Morgan Hill for at least 10 years.
You did not respond to my concern about the cemetery. It is unacceptable to consider, let alone permit, a cemetery in a community where water is solely supplied by wells! What will it take for those who are determining the ill-fate of our San Martin community to come to their senses to know that this is UNACCEPTABLE? The parcels at the corner of California/Monterey Rd flood! It is a lake in the winter time! And the water table fluctuates (according to your own reports on file) as high as 8'! Bodies will be buried between 5-6' deep. I DO NOT WANT TO BE CONTAMINATED BY BACTERIA OR VIRUS as a result of your negligence. Again, I state, this is WRONG Colleen!
Connie Ludewig

From: Colleen Oda <Colleen.Oda@pln.sccgov.org>
To: Connie Ludewig <clidewigs2@sbcglobal.net>
Sent: Monday, June 25, 2012 8:24 PM
Subject: Re: [SMNA] Cordoba Center Religious Facility and Cemetery Environ. Assessment

Connie,

I'm sorry that I did not respond to your inquiry earlier. There are a lot of letters, so far 10 that have been submitted over the past few weeks. It is standard protocol to prepare responses to all the letters at the same time when the public review period is finished in the response to public comments section of the Planning Commission staff report. All the comment letters will be attached to the Planning Commission staff report for the Planning Commission's consideration and staff will prepared written responses to comments in the staff report being prepared for the hearing.

In researching the Planning database, I could not find any application from Shadow Mountain Baptist Church to build on the same property as the Cordoba Center proposal, and no applications at all for any site in the County.

Colleen

Colleen A. Oda
Planner III
Santa Clara County Planning Office
70 W. Hedding St., E. Wing, 7th Floor
San Jose, CA 95110
Phone: (408) 299-5797
Fax: (408) 288-9198
Email: Colleen.Oda@pln.sccgov.org

Please consider the environment before printing this email.
Hi, Colleen. My name is Adam Filipp and I had a chance to review the initial study and mitigated negative declaration. I was wondering whether there are any fences and/or other obstacles between the facility and the 150 ft setback from Llagas Creek, that will impede Wildlife movement.

Thank you,

Adam Filipp
I am responding to the plan for construction of a mosque and cemetery in our community. I am totally in support of religious freedom, and do not oppose the construction of ANY facility for worship, if it fits the needs of the community. I accept that we have a meaningful population of Muslims in our area, and a conforming place of worship for these neighbors is understandable. However, this proposal is, admittedly, by the leaders, for the purpose of serving a far-reaching Muslim population, which appears to be in direct conflict of the intent of Zoning Ordinance Section 2.20, and the intent of R-LU 57, wherein each specifies the conditions of "local-serving", "intended, designed, and sized to primarily serve local rural unincorporated population". Additionally, I am fully suspect and opposed to the plan to create a cemetery. I doubt that the local Muslim population is such that there is need for a cemetery in our community, and it would seem the plan would again be for it to serve a far-reaching Muslim population. There is surely a Muslim cemetery in other parts of Santa Clara Co. where local Muslims can bury their loved ones. The question of health and safety for our water supply alone looms large, and again, this would NOT be a service to the general needs of the local population. More give and take discussion would be valuable for our community to understand how or why the County would even begin to think this is a "legal" interpretation of the Zoning Ordinance or R-LU 57.

Respectfully,

Vicki Wittman (26 year resident)
1755 Horseshoe Ct
San Martin, Ca 95046
Dear Ms. Oda:

I am a concerned resident and am voicing my opposition to the proposed Cordoba Center in San Martin. The applicant proposes to construct two 5000 square foot buildings, playground with covered areas and burial cemetery on 2 acres. The applicant also claims that the buildings are for Friday prayer services for "50 persons maximum", and nightly prayer services during the month of Ramadan for "30 persons maximum". During the month of Ramadan, people could potentially come from farther away - they need to pray at specific times; and traveling on highway 101 into San Martin could cause massive congestion on roads into San Martin.

If the applicant is claiming that the Mosque/ Community Center will only serve 30 to 50 people, then why is there a need for a 5000 square foot building for 30 to 50 people? It does not appear that they are planning to serve the local community. Currently, there are mosques in Salinas and San Jose. These facilities serve their local populations.

I am writing this to inform you of the potential of massive traffic congestion and disruption to the local community if this proposed Cordoba Center is approved because this center clearly will not be serving our local community.

Sincerely,

Suzanne Rodriguez
1515 Quail Walk Drive
Gilroy, CA 95020
This email notification is written to inform you that the Environmental Assessment for Cordoba Center Project is now available to view on the Planning Office website.

Go to http://www.sccplanning.org/, and click on Environmental Documents.

The public review period for the EA started on June 7, 2012 and ends on July 6, 2012.

Hi Colleen,
Several years ago I had a conversation with the pastor of Shadow Mountain Baptist Church. I was told the county did not grant permits for them to build their facility at the corner of California/Monterey Rds...same site as the proposed Mosque development. I cordially request information concerning this.

My understanding in reviewing the Integrated Design Plan for San Martin, is that the county is definitely in violation by considering this development. I would like to suggest that all staff and elected officials who are in favor of a cemetery at this location come live here. I cannot imagine that any would feel comfortable risking bathing and drinking the contaminated water for themselves, let alone their loved ones, by ingesting bacteria and virus that will leach from deceased bodies! Additionally, the parcel for the proposed cemetery floods! Is anyone remotely familiar with this location? I really do not believe you or the others involved have taken the concerns that are being voiced seriously. This is not about being politically correct!
I have followed the SVIC website for years. They have clearly stated that their goal is to serve all of the bay area to San Benito county. This is not local serving Colleen. More people attend the present services on Columbet Avenue NOW, than they your documents anticipate that will attend. This is wrong Colleen!

Connie Ludewig
To submit comments, please contact Colleen Oda at Colleen.Oda@pln.sccgov.org, or hardcopy mail to Santa Clara County Planning Office  ATTN: Colleen Oda at 70 West Hedding Street, East Wing,7th Floor  San Jose, CA  95110.

Colleen A. Oda
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San Jose, CA  95110
Phone: (408) 299-5797
Fax: (408) 288-9198
Email: Colleen.Oda@pln.sccgov.org
San Martin Neighborhood Alliance mailing list
Alliance@smneighbor.org
http://smneighbor.org/mailman/listinfo/alliance_smneighbor.org
From: "melisseb"<melisseb@sbcglobal.net>
Subject: Cordoba project
Date: June 17, 2012 11:57:31 AM PDT
To: <Colleen.Oda@pln.sccgov.org>
Cc: <melisseb@sbcglobal.net>

Dear Ms. Oda-

In regards to the proposed Cordoba center & cemetery let me start by stating that I am not opposed to this project due to any religious reasons. In fact I lived in Indonesia for several years and am very fond of Muslims in general. I am opposed to this because I live in San Martin with a well on my property and am worried about potential dangerous substances leaking from the cemetery into my water supply. Furthermore:

1. This project has never passed a valid percolation test. The soil is so permeable that the effluent from the leach fields and cemetery will escape into the aquifer of our wells and drinking water.
2. General Plan Policy R-LU 57, institutional uses in rural residential areas (Rural Residential General Plan designation shall be local serving, and may be established only where they serve the needs of the resident population”.
3. Per Section 2.20 of the Zoning Ordinance, religious institutions shall be limited in scale and be local serving to the communities in which they are located. In this case, the local community is San Martin. Furthermore, R-LU 57 states: “The proposed uses are intended, designed and sized to primarily serve the local rural unincorporated population.

Please note, I am against building the proposed Cordoba center and cemetery.

Best regards-
Melisse Basso
1100 E. Middle Ave.
San Martin, CA 95046
Colleen,

In regards to the Cordoba Center:
I am interested in the study of populations in south Santa Clara County.
Could you please provide or point me in the right direction for information of our Muslim population in San Martin and secondly the percentage for the population for Gilroy, San Martin and Morgan Hill Combined? Thank you in advance for your assistance.

Dave
Dear Ms. Colleen:

Please inform us, as citizens of the San Martin area, what SC approvals and testings have been done to allow this facility and cemetery in San Martin for the Cordoba Center Project?

From what I understand, the soil tests did not meet the Santa Clara County standards, nor was the community informed of the high water tables in the proposed property site that may be compromised by such a site proposal of a cemetery?!

This should never be considered as any kind of "religious freedom" or political issue, (as it is seems to be insinuated by some), but a strictly building issue, safety and desires of this present community.

Families in this area have already been exposed to preclorate issues and dangers for years. Now must we also worry about further water table contamination issues?

What tests were approved and soil analysis passed by your department and with what proof of safety to the community here? Why hasn't this issue been listened to by the very people who live in this area who have requested your clear explanation from Santa Clara County?

Your informed facts of "proof of due diligence" would surely be appreciated for the people of San Martin.

A concerned citizen,
San Martin resident
G. Serrano
Hi Colleen. I’m surprised this has been allowed to go through since the peculation tests all failed. Can you point me to the latest results of those tests, thanks.

On Mon, Jun 11, 2012 at 9:26 AM, Colleen Oda <Colleen.Oda@pln.sccgov.org> wrote:

This email notification is written to inform you that the Environmental Assessment for Cordoba Center Project is now available to view on the Planning Office website.

Go to http://www.sccplanning.org, and click on Environmental Documents.

The public review period for the EA started on June 7, 2012 and ends on July 6, 2012.

To submit comments, please contact Colleen Oda at Colleen.Oda@pln.sccgov.org, or hardcopy mail to Santa Clara County Planning Office  ATTN: Colleen Oda at 70 West Hedding Street, East Wing,7th Floor San Jose, CA  95110.

Colleen A. Oda
Planner III
Santa Clara County Planning Office
70 W. Hedding St., E. Wing, 7th Floor
San Jose, CA  95110
Phone: (408) 299-5797
Fax: (408) 288-9198
Email: Colleen.Oda@pln.sccgov.org

Please consider the environment before printing this email.

--

Rick
I am totally opposed to this project. I have lived in SM since 1997 - we don't need a cemetery, church or another problem in San Martin.

Pat A. Forst
Forst Commercial Real Estate
1885 The Alameda #100-D
San Jose, CA 95126
DRE #00779824
408-260-2412
408-260-2413
408-234-8127 (cell)
Ok I get that part but there are for sale signs up on the land now? Is that just a lie to keep the public from knowing. Why is the county not advising us about the status this project? Why is everything a secrecy? Who is accepting money?

--- On Mon, 6/11/12, Colleen Oda <Colleen.Oda@pln.sccgov.org> wrote:

From: Colleen Oda <Colleen.Oda@pln.sccgov.org>
Subject: [SMNA] Cordoba Center Religious Facility and Cemetery Environ. Assessment
To: "Colleen Oda" <Colleen.Oda@pln.sccgov.org>
Date: Monday, June 11, 2012, 9:26 AM

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Fax: (408) 288-9198
Email: Colleen.Oda@pln.sccgov.org

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-----Inline Attachment Follows-----

San Martin Neighborhood Alliance mailing list
Alliance@smneighbor.org
http://smneighbor.org/mailman/listinfo/alliance_smneighbor.org
From: <suzanne@littel.com>
Subject: RE: [SMNA] Cordoba Center Religious Facility and Cemetery Environ. Assessment
Date: June 11, 2012 11:42:42 AM PDT
To: "Colleen Oda" <Colleen.Oda@pln.sccgov.org>

Aamir Jamil says the groundwater won't be a problem. Move along folks, nothing to see here.

-------- Original Message --------
Subject: [SMNA] Cordoba Center Religious Facility and Cemetery Environ. Assessment
From: Colleen Oda <Colleen.Oda@pln.sccgov.org>
Date: Mon, June 11, 2012 9:26 am
To: Colleen Oda <Colleen.Oda@pln.sccgov.org>

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�니다 Please consider the environment before printing this email.

San Martin Neighborhood Alliance mailing list
Alliance@smneighbor.org
http://smneighbor.org/mailman/listinfo/alliance_smneighbor.org
But the land is for sale?

Sent from David

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