Final

BAY AREA VIPASSANA CENTER PROJECT

Final Environmental Impact Report

State Clearinghouse No. 2024030083

Prepared for
County of Santa Clara
Department of Planning and Development

September 2026

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1731 Technology Drive
Suite 880
San Jose, CA 95110
408.660.4000
esassoc.com

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Acronyms and Other Abbreviations

Abbreviation	Definition
BAVC	Bay Area Vipassana Center
CAL FIRE	California Department of Forestry and Fire Protection
Caltrans	California Department of Transportation
CEQA	California Environmental Quality Act
cfs	cubic feet per second
County	County of Santa Clara
dBA	A-weighted decibels
Draft EIR	Draft Environmental Impact Report
DWR	California Department of Water Resources
Final EIR	Final Environmental Impact Report
GDE	groundwater dependent ecosystem
General Plan	Santa Clara County General Plan
GMP	Groundwater Management Plan
gpd	gallons per day
Habitat Plan	Santa Clara Valley Habitat Plan
HCP	habitat conservation plan
LSAA	Lake and Streambed Alteration Agreement
LSCE	Luhdorff and Scalmanini Consulting Engineers
MMRP	mitigation monitoring and reporting program
NAHC	California Native American Heritage Commission
NOP	Notice of Preparation
Operating Rules	“Operating Rules for Water Supply Facilities in the Uvas and Llagas Watersheds”
OWTS	on-site wastewater treatment system
Project	Bay Area Vipassana Center Project
Proposed MND	Initial Study and proposed Mitigated Negative Declaration
RWQCB	Regional Water Quality Control Board
State Water Board	State Water Resources Control Board
Valley Water	Santa Clara Valley Water District

Key Terms

The terms necessary for a clear understanding of the process being undertaken by the County of Santa Clara Department of Planning and Development, Planning Office (County Planning Department), and of the Project, and analyzed in this environmental impact report (EIR), are listed below in an order that is intended to aid understanding, rather than alphabetically. Additional definitions and details are provided in the chapters and sections that follow.

CEQA	The County Planning Department is conducting this environmental review pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and its implementing regulations, the CEQA Guidelines (California Code of Regulations Title 14, Section 15000 et seq.). To ensure adequate analysis of potential environmental impacts, the County Planning Department has elected to prepare an environmental impact report (EIR). See Chapter 1, *Introduction to Final EIR*, for additional details
BAVC	This EIR refers to the Bay Area Vipassana Center as "BAVC." BAVC is the applicant for a use permit, architecture and site approval, grading approval and encroachment permit (County File No. PLN20-003) submitted for consideration by the County of Santa Clara, lead agency for the Project under CEQA.
Initial Study proposed Mitigated Negative Declaration	This EIR refers to a 2024 Initial Study and proposed Mitigated Negative Declaration (Proposed MND) for the Project which was previously prepared by the County Planning Department. During the public comment period, the County received comments from the public stating that the Proposed MND did not adequately analyze the Project's potential environmental impacts and requesting that an EIR be prepared for the Project. In compliance with CEQA, the County has prepared this EIR for the Project in its capacity as lead agency.

CHAPTER 1
Introduction to the Final EIR

1.1 Purpose of the Final EIR

The purpose of this Final Environmental Impact Report (Final EIR) is to present comments received on the Draft Environmental Impact Report (Draft EIR) for the proposed Bay Area Vipassana Center Project (Project), respond in writing to comments on environmental issues, and revise the Draft EIR as necessary to provide additional clarity. Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21091[d][2][A] and 21091[d][2][B]), the County of Santa Clara (County) has considered the comments received on the Draft EIR and evaluated the issues raised, and is providing written responses that address each substantive environmental issue raised by the commenters. In accordance with CEQA, the responses to comments focus on clarifying the Project description and addressing comments on physical environmental issues associated with the Project.

None of the comments received present new information that warrants recirculation of the Draft EIR. The comments do not identify new significant impacts or a substantial increase in the severity of previously identified impacts. They also do not identify feasible project alternatives or mitigation measures that are considerably different from those analyzed in the Draft EIR and/or that the County has not agreed to implement.

The Draft EIR, when considered together with the Final EIR, fulfills the CEQA requirements consistent with CEQA Guidelines Section 15132. The Final EIR has been prepared in compliance with CEQA, including the CEQA Guidelines. It is an informational document for use by (1) governmental agencies and the public to aid in the planning and decision-making process, by disclosing the physical environmental effects of the Project and identifying possible ways to reduce or avoid the potentially significant impacts; and (2) the County of Santa Clara Planning Commission before its decision to approve, disapprove, or modify the Project.

This Final EIR provides written responses to all substantive comments received during the public review period. It contains the following: (1) a list of persons, organizations, and public agencies commenting on the Draft EIR; (2) copies of comments received on the Draft EIR and written responses to those comments; and (3) revisions to the Draft EIR to clarify or correct information in the Draft EIR. See Section 1.3 below for a description of the overall contents and organization of this Final EIR.

1.2 Environmental Review Process

1.2.1 Project Background, Notice of Preparation, and Public Scoping

An Initial Study and proposed Mitigated Negative Declaration (Proposed MND) for the Project was previously prepared by the County Department of Planning and Development and a Notice of Intent to Adopt was filed with the State Clearinghouse on February 29, 2024 (State Clearinghouse No. 2024030083). The 30-day public comment period for the document began March 1, 2024, and was extended to April 5, 2024. During the public comment period, the County received comments from the public stating that the Proposed MND did not adequately analyze the Project's potential environmental impacts and requesting that an EIR be prepared for the Project. The County subsequently published a Notice of Preparation (NOP) for an EIR on June 30, 2025. During the scoping period for the EIR, the County received scoping comment letters from agencies, organizations, and the public identifying environmental issues that should be addressed in the EIR. The NOP and scoping comment received in response to the NOP are included in Draft EIR Appendix A, *NOP and Scoping Comment Letter*. The County considered all comments made during the scoping period in preparing the Draft EIR.

The California Native American Heritage Commission (NAHC) works to identify, catalog, and protect places of special religious or social significance, graves, and cemeteries of Native Americans in accordance with the authority given the NAHC in Public Resources Code Section 5097.9. On November 20, 2023, County staff sent letters to the Tamien Nation and the Amah Mutsun Tribal Band, which are the two tribes that have requested notice of CEQA projects. As of this writing, the County has not received any request to consult on the Project.

1.2.2 Draft EIR Public Review

The Draft EIR was published on February 9, 2026, and circulated to federal, state, and local agencies and interested organizations and individuals for their review and comment. The public review period ended on March 26, 2026. Paper copies of the Draft EIR were made available for public review at the County of Santa Clara Department of Planning and Development and the Gilroy Library. On February 9, 2026, the County also distributed notices of availability of the Draft EIR to interested parties (see **Appendix A**).

Electronic copies of the Draft EIR could be accessed through the internet on the County's website at the following address: https://plandev.santaclaracounty.gov/services/planning-services/projects/current-planning-projects/current-projects-gilroy.

During the public review period, the County received 18 comment letters on the Draft EIR. See Chapter 2 for full details.

1.2.3 Responses to Comments and Final EIR

The comments received during the public review period are the subject of this Final EIR, which addresses all substantive written and verbal comments on the Draft EIR. Under CEQA Guidelines Section 15201, members of the public may comment on the Project. Further, CEQA Guidelines Section 15204(a) states that the focus of public review should be "on the sufficiency of the [Draft EIR] in identifying and

analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated." In addition, "when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR." CEQA Guidelines Section 15088 specifies that the lead agency is required to respond to the comments on the major environmental issues raised in the comments received during the public review period. Therefore, this responses-to-comments document is focused on the sufficiency and adequacy of the Draft EIR in disclosing the significance of the environmental impacts of the Project that were evaluated in the Draft EIR.

After the distribution of this Final EIR to the agencies that commented on the Draft EIR, the County Planning Commission will consider the adequacy of the Final EIR. If the Planning Commission finds that the Final EIR complies with CEQA requirements, it will certify the Final EIR as adequate under CEQA.

If the Final EIR is certified, the County Planning Commission will then review and consider whether to approve the Project. The Planning Commission must adopt CEQA findings, including adopting or rejecting mitigation measures and alternatives to avoid or reduce significant impacts, and a mitigation monitoring and reporting program (MMRP) before approving the Project (see **Appendix C**). Consistent with CEQA Guidelines Section 15097, the purpose of the MMRP is to ensure implementation of the mitigation measures that are identified in the Final EIR and adopted by decision-makers to mitigate or avoid the Project's significant environmental effects. CEQA also requires the adoption of findings before approval of a project for which a certified EIR identifies significant environmental effects (CEQA Guidelines Sections 15091 and 15092). If the EIR identifies significant adverse impacts that cannot be mitigated to less-than-significant levels and the Project is approved, the findings must include a statement of overriding considerations for those impacts (CEQA Guidelines Section 15093[b]).

1.3 Document Organization

The subsequent chapters of this Final EIR are as follows:

Chapter 2, *Comments and Responses,* lists the agencies, organizations, and persons that submitted comments on the Draft EIR and describes the coding and organization of comments. In addition, this chapter presents the substantive comments received on the Draft EIR together with responses to those comments.

Chapter 3, *Draft EIR Revisions,* presents changes and additions to the Draft EIR. The County has made changes and additions to the Draft EIR in response to comments received on the Draft EIR and/or as necessary to clarify statements and conclusions made in the Draft EIR. In all cases, changes and additions are provided to clarify or correct content in the Draft EIR or to add information received after the release of the Draft EIR. None of the changes or additions in Chapter 3 affect the conclusions presented in the Draft EIR.

Chapter 4, References, lists references cited in any of the responses to comments (Chapter 2 of the Final EIR).

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CHAPTER 2
Comments and Responses

This Final EIR provides written responses to comments received on the Draft EIR during the public review period. This chapter lists all agencies, organizations, and persons who submitted comments on the Draft EIR. Written comments are grouped according to these categories, as shown in **Table 2-1**.

TABLE 2-1
COMMENT LETTERS AND VERBAL COMMENTS RECEIVED ON THE DRAFT EIR

Commenter Code	Name and Title of Commenter	Date Received
Agencies		
1	California Department of Transportation, Yunsheng Luo, Branch Chief	March 16, 2026
2	California Department of Fish and Wildlife, Erin Chappell, Regional Manager, Bay Delta Region	March 20, 2026
3	State Water Resources Control Board, Lori Schmitz, Environmental Scientist	March 25, 2026
4	Santa Clara Valley Water District, Jason Miguel, Assistant Engineer II	March 26, 2026
Organizations		
5	Happy Acres Mutual Water Company; Shute, Mihaly & Weinberger LLP	March 26, 2026
Individuals		
6	Steve Douglas	February 12, 2026
7	Margaret E. (Betty) Reeder	February 14, 2026
8	Gina Piccardo	February 14, 2026
9	Cheryl Boomgaarden	February 20, 2026
10	Ted and Lisa Zitnay	March 1, 2026
11	Lillian J. Castillo and David D. Caserza	March 5, 2026
12	Elaine Phillips	March 24, 2026
13	Roger and Gail Garduque	March 24, 2026
14	Wendy and Charles Krueger	March 25, 2026
15	Dave Lawler	March 26, 2026
16	Jessica Madej	March 26, 2026
17	Susan and Kurt Jacobsen	March 26, 2026
18	Frank and Del McGill	March 31, 2026*

Note: *Comment was received after the close of the public comment period.

The commenter codes were assigned to facilitate the preparation of responses; there is a unique commenter code for each comment letter based on the name of the agency, organization, or individual who submitted the comment. Each individual comment is bracketed and numbered sequentially after the commenter code. The bracketed comments and corresponding comment numbers are shown in the margins of the comments. There is a unique comment number for each distinct substantive comment.

Some comments that were submitted to the County do not pertain to CEQA environmental issues or do not address the adequacy of the analysis contained in the Draft EIR. When a comment does not directly pertain to environmental issues analyzed in the Draft EIR, does not ask a question about the adequacy of the analysis contained in the Draft EIR, expresses an opinion related to the merits of the project, or does not question an element or conclusion of the Draft EIR, the response notes the comment and may provide additional information where appropriate. The intent is to acknowledge the comment. Although CEQA does not require responding to such comments, they are included in this Final EIR for informational purposes and for consideration by decision-makers.

2.1 Individual Responses

This section contains the responses to comments submitted during the public review period. Commenters on the Draft EIR, their associated agencies and organizations, and assigned letter identifications are listed in Table 2-1. Each comment letter received during the public comment period was bracketed to identify individual topics, and individual responses to those comments are provided. If a subject matter of one letter overlaps that of another letter, the reader may be referred to more than one group of comments and responses to review all information on a given subject. Where this occurs, cross-references are provided.

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS–10D | OAKLAND, CA 94623-0660
www.dot.ca.gov

March 16, 2026

SCH #: 2024030083
GTS #: 04-SCL-2024-01479
GTS ID: 32267
Co/Rt/Pm: SCL/152/R4.842

Lara Tran, Senior Planner
County of Santa Clara
Department of Planning and Development
70 W. Hedding St, 7th Floor, East Wing
San José, CA 95110

Re: Bay Area Vipassana Center – Draft Environmental Impact Report (DEIR)

Dear Lara Tran:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Bay Area Vipassana Center Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the February 2026 DEIR. 1-1

Please note this correspondence does not indicate an official position or approval by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project will develop a 10-acre camp and retreat center for teaching and practicing Vipassana meditation mostly along the eastern half of the 54.59-acre project site. A total of 18 structures totaling 53,260 square feet would be constructed along with demolition of an existing barn and various on-site improvements for site access and utilities. The project site is located approximately 0.8 of a mile north of State Route (SR) 152. 1-2

Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits (*link*). 1-3

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN). 1-3 cont.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Luana Chen, Associate Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please visit Caltrans LDR website (*link*) or contact LDR-D4@dot.ca.gov. 1-4

Sincerely,

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

Letter 1 Response: California Department of Transportation

1-1 This comment is acknowledged.

1-2 This comment is acknowledged.

1-3 This comment is acknowledged. The construction contractor will obtain appropriate permits from the California Department of Transportation (Caltrans) before construction.

1-4 This comment is acknowledged.

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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
wildlife.ca.gov

March 20, 2026

Lara Tran, Senior Planner
County of Santa Clara
70 W Hedding Street, 7th Floor
San Jose, CA 95110
Lara.Tran@pln.sccgov.org

Subject: Bay Area Vipassana Center Project, Draft Environmental Impact Report, SCH No. 2024030083; Santa Clara County

Dear Lara Tran:

The California Department of Fish and Wildlife (CDFW) received a draft Environmental Impact Report (EIR) from the County of Santa Clara (County) for the Bay Area Vipassana Center Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

CDFW is submitting comments on the draft EIR to inform the County, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project. CDFW is providing these comments and recommendations regarding those activities involved in the Project that are within CDFW's area of expertise and relevant to its statutory responsibilities (Fish and G. Code, § 1802), and/or which are required to be approved by CDFW (CEQA Guidelines, §§ 15086, 15096 and 15204).

2-1

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) For purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

2-2

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority over the Project pursuant to the Fish and Game Code. For example, the

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Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority, if the Project impacts the bed, channel or bank of any river, stream or lake within the State (Fish & G. Code, § 1600 et seq.). Likewise, to the extent the Project may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code. 2-2 cont.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86.) CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

California Environmental Quality Act

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065.) In addition, pursuant to CEQA, the lead agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the lead agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code. 2-3

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement

until it has considered the final EIR and complied with its responsibilities as a responsible agency under CEQA.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

2-3 cont.

PROJECT DESCRIPTION AND LOCATION SUMMARY

Proponent: County of Santa Clara

Objective: The Project is a camp and retreat center for teaching and practicing Vipassana meditation. The Project proposes to construct 18 structures totaling 53,260 square feet, demolish an accessory structure (barn), and install on-site improvements including a new 97,000-gallon water tank, driveway, access road, parking lot, new landscaping, sewage collection lines, septic tanks, effluent collection lines, wastewater treatment system (circulating textile filter system), pressure delivery effluent pipelines, pump stations, and subsurface drip irrigation. The total footprint of the Project would be approximately 10 acres in clusters, mostly along the eastern half of the 54.59-acre site. Project construction would take 6 years (72 months) and would occur over five phases.

2-4

Location: GPS Latitude: 37°1'32.5"N, Longitude: 121°39'31.17"W; Cross streets of Redwood Retreat Road and El Matador Drive in the City of Gilroy, in the County of Santa Clara, California; Associated Parcel Number (APN) 756-30-024.

Timeframe: Approximately 72 months

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project and any alternatives identified in the draft EIR (CEQA Guidelines, §§15125 & 15360). **CDFW recommends the draft EIR provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380).** The draft EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see:https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20co

2-5

mmunities), and any stream, riparian, or wetland set back distances the County may require. Fully protected, threatened or endangered, candidate, and other special-status species or sensitive natural communities that are known to occur, or have the potential to occur in or near the Project area include, but are not limited to: the species listed in the State and Federally Listed Endangered and Threatened Animals of California – February 2026 list at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109405&inline or State and Federally Listed Endangered, Threatened, and Rare Plants of California – January 2026 at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109390&inline.

2-5 cont.

Habitat descriptions and species profiles included in the draft EIR should include robust information from multiple sources: aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; California Aquatic Resources Inventory; and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB). Only with sufficient data and information can the County adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocol.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (http://www.cnps.org/cnps/rareplants/inventory/), should also be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and include the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: https://www.wildlife.ca.gov/Conservation/Plants.

2-6

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Potential for impacts to fully protected and special-status species;
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence;
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

2-7

- Water quality impacts resulting from construction and operation of the Project;
- Impacts to the bed, channel, and bank, in the reservoirs and creeks downstream of the Project;
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Impacts both from construction and future operation of the Project.

The CEQA document also should identify existing and reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to each impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact (e.g., reduction of available habitat for a listed species) should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

The CEQA Guidelines direct the County, as the lead agency, to consider and describe in the draft EIR all feasible mitigation measures to avoid and/or mitigate potentially significant impacts of the Project on the environment based on comprehensive analysis of the potential direct, indirect, and cumulative impacts of the Project. (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370.) This should include a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the USFWS, the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

Fully protected species may not be taken or possessed at any time except in limited circumstances (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Therefore, the draft EIR should include measures to completely avoid "take" of fully protected species.

2-7 cont.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources, including:

2-8

COMMENT 1: Inadequate and Outdated Baseline Conditions for Biological Resources

Issue: The draft EIR does not establish complete and current biological baseline conditions for the Project area. The biological analysis relies heavily on desktop database queries and a single outdated (2021) reconnaissance-level general survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period. Assessments for rare

2-9

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plants may be considered valid for a period of up to three years, except when significant environmental changes occur, such as disturbance resulting from urbanization or wildfire. As a result, the draft EIR lacks sufficient information to accurately characterize existing biological conditions or to support impact significance determinations. 2-9 cont.

Evidence of Significant Impacts: Because many species are cryptic or only seasonally detectable, their presence can be missed by a one-time, non-protocol survey, especially if conducted outside of the correct window. Inconsistent survey methodologies and the absence of County- or agency-level verification increase the risk that projects do not adequately account for impacts to sensitive biological resources. CEQA Guidelines §15125(a) require an EIR to describe the environmental setting "as it exists at the time the notice of preparation is published," and this description forms the baseline against which project impacts are measured. A legally adequate baseline must be based on current, site-specific information sufficient to inform both the impact analysis and the public's understanding of the Project's environmental consequences. Without a reliable baseline, an EIR cannot meaningfully evaluate whether a project would result in a substantial adverse change to biological resources (CEQA Guidelines §15126.2(a); Appendix G). 2-10

The absence of current baseline surveys is problematic where the Project proposes direct disturbance to streams, riparian habitat, and upland areas capable of supporting special-status species. Numerous studies demonstrate that species presence and habitat use can vary substantially across seasons and years, particularly for amphibians, bats, nesting birds, and annual or cryptic plant species. Without updated, seasonally-appropriate surveys, the EIR may incorrectly assume species absence or underestimate habitat value, leading to flawed impact conclusions (Li et al. 2019; Ranta et al. 2021). Without a current and complete biological baseline, the draft EIR risks underestimating impacts to biological resources and improperly deferring analysis to future permitting.

Recommendations: To address these deficiencies, CDFW recommends the following:

1. A qualified biologist with expertise in regional flora and fauna conduct protocol-level surveys for species with potential to be present in and around the Project area, consistent with CDFW and USFWS survey protocols during appropriate seasonal windows, including nocturnal and breeding-season surveys where relevant.

2. If Project construction or occupancy could occur over multiple years or phases, updated biological surveys need to be conducted prior to each phase of ground-disturbing activities to ensure baseline conditions remain accurate. 2-11

3. Update impact significance determinations and mitigation measures based on the results of current baseline surveys. If updated data reveal greater biological value or species presence, the draft EIR should revise conclusions and incorporate additional avoidance, minimization, or mitigation measures as necessary.

4. Ensure that baseline conditions are established and disclosed in the draft EIR itself, rather than deferred to future permitting or construction-phase compliance. 2-11 cont.

COMMENT 2: Long-Term Lighting, Noise, and Human Disturbance Impacts

Issue: The draft EIR identifies lighting and noise as potential impacts to biological resources but mostly evaluates these impacts primarily in the context of temporary construction activities. The analysis does not adequately consider the permanent, operational effects associated with the proposed commercial development, including continuous human presence, routine nighttime lighting, vehicular traffic, domestic noise, recreational activity, and long-term alteration of ambient sound and light conditions. The Project would likely introduce chronic sources of disturbance that would persist for the life of the development, fundamentally changing habitat conditions adjacent to riparian corridors and other sensitive biological areas. Even though construction of the Project is expected to take 6 years, the draft EIR does not establish biologically relevant thresholds, buffer-based protections, or operational restrictions to ensure that short-term and long-term lighting and noise impacts would not substantially degrade wildlife habitat or interfere with species movement, breeding, or foraging behavior. 2-12

Evidence of Impacts: Sensitive species, wildlife, and their habitats may be adversely affected by increased and artificial night lighting, even temporarily due to night construction activities. Light plays a vital role in ecosystems by functioning as both an energy and an information source (Gaston et al. 2012, 2013). The addition of artificial light into a landscape disrupts this role, altering the natural circadian, lunar, and seasonal cycles under which species have evolved. Artificial lights result in direct illumination, altering the natural patterns of light and dark, and sky glow (i.e., scattered light in the atmosphere), which can extend the ecological impacts of light far beyond the light source (Longcore and Rich 2004). On cloudy nights in urban areas, for example, the sky glow effect can be of an equivalent or greater magnitude than high-elevation summer moonlight (Kyba et al. 2013). The addition of artificial light into a landscape can impact a broad range of system processes, including: 2-13

- Activity patterns;
- Availability and detectability of food resources;
- Movement, navigation and migration;
- The timing of phenological events;
- Physiological functions;
- Foraging behavior and predator-prey interactions;
- Phototaxis (attraction and movement towards light);

- Circadian rhythms (both physiological and behavioral); and
- Causing disorientation, entrapment, and temporary blindness.

2-13 cont.

Noise pollution can also trigger stress responses in wildlife, interfere with acoustic communication (particularly in birds and amphibians), and displace species from otherwise suitable habitat (Francis et al., 2012). Studies have shown that even chronic noise levels of 40–60 dBA can alter nesting success in birds and reduce habitat use by amphibians and mammals (Barber et al., 2010; Shannon et al., 2016). Despite these well-documented impacts, the draft EIR also does not clearly define riparian buffers as protection zones from light or noise. It also does not require mitigation for disturbance beyond generic equipment limitations. Without stronger design and timing standards, lighting and noise impacts will reduce the effectiveness of riparian setbacks and fragment wildlife corridors.

2-14

Under CEQA Guidelines §15126.2(a), the EIR must analyze all significant environmental effects, including those that are indirect or cumulative. Furthermore, Appendix G of the CEQA Guidelines requires evaluation of whether a project would interfere with wildlife movement, nursery sites, or result in habitat degradation through indirect disturbance such as noise or light.

2-15

Recommendations: To adequately address long-term biological impacts associated with residential occupancy, the EIR should be revised to include the following measures:

1. Designate riparian setbacks as light and noise protection zones. No permanent or temporary lighting or noise-generating activity shall be permitted within 150 feet of perennial streams and 100 feet of intermittent streams unless expressly designed and mitigated for wildlife sensitivity;

2. Establish operational noise limits based on sensitive receptor criteria. Instead of a decibel threshold across the board, adopt biologically informed criteria such as 45 dBA max at the riparian buffer edge during nighttime hours. Nighttime equipment uses (e.g., generators, trimming machines) should be located as far as possible from aquatic or nesting habitats and use noise attenuation measures;

3. Adopt enforceable operational lighting standards for developed areas. Require fully shielded, downward-facing, warm-spectrum (less than 3000K) exterior lighting; prohibit decorative or landscape lighting adjacent to riparian areas; and limit lighting to motion-activated, security-only use during nighttime hours;

4. Restrict nighttime human activity near sensitive habitats. Prohibit nighttime recreational uses, amplified sound, or high-activity features (e.g., gathering areas) adjacent to riparian corridors or known sensitive species habitat;

5. Incorporate long-term monitoring and adaptive management. After the residential development is constructed, monitoring of light and noise conditions should be

2-16

required adjacent to riparian areas, with enforceable corrective actions if thresholds are exceeded or wildlife use declines; and

6. If disturbance cannot be mitigated to less-than-significant levels, the draft EIR must acknowledge and disclose unavoidable impacts to biological resources and consider additional avoidance or project redesign.

2-16 cont.

COMMENT 3: Exterior Windows

Issue: The glass used for exterior building windows could result in bird collisions, which can cause bird injury and mortality. 2-17

Evidence the impact would be significant: Birds, typically, do not see clear or reflective glass, and can collide with glass (e.g., windows) that reflect surrounding landscape and/or habitat features (Klem and Saenger 2013). When birds collide with glass, they can be injured or killed. In the United States, the estimated annual bird mortality is between 365-988 million birds (Loss et al. 2014). 2-18

Recommendations to minimize significant impacts: CDFW recommends incorporating visual signals or cues to exterior windows to prevent bird collisions. Visual signals or cues include, but are not limited to, patterns to break up reflective areas, external window films and coverings, ultraviolet patterned glass, and screens. For best practices on how to reduce bird collisions with windows, please go to the USFWS's website for Buildings and Glass (https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/buildings-and-glass.php). 2-19

COMMENT 4: Lake and Streambed Alteration Notification

Issue: The draft EIR notes that "the Project would avoid the jurisdictional aquatic habitat and no development would take place within 50 feet of the ephemeral creek." However, areas "50 feet from the ephemeral creek" could contain riparian habitat, which would likely fall under CDFW's jurisdiction. A jurisdictional delineation by a qualified professional of streams and riparian areas was not included with the draft EIR package. CDFW requires an LSA Agreement when a project activity may substantially adversely affect fish and wildlife resources. LSA Agreements provide actions to avoid and minimize adverse impacts and provide protections to California's fish and wildlife resources. It appears that CDFW does not currently have a record of LSA notification on file for this Project. 2-20

Recommendations: In order to properly assess biological and hydrological impacts, streams and riparian habitat should be delineated in relation to areas that the Project has the potential to impact. CDFW recommends the Applicant submit an LSA notification for the Project pursuant to Fish and Game Code section 1602 well in advance of Project construction. Additional information about the LSA notification process is described on CDFW's website at https://wildlife.ca.gov/Conservation/Environmental-Review/LSA. 2-21

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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDB. The CNDDB field survey form can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data#44524420-pdf-field-survey-form. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals. 2-22

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs., tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). 2-23

CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist the County in identifying and mitigating Project impacts on biological resources. Please contact Emily Carlson, Environmental Scientist, at Emily.Carlson@wildlife.ca.gov; or Jason Faridi, Senior Environmental Scientist (Supervisory, at Jason.Faridi@wildlife.ca.gov if you have questions. 2-24

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Land Use and Climate Innovation SCH No. 2024030083
Craig Weightman, Bay Delta Region - Craig.Weightman@wildlife.ca.gov

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Letter 2 Response: California Department of Fish and Wildlife

2-1 This comment is acknowledged.

2-2 This comment is acknowledged.

2-3 This comment is acknowledged.

2-4 This comment is acknowledged.

2-5 Pursuant to CEQA Guidelines Section 15151, CEQA does not require an exhaustive survey effort. In the case of wildlife species that are mobile, surveys conducted during the year before Project implementation would not provide clarity on the locations of the species at the time of construction when impacts could occur. Thus, the Draft EIR's evaluation of species potential relies on a description of baseline conditions based on existing survey reports for the site, and on mitigation measures that call for surveys to occur before construction and avoidance measures if the species is found.

2-6 This comment is acknowledged. Please see Response 2-5.

2-7 This comment is acknowledged.

2-8 This comment is acknowledged.

2-9 This comment is acknowledged. Please see Response 2-5.

2-10 As described in Section 3.4.3.1, *Methodology*, of Draft EIR Section 3.4, *Biological Resources* (page 3.4-14), the biological analysis relies on existing site-specific surveys, literature, and database information to characterize baseline conditions at the time of the Notice of Preparation (NOP). Recognizing that species presence can vary across seasons and years, the County would require the Project to implement Mitigation Measures BIO-1 through BIO-6, which include preconstruction surveys for sensitive species, along with avoidance or minimization measures if such species are detected.

2-11 The Project would incorporate Mitigation Measures BIO-1 through BIO-6 (see Appendix B to this Final EIR), which call for qualified biologists to conduct preconstruction surveys using appropriate seasonal and protocol-based methods, consistent with guidance from the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service.

As discussed in Draft EIR Section 3.4, *Biological Resources* (pages 3.4-1 through 3.4-26), if sensitive species are identified, avoidance and minimization measures would be implemented to ensure that impacts would remain less than significant. As explained in Impact 3.4-6 of the Draft EIR (page 3.4-22), the Project and its mitigation framework are also consistent with the

Santa Clara Valley Habitat Conservation Plan, which provides a regional strategy for the protection of covered species and habitats.

2-12 This comment is acknowledged. See Appendix G, *WJV Acoustics Technical Noise Analysis*, to the Draft EIR. Given the proposed operational uses of the Project site, where participants would remain silent for approximately 23 hours a day, according to the noise analysis (Table 4 of Appendix G) there would be no noise levels exceeding 40 A-weighted decibels (dBA) during Project operations and therefore, no noise disturbance of wildlife would occur. With regard to lighting and noise, please see Responses 2-13 and 2-14 below.

2-13 Draft EIR Section 3.1, *Aesthetics* (pages 3.1-1 through 3.1-14), discusses potential impacts related to light and glare. Pursuant to County Zoning Ordinance Section 4.30.070(H) (shown on page 3.6-5 in Draft EIR Section 3.6, *Energy*, and included in Chapter 3 of the Final EIR), the lighting plan would include fixtures that would provide the equivalent of 1 foot-candle of illumination, with 90-degree cutoff and flat lenses. These design features would minimize light spill, glare, and off-site illumination, thereby reducing potential impacts on surrounding uses and sensitive biological resources.

2-14 See Appendix G, *WJV Acoustics Technical Noise Analysis*, to the Draft EIR. To quantify noise levels that could be expected to occur during a meditation retreat, WJV Acoustics conducted noise level measurements for eight consecutive days at an existing Vipassana retreat center located in North Fork, California, in Madera County in the Sierra Nevada foothills. Table 4 of that analysis shows noise levels at three long-term noise locations both during and after a retreat session. During this time, no noise levels exceeding 40 dBA were detected.

2-15 A discussion regarding wildlife movement, nursery sites, and habitat is provided in Section 3.4, *Biological Resources*, of the Draft EIR (pages 3.4-1 through 3.4-26). The development area has been specifically located within annual grassland and previously cultivated agricultural land and would avoid impacts on riparian, channel, and mixed oak woodland areas found on the Project site. Wildlife could continue to move through those areas during and after construction, and to use these areas as nursery sites for their young.

As described in Draft EIR Section 3.4.4, *Cumulative Effects Analysis* (pages 3.4-22 through 3.4-24), the Project would not result in cumulatively considerable impacts on biological resources because it would avoid direct and indirect impacts on sensitive natural communities, jurisdictional waters, and wildlife corridors through careful site planning, buffer zones, and implementation of various best management practices and mitigation measures.

2-16 The Project has incorporated buffers into the site design; the nearest riparian area would be approximately 300 feet away from the nearest Project element. As mentioned in Responses 2-13 and 2-14, Project lighting would be consistent with the County ordinance that requires downward-facing, low-intensity lighting; further, operational noise is not anticipated to exceed 40 dBA based on long-term noise monitoring of another Vipassana retreat center site. The Project would be operated as a silent meditation retreat; amplified sound, high-activity

uses, or nighttime recreation would be restricted. Additionally, the Project already includes measures to reduce potential noise, lighting, and human activity impacts consistent with these recommendations.

2-17 The commenter correctly notes that glass in exterior building windows may result in bird collisions; such collisions may kill up to one billion birds per year in North America (Seewagen and Sheppard 2017). Birds are at increased risk from night lighting and from tall structures located near stopover habitats, such as forests. As described in Impact 3.1-3 of the Draft EIR, the Project structures would be primarily one to two stories in height to avoid obstructing views or standing out against the landscape. At one to two stories, these structures would be approximately 25–30 feet above grade; therefore, they would not exceed the height of trees on the hillside and would not be expected to pose a substantial risk to birds.

2-18 The commenter correctly states that bird collisions with glass can result in substantial mortality. Please see Response 2-17.

2-19 Bird-safe building windows are required in some municipalities, including San Francisco (San Francisco Planning Department 2011) and San José (City of San José 2019), but they are not currently required in Santa Clara County. However, Project design would consider the incorporation of bird-safe building treatments, such as minimizing night lighting; installing motion-sensitive or shielded lighting; and employing glazing, etching, or reflective glass on the building façade, as recommended in the Bird-Friendly Building Design guide (American Bird Conservancy 2019). In addition, Project construction would avoid nighttime work (Draft EIR page 2-11), which would protect migrating birds.

2-20 The Project would avoid the jurisdictional aquatic habitat and riparian area; however, if work within areas subject to CDFW jurisdiction cannot be avoided, the applicant would pursue a Lake and Streambed Alteration Agreement pursuant to Fish and Game Code Section 1602. This agreement would ensure that the applicant would coordinate with CDFW to confirm the location and extent of jurisdictional resources, identify any additional avoidance or minimization measures needed, and document compliance with applicable protective requirements.

2-21 This comment is acknowledged. Please see Response 2-20.

2-22 This comment is acknowledged.

2-23 This comment is acknowledged.

2-24 This comment is acknowledged.

State Water Resources Control Board

March 25, 2026

Ms. Lara Tran
Santa Clara County
Department of Planning and Development
70 West Hedding Street, 7th floor, East Wing
San Jose, CA 95110

COMMENT LETTER ON THE SANTA CLARA COUNTY (COUNTY), ENVIRONMENTAL IMPACT REPORT (ENVIRONMENTAL DOCUMENT) FOR THE BAY AREA VIPASSANA CENTER PROJECT (PROJECT); STATE CLEARINGHOUSE # 2024030083

Dear Ms. Lara Tran:

Thank you for the opportunity to review the Environmental Document for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for regulating public water systems and issuing water supply permits pursuant to the Safe Drinking Water Act. This Project is within the jurisdiction of the State Water Board, DDW Santa Clara District. 3-1

A public water system, as defined in the California Health and Safety Code (Health & Saf. Code) § 116275 subd. [h], is "a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year." If a new public water system will be formed by the Project, an application must be submitted, and a permit must be obtained from the DDW Santa Clara District before water can be provided for human consumption. "Human consumption" means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes." Health & Saf. Code § 116275 subd. [e]. 3-2

The State Water Board, DDW, as a responsible agency under the California Environmental Quality Act, has the following comments on the County's Environmental Document:

- Those operating a public water system are required to submit an application and receive a permit from the State Water Resources Control Board to ensure a reliable and adequate supply of water at all times that is pure, wholesome, potable, and does not endanger the health of consumers (Health & Saf. Code §116525 and 3-3

116540). The State Water Board, DDW Santa Clara District issues domestic water supply permits under Title 22, California Code of Regulations (Cal. Code Regs.) chapter 16 § 64552 for the operation of public water systems under the Safe Drinking Water Act. 3-3 cont.

- The Environmental Document includes multiple erroneous descriptions of the State Water Board, DDW Santa Clara District approvals that include or imply approvals other than those cited above such as, clearance to proceed with development (PDF pages 53 and 59), clearance for construction (PDF pages 38 and 397), and possibly requirements to enforce County permits (PDF pages 53 and 55). Please correct the State Water Board, DDW Santa Clara District's role throughout the document to reflect the approvals specified in the regulations only. 3-4

- Although State Water Board may review well-siting, tank, and treatment designs and approve an operational permit, these reviews and the permit approval do not ensure:
  - The Project will not substantially decrease groundwater supplies or not interfere substantially with groundwater recharge. Please remove discussion of the State Water Board, Division of Drinking Water design review when discussing impacts on groundwater (PDF page 277). 3-5
  - Or that infrastructure will have a minimal impact on existing water systems (PDF page 398). Please remove this statement. 3-6
- The San Francisco Bay Regional Water Quality Control Board is referred to as an enforcer of the Construction General Permit and a contact for violations and annual reports (PDF page 175), but the Central Coast Regional Water Quality Control Board is later referred to as the regulatory board for the Project (PDF pages 192, 228 229-230, 385, et. cetera). Please clarify which Regional Water Quality Control Board would have regulatory permitting authority over this Project. 3-7
- In Section 3.4.1.2 Environmental Setting, when discussing an ephemeral channel in the Project site, that was referred to as "open water", Figure 3.4-1 was referenced, however Figure 3.4-1 doesn't include this category in the legend (PDF pages 122-123). Please update the map to reflect the missing stream information. 3-8
- The Water Supply Assessment indicates that bedrock wells may have elevated levels of iron and manganese (Appendices E, PDF page 414). July 2022 alluvial test well sampling results submitted to the DDW Santa Clara District also found manganese levels above the maximum contaminant level (Luhdorff & Scalmanini Consulting Engineers Test Well Report, PDF page 4). Please discuss: 3-9
  - The anticipated water quality and possible treatment needed for the proposed well(s).
  - The treatment components that would be installed and the construction and operational impacts of the treatment systems.
- The Project will develop a 97,000-gallon tank for potable water and fire suppression (PDF page 38.) The Water Supply Assessment indicates the Project may seek a permit to expand its water storage facilities, providing flexibility through the storage of water during periods of seasonally higher groundwater levels to extend periods of no pumping in the fall (Appendices E, PDF page 414). Does the currently proposed tank size take these plans into consideration? If not, please consider these future plans in the Project's description, plans, and impacts analysis. 3-10

- The number of wells to be constructed is unclear in the Environmental Document which indicates in some places that two wells will be drilled (PDF page 16, 432, et cetera) and that only one well will be drilled in others (PDF pages 52, 397, et cetera). Likewise, the Water Supply Assessment, Addendum, and Preliminary Technical Report submitted to the DDW Santa Clara District provides confusing information about the wells. The addendum focuses on the development of the alluvial well but mentions possible backup bedrock wells on the west side of the property (Appendices E, PDF pages 378 and 380). The Water Supply Assessment included plans for one primary bedrock well and one secondary alluvial well (Appendices E, PDF page 409). The Preliminary Technical Report submitted to the DDW Santa Clara District also reflected plans for one primary bedrock well and one secondary alluvial well. The Environmental Document indicates all water will be sourced from the alluvial aquifer (PDF page 261). 3-11
    - Clarify in the Environmental Document the number, aquifer/type (e.g. alluvium, bedrock), anticipated public water system status of wells (e.g active, standby, primary, secondary), and plans for all Project wells.
        - If the two originally planned wells will be drilled, please discuss the bedrock well's proposed location, the planned uses for the alluvial and bedrock well, and how the coordinated use of those wells will impact nearby wells and the alluvial and/or bedrock aquifers. 3-12
    - Include well drilling equipment in Table 2-3 (PDF page 54).
    - Also indicate if well drilling will occur around the clock (24 hours) until completed. 3-13
- The Environmental Document estimates a demand of 4.92 Acre-Feet-Per-Year (AFY) for indoor use and 2-AFY for irrigation, totaling 6.9 AFY (PDF pages 276 and 403, Appendices E PDF pages 407-408). Please indicate if all of this demand will be met by the alluvial aquifer or if other sources will be used to meet these demands (e.g. rainwater, grey water, or fractured rock aquifer). If other sources will be used to help meet these supply demands, discuss the amounts and when the sources will be used. 3-14
- The Environmental Document proposes the Project will reduce its potable water demand during multiyear droughts by 10-15 percent in the second year and 15-20 percent in the third year (PDF page 277).
    - Discuss the criteria for how and when it will be determined a second and third year of drought is occurring. 3-15
    - Discuss the actions that will be taken to meet the groundwater extraction cutbacks (e.g. instituting a shower duration policy or intermittent showering schedule) (Appendices E PDF page 408, et. cetera)
- The Environmental Document mentions that currently there is no water demand on-site (PDF page 402). Please disclose the Project's baseline for water extraction impacts. In doing so, discuss the history of water use on the site, including the existing irrigation well, and if this water use is part of the Project's baseline. 3-16
- The Water Supply Assessment addendum determined water levels during multiple dry years of extreme drought are currently not adequate to supply all the current groundwater users (Appendices E, PDF pages 360, 378, and 380). The Environmental Document does not agree with this conclusion. Instead, it assumes 3-17

aquifer recharge will be consistent across water years, including all types of drought years. The Environmental Document does not appear to adequately address potential impacts from multiple years of extreme drought. In the Environmental Document, for extreme drought years discuss: 3-17 cont.

- The threshold of significance that would trigger a significant impact on the alluvial aquifer during a multiple dry year period (MDYP). 3-18
- If the total groundwater extracted from the alluvial aquifer currently exceeds the "threshold of significance" during a MDYP or if the alluvial aquifer may allow for additional extractions beyond the current "baseline extraction" during a MDYP. If the alluvial aquifer may allow for additional extraction, please clarify how much extraction would be allowed before the "threshold of significance" is reached. 3-19
- If, based on the Project's proposed water budget, the Project groundwater extractions in addition to the "baseline extractions" will fall below the "threshold of significance" for the alluvial aquifer or if the Project will have significant impacts on the alluvial aquifer in a MDYP. 3-20
- If Uvas Creek water levels may be significantly impacted from cumulative pumping during a MDYP, and/or have a significant impact on beneficial uses in the stream during a MDYP. 3-21
- If the proposed extractions will have a significant or cumulatively significant impact on the aquifer, Uvas Creek, and/or beneficial uses in Uvas Creek during a MDYP, provide mitigation measures, and mandatory findings of significance, as required under Cal. Code Regs §15065. 3-22

- The Water Supply Assessment addendum determined that if a MDYP occurs the alluvium wells could go dry (Appendices E, PDF pages 360 and 378). In the Environmental Document, when addressing if the Project would have sufficient water over a MDYP (PDF page 402), please discuss other sources of water that will be used if the Project's alluvial(s) well goes dry. If the alternative source(s) requires infrastructure that is not already addressed in the document, please be sure to include this in the Project description and address this in the analysis. 3-23
- There is disagreement over the estimated groundwater storage available for the Project (Appendices A, PDF page 49); however, the Water Supply Assessment indicates the Project is willing to collaborate will neighboring well owners to measure interactivity between their wells, the Project alluvial well, and the HAMWC (Happy Acres Mutual Water Company) well (PDF page 361). But plans for long term monitoring, including development of monitoring guidelines, funding, and agreements, and new or existing monitoring infrastructure were not included in the Project description and analysis. Also, what actions would be triggered based on the monitoring results was not discussed. Please consider these discussions programmatically or specifically as part of the Project description and Project analysis, if monitoring may occur. 3-24

Once the Environmental Document is certified, please forward the following items in support of new Water System's permit application to the State Water Board, DDW Santa Clara District Office at DWPDIST17@waterboards.ca.gov: 3-25

- The Environmental Document, Mitigation Monitoring and Reporting Plan (MMRP);
- The Resolution or Board Minutes certifying the Environmental Document, adopting the MMRP, and approving the Project; and
- The Notice of Determination filed at the County Clerk's Office and the State Clearinghouse.

3-25 cont.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, for questions regarding this comment letter.

Sincerely,

Lori Schmitz

Digitally signed by Lori Schmitz
Date: 2026.03.25 14:37:09 -07'00'

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

State Clearinghouse

Van Tsang
District Engineer
Santa Clara District

David Katz
Water Resource Control Engineer
Santa Clara District

Letter 3 Response: State Water Resources Control Board

3-1 This comment is acknowledged.

3-2 This comment is acknowledged.

3-3 This comment is acknowledged.

3-4 The comment does not address the adequacy or content of the Draft EIR; however, the portions of Chapter 2, *Project Description*, cited by the commenter have been revised and updated to clarify the drinking water permit process. No further response is required. These updates will be included as part of the record for the Proposed Project. Please see revisions to Chapter 2 of the Draft EIR in Chapter 3 of this Final EIR.

3-5 Please see revisions to Draft EIR Section 3.18, *Utilities and Service Systems*, in Chapter 3 of this Final EIR. Technical reports conducted in compliance with the State Water Resources Control Board's (State Water Board) Domestic Water Supply Permit have demonstrated minimal disturbance to the Uvas aquifer.

3-6 Please see revisions to Draft EIR Section 3.18, *Utilities and Service Systems*, in Chapter 3 of this Final EIR. See also Response 3-5.

3-7 The Central Coast Regional Water Quality Control Board (RWQCB) has regulatory permitting authority over the Project. Please see revisions to Draft EIR Section 3.7, *Geology, Soils, and Paleontology*, in Chapter 3 of this Final EIR.

3-8 The ephemeral channel is located along the boundary of the site adjacent to the residence. It is not part of the Project site, so the reference has been removed and no changes to the figure are required. Please see revisions to Draft EIR Section 3.4, *Biological Resources*, in Chapter 3 of this Final EIR.

3-9 A bedrock well is not proposed as part of the Project. Please see revisions to Draft EIR Chapter 2, *Project Description*, regarding the number of wells proposed to be used as part of the Project, in Chapter 3 of this Final EIR.

3-10 The Project is not proposing to expand proposed water storage facilities on-site. Please see revisions to Draft EIR Chapter 2, *Project Description*, regarding the proposed public water system, in Chapter 3 of this Final EIR.

3-11 Please see revisions to Draft EIR Chapter 2, *Project Description*, regarding the number of wells proposed to be used as part of the Project, in Chapter 3 of this Final EIR.

3-12 Please see revisions to Draft EIR Chapter 2, *Project Description*, regarding the proposed public water system, in Chapter 3 of this Final EIR.

3-13 No additional wells would be drilled as part of the Project. Please see revisions to Draft EIR Chapter 2, *Project Description*, regarding the proposed public water system, in Chapter 3 of this Final EIR.

3-14 Please see revisions to Draft EIR Chapter 2, *Project Description*, regarding the proposed public water system, in Chapter 3 of this Final EIR. Groundwater extracted from the Uvas aquifer is the primary source of water supply for the Project. As discussed in Section 2.4.1.5, *Water and Wastewater* (pages 2-9 and 2-10), within Draft EIR Chapter 2, *Project Description,* the Project may use gray water, as applicable, and rainfall harvesting for irrigation purposes.

3-15 The Project would follow the California Department of Water Resources' determination of drought conditions and would adhere to state and local water conservation recommendations. As discussed in Draft EIR Section 2.4.1.5, *Water and Wastewater* (pages 2-9 and 2-10), several Project design measures would be implemented to reduce on-site water demand: the installation of low-flow toilets, showers, and lavatory fixtures, and the use of gray water, as applicable, and rainfall harvesting for irrigation purposes. Additional water conservation measures to reduce demand for potable water include instituting a shower duration limit, as noted by the commenter and discussed in Appendix E to the Draft EIR.

3-16 There are currently no water uses and there is no water demand on-site. This condition was used as part of the Project's baseline. Evidence exists to show that the site was previously cultivated (e.g., an abandoned barn, previously cultivated agricultural lands); however, minimal information is available on the type of crops cultivated on-site and the amount of water used. Thus, the assessment in the Draft EIR assumed that baseline water use at the Project site was zero.

3-17 As discussed on page 370 of Appendix E to the Draft EIR, the extreme-drought condition affecting water supply discussed in the Water Supply Assessment is described as a 50-year outlook. The 50-year outlook is beyond the scope of the most current Santa Clara County General Plan (General Plan) and would be considered speculative, which, under CEQA Guidelines Section 15145, allows for the dismissal of further analysis. Previous creek dry-back conditions in Uvas Creek have occurred before the establishment of the Lake and Streambed Alteration Agreement (LSAA) that mandated minimum flows in Uvas Creek; according to Principle 6 in Exhibit B of the LSAA, titled "Operating Rules for Water Supply Facilities in the Uvas and Llagas Watersheds" (Operating Rules), releases in Uvas Creek should not drop below 10 cubic feet per second (cfs). Pursuant to the Operating Rules, *[t]he operational goal will be to maintain the estimated extent of flow throughout the summer rearing period but allow for flow adjustment due to seasonal creek losses and gains.* Furthermore, if the estimated reservoir release is less than 10 cfs, pursuant to the Operating Rules, NMFS and CDFW will be notified and a meeting will be set up in early November to discuss low storage release plans; additional coordination could be necessary if there has been no appreciable runoff and estimated releases will be less than 10 cfs. Ongoing collaboration will occur based on Uvas Reservoir inflows and may increase to above 10 cfs as long as there is sufficient volume in the Uvas Reservoir to maintain stream flows through February. Santa

Clara Valley Water District (Valley Water) would increase or decrease water releases (known as pulse flows) as necessary to maintain stream flows for fish passage, rather than providing a constant release that would result in early- and late-season expansion of the wetted zone and late-summer dry-backs to the channel. This strategy reduces the potential for expansion or creek dry-back, which minimizes the likelihood of beaching, stranding, and consequent death of fish. The Operating Rules cite water supply and aquifer recharge as benefits of releases from Uvas Reservoir, and they stress collaboration between all parties, including water users in the watershed, during extensive droughts. Additionally, stream flows in Uvas Creek have been maintained for more than 35 years, throughout numerous dry years and multiple dry years, including the historic 2012–2016 drought. Thus, this analysis determined that, due to the Operating Rules, groundwater recharge would occur throughout all water year types, as discussed in detail in Draft EIR Section 3.10, *Hydrology and Water Quality* (pages 3.10-1 through 3.10-54).

3-18 Significant impacts on the alluvial aquifer during a multiple-dry-year period are addressed in Impact 3.18-2 of the Draft EIR (pages 3.18-22 through 3.18-24). Please see Response 3-17.

3-19 As described in Draft EIR Section 3.10, *Hydrology and Water Quality* (pages 3.10-1 through 3.10-54), and Section 3.18, *Utilities and Service Systems* (pages 3.18-1 through 3.18-32), current extractions from the Uvas aquifer do not exceed a "threshold of significance" during all water year types. The threshold of significance is assumed to be exceeded when pumping in the aquifer exceeds yearly recharge, creating overdraft conditions. Table 3.18-1 on page 3.18-24 of the Draft EIR demonstrates the remaining water supply availability in the Uvas aquifer, calculated as the difference between yearly recharge and yearly water extractions, including the Project's water demand.

3-20 As demonstrated in Table 3.18-1 on page 3.18-24 of the Draft EIR, the Project's contributions to groundwater demand in the Uvas aquifer would continue to fall below the threshold of significance during all water year types.

3-21 Please see Response 3-17. Additionally, cumulative impacts regarding water demand are addressed in Section 3.18.4.2 (page 3.18-28) of the Draft EIR.

3-22 As demonstrated in Draft EIR Section 3.18.4, *Cumulative Effects Analysis* (pages 3.18-27 through 3.18-29), the Project is not expected to have a significant or cumulatively significant impact on the Uvas aquifer, Uvas Creek, and/or beneficial uses in Uvas Creek during a multiple-dry-year scenario.

3-23 A bedrock well is not proposed as part of the Project. As discussed in Draft EIR Section 2.4.1.5, *Water and Wastewater* (pages 2-9 and 2-10), one well would be constructed for the Project.

3-24 Please see Response 3-17 regarding groundwater storage.

3-25 This comment is acknowledged.

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Valley Water

Clean Water • Healthy Environment • Flood Protection

File: 35127
Uvas Carnadero Creek

March 26, 2026

Lara Tran
County of Santa Clara
Department of Planning and Development
70 W. Hedding St, 7th Floor, East Wing
San Jose, CA 95110
Lara.tran@pln.sccgov.org

Subject: Draft Environmental Impact Report for the Bay Area Vipassana Center Project

Dear Lara:

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Environmental Impact Report (DEIR) for the Bay Area Vipassana Center Project (BAVC Project) received on February 10, 2026, for the property located at 9201 El Matador Avenue in unincorporated Santa Clara County and has the following comments: 4-1

1. **Section ES. 2.3 Project Overview (Page ES-2), Section 3.19.3.2 Direct and Indirect Effects of the Project: Impact 3.19-3 (Page 3.19-20), and Section 3.19.4.3 Cumulative Effects Analysis: Criterion c) (Page 3.19-25):** 4-2
   Sections ES.2.3, 3.19.3.2, and 3.19.4.3 state that two new water supply wells are proposed to support the BAVC Project. However, Figure 3.10-2 (Page 3.10-3) only depicts one proposed well location. Please clarify the total number of water supply wells proposed for the BAVC Project, including the status and planned use of the two referenced test wells, and ensure that Figure 3.10-2 and/or the report text are revised accordingly.

2. **Section 3.4 Biological Resources: Water and Creeks (Page 3.4-9):** 4-3
   The BAVC Project is located approximately 700 feet from Uvas Creek, an important in-stream recharge facility that Valley Water operates to replenish groundwater in the Llagas Subbasin. It should be noted in the Final Environmental Impact Report (FEIR) that Uvas Creek is an important in-stream recharge facility operated by Valley Water to replenish groundwater in the Llagas Subbasin. Such proximity should be carefully considered in the design of the proposed stormwater management features and onsite wastewater treatment system (OWTS) to mitigate adverse impacts to Valley Water's recharge operations along Uvas Creek, including potential effects on recharge performance and degradation of shallow groundwater quality.

3. **Section 3.10.1.2 Regulatory Setting: Final Lake or Streambed Alteration Agreement, EPIMS Notification No. EPIMS-SCL-17832-R3, Uvas Reservoir Operation Strategy (Page 3.10-9)**: 4-4
   The DEIR notes that "Uvas Reservoir captures and stores local runoff from the Uvas watershed for fisheries management, flood risk reduction and municipal water supply." It should be clarified in the FEIR that the flood risk reduction provided by Uvas Reservoir is incidental, and Valley Water does not operate the reservoir specifically for the purpose of flood protection.

4. **Section 3.10.3.2 Direct and Indirect Effects of the Project: Impact 3.10-3iv (Page 3.10-38):** 4-5
   It is asserted that the BAVC Project will have "less than significant impact" in terms of increasing "the rate or amount of surface runoff in a manner which will result in flooding on- or off-site…" This finding appears to be determined on the basis of the proposed BAVC Project having to comply with the Central Coast Regional Water Quality Control Board's Phase II NPDES Permit (Phase II Permit), which requires stormwater treatment and hydromodification measures for projects creating and/or replacing 2,500 square feet or more of impervious surface area. Both Little Arthur Creek and Uvas-Carnadero Creek, which are adjacent to the BAVC Project, are mapped within FEMA's special flood hazard area (SFHA) and are subject to flooding during the 100-year flood event.

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Valley Water would like to note that *adherence to the Phase II Permit does not address flooding*. Low Impact Development (LID) and Hydromodification measures outlined as part of the Phase II permit requirements are intended to address water quality issues. Consequently, these measures only address more frequent storm events, up to the 10-year event. A hydrologic analysis should be completed to demonstrate that runoff under post-project conditions will not exceed that under pre-project condition – both in terms of volume and rate – for larger, less frequent events, up to the 100-year event. Valley Water advises evaluating the 2-,10-, 25-, and 100-year events. Adequate mitigation measures need to be implemented to ensure that neighboring properties downstream of the BAVC Project site will not be adversely impacted from the increased runoff.

While the DEIR does acknowledge the County of Santa Clara Drainage Manual under Section 3.10, Regulatory Settings, it is not clear whether the BAVC Project is providing adequate mitigation measures to ensure neighboring properties will not be adversely impacted in terms of flooding. Valley Water would like to note that per the Drainage Manual, "Projects in Santa Clara County shall be designed such that the stormwater runoff generated from the 10-year design storm is conveyed in the storm drainage system (underground pipes and/or stable open channels) and the stormwater runoff generated from the 100-year design storm is safely conveyed away from the BAVC Project site *without creating and/or contributing to downstream or upstream flooding conditions*" (2007 Santa Clara County Drainage Manual, Section 2.2).

4-5 cont.

5. **Section 3.18.1.3 Environmental Setting: Water Resources (Page 3.18-10):**
Valley Water records identify the two (2) referenced test wells at the site (10S03E32A001 and 10S03E32A002), which can be viewed on Valley Water's Well Information webpage (https://valleywater.maps.arcgis.com/apps/webappviewer/index.html). However, the "old agricultural well" mentioned in Section 3.18.1.3 (page 3.18-10) does not appear to be documented in Valley Water records. Any active wells that may be impacted by project activities must be protected. Any abandoned, unused, or unregistered wells identified during project planning or construction must be properly destroyed. For more information, contact Valley Water's Well Permitting and Inspection Hotline at (408) 630-2660, or visit: https://www.valleywater.org/contractors/doing-businesses-with-the-district/wells-well-owners

4-6

If you have any questions, or need further information, you can reach me at (408) 630-2976, or by email at JMiguel@valleywater.org.

Please reference Valley Water File No. 35127 on future correspondence regarding this project.

Sincerely,

Signed by:
Jason Miguel
E3C8D4E8B85149A...
Jason Miguel

Assistant Engineer II – Civil
Community Projects Review Unit

Cc: Y. Arroyo, C. Haggerty, B. Hwang, J. Miguel, J. Gurdak, G. Tick, C. Hirota, C. Abuye, D. Sausele, T.Ripp, File

Letter 4 Response: Santa Clara Valley Water District

4-1 This comment is acknowledged.

4-2 Chapter 2, *Project Description*, of the Draft EIR has been revised to state that the Project site currently contains "an existing groundwater irrigation well that would be closed and abandoned to eliminate groundwater pumping interference." In addition, the Project description has been revised to explain that two wells, BAVC Test Well #1 and BAVC Monitoring Well #1, were installed on the site in May 2022. Based on the results of the pumping tests, BAVC proposes to convert Test Well #1 to a production well upon approval by the State of California and the County. Please see revisions to Chapter 2, *Project Description*, regarding the proposed public water system, in Chapter 3 of this Final EIR.

4-3 As discussed in Impact 3.10-1 (pages 3.10-28 through 3.10-31), Impact 3.10-5 (pages 3.10-39 through 3.10-45), and Impact 3.18-1ii (pages 3.18-18 and 3.10-19) of the Draft EIR, all wastewater treatment system setbacks would be incorporated as part of the on-site wastewater treatment system (OWTS) design. Moreover, as discussed on page 3.10-30 of the Draft EIR, the Project would adhere to all requirements outlined in the County's OWTS Manual. Groundwater recharge in Uvas Creek is discussed on page 3.10-17.

4-4 Please see revisions to Draft EIR Section 3.10, *Hydrology and Water Quality*, regarding the purpose of Uvas Reservoir, in Chapter 3 of this Final EIR.

4-5 As discussed in Impacts 3.10-3i through 3.10-3iv (pages 3.10-35 through 3.10-39) of the Draft EIR, the Project would implement all applicable regulatory measures regarding drainage and on- or off-site runoff. Independent of CEQA, the Project would be required to implement design measures outlined in the Santa Clara Valley Urban Runoff Pollution Prevention Program's C.3 Stormwater Handbook, the Santa Clara County Drainage Ordinance, and the Santa Clara County Drainage Manual. The Santa Clara County Drainage Manual requires that a safe release be provided for the design 100-year storm events. Section C12-563 of the County's grading and drainage ordinance requires that development avoid damage to adjacent and downstream properties. These measures are specifically intended to manage off-site impacts during less frequent high-flow events. The Project would be designed in accordance with these measures, as the applicant would be required to demonstrate compliance with the County's ordinances and manual before Project approval to be able to obtain permit approval.

4-6 Please see Response 4-2.

SHUTE, MIHALY & WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

HEATHER M. MINNER
Attorney
Minner@smwlaw.com

March 26, 2026

Via E-Mail

Santa Clara County Planning Commission,
County of Santa Clara Department of Planning and Development
Attention: Lara Tran
County Government Center
70 W. Hedding Street, 7th Floor, East Wing, San Jose, CA 95110
Email: Planning.Commission@pln.sccgov.org; lara.tran@pln.sccgov.org;

Re: Bay Area Vipassana Retreat Center Draft Environmental Impact Report (State Clearinghouse No. 2024030083)

Dear Planning Commissioners and Lara Tran:

This firm represents Happy Acres Mutual Water Company ("HAMWC") in connection with the proposed Bay Area Vipassana Retreat Center ("Project") and its Draft Environmental Impact Report ("DEIR"). HAMWC is a public water system that provides potable water to 79 households in unincorporated Santa Clara County. Its single operational well is located less than 100 feet from the eastern border of the Project site. 5-1

The Project proposes to develop 18 permanent structures, extensive on-site infrastructure, and a 122-space parking lot to serve up to 150 participants year-round for indoor meditation retreats on land that the County has determined is unsuitable for urban development and should be preserved for natural resource related and open space uses. Not only does the Project conflict with the County's General Plan and Zoning Code, it will also result in numerous potentially significant environmental impacts. Of particular concern, the Project threatens to pollute Uvas Creek and HAMWC's water well, increases the risk of wildfire ignitions and spread, and significantly delays emergency evacuation times for residents west of the Project site. 5-2

The Project's potentially significant impacts were not adequately analyzed in a Mitigated Negative Declaration (MND) for the Project that was published in February 2024. Unfortunately, the DEIR also fails to adequately analyze the Project's impacts, 5-3

repeatedly concluding that impacts will be less than significant without substantial evidence or analysis to support those conclusions.

5-3 cont.

The purpose of this letter is to inform the County that the DEIR for the Project fails to comply with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., and the CEQA Guidelines, California Code of Regulations, title 14, § 15000 et seq. ("Guidelines"). As detailed below, numerous inadequacies and omissions in the DEIR render it insufficient as an environmental review document. The DEIR fails to disclose, analyze, and propose adequate mitigation for significant environmental impacts related to hydrology and water quality, geology and soils, wildfire risk, emergency evacuation, hazards, land use, and biological resources, among others. Furthermore, the DEIR's Project Description attempts to establish an environmental baseline that does not correctly describe or convey existing conditions on the property. What analysis the DEIR does present is riddled with errors and unsupported conclusions.

5-4

This letter is submitted along with reports prepared by four expert consultants in topic areas that are of the upmost concern to HAMWC: hydrology and water quality, geology and soils, wildfire risk, emergency evacuation, and impacts to biological resources. Greg Kamman, Senior Ecohydrologist with Vertantas, Inc, submits expert comments on the hydrology/water quality, geology/soils, and utility sections of the DEIR and related technical appendices. His letter dated March 25, 2026 is included as Exhibit A ("Kamman Report"). Dr. Chris Dicus, Wildland Fire and Fuels Management expert, submits expert comments on the wildfire sections of the DEIR and related technical appendices. His letter dated March 22, 2026 is included as Exhibit B ("Dicus Report"). Kevin Weinisch, P.E., President of KLD Associates and an expert in emergency evacuation analysis, submits expert comments on the wildfire and transportation sections of the DEIR and related technical appendices. His letter dated March 23, 2026 is included as Exhibit C ("Weinisch Report"). Lastly, Robert Hamilton, biologist, submits expert comments on the Biological Resources section of the DEIR and related technical appendices. His letter dated March 23, 2026 is included as Exhibit D ("Hamilton Report"). We submit these Reports as stand-alone comments on the inadequacy of the DEIR and also incorporate those comments herein. In addition to these four reports, we also incorporate herein the comment letter and technical reports on the Project MND submitted by this firm dated April 4, 2024 (Exhibit E).

5-5

The EIR is "the heart of CEQA." *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392. It is "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and

5-6

considered the ecological implications of its action.' Because the EIR must be certified or rejected by public officials, it is a document of accountability." *Id.* 5-6 cont.

Where, as here, the DEIR fails to fully and accurately inform decision-makers, and the public, of the environmental consequences of proposed actions, it does not satisfy the basic goals of the statute. *See* Pub. Res. Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.") 5-7

With regard to several of CEQA's substantive requirements—an accurate baseline, a thorough analysis of significant impacts, and identification of feasible and enforceable mitigation measures—this DEIR falls woefully short. The DEIR fails to meet CEQA's informational requirements for environmental documents as a matter of law, and its conclusions are not supported by substantial evidence. The analysis completed for this DEIR is deficient and cannot be relied upon for approval of the Project. The DEIR must be revised and recirculated for public comments. 5-8

Furthermore, the Project conflicts with County General Plan policies intended to protect areas with a "Hillsides" land use designation and the Project's extensive indoor meditation retreat center is not an allowed use for the Hillsides zone. Accordingly, the Project violates State Planning and Zoning law as well as County Code requiring conditional use permits to be consistent with the County's General Plan and Zoning Ordinance. We urge the Planning Commission to deny this misguided Project. 5-9

I. The DEIR's Analyses of, and Mitigation for, the Project's Environmental Impacts are Legally Inadequate.

Under CEQA, an EIR must contain sufficient analysis, supported by substantial evidence, to enable informed decision-making. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404.) An EIR that "glosses over" a potentially significant impact or reaches a conclusion unsupported by substantial evidence does not satisfy CEQA. (*Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 130.) Appendix G of the CEQA Guidelines identifies the impact questions that the EIR needs to address; a lead agency must provide substantive analysis — not mere assertions — and must identify thresholds against which it measures the Project's impacts for impact area. 5-10

The evaluation of a proposed project's environmental impacts is the core purpose of an EIR. *See* CEQA Guidelines § 15126.2(a) ("An EIR shall identify and focus on the 5-11

significant environmental effects of the proposed project"). As explained below, the DEIR fails to adequately analyze the Project's numerous environmental impacts, including those affecting biological resources, hydrology and water quality, geology and soils, wildfire, hazards, evacuation, and land use. In this way, the DEIR fails to accurately disclose the extent and severity of the Project's broad-ranging impacts, which violates CEQA's requirement that environmental review encompass all of the activity allowed by the proposed Project and all of the impacts that activity generates. The County must analyze all of the aggregated impacts of all foreseeable development under correct baseline conditions and by completing thorough assessments and cumulative impact analyses. Without this analysis, the environmental review will remain incomplete and the Project cannot lawfully be approved.

5-11 cont.

The DEIR also improperly defers analysis and the specification of mitigation measures. CEQA prohibits deferral of mitigation, except in the following narrow circumstances: (1) there must be practical considerations that preclude development of the measures at the time of project approval, (2) the EIR must contain specific criteria to govern the future actions implementing the mitigation, and (3) the agency must have assurances that the future mitigation will be both "feasible and efficacious." *Californians for Alternatives to Toxics v. Dept. of Food & Agric.* (2005) 136 Cal.App.4th 1, 17.

5-12

Conversely, deferral is not permitted "when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR." *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280-81. For example, an EIR is inadequate if the mitigation of a project's significant effects "largely depend[s] upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR." *County of Merced*, 149 Cal.App.4th at 670.

5-13

CEQA allows deferred mitigation only where: (1) there is an articulated reason or basis for the deferral, and (2) the proposed mitigation measure contains performance standards that will be met by the more specific measures to be developed later. County of Merced, 149 Cal.App.4th at 669-71. Further, California courts have made clear that allowing a project applicant to formulate specific mitigation at some later date does not satisfy CEQA's requirements.

5-14

Here, the DEIR fails to satisfy CEQA's requirements because it relies on mitigation measures that are improperly deferred. The DEIR neither explains why deferral of analysis and mitigation is necessary nor provides the criteria necessary to ensure that feasible and effective mitigation will be developed in the future. As discussed, the DEIR must contain a high level of detail now, as this EIR is the only opportunity that the County will have to impose mitigation for the Project's environmental impacts.

5-15

A. CEQA Requires the Lead Agency to Exercise Independent Judgment.

Under CEQA, the lead agency bears responsibility for the content and conclusions of an EIR. The EIR is an informational document intended to disclose to the public and decision-makers the environmental consequences of a project. See CEQA Guidelines § 15151. The agency cannot abdicate this responsibility by simply incorporating an applicant's technical analyses without independent scrutiny. CEQA Guidelines § 15084(d) expressly addresses this concern. Where an applicant's consultants prepare technical studies, the lead agency must exercise its own independent judgment and must not merely rubber-stamp the applicant's submissions. The underlying concern is structural: a consultant retained and paid by the project applicant is incentivized to produce findings favorable to project approval. Relying uncritically on such work undermines the objectivity that CEQA demands. 5-16

Here, we are concerned that the County has not critically reviewed many of the reports attached as exhibits to the DEIR. For instance, the Draft EIR concludes that the Project's water supply impacts would be less than significant. *See* DEIR Section 3.18. That conclusion is built almost entirely on a series of technical studies – the Water Supply Assessment, the Water Supply Assessment Addendum, and a 2024 Technical Memorandum – all prepared by Mohr HydroGeoScience ("Mohr"), a consultant that appears to have been retained and paid by the Project applicant, BAVC. *See* DEIR § 3.10.3.1 ("the Project applicant provided multiple technical studies, including a water supply assessment, addendum, and technical memorandum (Mohr 2021a, 2021b, 2024) and a well installation and testing report (LSCE 2021)"). 5-17

While the DEIR states that these "supporting reports and studies were peer reviewed for accuracy," it provides no disclosure of: (1) who conducted the peer review; (2) the scope and methodology of that review; or (3) the findings of the review. An undisclosed, unattributed peer review is, in substance, no peer review at all – it cannot be evaluated by the public, reviewed and understood, or relied upon by decision-makers as independent verification. We urge the County to conduct and publish thorough peer reviews of applicant-submitted studies. In particular, the updated water supply analysis. 5-18

B. The DEIR Does Not Adequately Analyze Cumulative Impacts.

The DEIR does not contain an adequate cumulative impacts analysis. As detailed in the Weinisch Report, the DEIR has failed to provide an analysis of the baseline transportation and the emergency evacuation impacts of the Project plus other known projects, including Bella Creek. Sections 3.17.4.1 (Transportation), 3.19.4.1 (Wildfire), and 3.9 (Hazards) of the DEIR all conclude that the cumulative effects of the nearby Bella Creek Project would not significantly impact emergency evacuations. However, 5-19

neither the 2019 traffic impact analysis nor the 2024 evacuation study makes any mention of the Bella Creek Project. *See* Weinisch Report at 7. This means there is no basis for the significant conclusions reached in these sections, and potentially a complete lack of understanding of what a cumulative analysis entails. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 741 (EIR legally inadequate for not "adequately discuss[ing]" other development projects and failing to provide facts and analysis to support its impact conclusions). 5-19 cont.

Below, we discuss several examples of impact areas with particular deficiencies and describe how the DEIR fails to provide the legally required analysis of Project impacts. To ensure that both decision makers and the public have adequate information to consider the effects of the proposed Project, and to comply with CEQA's requirements, the County must revise and recirculate an EIR that properly describes the Project, sufficiently analyzes its impacts, and considers meaningful mitigation measures that would help ameliorate those impacts. 5-20

C. The DEIR Fails to Adequately Evaluate the Project's Potential Impacts on Hydrology, Water Quality, Geology, and Soils, Which are In Fact Significant and Must be Mitigated.

The DEIR incorrectly concludes that the Project's impacts on hydrology and water quality criterion (c) and (e) are less than significant. Criterion (c) asks, would the project result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows? Criterion (e) asks, would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? In fact, the answer to both of these questions is yes, and the DEIR's conclusions are unsupported. 5-21

In addition, the DEIR's analysis of impacts to geology and soils incorrectly concludes that impacts 3.7-1c and 3.7-3 are less than significant. These criterion ask whether the project would cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides, and whether it would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project and potentially result in on- or off-site landslides. In fact, the DEIR has improperly deferred any analysis of landslide issues and its purported mitigation may not be feasible. 5-22

In addition to his report included with the April 5, 2024 MND comment letter (Exhibit E), which is incorporated herein by reference, the Kamman Report (Exhibit A) explains in detail the deficiencies of the DEIR water quality/hydrology analysis and provides analysis to dispute the findings of the DEIR's technical appendices. In summary, the DEIR: 5-23

1. **Defers Critical Studies Which Should Be Completed Now to Inform Significance Conclusions.**

The existing conditions description of interconnected surface waters at the Project site is unsubstantiated and there is no analysis of streamflow depletions due to groundwater pumping and potential impacts to beneficial uses in Uvas Creek, including special status steelhead species. Furthermore, there is no analysis of potential impacts on groundwater dependent ecosystems (GDEs). The DEIR also defers a feasibility report documenting geologic hazards on the Project site despite the DEIR acknowledging that the Project site is located in an area of moderate to high landslide susceptibility. *See* DEIR at 3.7-11. Here, DEIR prematurely concludes that impacts from landslides would be less than significant and no mitigation would be required. The Kamman Report notes that this determination is premature as the degree of potential landslide hazard is not known at the time the DEIR was written. If landslide susceptibility remains high after an assessment of geologic hazards on the site, it may not be feasible to construct the Project, even with adherence to appliable regulations and implementation of design features. *See* Kamman Report at 4. 5-24 5-25

2. **Fails to Adequately Analyze Site Drainage and the Potential Contamination of Happy Acres Mutual Water Company Well.**

The determinations of less than significant impact to hydrology and water quality resources are unsubstantiated. The DEIR does not provide a hydrologic and hydraulic analysis on how the Project changes in land cover will affect the rate and volume of stormwater runoff including flows greater than the 10-year storm events. In fact, the Kamman Report explains that his professional opinion, stormwater runoff from the site could result in the significant impacts, including flooding and contamination of the HAMWC well. *Id* at 3-4. 5-26

3. **Fails to Address Water Quality Impacts from Post-Fire Contamination.**

Potential effects from post-fire runoff, erosion, debris movement, and water quality degradation depend on conditions across the broader burned watershed, not solely on the grade or condition of the developed pad. A severe wildfire affecting upslope or 5-27

adjoining areas could materially alter runoff and sediment dynamics in ways that affect the site and downstream resources, including Uvas Creek and the HAWMC well. *Id* at 4. 5-27 cont.

4. Fails to Address Potential Water Quality Impacts from the On-Site Wastewater Treatment System (OWTS).

If the OWTS does not operate as intended or is not maintained properly, there could be catastrophic water quality contamination to the HAMWC well due to the location of Wastewater Area F. This is an unacceptable risk, given the severe consequences of a failure and potentially significant water quality impact of the Project. *Id.* 5-28

5. Fails to Substantiate Existing Conditions Description of Interconnected Surface Water (ISW) in the Project Vicinity and Fails to Analyze Streamflow Depletions due to Groundwater Pumping.

The possibility of ISW conditions between Uvas Creek and Uvas aquifer occurs contrary to the conclusion presented in the DEIR, as described in detail in the Kamman Report, pages 6 to 8. The DEIR must analyze the potential for Project groundwater pumping to result in streamflow depletion and adverse impacts to the identified beneficial uses of Uvas Creek. The DEIR omits these analyses, while containing no evidence to support a conclusion ruling out the presence of ISW. 5-29

6. Fails to Analyze Potentially Significant Impacts on Groundwater Dependent Ecosystems.

The DEIR does not provide a description of groundwater dependent ecosystems within the Project property or adjacent areas to the Project. However, there are possible groundwater dependent ecosystems in the Uvas Creek corridor adjacent to the Project site. *See* Figure 3 of Kamman Report. The DEIR, however, fails to demonstrate or analyze the potential adverse impacts from Project groundwater pumping on GDE within or adjacent to the Project area. Project groundwater pumping has the potential to lower groundwater levels and impact GDE and, the EIR must examine the extent to which this will occur. *Id.* at 9. 5-30

The DEIR simply does not provide the evidence needed to conclude that the Project's impacts on water quality and hydrology are less than significant, and, in fact, the Kamman Report provides data and evidence to the contrary. 5-31

D. The DEIR Fails to Accurately Assess the Wildfire Risk and Safety Impacts of the Project and Leaves Area Residents and Future Project Users in Jeopardy. The Project's Wildfire Impacts Are Significant.

1. The DEIR Unlawfully Characterizes Mitigation Measures as Design Features to Avoid Finding Significant Wildfire Impacts.

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To begin with, the DEIR's wildfire analysis is fundamentally flawed, as it incorporates wildfire mitigation measures from the previously-prepared MND into the Project's design features and then concludes that wildfire impacts are less than significant as a result. This violates blackletter CEQA law.

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The MND found that wildfire impacts were potentially significant and proposed mitigation measures to mitigate those impacts to less than significant. DEIR page 3.19-13 states that "the Project applicant has incorporated the wildfire mitigation measures from the Initial Study as Project design features (see Chapter 2, Section 2.4.1.3, Landscape Plan). Therefore, some previous impacts of the Project no longer require mitigation." That is an impermissible approach under CEQA and skips a key analytical step.

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CEQA requires that an EIR set forth, in detail, all of a project's potentially significant environmental impacts. *Lotus v. Dept. of Transportation* (2014) 223 Cal.App.4th 645, 653 (citing Pub. Resources Code § 21100(b)). Only after describing these impacts can the DEIR identify all feasible mitigation measures for each significant impact. *Id.* This sequence—analyze impacts first, then identify mitigation—is crucial, as "[o]nly by [the agency] making this disclosure can others, be they courts or constituents, intelligently analyze the logic of the [agency's] decision." *Id*. at 654 (citation omitted). An EIR may not treat what is effectively a mitigation measure as part of a project "if it precludes or obfuscates required disclosure of the project's environmental impacts and analysis of potential mitigation measures." *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 185 (citing *Lotus*, 223 Cal.App.4th at 654-55).

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Accordingly, the DEIR must acknowledge that wildfire impacts are potentially significant, and then identify all feasible mitigation to lessen those impacts, ensuring that they are enforceable, in part by including them in a Mitigation, Monitoring, and Reporting Plan.

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The DEIR, however, unlawfully asserts that the Project will not impair emergency response and evacuations, exacerbate wildfire risks, or expose people or structures to a significant risk of loss, injury or death involving wildland fires. *See* DEIR at 3.19-14, 3.19-16, 3.19-20, 3.19-23, 3.9-13, 3.9-14.

Moreover, in his review of the DEIR and the Wildfire Risk Report that was included as a technical appendix, wildfire expert Dr. Christopher Dicus concludes that the DEIR understates wildfire impacts. Dr. Dicus' findings are that the Project will exacerbate wildfire risks and have significant wildfire impacts that remain unmitigated. *See* Dicus Report at 6. 5-37

In addition to his report included with the April 5, 2024 MND comment letter (Exhibit E), which is incorporated herein by reference, the Dicus Report (Exhibit B) explains in detail the deficiencies of the DEIR wildfire risk analysis and disputes the findings of the DEIR's technical appendices. In summary, the DEIR fails in the following ways: 5-38

2. A Meaningful Wildfire Risk Analysis Has Not Been Completed and the DEIR Understates Wildfire Exposure to the Site.

The DEIR relies on optimistic and selectively favorable assumptions regarding evacuation, sheltering, fuel treatment performance, and structural survivability under wildfire conditions. The analysis gives substantial weight to the fact that much of the proposed developed area is mapped within a Moderate Fire Hazard Severity Zone, but does not adequately evaluate the Project in the context of the larger surrounding landscape, including adjacent and nearby High and Very High hazard areas, continuous wildland fuels, ember exposure, smoke, and extreme fire behavior that would not be constrained by mapped zone boundaries. *See* Dicus Report at 5. 5-39

The DEIR's analysis treats evacuation as primarily a roadway-capacity issue, without adequately accounting for the factors that commonly control real-world evacuation performance: pre-movement delay, unfamiliarity with the site, communication limitations, smoke, reduced visibility, traffic friction, infrastructure disruption, and the absence of ideal traffic management conditions. These concerns are especially relevant for a retreat center whose occupants may be transient, unfamiliar with local roads, and less able to respond quickly under emergency conditions. The concept of sheltering occupants in the parking area is also not supported by a demonstrated performance basis and should not be treated as a reliable life-safety measure absent a purpose-designed, hardened refuge area with clear criteria and operational protocols. *Id.* 5-40

3. The DEIR Overstates the Protective Effect of Code-Compliant Construction and Project Fire Infrastructure.

The DEIR largely relies on consistency with Fire Code requirements and required preparation of a "fire prevention plan" as part of the application process. *See* DEIR at 3.19-24. Here, the County incorrectly conflates code compliance with the CEQA process. 5-41

CEQA directly forbids an assumption, without underlying analysis, that simply complying with a regulatory standard is adequate to mitigate a potentially significant impact. Under well-established case law, compliance with existing policies and regulations does not excuse the agency from describing project activities or from analyzing resulting impacts. As we identified in our April 5, 2024 MND comment letter, CEQA directly forbids an assumption, without underlying analysis, that simply complying with a regulatory standard is adequate to mitigate a potentially significant impact. See, e.g., *Californians for Alternatives to Toxics v. Department of Food & Agriculture* (2005) 136 Cal.App.4th 1, 16-17 (compliance with regulation alone not a basis for finding impact less than significant); *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1108-09 (environmental effect may be significant despite compliance with such requirements). 5-42

Moreover, proposed facilities are already required to comply with fire regulations. Merely requiring compliance with existing agency regulations does not conclusively indicate that a proposed project would not have a significant and adverse impact. *See Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d at 716. Thus, there is no substantial evidence to support the DEIR's conclusion that the Project's fire hazard impacts will be less-than-significant. 5-43

The DEIR simply does not provide the evidence needed to conclude that the Project's impacts on wildfire risk, ignitions, and the safety of future users of the site is less than significant. Fire-resistant design, defensible space, underground utilities, and on-site water supply may improve conditions, but they do not eliminate the risk of ignition from embers, failures at vulnerable attachments or adjacent combustible features, structure-to-structure fire spread, or reduced suppression effectiveness during a major wildfire. These measures reduce vulnerability; they do not establish that risk to life and property is less than significant. *See* Dicus Report at 6. 5-44

In summary, the Dicus Report finds that the DEIR does not provide substantial evidence to support a less-than-significant conclusion for wildfire impacts. A legally and technically adequate analysis would require more rigorous evaluation of worst-case but plausible wildfire scenarios, evacuation and refuge performance, ember exposure, off-site fire approach, long-term fuel treatment reliability, and post-fire watershed effects. At this point, the Project's wildfire risks to occupants, structures, and surrounding resources remain insufficiently and misleadingly characterized in the DEIR. *Id.* 5-45

E. The DEIR Fails to Adequately Analyze Impacts to Emergency Access and Evacuation and Transportation and Fails to Include Adequate Mitigation Measures.

The DEIR asserts that the proposed Project will not interfere with any emergency response or evacuation plans, suggesting that the Project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, and would not conflict with the circulation system. *See* DEIR at 3.19-23 and 24; 3.9-13; 3.17-8, 3.17-11. 5-46

In his review of the DEIR and the evacuation analysis that was included as a technical appendix, evacuation expert Kevin Weinisch concludes that the Project will indeed create a significant impact on emergency evacuation in the vicinity of the Project site. He also concludes that the analysis prepared for the DEIR's transportation and evacuation conclusions are incorrect and woefully inadequate. The DEIR's claims that asserts that these impacts are less than significant are not supported by substantial evidence. The Weinisch Report explains in detail the deficiencies of the DEIR evacuation analysis and disputes the findings of the DEIR's technical appendices. In summary, the DEIR analysis is flawed for several reasons and fails to consider required information:

1. The Evacuation Analysis is Incomplete and Cannot be Relied Upon to Form Any Conclusions.

The DEIR's four-page evacuation study prepared by Alex Georgevitch Consulting (AGC) lacks detail and merit. The study does not meet the rigor of the Attorney General's best practices, and it should not be relied upon to confirm that the BAVC development does not have an impact on evacuation time for the surrounding area. *See* Weinisch Report at 5, which provides detail and explanation on what a proper evacuation analysis would include. 5-47

2. The Estimated Evacuation Times are Underestimated and Unsupported.

The Weinisch Report describes that the DEIR's estimate that "all vehicles can evacuate Redwood Retreat Rd and El Matador Dr within a 15-minute period and with queues that do not prevent vehicles from existing the BAVC driveway" as completely without merit. The reality is that if there is substantial traffic on Watsonville Rd in both directions (which is likely in a regional wildfire evacuation), it could take more than an hour for the vehicles from the BAVC development and residents to the west to clear the intersection of Redwood Retreat Rd and Watsonville Rd. *See Id*. at 6. 5-48

3. The Cumulative Effects of Adding the Bella Creek Residential Community Project Were Not Considered in the Evacuation Analysis.

Neither the 2019 AGC TIA nor the 2024 AGC evacuation study makes any mention of the Bella Creek Project. It cannot reasonably be concluded that there would be no significant cumulative impact to current residents from these two projects when combined with existing conditions. *See Id.* at 7. 5-49

F. The DEIR Fails to Adequately Evaluate the Project's Potential Impacts on Biological Resources.

The DEIR asserts that impacts to biological resources will be mitigated by the measures proposed, but that is simply not true. Biologist Robert Hamilton conducted a thorough review of the DEIR and determined that the Project biologists have not conducted adequate or current biological surveys to characterize the biological resources that could be impacted, which may include grasslands and seasonal wetlands. Several listed or otherwise sensitive plant and wildlife species, such as Crotch's Bumble Bee, California Tiger Salamander, and California Red-legged Frog, are known to occur in the Project vicinity, but the DEIR fails to provide adequate information to evaluate the Project's potential impacts to these or other biological resources present, or potentially present, on the Project site or in nearby areas. The Hamilton Report (Exhibit D) explains in detail the deficiencies of the DEIR's analysis and disputes the findings of the DEIR's technical appendices. In summary, the Hamilton Report describes how the DEIR: 5-50

1. Fails to Adequately Describe Existing Baseline Conditions at the Project Site.

CEQA requires an EIR to include a description of the "physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published . . . [which] will normally constitute the baseline physical conditions by which a lead agency determines a project is significant." CEQA Guidelines § 15125(a). This description of the environmental setting constitutes the baseline physical conditions by which a lead agency determines the significance of an impact. *Id.* "Without a determination and description of the existing physical conditions on the property at the start of the environmental review process, the EIR cannot provide a meaningful assessment of the environmental impacts of the proposed project." *Save Our Peninsula Committee v. Monterey Cnty. Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 119. Accurate and complete information pertaining to the setting of the project and surrounding uses is critical to an evaluation of a project's impact on the environment. *San Joaquin Raptor/Wildlife Center v. Stanislaus County*, 27 Cal.App.4th 713, 728 (1994); *see also Friends of the Eel River v. Sonoma County Water Agency*, 108 Cal.App.4th 859, 5-51

875 (2003) (incomplete description of the Project's environmental setting fails to set the stage for a discussion of significant effects). 5-51 cont.

Here, the DEIR's deficiencies in describing the Project's environmental setting undermine its adequacy as an informational document. Without a clear understanding of the baseline conditions at the Project site, any impacts analysis or proposed mitigation becomes meaningless. The DEIR inaccurately characterizes the existing physical conditions at the Project site, including a failure to adequately describe seasonal ponds, as described in the Hamilton Report, and a failure to prepare adequate or current a biological resource evaluations. 5-52

In fact, a key oversight in properly describing the Project's environmental setting is the simple description of the developable area. Throughout the document – in the biological resource section as well as others – the DEIR refers to the site being 54.59 acres, but that the "development area" is a mere 10 acres. See DEIR at ES-1. However, DEIR Figure 2-2 illustrates the Project site boundary and the development area, which appears to take up more than 35% of the Project site – not 18% of the site (10 of 54.59). 5-53

The DEIR also fails to present important contextual information related to biological resources on the Project site and in the immediate vicinity. The biological report for the Project was prepared five years ago, in 2021, and this report in turn is based upon brief field surveys conducted in 2019 and 2020. *See* DEIR at 3.4-1 and Hamilton Report at 7. Moreover, these surveys were not conducted in a manner that could determine whether special status species may be present on the Project site. 5-54

As a result of these incomplete and inaccurate baseline characterizations, it is not possible to accurately determine the full scope or extent of the physical impacts that would result from the Project, which violates CEQA. The DEIR's inaccurate description of the Project's environmental setting frustrates the core goals of CEQA: to provide a vehicle for intelligent public participation and to provide an adequate environmental impact analysis. See *County of Inyo v. City of Los Angeles*, (1977) 71 Cal.App.3d 185, 197. 5-55

2. Fails to Provide Adequate Information on Sensitive Species Found on the Project Site.

The DEIR identified several special-status species with the potential to occur on site. *See* DEIR at 3.4-9 to 3.4-13 and Hamilton Report at 8. Yet, no focused surveys were conducted to establish the presence or absence of these species. In many cases, the potential for special-status species to occur on the site, as reported in Section 3.4 of the 5-56

DEIR, differs from the potential indicated in the biological technical report (EMC 2021). *See* Hamilton Report at 8. 5-56 cont.

3. Erroneously Mischaracterizes Annual Grassland Habitat as Fallow Agricultural Land.

In another example of failure to accurately describe existing conditions, the DEIR wrongly classifies approximately 15 acres of the Project site as "disked/short-term fallowed." DEIR at 3.4-5 and Hamilton Report at 3. As explained in the Hamilton Report, the single field visit to verify land cover conditions took place in summer, when dry conditions are not favorable for verifying site conditions. Had the field visit been conducted in spring, when most wild flowers in grasslands are detectable, the biologists would likely have come to a different conclusion. Proper classification of the existing habitat on site is important information to ensure that the evaluation of impacts to area natural resources are fully and accurately analyzed and mitigated. Moreover, for the Project to rely on the Habitat Plan, as the DEIR indicates it may, the Project site must be properly classified and described. 5-57

4. Fails to Analyze Whether Depleting Groundwater Resources Will Impact Uvas Creek and Federally-Protected Species.

The DEIR asks whether the project would have a substantial adverse effect on candidate, sensitive, or special-status species identified by CDFW or USFWS. The DEIR's biological resources analysis (Section 3.4) relies almost entirely on the 2021 Revised Biological Resources Evaluation by EMC Planning Group, which did not analyze the potential for Project groundwater pumping to reduce stream flows in Uvas Creek and thereby harm federally threatened South-Central California Coast steelhead (Oncorhynchus mykiss) and other aquatic species dependent on those flows. This is a critical analytical gap. The Kamman Report concludes that Project pumping could deplete Uvas Creek streamflow, which would adversely affect Steelhead and other species that depend on those flows. *See* Kamman Report at 8. 5-58

Such an analysis is also of high importance given the water resources and permit compliance required by Valley Water in maintaining minimum flows in Uvas Creek to ensure that rare and endangered species (e.g., South-Central California Coast steelhead) are supported pursuant to the Endangered Species Act Recovery Plan. 5-59

The Biological Resources Evaluation must be revised to include an assessment of Project pumping impacts on riparian and aquatic habitat and special-status fish.

5. Fails to Properly Analyze Impacts to Special-Status Species. 5-60

The DEIR's analysis of impacts to special-status species is inadequate for multiple reasons. First, the DEIR's failure to describe the existing setting severely undermines its analysis of Project impacts. As discussed above, despite the DEIR's acknowledgement that the Project site would potentially affect habitat for several special status, the DEIR fails to conduct focused surveys for the plants and wildlife. Focused biological surveys are intensive, scientific assessments designed to inventory specific flora and fauna within a defined area. Unlike general surveys that provide a broad overview, focused surveys concentrate on specific sensitive species or taxonomic groups to gather high-quality data. Here, the DEIR relies on the 2021 Biological Technical Report, however this report did not include survey data for reasons discussed further below. 5-60 cont.

Moreover, focused surveys following established protocol by resource agencies serve a different function from pre-construction surveys. The two types of surveys differ in their timing, purpose, and scope. As the name suggests, focused surveys are comprehensive studies designed to determine presence/absence or population size with a habitat. They are performed months prior to approval of a project, in the appropriate season for detecting various species. In contrast, pre-construction surveys are conducted days or hours before the work begins to identify individuals of a species to ensure avoidance of them. The latter only surveys for the species' during a short window of time and does not evaluate how many members of a species occur in a particular habitat. Therefore, the two types of surveys cannot be used interchangeably. 5-61

Second, the DEIR on the one hand relies on analysis in the 2021 Biological Technical Report for the Project site, and on the other hand, rejects key assumptions in that report. Specifically, the 2021 Biological Technical Report assumes that the Project would participate in the Habitat Plan because it recognized the likelihood that the Project would potentially impact a host of special-status species (e.g., California Tiger Salamander (federally and state-listed), California Red-Legged Frog (federally listed as threatened and is a California Species of Special Concern), Northwestern pond turtle (federal candidate species and a California Species of Special Concern), Western burrowing owl (candidate for state listing as threatened and a California Species of Special Concern), Crotch's Bumble Bee (candidate species for listing under the CESA), Swainson's Hawk (State listed as Threatened), and American Badger (Species of Special Concern) among others. For this reason, the 2021 Biological Technical Report's conclusions are predicated on the assumption that the Project would participate in the Habitat Plan. 2021 Biological Technical Report at 2-4, 4-2, and 6-1. 5-62

However, despite the 2021 Biological Technical Report's assumption that the Project would participate in the Habitat Plan, the DEIR fails to commit to doing so. DEIR at 3.4-15 and Hamilton Report at 10. The DEIR also fails to mention the fact that the Habitat Plan does not currently include sensitive species that may occur on the Project 5-63

site (i.e., Crotch's Bumble Bee and American Badger). Hamilton further finds that the alternative mitigation measures identified in the DEIR are ineffective and infeasible. 5-63 cont.

In addition, in some cases, the DEIR fails to evaluate the Project's impacts on sensitive habitat at all. For example, the DEIR fails to evaluate what appear to be seasonal pools visible from aerial images of the Project site. See, Hamilton Report at 4. These features should be carefully investigated in late winter or early spring to spring to determine if they provide potential habitat for any special-status plants or wildlife. *Id.* 5-64

The DEIR's approach fails to comply with CEQA requirements. The time to perform focused surveys is now, prior to Project approval, so that: a) resource agencies, decisionmakers, and the public can be informed about the resources present on the site; b) baseline conditions from which to measure Project impacts can be established; and c) the lead agency can determine what appropriate mitigation measures or alternatives should be considered. 5-65

By failing to describe the existing setting and failing to adequately analyze the impacts to biological resources, the DEIR also downplays the effects of the loss of open space on special status species. The end result is a document that is so crippled by its approach that decision makers and the public are left with no real idea as to the severity and extent of environmental impacts. *See, e.g., Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs*. (2001) 91 Cal.App.4th 1344, 1370-71; *Galante Vineyards v. Monterey Peninsula Water management Dist.* (1997) 60 Cal.App.4th 1109, 1123; *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 831. 5-66

II. The Mitigation Measures Proposed by the DEIR Are Inadequate.

Because, as discussed above, the DEIR fails to thoroughly examine and analyze the Project's impacts, it also fails to adequately mitigate for the related impacts. The County cannot approve projects with significant environmental impacts if any feasible mitigation measure or alternative is available that will substantially lessen the severity of any impact. Pub. Res. Code § 21002; CEQA Guidelines § 15126(a). The County is legally required to mitigate or avoid the significant impacts of the projects it approves whenever it is feasible to do so. Pub. Res. Code § 21002.1(b). An EIR is inadequate if it fails to suggest feasible mitigation measures, or if its suggested mitigation measures are so undefined that it is impossible to evaluate their effectiveness. *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 79. 5-67

Of course, the County may not use the inadequacy of its impacts review to avoid mitigation: "The agency should not be allowed to hide behind its own failure to collect data." *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 36. Nor may the County use vague mitigation measures to avoid disclosing impacts. *Stanislaus Natural* 5-68

Heritage Project, 48 Cal.App.4th at 195. Put another way, an EIR must make a good faith effort to analyze and disclose potentially significant impacts and set forth specific mitigation measures or set forth performance standards that such measures would achieve by various, specified approaches. *See* CEQA Guidelines § 15126.4; *see* also *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1034. 5-68 cont.

CEQA requires all mitigation measures be adopted simultaneously with, or prior to, Project approval. Mitigation measures may not be deferred when their effectiveness is uncertain or when deferral would prevent the DEIR from disclosing the potentially significant impacts of those measures. *Sacramento Old City Ass'n v. City Council of Sacramento*, 229 Cal.App.3d 1011, 1027-29 (1991). Uncertainties regarding the mitigation of impacts must be resolved before a lead agency may make the required CEQA findings; an agency may not rely on mitigation measures of uncertain efficacy or feasibility. *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692, 727 (1990). An agency may defer preparation of a plan or completion of a study only when the agency commits itself and/or the project proponent to satisfying specific performance standards that will ensure avoidance of any significant effects. *Id*. If a mitigation measure would itself create new significant environmental effects, those effects must be evaluated. *Sacramento Old City Ass'n*, 229 Cal.App.3d at 1027; *see also Stevens v. City of Glendale*, 125 Cal.App.3d 986, 995-96 (1981). 5-69

Specific to biological resource impacts, aside from the DEIR's impermissible deferred analysis, what mitigation is offered as an alternative to the Habitat Plan is insufficient. Rather than providing a thorough analysis of the Project's impacts, the DEIR simply applies a laundry list of measures requiring future data gathering through pre-construction surveys and then concludes that impacts would be less than significant. DEIR at 3.4-15 to 3.4-19. However, the DEIR's assertion that post-approval data collection will mitigate the Project's impacts to known resources on the site to a less-than-significant level is not supported by substantial evidence (i.e., focused surveys), constitutes an inappropriate deferral of analysis and mitigation measures under *Sundstrom v. County of Mendocino*, 202 Cal.App.3d at 296, and is erroneous as a matter of law. An EIR may conclude that impacts are insignificant only if it provides an adequate analysis of the magnitude of the impacts and the degree to which they are mitigated by the project's design or mitigation measures. See *Sundstrom*, 202 Cal.App.3d at 306-07. If an agency fails to investigate a potential impact, its finding of significance cannot stand. *Id*. 5-70

As the Hamilton Report explains, the DEIR's 2021 Biological Technical Report states unequivocally, that participating in the Habitat Plan is required to mitigate the Project's potentially significant impacts to several special status species. *See* Hamilton Report at 10. Participation in the Habitat Plan is required not only to mitigate the loss, 5-71

fragmentation, and degradation of natural habitats, but also to justify the lack of biological surveys that would have otherwise been required for CEQA compliance. *Id.* Therefore, the County must require the applicant to fully participate in the Habitat Plan or to conduct the required surveys, provide feasible mitigation, and then revise and recirculate the DEIR for public comment. 5-71 cont.

III. The Project is Inconsistent with the Santa Clara County General Plan and Zoning Code.

Government Code section 65300 requires the legislative body of each County to adopt a general plan for the physical development of the County. The general plan is often called the "constitution" for future development, to which all other land use decisions must conform. Government Code section 65860(a) and binding case law require that conditional use permits be consistent with a County's general plan and the underlying zoning code. *See, e.g.*, *Gonzalez v. Cnty. of Tulare* (1998) 65 Cal.App.4th 777, 785 ("Because conditional use permits must be in accord with the governing zoning ordinances, the uses authorized by such permits must necessarily be in conformity with the uses permitted under the general plan."); *Neighborhood Action Grp. v. Cnty. of Calaveras,* (1984) 156 Cal. App. 3d 1176, 1183-84 (conditional use permits must be consistent with a valid general plan and zoning ordinance). 5-72

Moreover, under County Code, the Planning Commission may not approve a Use Permit that is inconsistent with the County's General Plan or Zoning Ordinance. Santa Clara County Zoning Ordinance § 5.65.030 (Planning Commission "shall" deny a use permit application where the proposed use does not "conform[] with the general plan [and] with the zoning ordinance."); 5-73

In addition, the Project's inconsistency with the Hillsides General Plan Designation and Zoning District, and the General Plan and Zoning development standards in place to protect these natural hillside areas, means that the Project has a significant land use impact under CEQA. CEQA Guidelines, Appendix G, XI (project will have a significant environmental impact if it "conflict[s] with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect."); Project MND at 43-44 (adopting same threshold); *Pocket Protectors v. City of Sacramento* (2005) 124 Cal. App. 4th 903, 929-36. 5-74

Here, the DEIR concludes that the Project is consistent with the County's General Plan and Zoning Ordinance based on a scant, and faulty analysis. DEIR at 3.11-6 to 3.11-7. As discussed below, however, the Project clearly and directly conflicts with multiple policies and the allowed uses for the Hillsides General Plan designation and zoning 5-75

district. The DEIR must be revised to properly analyze and disclose this inconsistency. In addition, County staff should squarely present these inconsistencies to the Planning Commission when the Project's Conditional Use permit is considered. 5-75 cont.

A. The Project is Inconsistent with the General Plan's Hillsides Land Use Designation.

1. The Project Conflicts with the Purposes of the Hillsides Designation

The Project site is located in a remote, sensitive area, and the County has protected these lands through the Hillsides General Plan land use designation. With this designation, the County has determined that the site is "unsuitable for . . . urban development" and should be "be preserved largely in natural resource related and open space uses." General Plan Land Use Policy R-LU 16. 5-76

The Project, however, conflicts with this preservation focus of the Hillsides designation by proposing to house up to 150 people year-round on 10 acres developed with 18 structures, a 122-space parking lot, and associated infrastructure. DEIR at 1-2. This dense, continuous overnight use with extensive permanent structures and infrastructure is properly classified as urban development. It is not an open-space or natural resource related use as it would convert 10 acres of the site's current open space to graded developed lands to support a use that could, and often does, occur in urban areas. 5-77

Moreover, the Project's adverse environmental impacts conflict with the intent of the Hillsides designation to "support and enhance rural character, protect and promote wise management of natural resources, avoid risks associated with the natural hazards characteristic of those areas, and protect the quality of reservoir watersheds critical to the region's water supply." Policy R-LU 16. Far from enhancing rural character and protecting natural resources, this Project introduces dense development and uses that will increase the potential for wildfire ignitions, delaying emergency evacuations, risk contaminated flooding of creeks and groundwater wells, and convert natural habitats, including habitat for threatened and endangered species. To the extent that some rural character and natural habitats on the Project site may survive, that is in spite of, not because of the Project. 5-78

The Hillsides land use designation also acknowledges that "forests, wildlife habitat, [and] rare or locally unique plan and animal communities" are "important resources," that "serve to define the setting for the urbanized portions of Santa Clara 5-79

County." Policy R-LU 17. Accordingly, the General Plan requires that allowable uses shall be "consistent with the conservation and wise use of these resources and levels of development shall be limited to avoid increased demand for public services and facilities." *Id.*

5-79 cont.

Yet this Project proposes a use that requires extensive infrastructure to support, which would in turn convert potential habitat for Burrowing Owls, American Badger, and other special status species. And while the Project purports to be "self-contained," it will increase demand for emergency police and fire services in the event of an all too likely wildfire in the area.

5-80

2. A Large, Indoor Meditation Center is Not an Allowed Use for the Hillsides Designation.

Not only does the Project conflict with the intent of the Hillsides designation, it also is not an allowed use under the designation. The General Plan severely restricts the uses allowed in Hillsides areas "[g]iven the importance of these lands to the county's overall quality of life." Policy R-LU 17. General Plan Policy R-LU-18 limits the allowed uses to:

a. agriculture and grazing;
b. mineral extraction;
c. parks and low-density recreational uses and facilities;
d. land in its natural state;
e. wildlife refuges;
f. very low density residential development; and
g. commercial, industrial, or institutional uses, which by their nature 1) require remote, rural settings; or 2) which support the recreational or productive use, study, or appreciation of the natural environment.

5-81

The Project does not fit into any of these use categories, which are the *only* uses allowed in the Hillsides land use designation. The DEIR's land use and planning analysis argues that the Project fits the last category as a commercial or institutional use. DEIR at 3.11-6. It claims that "the Project requires a remote setting to maintain a quite, secluded, and natural environment appropriate for mediation and retreat activities and supports the appreciate of the natural environment through its integration with the landscape, emphasis on privacy and natural screening, and use of sustainable, low-impact infrastructure." *Id.* This conclusion misreads the Hillsides designation's land use requirements.

5-82

First, the requirements apply to the use of the site, not its design. Second, an indoor meditation retreat center is not a use, which "*by [its] nature* require[s] remote, rural settings." Meditation centers occur in all manner of settings, including urban environments. Indeed, a Yelp search shows over 10 dedicated meditation centers in the City of San Francisco. 5-83

Third, a meditation center does not, by its nature "support the recreational or productive use, study, or appreciation of the natural environment." According to the applicant's Project Description,[1] the participants spend their time "meditat[ing] in the meditation hall, meditation cell complex or in their residences, but during their break periods they may walk in silence in designated areas on the retreat center grounds . . . Thus, at all times they are learning to be engaged in the process of silent self-observation that is at the heart of Vipassana." (Exhibit F, Project Description, page 10). 5-84

This clearly describes a process of introspection and inner-focus spent almost entirely indoors. The Project does not propose a use that is focused on active outdoor recreation like a wilderness camp, focused on the study of nature, like a field lab, or similar uses whose focus is the use and appreciation of the outdoor environment, such as a seed gathering area or birdwatching retreat. Nothing in the Project Objectives mentions a purpose or activities to study or appreciate the natural environment, or to recreate there. DEIR at 2-5 to 2-5. Indeed, the DEIR's Project Description specifies that "no outdoor athletic or social activities would be allowed." DEIR at 2-10. The Project proposes a meditation practice that takes place indoors, with a few outdoor breaks. This does not require a remote, rural setting. Moreover, the focus is on self-observation and learning meditative techniques and teachings (through prerecorded videos), not promoting an appreciation of nature. 5-85

A dense, 150-person indoor retreat center with extensive, permanent infrastructure and facilities is not allowed in the preservation-focused Hillside designation where uses are reserved for those that are related to natural resources and open space. The Project directly conflicts with the General Plan's clear policies regarding allowed uses in the Hillsides designation. 5-86

[1] Project Description posted to the County website: https://stgenpln.blob.core.windows.net/document/PLN20_003_Description.pdf, (Exhibit F).

B. The Project Conflicts With the General Plan's Non-Residential Development Policies.

The General Plan also contains several applicable land use policies that relate to development density for non-residential uses. The DEIR, however, entirely fails to consider these policies, or identify the Project's direct inconsistency with them. These policies include the following:

> **R-LU-25**: Non-residential land uses allowed in 'Hillsides' areas shall be of a generally low density or low intensity nature, depending on the use, as is consistent with the basic intent of the Hillsides designation to preserve the resources and rural character of the land. Non-residential uses shall: a) avoid or minimize any potentially significant adverse environmental impacts; b) provide adequate access to safely accommodate potential traffic without significantly impacting local transportation routes; c) demonstrate no significantly increased risks associated with natural hazards; d) not create adverse visual impacts as viewed from the Valley floor or from adjacent public recreational areas; and e) cause no significant increase in the demand for public services or infrastructure, including potential impacts on school districts.
>
> **R-LU-26**: For recreational, commercial, or other uses which permit or involve overnight accommodations for temporary guests, allowable densities and the design of development shall also adhere to the following principles: a) proposed densities must be consistent with the scale of the allowed recreational or commercial use, if applicable; b) design and appearance shall blend harmoniously with the natural setting; and c) development shall be located, and if possible, clustered within the minimum area necessary to accommodate it, in order to avoid or reduce the need for improvements and minimize any potential environmental impacts.
>
> **R-LU-27**: Land uses proposed for inclusion within the Hillside zoning ordinance may be evaluated for conformity with the intent of this land use designation by various measures of land use intensity, including but not limited to: a) waste water generation rates; b) traffic generation rates; c) extent of grading, vegetation removal, drainage modifications, or other alteration of the natural environment; d) noise or other nuisance potential; and e) growth-inducing potential.

5-87

The Project cannot be considered "low density or low intensity," as required by R-LU-25 and R-LU-27. The site will be developed with 18 structures totaling 53,260 square feet (sq. ft.), and the construction of on-site improvements including a new 97,000-gallon water tank, driveway, access road, parking lot with 122 spaces, new landscaping, sewage collection lines, septic tanks, effluent collection lines, wastewater pre-treatment system,

pressure delivery effluent pipelines, pump stations, and subsurface drip disposal areas. Total development would consist of approximately 10 acres and site grading will consist of 4,689 cubic yards (cy) of cut and 4,644 cy of fill, which is more than 8 ½ graded acres.

5-87 cont.

There is no evidence that the Project could be considered a "low density or low intensity" due to the number of people being accommodated at the site, the amount of building that is proposed, and the impacts that such construction and ongoing operation will generate. On the contrary, looking at the development density allowed for other uses in the Hillside land use designation demonstrates that this Project vastly exceeds what the General Plan anticipates. General Plan Policy R-LU 19 specifies the standard allowable density for residential development in the Hillside designation, which is one residential unit per 20-160 acres, depending on the average slope of the parcel. On a 55-acre parcel such as the Project site, for example, a clustered development of two residential units would be permitted. With the County's established household size of under 3 persons per household, this would allow development of two units with an expected population density of 6 people. By contrast, the BAVC project proposes 18 buildings and a year-round population density of 150 people – a 2,500% increase over the residential density allowed in this General Plan land use category. This clearly illustrates that the proposed BAVC project is well in excess of what is intended to be developed in the Hillsides land use designation.

5-88

Moreover, the Project flies in the face of the prohibitions listed in R-LU-25, as demonstrated in the expert comments submitted with this letter, and by the DEIR itself. For example, instead of avoiding or minimize any potentially significant adverse environmental impacts, the Project has the potential to result in significant, and unmitigated impacts related to wildfire, biological resources, hydrology and water quality, transportation, and hazards. Instead of demonstrating no significantly increased risks associated with natural hazards, the Project will increase wildfire ignition risks at the site, and will add vehicles during an emergency evacuation that will significantly reduce evacuation times for surrounding residents. The Project has also failed to demonstrate that it can avoid landslide risks, and it threatens to pollute Uvas Creek and groundwater aquifer through contaminated runoff during foreseeable, large storm events. And instead of causing no significant increase in the demand for public services, the Project will require firefighters to utilize its water tank, and police to assist with evacuations during a wildfire event, which the County has already acknowledged they do not have the resources to provide (a point previously made in our April 5, 2024 MND comment letter).

5-89

Nor is the Project density consistent "with the scale" of the proposed use, as required by R-LU-26. When the BAVC was originally conceptualized, Project advocates

5-90

provided an overview of the center to nearby neighbors. (Exhibit G). This initial overview described a center to serve 60 to 80 students. Other Vipassana Centers in California are viable serving smaller student populations, including Dhamma Vaddhana in Twentynine Palms that serves 70 students and Dhamma Manda in Kelseyville that serves 55 to 70 students. Vipassana Centers in other U.S. states include Dhamma Pubbananda in Delaware that serves 60 students, Dhamma Kunja in Washington that serves 80 students, and Dhamma Visuddhi in Wisconsin that serves 45 students. This Project, however exceeds the scale of these centers in the amount of groundwater used, the amount of wastewater generated, the number of structures built, the amount of habitat graded, and the amount of traffic that would generated in the event of an emergency evacuation.

5-90 cont.

C. The Project conflicts with the Hillside Zoning District.

1. The Project Conflicts with Hillside Zoning District Regulations.

The purpose and limitations of the Hillside (HS) Zoning District largely repeat those of the Hillsides General Plan land use designation. According to the Zoning Ordinance, lands are zoned HS to "preserve mountainous lands unplanned or unsuited for urban development primarily in open space and to promote those uses which support and enhance a rural character, which protect and promote wise use of natural resources, and which avoid the risks imposed by natural hazards found in these areas." Zoning Ordinance § 2.20.010. The Project conflicts with these HS Zone purposes for the same reasons it conflicts with the General Plan Hillside designation discussed above.

5-91

In addition, the Zoning Code places additional restrictions on allowed uses in the HS Zone that the Project again fails to meet. In particular, it provides that "[l]ow-intensity commercial, industrial, and institutional uses may also be allowed if [1] they require a remote, rural setting *and* are sized to primarily serve the *rural* residents or community, or [2] if they *support* the recreational or productive use, study, appreciation, or enhancement of the natural environment. Zoning Ordinance § 2.20.010 (emphasis added). The Project does not meet these requirements.

5-92

As an initial matter, as noted in the previous section, the Project is not a "low-intensity" use. It's year-round density of up to 150 people residing on 10 acres, and extensive grading, facilities, and infrastructure, means this Project is more akin to an urban development.

5-93

Second, the Zoning Code makes clear that commercial and institutional uses are only allowed if they require a remote, rural setting *and* are sized to primarily serve the *rural* residents and community. As discussed above, an indoor meditation retreat center

5-94

does not require a remote, rural setting, and even if it did, the Project fails the second requirement: it is not sized to serve the areas rural residents and community, instead, as the Project description explains, "BAVC's purpose for the Project is to create a silent meditation retreat center in Santa Clara County *to meet regional needs*, given the existing demand and waiting list *in the South Bay Area and surrounding region*." DEIR at 2-4. The Project objectives likewise explain that the Project was sized to meet these regional, primarily urban needs, stating an objective to "[d]evelop and operate a financially self-sufficient silent meditation retreat center for up to 150 people at any given time *to meet the demand for this type of facility in Santa Clara County.*"

5-94 cont.

Third, as discussed above, an indoor meditation retreat center does not "support the recreational or productive use, study, appreciation, or enhancement of the natural environment." The BAVC may prefer to locate its retreat center in a rural area, but nothing about an indoor meditation retreat *supports* productive use, study, appreciation, or enhancement of the natural environment."

5-95

2. The Project Does Not Meet the Zoning Code's Definition of Camps and Retreats.

The DEIR notes that "camps and retreats" are listed as uses allowed with a Use Permit within the Hillside zone, and concludes that the Project falls within this use category because it will operate "meditation retreats." DEIR at 3.11-7. The Project, however, proposes permanent, year-round operations far beyond the limited uses that fall within the Zoning Code's definition of camps and retreats.

5-96

According to Zoning Ordinance Chapter 2.10, a Camp & Retreat is defined as follows: "Camps & Retreats. (Recreational) Outdoor-oriented recreational, meeting, lodging, and associated facilities which have a low population density, are a low intensity use, and which minimally alter the natural environment. Includes hostels, guest ranches, lodges, and educational and group retreats, but does not include tourist-oriented resorts, or hotels or motels (see Hotels and Motels)."

5-97

As described in the previous sections, the Project's indoor meditation retreat center is not an "outdoor-oriented" facility. There is no active recreation taking place, and the activities at the center focus on minimizing the influence of the exterior environment in an effort to focus inward. Neither does the meditation center have a low population density. In comparison to other uses allowed in the Hillside Zoning District and General Plan land use designation such as low-density residential uses, which would be expected to generate less than 10 people, a year-round population of 150 people cannot be considered low density. Lastly, based on the amount of grading, installation of infrastructure, paving, construction of all the buildings, and overall physical development

5-98

that will be required to construct the Project, the use cannot be characterized as low-intensity or as minimally altering the natural environment.

5-98 cont.

In summary, the DEIR does not provide a valid argument that the Project meets the County's definition of a Camp & Retreat.

D. County Planning Staff Also Determined that the Project Conflicts with the Hillside General Plan Designation and Zoning.

When the Project application was originally submitted to the County, planning staff found that the application was incomplete because the proposed Project conflicts with Hillside General Plan and Zoning requirements. The County's February 19, 2020 letter (Exhibit H) explained that the Project is inconsistent with both the Hillside General Plan land use designation and the definition of a Camp or Retreat, on which the zoning consistency determination must be based. This letter noted that "[W]hile the proposed use is described as a retreat, the intensity of the proposed operation is inconsistent with this definition in that the proposed use is not "outdoor-oriented," and the proposed improvements do not "minimally alter(s) the natural environment." Staff identified significant concerns about the proposed population density of approximately 150 people nearly every day of the year on this site. In addition, staff noted that "the proposed location of the structures, the access, and the parking lot is not designed to minimally alter the natural environment. Camps and retreats are typically seasonal in nature with limited high intensity use, interspersed with minimal occupancy on-site, which are not reflected in the project description for the proposed use, either."

5-99

The letter further identified concerns with General Plan consistency, citing that "[T]he proposed project features appear to be inconsistent with General Plan policy R-LU 25 and 26," in part because of the Project size and scale.

5-100

The Project applicant submitted a letter to the County dated October 14, 2020 in response to the County's incompleteness letter. (Exhibit I). In this letter, the applicant argued that similar recreational retreat facilities have been approved on properties with the Hillside General Plan and/or Zoning designation in the County in the past, and therefore the proposed Project should be approved as well. The recreational retreats noted were Walden West Saratoga (established in 1982), Camp Saratoga (established in 1965), Sveadal (established in 1983), and the Lupin Naturist Society (established in 1936). The suggestion that the BAVC project should be approved today simply because other retreat facilities were established in the 1930s, 1960s, and 1980s is irrelevant. An examination of this Project's consistency with current General Plan and Zoning standards requires a site and project-specific analysis of use and environmental impacts, not simply an argument that other retreats have been approved in previous decades.

5-101

While the Project site plan has been modified since the original application, the density and intensity of the Project remains the same. The proposed use, population served, number of buildings, and site development intensity has not been reduced. Staff's concerns about intensity of use, increase in demand on public services and infrastructure, and potential environmental impacts have not been addressed. 5-102

In summary, the Project conflicts with the Hillsides General Plan land use designation and related general plan policies or the Hillside Zoning District. This is a significant land use impact under CEQA as well as a violation of State Planning and Zoning Law. County Code likewise prohibits the Planning Commission from approving a Use Permit for the Project. 5-103

IV. Conclusion

Compliance with CEQA would involve properly identifying the baseline conditions of the Project site, adequately analyzing the potential significant adverse effects of the Project, and identifying mitigation measures to reduce the severity of those impacts. To this end, an EIR must analyze the Project's effects on area residents (including increased wildfire risk and increased emergency evacuation times) and natural resources (including impacts on biological resources and water quality), and the efficacy of the proposed mitigation, so that the public and decision makers may reach their own conclusions. *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 130. The Project as proposed would result in significant impacts that have not been adequately analyzed, disclosed, or mitigated.

Ample evidence in this letter demonstrates that the Project's impacts are potentially significant. In light of this evidence, CEQA requires that the DEIR be revised and recirculated for public review before any decisions on the merits of the Project are made. Moreover, the Planning Commission must consider the Project's inconsistency with the County General Plan and Zoning Ordinance and deny the Use Permit application. 5-104

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Heather M. Minner

SHUTE, MIHALY & WEINBERGER LLP

Exhibits:

A. Greg Kamman, *Technical Review of Draft Environmental Impact Report, Bay Area Vipassana Center Project*. March 25, 2026.
B. Dr. Christopher Dicus, *Expert Opinion: Counter-Arguments and Considerations Regarding the Bay Area Vipassana Center Draft EIR*. March 22, 2026.
C. Kevin Weinisch, P.E., *Review and Commentary on Potential Wildfire Evacuation Effects from the Bay Area Vipassana Center (BAVC)*. March 23, 2026.
D. Robert Hamilton, *Review of Biological Resource Issues, Bay Area Vipassana Center Draft EIR, County of Santa Clara, California.* March 23, 2026.
E. Heather Minner, *Shute Mihaly & Weinberger, LLP, MND Comment letter with appendices*. April 4, 2024.
F. BAVC Project Description submitted to Santa Clara County. January 6, 2020.
G. Introduction and Project Description (Initial Project Concept) provided by Bay Area Vipassana Center to Neighbors. Undated.
H. February 19, 2020 Incomplete Letter from Santa Clara County Planning to BAVC.
I. October 14, 2020 Response Letter from BAVC to Santa Clara County Planning.

copy:
Happy Acres Municipal Water Company Board of Directors

Letter 5 Response: Happy Acres Mutual Water Company; Shute, Mihaly & Weinberger LLP

5-1 This comment is acknowledged.

5-2 The Draft EIR discusses potential impacts of the Project related to land use, water resources, and wildfire, emergency access, and evacuation in Section 3.11, *Land Use and Planning* (pages 3.11-1 through 3.11-8); Section 3.10, *Hydrology and Water Quality* (pages 3.10-1 through 3.10-54); Section 3.9, *Hazards and Hazardous Materials* (pages 3.9-1 through 3.9-28); Section 3.17, *Transportation* (pages 3.17-1 through 3.17-28); and Section 3.19, *Wildfire* (pages 3.19-1 through 3.91-28), respectively.

5-3 This comment is acknowledged. The commenter's concerns regarding the adequacy of the February 2024 Proposed Mitigated Negative Declaration and the Draft EIR are acknowledged and will be considered as part of the County's Project approval process.

5-4 As discussed on page 3-1 of the Draft EIR, the environmental baseline for purposes of CEQA consists of the existing physical setting/conditions. CEQA Guidelines Section 15125(a) states, in part:

> *An EIR [environmental impact report] must include a description of the physical environmental conditions in the vicinity of the project. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant… The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts.*

The physical environmental setting at the time the NOP is published will normally constitute the environmental baseline by which a lead agency determines whether a potential impact would be significant. The NOP for this Project was issued on June 30, 2025. In addition, the Draft EIR was prepared as an informational document to support public review and informed decision-making under CEQA. The Draft EIR evaluates the Project's potential environmental effects, identifies mitigation measures where applicable, and considers alternatives based on the environmental baseline established for the analysis.

5-5 This comment is acknowledged. The expert reports and supporting materials submitted with the comment letter, including the referenced exhibits, have been reviewed and will be considered as part of the County's Project approval process.

5-6 This comment is acknowledged.

5-7 This comment is acknowledged. Please see Response 5-4.

5-8 This comment is acknowledged. Please see Response 5-4.

5-9 The Project site's zoning designation, permitted uses, and consistency with applicable General Plan policies are discussed in detail in Section 3.11, *Land Use and Planning* (pages 3.11-1 through 3.11-8), of the Draft EIR. As noted under "Zoning Designations" on page 3.11-3, the Project site is zoned "HS-sr," Hillside with a Scenic Roads overlay, by the County Zoning Ordinance. Allowable uses in these districts in addition to residential uses include low-intensity commercial, industrial, and institutional uses if they require a remote, rural setting and are sized to primarily serve the rural residents or community, or if they support the recreational or productive use, study, appreciation, or enhancement of the natural environment. As described in Impact 3.11-2 of the Draft EIR (pages 3.11-6 and 3.11-7), the County Zoning Ordinance categorizes the Project use as "camp and retreat," which is allowed with a use permit and architectural and site approval within the Hillside zoning designation.

5-10 The Draft EIR includes analysis of potential environmental impacts using technical reports and available data, identifies mitigation measures where applicable, and applies significance criteria and thresholds used by the lead agency to evaluate those impacts. The Draft EIR was prepared and circulated in accordance with CEQA and the CEQA Guidelines, including environmental impact criteria presented in CEQA Guidelines Appendix G.

5-11 This comment is acknowledged. Please see Response 5-10, as well as the additional responses provided below to the individual comments contained in this letter. The County affirms that it used the correct baseline based on the NOP publication date of June 30, 2025. Since the applicant purchased the property in 2017, there have been no demonstrable changes to the Project site beyond the applicant team hand-planting wildflowers and landscaping around the property's border.

5-12 This comment is acknowledged. The comment does not identify a specific mitigation measure that defers mitigation; therefore, no further response is provided.

5-13 This comment is acknowledged. Please see Response 5-12.

5-14 This comment is acknowledged. Please see Response 5-12.

5-15 This comment is acknowledged. Please see Response 5-12.

5-16 The Draft EIR was prepared and circulated in accordance with the CEQA Guidelines and reflects the lead agency's independent judgment regarding the analysis, conclusions, and significance determinations presented. Technical studies prepared by consultants were reviewed by the lead agency and were used to inform the Draft EIR, as appropriate.

5-17 This comment is acknowledged. Please see Responses 5-16, 5-24, 5-25 and 5-29.

5-18 CEQA does not require formal peer review or public disclosure of the internal review process for technical studies. The County and its environmental consultant peer-reviewed the supporting studies for accuracy and adequacy before their inclusion in the Draft EIR. The Draft EIR reflects the lead agency's independent evaluation of the analyses and supporting technical materials, including review by qualified staff.

5-19 The Draft EIR does not conclude that the proposed Bella Creek Project would have no impact on emergency evacuation. As discussed in Section 3.9.4.1 (page 3.9-15) of the Draft EIR, the proposed Bella Creek Residential Community project could potentially affect emergency response or evacuation along Watsonville Road. At the time the NOP was published, the proposed Bella Creek Project had not provided a traffic or evacuation analysis that could be incorporated into the cumulative analysis. Accordingly, the Draft EIR evaluated the Project's potential cumulative effects on emergency evacuation based on the information available pursuant to CEQA Guidelines Section 15125(a)(1). Therefore, the EIR authors, technical experts, and County staff analyzed the BAVC's potential cumulative impact on evacuation by incorporating their limited knowledge of the proposed Bella Creek Project. To that end, the Project was determined to have a less-than-significant cumulative impact related to evacuation and other environmental concerns. The proposed Bella Creek Project will be required to undergo its own environmental review, including evaluation of its project-specific and cumulative impacts, and to consider traffic and evacuation conditions associated with other foreseeable development.

In addition, as described in Table 3.0-1 of the Draft EIR (page 3-4), the authors evaluated potential cumulative impacts from the BAVC project in conjunction with the Day Road rebuild project, the RV park on Merriman Lane, a new hillside residence on Mantelli Drive, and a 116-lot subdivision on the Hecker Pass Highway. At the time of preparation of the Draft EIR, no other projects were known in the vicinity that could be incorporated into the cumulative analysis.

The Weinisch Report incorrectly states that the Draft EIR did not analyze cumulative impacts properly. For this Draft EIR, technical authors analyzed whether the combined effects of the Project and the other identified projects would result in an impact that is cumulatively significant.[1] They reviewed whether a significant impact on the environment would result from the effects of the Project combined with the effects of other projects. If the Project would not contribute to the impact, then the impact is not considered a significant cumulative impact for the purposes of analyzing the Project. If the Project would contribute to the impact, the authors considered the Project's incremental effect to be cumulatively considerable without mitigation. Even where the Project might cause an "individually limited" or "individually minor" incremental impact that, by itself, is not significant, the Project may nevertheless contribute to a cumulative impact if the contribution would be "cumulatively considerable" when viewed together with environmental changes anticipated from past, present, and probable future projects. The technical authors relied on substantial evidence, professional judgment, and information available at the time the NOP was published to determine the Project's potential cumulative impacts.

5-20 The comments received do not provide new information that warrants recirculation of the Draft EIR. The comments do not identify new significant impacts or a substantial increase in the severity of previously identified impacts, nor do they identify feasible Project alternatives

[1] Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 120.

or mitigation measures that considerably differ from those analyzed in the Draft EIR and/or that the County has not agreed to implement.

5-21 The commenter does not give specific evidence to refute the claim that the Draft EIR conclusions are unsubstantiated. No revisions are required.

5-22 As described on page 3.7-16 of the Draft EIR, the Project would be required to comply with the requirements of the California Building Code and County ordinances. Compliance with these codes and ordinances would be a condition of the Project permit and does not qualify as deferred mitigation. Design plans of buildings would be submitted to the County Department of Planning and Development, and would be reviewed by subject matter experts including Land Development Engineering, Fire Marshal's Office, Environmental Health Branch, Planning Division, and Building Division staff for compliance with codes and ordinances.

5-23 This comment is acknowledged. Please see Responses 5-24 through 5-31, responding to individual comments summarizing the Kamman Report.

5-24 The Kamman Report cited by the commenter in Comment 5-23 provides arguments regarding the potential for groundwater dependent ecosystems (GDE) to be present along Uvas Creek and be affected by groundwater pumping for the Project. As stated on page 2-18 of the Valley Water Groundwater Management Plan (GMP):

> *Typically, under natural conditions, perennial streams are gaining streams that are supported by baseflow from groundwater discharge, and thus are usually indicative of interconnected surface water and groundwater dependent ecosystems (GDEs). However, Valley Water's reservoir releases have created nearly perennial streams in losing stream reaches that are disconnected from the regional groundwater table, and thus are not likely interconnected surface water or GDEs under SGMA* [Sustainable Groundwater Management Act]*, as described below.*

As discussed on page 3.10-18 of the Draft EIR, Uvas Creek is a losing stream, as determined by groundwater monitoring and stream recharge analyses conducted for the development of the Valley Water GMP (Valley Water, 2021). Additionally, the flows in Uvas Creek are maintained by releases from Uvas Reservoir (Valley Water 2021; Mohr HydroGeoScience 2021b). As discussed in the Draft EIR (pages 3.10-18 to 3.10-19), and based on best-available information provided by Valley Water (Valley Water 2021), there is no evidence that the Uvas aquifer supports a GDE (Valley Water 2021). Furthermore, streamflows in Uvas Creek are maintained by releases from Uvas Reservoir as required under the "Operating Rules for Water Supply Facilities in the Uvas and Llagas Watersheds." As discussed in Draft EIR Section 3.4, no fish species have the potential to occur on the Project site because there are no perennial waters, and that impacts to aquatic and riparian habitats would be less than significant. Additionally, the analysis provided on page 3.10-24 of the Draft EIR determined that because Uvas Creek is a losing stream, groundwater pumping for the proposed Project would not result in the depletion of any surface waters. Thus, Uvas Creek is not dependent on baseflow from groundwater discharge to maintain surface water flows and does not support

GDE. As a result, the analysis in Impact 3.10-5 of the Draft EIR determined that the Project would have a less-than-significant impact on GDEs.

5-25 Please see Response 5-22. This comment cites the Kamman Report, which states that the known landslide hazard is not currently known at the site; however, as described in Draft EIR Section 2.2.3, *Project Site* (page 2-4), the portion of the Project site to be developed is relatively flat. Additionally, the Project would be designed in accordance with General Plan Policies R-GD 29 and R-GD-30, as described on Draft EIR page 3.7-19, which would require that all development on slopes 30 percent or greater be evaluated and approved by the Zoning Administrator. The Project would have to demonstrate compliance with existing federal, state, and local regulations, which are designed to minimize risk associated with areas susceptible to landslides. As part of these regulations, the site would be designed in accordance with recommendations from a site-specific geotechnical report, which would include design measures that would further reduce the risk of geotechnical hazards, including landslides. These regulations are further elaborated upon in Draft EIR Section 3.7, *Geology, Soils, and Paleontology.* With adherence to required regulations, the Project would have a minimal risk of exacerbating existing landslide risk at steeper portions of the site.

5-26 Please see Response 4-5. Specific to 100-year flood events, the County requires that all development demonstrate that structures on-site are protected from 100-year flooding, that emergency high-flow overpaths be provided, and that flooding not create off-site impacts (Santa Clara County Ordinance Code, Title C, Division C12, Chapter III). These measures are specifically intended to manage off-site runoff impacts during less frequent high-flow events. The Project would be designed in accordance with these measures, as the applicant would be required to demonstrate compliance with the County's ordinances and drainage manual before Project approval to be able to obtain permit approval. As part of this process, the Project would be required to conduct specific hydrologic and hydraulic modeling to demonstrate compliance with the County's drainage manual, as referenced on page 3.10-13 of the Draft EIR.

Bioretention areas constructed on-site, including the upper bioretention area adjacent to the male accommodations center, would be designed to attenuate and slow drainage. As specified in the Santa Clara Valley Urban Runoff Pollution Prevention Program's C.3 Stormwater Handbook, bioretention areas are required to have overflow systems or bypass measures that allow high flows larger than the water quality design flow or volume to avoid adverse on- and off-site impacts such as erosion or substantial flooding. Additionally, and as discussed in Impact 3.10-1 of the Draft EIR (pages 3.10-28 through 3.10-31), the applicant would inspect stormwater samples for the presence of a surface sheen, indicative of the presence of hydrocarbons. Should a sheen be observed, the applicant would engage a stormwater consultant to determine whether a sediment trap or other attenuation device should be installed to capture hydrocarbons and metals commonly generated in parking lots.

5-27 As discussed in Impact 3.19-1 of the Draft EIR (pages 3.19-14 and 3.19-15), locating development in flatter areas supports effective fuel management, access for emergency responders, and implementation of defensible space measures according to California

Department of Forestry and Fire Protection (CAL FIRE) Defensible Space Zone guidance, all of which would contribute to reduced wildfire risk within the Project footprint. As modeled in the Wildfire Hazard and Risk Analysis Report (Appendix D to the Draft EIR), prescribed fuel treatments, adequate defensible space, and the landscaping plan were modeled to substantially reduce wildfire risks. The modeling predicted a substantial reduction in fire severity across most of the surrounding Project area, including adjacent properties and residential areas along El Matador Drive. Additionally, as discussed in Impact 3.19-4 of the Draft EIR (pages 3.19-2 and 3.19-23), the Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, given that Project development would mimic pre-development hydrology.

5-28 As discussed in Impact 3.10-1 of the Draft EIR (pages 3.10-28 through 3.10-31), the OWTS would be constructed in accordance with County OWTS Ordinance guidelines, as discussed in Draft EIR Section 3.10.1.2, *Regulatory Setting* (pages 3.10-1 through 3.10-15). The OWTS Ordinance requires design by a licensed engineer, completion of a site assessment, compliance with design setback requirements, and installation permitting, which would reduce or avoid potential environmental impacts, and would be subject to review and approval by the County Public Health Department, Environmental Health Branch. All standard setback requirements would be maintained for leach fields pertaining to property lines, roads, buildings, drainages, and other wells, which would reduce or avoid potential environmental impacts (see Figure 3.18-1 on page 3.18-18 of the Draft EIR for drip disposal field locations).

The pretreatment system would be equipped with a telemetry control panel to notify the service provider of any malfunctions and would be monitored remotely to observe any potential signs of failure, allowing for an early alert and subsequent swift response to any system failures. The system is also designed to operate with an emergency generator in case of power outages. Because the proposed OWTS would adhere to all regulatory requirements, including capacity limits, setback requirements, and pretreatment requirements, the proposed OWTS would have a minimal risk of releasing contaminants.

5-29 As discussed in Impact 3.10-5 of the Draft EIR (pages 3.10-39 through 3.10-45), Uvas Creek is a losing stream (losing water to the underlying groundwater system as it flows over the streambed substrate) that is supported through the ongoing releases of water from Uvas Reservoir to maintain perennial flows as required in the "Operating Rules for Water Supply Facilities in the Uvas and Llagas Watersheds." Although the Kamman Report cited by the commenter is correct that surface waters in the vicinity of the Project area could be interconnected with groundwater, this is not the case for Uvas Creek and Uvas aquifer; streamflows in Uvas Creek are primarily dependent on releases from Uvas Reservoir to maintain perennial flows in Uvas Creek and further recharge the groundwater system (Valley Water 2021; Mohr HydroGeoScience 2021). As discussed on page 3.10-40 of the Draft EIR, pumping tests conducted at the proposed well locations at rates higher than required for Project construction and operation concluded that groundwater pumping for the Project would minimally affect groundwater levels. Additionally, the pump tests indicated that water level recovery would be rapid and robust (Mohr HydroGeoScience, 2021). Therefore,

because streamflows in Uvas Creek are dependent on releases from Uvas Reservoir, and because pumping for the Project would have a less-than-significant impact on groundwater levels in Uvas Reservoir, the Project would have a less-than-significant impact on interconnected surface waters, if indeed present in the Uvas aquifer.

5-30 Please see Response 5-24. As discussed on Page 3.16 of Valley Water's GMP:

> *Because these losing stream reaches are not interconnected and streamflow is supported by natural runoff and in-stream recharge operations via reservoir releases, GDEs are generally not affected by groundwater pumping in the recharge areas or the central portion of the Llagas Subbasin. Long-term groundwater levels are stable and demonstrate sustainable groundwater conditions.*

As discussed in Impact 3.10-2 of the Draft EIR (pages 3.10-31 through 3.10-34), groundwater pumping for the Project would not substantially deplete groundwater levels, given the high rates of recharge associated with maintained releases in Uvas Creek, a losing stream that continually recharges the underlying groundwater system. Therefore, because ecosystem functions associated with Uvas Creek are evidenced to be supported by releases from Uvas Reservoir, and because groundwater pumping for the Project would not have a significant impact related to depletion of groundwater resources because of the continual groundwater recharge from Uvas Creek via ongoing, required streamflows, there would be a less-than-significant impact associated with GDEs. This is further discussed in Impact 3.10-5 of the Draft EIR (pages 3.10-39 through 3.10-46).

5-31 This comment is acknowledged. The Draft EIR was completed in accordance with CEQA Guidelines Section 15064. Please see Responses 5-24 through 5-30 above regarding hydrology and water quality.

5-32 Certain avoidance measures enforced by existing regulations can be more aptly characterized as an integral part of the overall project (and therefore not "mitigation") even where impacts would be significant but for their existence. For instance, if a project is redesigned to avoid a wetland, such an approach does not constitute a mitigation measure because it has become part of the project itself, and is not a subsequent action proposed to mitigate or offset the alleged adverse environmental impacts of the project.[2] Incorporating measures into a project does not always mean they are not "mitigation"; however, because CEQA provides that "the discussion of mitigation measures shall distinguish between the measures which are proposed… to be included in the project and other measures proposed by the lead, responsible or trustee agency… if required as conditions of approving the project." [CEQA Guidelines Section 15126.4(a)(1)(A).] In addition, the Project would include building configurations, site layout and design features that incorporate the natural landscape, bioswales and detention areas and would add new wildflower meadows, and landscape materials to enhance the Project area. Therefore, the environmental analysis concluded that

[2] *Berkeley Hillside Preservation v. City of Berkeley* (2015) 241 Cal.App.4th 943, 961.

no additional mitigation measures would be required to reduce or avoid an environmental impact.

5-33 This comment is acknowledged. Please see Response 5-32.

5-34 This comment is acknowledged. Please see Response 5-32.

5-35 This comment is acknowledged. Please see Response 5-32.

5-36 This comment is acknowledged. Please see Response 5-32.

5-37 The report provided by Dr. Christopher Dicus concludes that the Draft EIR does not provide substantial evidence to support a less-than-significant wildfire impact determination and recommends additional analysis of worst-case evacuation conditions, fire behavior, and related factors. The Draft EIR acknowledges that wildfire risk cannot be entirely eliminated in wildfire-prone areas and does not conclude that the Project would not exacerbate wildfire risks. Rather, Draft EIR Section 3.19, *Wildfire* (pages 3.19-1 through 3.19-28), evaluates whether the Project would substantially exacerbate wildfire risk or impair emergency response and evacuation under CEQA significance criteria.

As discussed in Section 3.19, Wildfire (pages 3.19-9 through 3.19-13), of the Draft EIR wildfire hazard was evaluated based on available information, including the topography and climate of the BAVC site as described in the Santa Clara County General Plan; existing vegetation and fuel conditions at the BAVC site and surrounding area based on the species identified in Section 3.4, Biological Resources (pages 3.4-1 through 3.4-26) of the Draft EIR; available fire protection services documented by the Santa Clara County Central Fire Protection District; wildfire hazard severity based on maps published by the California Department of Forestry and Fire Protection; wildland urban interface maps prepared by Santa Clara County, and site-specific wildfire and traffic conditions evaluated in technical reports prepared for the Project discussed further in Section 3.19.3.1, *Methodology*, (Page 3.19-13) and provided in Appendix D of the Draft EIR.

5-38 This comment is acknowledged. Please see Responses 5-39 through 5-45, which address individual comments summarizing the Dicus Report.

5-39 The Draft EIR evaluates Project-specific impacts of both construction and operational activities related to wildfire, emergency services, and evacuation in Section 3.9, *Hazards and Hazardous Materials* (pages 3.9-1 through 3.9-28); Section 3.17, *Transportation* (pages 3.17-1 through 3.17-18); and Section 3.19, *Wildfire* (pages 3.19-1 through 3.19-28). Collectively, these sections address potential effects on emergency access, response, and evacuation procedures under a range of conditions.

The Dicus Report asserts that the Draft EIR understates wildfire exposure to the site. The report is correct that wildfire risk should be assessed based on the interacting fuel, topographic, and wind environment affecting the Project, rather than on mapped hazard designations alone. However, in addition to identifying mapped fire hazard severity zones and demonstrating

consistency with applicable regulatory standards and requirements, the Draft EIR's wildfire analysis evaluates wildfire risk based on site-specific conditions, surrounding land uses, and available technical information. This analysis considers factors related to evacuation feasibility, fuel management practices, and structural fire safety measures, as described further in the referenced technical studies and supporting documents, including site-specific emergency evacuation studies (ACG 2024) wildfire risk reports (FEDC 2021a, 2021b), and available online resources (CAL FIRE 2023). A comprehensive list of technical studies and supporting documents are listed in Draft EIR Section 3.19.5, *References,* and included in Chapter 4 of the Final EIR.

5-40 As described in Impact 3.19-1, the Draft EIR (pages 3.19-14 through 3.19-16) evaluates evacuation under both construction and operational conditions. During construction, potential temporary impacts are addressed through a required County encroachment permit and an approved traffic control plan, including interagency coordination, signage, and compliance with the California Manual on Uniform Traffic Control Devices.

For Project operation, the Draft EIR describes the results of microsimulation traffic modeling demonstrating that most Project occupants would be able to evacuate within 15 minutes without interfering with regional evacuation routes. Further, the Draft EIR relies on a site-specific evacuation plan (the Dhamma Santosa Evacuation Plan, Appendix D to the Draft EIR) developed in compliance with Section 4 of the California Fire Code. The evacuation plan establishes defined evacuation phases, assigns specific roles, provides for participant accountability, and requires direct coordination with CAL FIRE and the Santa Clara County Sheriff's Department.

As discussed in Draft EIR Chapter 2, *Project Description* (pages 2-1 through 2-18), "participants" as defined for the purpose of the Draft EIR include all people participating in a retreat session including meditation students, teachers, caretakers, and volunteers. The Dicus Report points to the fact that some participants may be unfamiliar with local roadways, thereby affecting evacuation efficiency. However, as discussed in the Dhamma Santosa Evacuation Plan (Appendix D to the Draft EIR), students would assist with evacuation, but critical evacuation roles such as the "Incident Commander" or "Course Managers" would be handled by teachers, caretakers, and volunteers who are more familiar with the site and surrounding area. Further, although the Dicus Report correctly highlights that the technical reports prepared for the Project recommend sheltering in place as an alternative to full evacuation, site evacuation would follow the procedures outlined in the Dhamma Santosa Evacuation Plan, which does not include sheltering in place as an evacuation procedure.

5-41 The Dicus Report correctly notes that compliance with applicable fire codes help reduce losses during a wildfire event; however, Wildland-Urban Interface Code compliance by itself does not ensure safety and is not sufficient to conclude that impacts would be less than significant under CEQA. However, the Draft EIR does not rely solely on regulatory compliance to determine a less-than-significant impact. Rather, the Draft EIR's wildfire analysis also relies on preparation of a site-specific evacuation plan, implementation of fuel management practices, and structural fire safety measures, as described further in the

referenced technical studies and supporting documents. Based on this analysis, the Draft EIR provides substantial evidence to support its conclusion that wildfire impacts would be less than significant.

5-42 Please see Response 5-41.

5-43 Please see Response 5-41.

5-44 The Dicus Report concludes that the Draft EIR does not provide substantial evidence to support a less-than significant conclusion for wildfire impacts. Professor Dicus points to the fact that fire-resistant design, defensible space, underground utilities, and on-site water supply may improve conditions; however, they do not eliminate the risk of ignition from embers, failures at vulnerable attachments or adjacent combustible features, structure-to-structure fire spread, or reduced suppression effectiveness during a major wildfire. The Draft EIR acknowledges that wildfire risk cannot be entirely eliminated in wildfire-prone areas and does not conclude that the Project would eliminate wildfire risk. Rather, as discussed in Section 3.19, *Wildfire* (pages 3.19-1 through 3.19-28), the Draft EIR evaluates whether the Project would substantially exacerbate wildfire risk or impair emergency response and evacuation under CEQA significance criteria.

The wildfire analysis considers site-specific conditions, surrounding land uses, ignition sources, and potential wildfire behavior, as well as Project design features and operational measures intended to reduce wildfire risk. The Draft EIR also evaluates evacuation feasibility and incorporates a site-specific evacuation plan and microsimulation modeling to assess evacuation performance during wildfire events. Based on this Project-specific analysis and the supporting technical information referenced therein, Impact 3.19-2 (pages 3.19-16 through 3.19-20) of the Draft EIR concludes that although wildfire risk remains present, the Project would not result in a substantial increase in wildfire risk, ignition potential, or impacts on the safety of future site users beyond existing conditions, and that impacts related to wildfire hazards would therefore be less than significant under CEQA.

5-45 Please see Responses 5-39, 5-40, 5-41, and 5-44.

5-46 The Weinisch Report identifies additional components commonly included in more detailed evacuation analyses but reflects a different analytical scope and level of detail than required for the Project under CEQA. The Draft EIR evaluates Project-specific impacts related to emergency access, evacuation, and circulation in Section 3.9, *Hazards and Hazardous Materials* (pages 3.9-1 through 3.9-28); Section 3.17, *Transportation* (pages 3.17-1 through 3.17-18); and Section 3.19, *Wildfire* (pages 3.19-1 through 3.19-28). Based on this analysis, the Draft EIR concludes that with implementation of a traffic control plan and site-specific evacuation plan, the Project would not significantly impair emergency access, evacuation, or circulation. Please see also the following responses, which address the specific points referenced in this comment in detail.

5-47 The Weinisch Report cited by the commenter is correct to point to the Attorney General's "Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects

Under the California Environmental Quality Act"; however, the level of analysis required under CEQA depends on the scale and context of the project, and consistency with applicable CEQA standards—and not the Attorney General's guidance alone—determines adequacy. As discussed in Impact 3.19-1 of the Draft EIR (pages 3.19-14 through 3.19-16), the evacuation analysis evaluates evacuation performance to determine whether the Project would substantially impair an adopted emergency response plan or emergency evacuation plan, which is the applicable CEQA significance criterion.

The Wildfire Emergency Evacuation Analysis (AGC 2024) evaluates evacuation performance under defined routing and traffic-control scenarios consistent with the Santa Clara County Emergency Operations Plan, where evacuation is a managed process guided by emergency management personnel based on real-time conditions. The Weinisch Report cited by the commenter raises several considerations that can be relevant to evacuation analyses, including assumptions related to mobilization time, traffic control, and demographics. However, although such best practices may be informative, they are not required by CEQA, and the level of detail necessary for analysis depends on the scope of the Project. The Draft EIR does not conclude that the BAVC low-intensity development would have no effect on evacuation time in the surrounding area. Rather, based on modeling results, on-site conditions, and implementation of a site-specific evacuation plan, traffic control plan, and access improvements, the Draft EIR analysis of Impact 3.19-1 concludes on page 3.19-16 that the Project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

5-48 Please see Response 5-47.

5-49 Please see Response 5-19. The Weinisch Report cited by the commenter is correct that the 2019 Traffic Impact Analysis and 2024 Wildfire Emergency Evacuation Analysis, both by Alex Georgevitch Consulting, do not analyze the proposed Bella Creek Project. However, at the time those analyses were published, sufficient information was not available to fully evaluate the effects of the proposed Bella Creek Project – in fact, the proposed Bella Creek Project information remains unavailable. Consistent with CEQA, the Draft EIR evaluates the Project's contribution to cumulative conditions based on available information at the time the NOP was published and does not analyze other projects beyond what is necessary to assess the Project's incremental contribution.

5-50 To address this comment and claims in the Hamilton Report, ESA qualified biologists visited the Project site on April 22 and May 7, 2026, to review the land features and potential for biological resources to be present. The surveys verified the Draft EIR's characterization of natural communities (i.e., no sensitive natural communities or jurisdictional aquatic resources would be affected), potential presence of special-status species, and the applicability of Draft EIR mitigation measures for protection of these resources. The proposed mitigation measures would reduce potential impacts on biological resources. Please see Responses 5-51 through 5-54, which address individual comments summarizing the Hamilton Report.

5-51 Please see Response 2-5.

5-52 As stated in Response 2-5, pursuant to CEQA Guidelines Section 15151, CEQA does not require exhaustive survey efforts. A review of historical aerial photos (Google Earth 2026) indicates numerous spots within the grassland visible in different places at different times. Aerial photography reveals the heavily disturbed nature of site soils, with row crops visible through 2010, followed by an off-road bike course, reducing the potential for sensitive plants or wildlife to persist in this location. Depressions on the site, whether natural or human-made, may fill with water after rainfall, but do not constitute protected wetlands if they do not contain wetland soils, hydrology and vegetation. In response to the Hamilton Report's claim of "seasonal ponds" on the Project site, ESA qualified biologists visited the site on April 22 and May 7, 2026. Although a depression was observed on the Project site (in an area planned for Project landscaping), this feature was not classified as a wetland or other aquatic resource.

5-53 Figure 2-2 on page 2-3 of the Draft EIR is not a precise depiction of the development area; it is a simplified polygon on the aerial photograph for purposes of orienting the reader and decision-makers to that portion of the parcel. Figure 2-3 more accurately illustrates the low-intensity development footprint of the Project. Landscaping is not considered "development" for purposes of the environmental analysis. Overall, the Project's ground-disturbing activities would occur on approximately 18 percent of the total parcel.

5-54 Pursuant to CEQA Guidelines Section 15151, CEQA does not require an exhaustive survey effort. The biological analysis relies on existing site-specific surveys, literature that includes prior survey data, and database information to characterize baseline conditions at the time of the NOP (see (Appendix C of the Draft EIR). Recognizing that species presence can vary across seasons and years, the Project incorporates mitigation measures requiring preconstruction surveys for sensitive species, along with avoidance or minimization measures if such species are detected. Qualified biologists conducted two subsequent site surveys in April and May 2026 to supplement field surveys conducted in 2019 and 2021. The site surveys concluded that, due to a lack of sensitive vegetation communities, there is low potential for sensitive plants or wildlife to be present. Memoranda confirming the results of the site surveys are included in the Final EIR as Appendix B.

5-55 This comment is acknowledged. Please see Responses 5-51 through 5-54.

5-56 As discussed in Response 5-54, the biological analysis relies on existing site-specific surveys, literature that includes prior survey data, and database information to characterize baseline conditions at the time of the NOP (see (Appendix C of the Draft EIR). Recognizing that species presence can vary across seasons and years, the Project incorporates mitigation measures requiring preconstruction surveys for sensitive species, along with avoidance or minimization measures if such species are detected. Multiple surveys have been conducted at the Project site most recently in April and May 2026, and mitigation measures listed in Section 3.4, *Biological Resources*, of the Draft EIR include preconstruction surveys for protected species have a moderate or higher potential to occur based on the multiple surveys conducted and updated records searches completed as part of the CEQA analysis.

5-57 Previously cultivated agricultural land on the Project site is also characterized as such in the Santa Clara Valley Habitat Plan (Habitat Plan) ("Grain," "Row-crop," "Hay and Pasture," "Disked/Short-term Fallowed"); thus, the characterization in the Draft EIR is accurate. Although previously cultivated agricultural land typically consists of non-native grasses and forbs, similar to annual grassland vegetation, it may also contain widespread native species such as California poppy. Such areas have low potential to host rare plant species, due to a history of disturbance from disking, planting, and/or grazing. In the case of the Project site, additional disturbance resulted from off-road bike trails and features added in the 2010s (Google Earth 2026). Neither previously cultivated agricultural land nor annual grassland is considered a sensitive natural community, and both are dominated by weedy, non-native species. The impact assessment would not differ for such areas, nor would compensatory mitigation be required. Additional biological surveys were conducted in April and May 2026 to confirm vegetation species and wetland characteristics, and sensitive vegetation communities were confirmed to not be present at the time (see Appendix B of the Final EIR). Regardless, with implementation of Draft EIR Mitigation Measure BIO-2, all areas containing floral resources would be surveyed during flowering season for Crotch's bumble bee.

5-58 The potential for Uvas Creek's streamflow to be affected by the Project's use of groundwater is discussed in Impact 3.10-5 of the Draft EIR (pages 3.10-39 through 3.10-45). The potential for interconnected surface waters is discussed in Responses 5-29 and 5-30. The Kamman Report cited by the commenter is correct to suggest that the depletion of groundwater levels in the Uvas aquifer could affect Uvas Creek flows; however, the creek is a losing stream (loses water to the underlying groundwater systems as it flows downstream) connected to the aquifer, and pump testing conducted for the Project shows minimal impacts on groundwater levels in the Uvas aquifer. Additionally, streamflows in Uvas Creek are maintained by releases from Uvas Reservoir as required by "Operating Rules for Water Supply Facilities in the Uvas and Llagas Watersheds." Therefore, there would be no significant impact on species present in Uvas Creek as a result of groundwater pumping.

5-59 The effects of groundwater pumping on water levels in Uvas Creek are analyzed in Impact 3.10-5 of the Draft EIR (pages 3.10-39 through 3.10-45). Additionally, direct impacts on aquatic features are discussed in Impact 3.4-3 (page 3.4-20).

5-60 This comment is acknowledged. As discussed in Responses 5-54 and 5-56, additional surveys were conducted in April and May 2026 to support the setting and conclusions asserted in the 2021 Biological Resources Evaluation (see Appendix B of the Final EIR). Updated desktop surveys were conducted in preparation of the Draft EIR (see Appendix C of the Draft EIR). These surveys, in conjunction with the 2021 Biological Resources Evaluation, served as the basis for the environmental setting. At that time, no species-status species were present at the Project site. The applicant would implement mitigation measures including focused biological surveys prior to development (Mitigation Measure BIO-2) and preconstruction surveys (Mitigation Measures BIO-1, BIO-3, BIO-4, BIO-5, and BIO-6).

5-61 The commenter is correct that protocol surveys differ in purpose and result from preconstruction surveys. However, as stated in Response 5-54, CEQA does not require full

protocol surveys to characterize a site, nor did CDFW request such surveys for this site. Conducting preconstruction surveys for wildlife with potential to occur would provide clarity on the locations of these species at the time of construction, when impacts could occur, and would allow the implementation of avoidance measures to protect any individuals present at the time of construction.

5-62 Page 3.4-5 of the Draft EIR states that the Project is within the permit area for the Santa Clara Valley Habitat Plan and would be eligible for coverage. The Draft EIR further notes on page 3.4-15 within Impact 3.4-1 that "the Project could receive incidental take authorization for impacts on these species by completing the HCP application process. If pursued, the HCP protection measures… would supersede [Draft EIR mitigation measures]." The 2021 Biological Technical Report assumes coverage by the Habitat Plan; however, the addendum (*Addendum to the Bay Area Vipassana - Biological Resources Evaluation*) (EMC 2022) includes avoidance measures for species of concern. Both the 2021 report and the 2022 addendum are incorporated in the EIR, along with avoidance measures for all special-status species with potential to occur (pages 3.4-15 through 3.4-20 of the Draft EIR), and discussion of the Project's eligibility to receive coverage under the Habitat Plan.

5-63 As stated in Response 5-62, the 2021 Biological Technical Report was amended in 2022 to incorporate avoidance measures for species with potential to occur on-site, including American badger. Crotch's bumble bee was listed in 2024; thus, this species was not evaluated in the earlier biological reports but is evaluated in the Draft EIR, and avoidance measure BIO-2 was proposed for its protection. The Draft EIR states that species are covered in the Santa Clara Valley Habitat Plan where applicable (pages 3.4-11 through 3.4-12). Mitigation measures are discussed below, under Response 5-67.

5-64 The Hamilton Report cited by the commenter provides aerial imagery of a corner of the Project site purporting to show seasonal pools. The presence of such pools was not noted in biological surveys of the site; page 2 of the Biological Resources Addendum (EMC 2022) states, "There are no ponds present." A review of historical aerial photos (Google Earth 2026) indicates numerous spots within the grassland visible in different places at different times. Aerial photography reveals the heavily disturbed nature of site soils, with row crops visible through 2010, followed by an off-road bike course, reducing the potential for sensitive plants or wildlife to persist in this location. Depressions on the site, whether natural or human-made, may fill with water after rainfall, but do not constitute protected wetlands if they do not contain wetland soils, hydrology and vegetation. An ESA biologist with wetland delineation experience conducted an aquatic resources delineation at the site on May 7, 2026, and confirmed based on wetland delineation criteria that visible depressions in the grassland were not formal wetlands.

5-65 This comment is acknowledged. Please see Response 5-61.

5-66 The potential loss of open space is addressed in Section 3.16, *Recreation*, of the Draft EIR (pages 3.16-1 through 3.16-10).

5-67 As discussed in Responses 5-60 through 5-67, the commenter suggests deficiencies with Draft EIR mitigation measures to protect biological resources because these measures do not separately protect habitat. The Project would avoid sensitive habitat, including creeks and riparian vegetation; potential impacts would be limited to woodland or grassland, and woodland areas would not be permanently impacted. If upland burrowing species (American badger, Crotch's bumble bee, or western burrowing owl) are discovered on-site, occupied areas would be avoided with a suitable buffer, or take coverage would be sought under the Santa Clara Valley Habitat Plan, as stated on page 3.4-18 of the Draft EIR (Mitigation Measure BIO-3). Furthermore, there is no requirement in CEQA to mitigate for "habitat suitable for use" (unoccupied habitat) for species. Thus, the mitigation measures included in the Draft EIR are adequate to address the identified impacts.

5-68 The discussion of impacts in the Draft EIR adequately discloses and mitigates potential impacts.

5-69 The mitigation measures in the Draft EIR would not create new significant effects and are not improperly deferred.

5-70 The mitigation measures requiring preconstruction surveys (not "post-approval data collection") cannot predict whether such surveys will positively detect a species. The measures provide approaches to protect individuals of protected species, if found, and consultation with agencies or coverage by the Habitat Plan, when required. All special-status species with potential to occur on-site are disclosed and would be protected by mitigation measures identified in the Draft EIR. "Focused" (protocol) surveys conducted the year before construction would not provide information on the location of wildlife, which are mobile, at the time of construction, as discussed in Response 5-61.

5-71 The 2021 Biological Technical Report does not "state unequivocally that participating in the Habitat Plan is required to mitigate the Project's potentially significant impacts." This document assumed application to the Habitat Plan, and was followed by an addendum (2022) that provides alternative avoidance measures for special-status species. The Habitat Plan does not require mitigation for impacts on biological resources for disturbed agricultural lands, and CEQA does not require protocol-level surveys for all species with potential to occur.

5-72 This comment is acknowledged.

5-73 The decision to approve or deny a use permit is outside of the scope of CEQA.

5-74 As described in Impact 3.11-2 of the Draft EIR (pages 3.11-6 and 3.11-7), the County Zoning Ordinance categorizes the Project use as "camp and retreat," which is allowed with a use permit and architectural and site approval within the Hillside zoning designation. As stated in County Zoning Ordinance Section 2.10.010:

> *Use classifications describe groups of land uses that have similar characteristics and can therefore be regulated in a similar manner. The descriptions of the classifications do not list every use or activity that would be appropriate within*

the classification but instead give a general description of the type of uses that are included.

Pursuant to CEQA Guidelines Section 15125(d), each topical section in the Draft EIR describes land use and resource-specific plans and policies that may apply to the Project. Policy conflicts do not, in and of themselves, indicate a significant environmental effect within the context of CEQA environmental review, in that the intent of CEQA is to determine physical effects associated with a project.

Land use plans typically contain numerous policies that emphasize differing legislative goals, and an interpretation of consistency requires a balanced understanding of relevant policies. At the time it considers approval of a project, the board or commission that adopted the plan determines the meaning of such policies and the ways in which individual projects satisfy those policies. The agency charged with determining whether the Project is consistent with a plan would make that consistency determination at the time of Project approval. In each case, the approving or reviewing agency would consider any potential inconsistencies between the Project and adopted plans or policies in the context of applicable objectives and policies and would determine consistency based on a balancing of relevant policies as part of the approval process.

5-75 Please see Response 5-74. Additionally, consistent with Zoning Ordinance Section 2.20.010, the Project would not require new or expanded public facilities.

5-76 As discussed in Section 2.1, *Introduction*, of the Draft EIR (page 2-1), the Project site is approximately 54.59 acres. The Project would develop approximately 10 acres of the Project site (approximately 18 percent) with the remaining 44.59 acres (approximately 82 percent) remaining undeveloped; this area would include grassland, oak woodlands, native open space, and bioretention swales.

Because the Project would develop approximately 18 percent of the Project site, it would be consistent with the intent of the Hillsides General Plan land use designation: The site would remain "***largely*** in natural resource related and open space uses," with about 82 percent of the site preserved as natural oak woodlands and open space. As described in Draft EIR Section 2.3, *Project Objectives*, Project development would be low-intensity and would integrate with the existing landscape consistent with the Hillsides General Plan land use designation.

The Project would be considered low-intensity development in part because the Project would develop approximately 18 percent of the site.

5-77 This comment is acknowledged. Please see Response 5-76. In addition, the Project is not urban residential development; it is Camp and Retreat, and the General Plan specifically allows low intensity institutional uses on properties with a Hillside General Plan designation and Hillsides zoning. The project is differentiated from an urban residential use because of its lower intensity and fewer daily vehicle trips compared to a residential development.

5-78 This comment is acknowledged. Please see Responses 5-74, 5-75, and 5-76.

5-79 This comment is acknowledged. Please see Responses 5-74, 5-75, and 5-76.

5-80 As discussed on page 3.4-18 of the Draft EIR, the Project site was evaluated for suitability of habitat for burrowing owl, American badger, and other special-status species; appropriate avoidance measures and Mitigation Measures BIO-3 and BIO-4 would address potential impacts, reducing them to less-than-significant levels where feasible. Development would be limited to a defined footprint, with most of the site retained as open space. As analyzed in Impact 3.15-1 (pages 3.15-7 through 3.15-9) and Impact 3.17-3 (pages 3.17-11 through 3.17-13) of the Draft EIR, impacts related to fire protection and emergency services would be less than significant. The Project incorporates design features and would be subject to County conditions to minimize wildfire risk and ensure adequate emergency response capabilities. Although the Project would require infrastructure typical of allowable hillside uses subject to discretionary review, the Draft EIR concludes in Impact 3.11-2 (pages 3.11-6 and 3.11-7) that such infrastructure would not result in a conflict with the Hillsides designation's resource conservation objectives under CEQA.

5-81 This comment is acknowledged. Please see Responses 5-74, 5-75 and 5-76.

5-82 As discussed in Impact 3.11-2 (pages 3.11-6 and 3.11-7), the Draft EIR evaluates the Project under General Plan Policy R-LU 18(g), which allows certain commercial or institutional uses in Hillsides areas when such uses, by their nature, require a remote, rural setting or support the appreciation or study of the natural environment. In the discussion of Impact 3.11-2, the Draft EIR explains the basis for concluding that the proposed meditation and retreat center qualifies as a quasi-institutional use that relies on a secluded setting and is designed to integrate with and minimize disturbance to the surrounding natural landscape. Additionally, the applicant would be required to demonstrate compliance with the Hillside-sr zoning designation and associated Hillsides land use before obtaining a use permit from the County of Santa Clara. Additionally, please see Response 5-74.

5-83 As discussed in Impact 3.11-2 (pages 3.11-6 and 3.11-7), the Draft EIR appropriately evaluates the proposed use based on its operational characteristics and functional requirements, which is consistent with general plan consistency analyses. As discussed in Draft EIR Section 2.3, *Project Objectives* (pages 2-4 and 2-5), the Project is a retreat facility intended to provide a secluded, quiet environment with limited external interaction—characteristics that distinguish it from urban meditation centers that operate on a drop-in or day-use basis. The Draft EIR provides an explanation on page 3.11-6 to support its conclusion that the Project aligns as an allowable institutional use under Policy R-LU 18(g).

5-84 As discussed in Impact 3.11-2 (pages 3.11-6 and 3.11-7), the Draft EIR evaluates the Project based on the functional nature of the proposed use, which includes extended, on-site stays in a secluded setting where interaction with the natural landscape is a part of the retreat experience. Although meditation activities would occur primarily indoors, the Project would provide natural surroundings without active recreation or resource extraction. Policy R-LU 18(g) does not require that all activities occur outdoors, but allows uses that support appreciation of the natural environment in a manner consistent with conservation objectives. The Draft EIR

concludes on page 3.11-7 that, taken as a whole, the retreat-oriented use is compatible with and supportive of the Hillsides designation. Additionally, the applicant would be required to demonstrate compliance with the Hillside-sr zoning designation and associated Hillsides land use before obtaining a use permit from the County of Santa Clara.

5-85 As discussed in Impact 3.11-2 (pages 3.11-6 and 3.11-7), the Draft EIR evaluates the Project based on its overall functional characteristics, not on whether activities would occur primarily indoors or outdoors. Although active outdoor recreation is not proposed, General Plan Policy R-LU 18(g) does not require that allowable uses be focused on athletic recreation or formal study of nature. The Draft EIR concludes on page 3.11-6 that the Project's retreat-oriented use, clustered development, and preservation of substantial open space are consistent with Hillsides policies that are intended to limit development intensity and maintain the natural setting. Additionally, the applicant would be required to demonstrate compliance with the Hillside-sr zoning designation and associated Hillsides land use before obtaining a use permit from the County of Santa Clara.

5-86 Please see Responses 5-82 through 5-85.

5-87 Please see revisions to Draft EIR Section 3.11, *Land Use and Planning*, in Chapter 3 of this Final EIR. These revisions add policies R-LU 25 and R-LU 27 to the analysis.

As discussed in Section 3.11, *Land Use and Planning* (pages 3.11-1 through 3.11-14), and in the relevant technical sections, the Draft EIR evaluates the Project's intensity using many of the metrics identified in General Plan Policy R-LU 27, including grading extent, traffic generation, wastewater generation, visual effects, noise, hazards, and public service demands. Although the Project includes multiple structures and supporting infrastructure, these improvements would be clustered on a limited portion of the site, with most of the site retained as open space, consistent with Policies R-LU 25 and R-LU 26. Potential environmental impacts of development—impacts related to traffic, visual resources, wildfire risk, biological resources, and public services—are analyzed in the Draft EIR, and mitigation measures are incorporated where significant impacts are identified. The existence of infrastructure necessary to serve an allowable hillside use does not, by itself, establish that the Project is not low intensity under the Hillsides designation. The Draft EIR concludes on page 3.11-6 that, considering its operational characteristics, limited footprint, and mitigation measures, the Project is consistent with the nonresidential development policies applicable to Hillsides areas. Additionally, the applicant would be required to demonstrate compliance with allowable uses under Hillside zoning before obtaining a use permit from the County of Santa Clara.

5-88 As discussed in Draft EIR Section 2.3, *Project Objectives* (pages 2-4 and 2-5), the Project is not a residential development, and it would not be required to comply with the residential development limitations outlined in General Plan Policy R-LU 19. As described in Response 5-76, the Project would be considered low intensity in part because it would develop approximately 18 percent of the site.

5-89 Each impact area cited in this comment is evaluated in detail in the relevant resource section of the Draft EIR. Where potentially significant impacts are identified, mitigation measures are incorporated to reduce impacts to less-than-significant levels where feasible.

The Draft EIR analyzes wildfire risk, evacuation, and emergency access in Section 3.9, *Hazards and Hazardous Materials* (pages 3.9-1 through 3.9-28), and Section 3.15, *Public Services* (pages 3.15-1 through 3.15-12). These sections of the Draft EIR evaluate ignition potential, evacuation capacity, and emergency response needs, and identify design features and mitigation measures intended to reduce risk. Impacts related to biological resources, hydrology and water quality, and transportation are similarly evaluated, and the Draft EIR does not conclude that these impacts would remain significant and unmitigated.

As discussed on page 3.15-3 in Draft EIR Section 3.15, *Public Services*, General Plan Policy R-LU 25 requires that nonresidential hillside uses avoid or minimize impacts and demonstrate compatibility with resource protection and service capacity objectives; it does not require a showing of zero impact. The Draft EIR concludes in Impact 3.11-2 (pages 3.11-6 and 3.11-7) that, with incorporated Project design features and mitigation, the Project would avoid or minimize environmental impacts to the extent feasible and would not result in a conflict with applicable General Plan policies. Disagreement with the conclusions of the Draft EIR or reliance on outside expert opinions does not, by itself, establish a CEQA deficiency. Final determinations regarding policy consistency and adequacy of public services will be made by County decisionmakers based on the full environmental record.

5-90 As described in Section 3.11, *Land Use and Planning* (page 3.11-2), General Plan Policy R-LU 26 does not establish numeric caps on occupancy or require parity with other facilities, but instead requires that density and design be consistent with the nature of the use and that development be clustered and integrated with the natural setting.

CEQA does not require projects to mirror the size or capacity of similar facilities elsewhere, nor does Policy R-LU 26 mandate comparison to other sites as the basis for determining consistency. The Draft EIR concludes in Impact 3.11-2 (pages 3.11-6 and 3.11-7) that the Project's scale and density are consistent with the retreat-oriented use and the Hillsides designation when considered in light of applicable policies, Project design features, and adopted mitigation measures.

5-91 Please see Responses 5-82 through 5-90.

The Zoning Ordinance implements the General Plan. As discussed in the General Plan consistency analysis in Draft EIR Section 3.11, *Land Use and Planning* (pages 3.11-1 through 3.11-14), the Project is consistent with the Hillsides land use designation. Because the Project complies with the HS Zoning District development standards that implement the General Plan's Hillsides policies, it likewise does not conflict with the Hillside Zoning District. Camp and retreat use is allowed with a Use Permit in the HS zoning district, and the Project as designed would comply with the development standards applicable to HS zone. As a result, the Project would comply with the Zoning Ordinance. Therefore, the Project would

not result in a conflict with applicable zoning regulations, and no impact would occur related to inconsistency with the HS Zone.

5-92 The Draft EIR concludes in Impact 3.11-2 (page 3.11-7) that the Project is consistent with the purpose, intent, and allowable use provisions of the HS Zone, including Zoning Ordinance Section 2.20.010, and would not conflict with applicable zoning requirements or General Plan land use policies. Additionally, the applicant would be required to demonstrate compliance with the Hillside-sr zoning designation and associated Hillsides land use before obtaining a use permit from the County of Santa Clara.

5-93 The Draft EIR does not rely on a generalized label such as "low intensity" to determine impact significance. Instead, the environmental analysis is based on the specific physical characteristics of the Project, including the maximum occupancy, site acreage, grading extent, utilities, and operational activities, as required by CEQA. The Draft EIR does not assume that the Project would function as an urban development, nor is the Project residential in nature. Instead, the Project would operate as a retreat. The Draft EIR evaluates the Project's potential impacts against applicable CEQA thresholds using quantified descriptions of development and operations. As discussed, the applicant would be required to demonstrate compliance with the Hillside rural base district and Scenic Road combining district designations (HS-sr) and associated Hillsides land use before obtaining a use permit from the County of Santa Clara.

5-94 Please see Responses 5-82 through 5-93.

5-95 CEQA requires disclosure and evaluation of potential physical environmental effects, not resolution of interpretive disputes over land use policy terminology. The Draft EIR accurately describes the nature of the Project's activities and evaluates whether the Project would result in environmental impacts or conflicts with adopted land use plans and policies. Whether the Project's use sufficiently supports appreciation of the natural environment for zoning or policy purposes is a determination to be made by the applicable decision-making bodies during the entitlement process.

5-96 The Draft EIR does not make a legal determination regarding the ultimate interpretation or application of the Zoning Code. Instead, it discloses the Project's operational characteristics and evaluates the reasonably foreseeable environmental effects of those characteristics, as required by CEQA (please see CEQA Guidelines Sections 15124, 15126.2[a], and 15358[b]). Whether the Project's scale, duration, or manner of operation qualifies as a "camp or retreat" under the Zoning Code is a matter for the applicable decision-making bodies to evaluate and determine through the use permit and entitlement process. CEQA does not require the Draft EIR to resolve legal disputes regarding zoning definitions or to prejudge permit findings. Accordingly, no changes to the Draft EIR are required in response to this comment.

5-97 This comment is acknowledged.

5-98 In Section 3.11, *Land Use and Planning* (pages 3.11-1 through 3.11-14), the Draft EIR identifies the land use category under which the Project is proposed on page 3.11-3 and discloses potential land use policy considerations for informational purposes. The County

Department of Planning and Development previously determined that the Project qualifies as a camp/retreat. Therefore, the Draft EIR does not make a legal determination that the Project satisfies every element of the Zoning Code definition of a "camp & retreat," since CEQA focuses on potential environmental impacts of a Project prior to approval. CEQA is not required to resolve subjective or legal disputes regarding interpretation of zoning terminology such as "outdoor oriented," "low intensity," or "minimal alteration of the natural environment." Whether the Project's physical development, population, and operations meet the County's zoning definitions and associated findings is a matter for the applicable decision-making bodies to evaluate and determine through the discretionary use permit and entitlement process.

5-99 The application originally submitted to the County in 2020 covers an outdated version of the Project. Since submittal in 2020, the Project has been revised. The Draft EIR analyzed the revised Project, for which an application was submitted in January 2025.

5-100 Please see Response 5-99.

5-101 Please see Response 5-99.

5-102 Please see Response 5-99. The use permit process is independent from the CEQA process, although the Draft EIR will be used to support the application and approval process.

5-103 Alleged violations of the state Planning and Zoning Law or limitations on the Planning Commission's authority to approve a use permit are legal and policy determinations that fall outside the scope of CEQA review. CEQA does not require an EIR to determine project legality, adjudicate zoning compliance, or resolve disputes regarding the authority of decision-making bodies. Those determinations are made by the County through the discretionary entitlement process, based on the full administrative record and applicable law.

5-104 This comment is acknowledged. The Draft EIR and all comments received during the public review period will be considered by the County as part of the environmental review process before any action on the Project, including consideration of discretionary approvals as applicable.

Outlook

FW: [EXTERNAL] Bay Area Vipassana Center Project

From Tran, Lara <lara.tran@pln.sccgov.org>
Date Thu 2/12/2026 5:00 PM
To Darcy Kremin <dkremin@esassoc.com>; David Beauchamp <DBeauchamp@esassoc.com>; Stephen Doyle <SDoyle@esassoc.com>
Cc Salisbury, Robert <Robert.Salisbury@PLN.SCCGOV.ORG>

FYI for comment on DEIR beow

LARA TRAN
Senior Planner

Department of Planning and Development
County of Santa Clara
70 W. Hedding Street | 7th Floor | East Wing
San Jose | CA 95110
Phone: (408) 299-5759
lara.tran@pln.sccgov.org

New Department office hours effective September 29, 2025
Monday – Thursday: 8:00 a.m. – 12:00 p.m., and 1:00 p.m. – 5:00 p.m.
Fridays: Building Services only – Limited (Active Permits)
8:00 a.m. – 12:00 p.m., and 1:00 p.m.– 5:00 p.m.

Staff Representatives from the Dept. of Environmental Health, Roads and Airports and the Fire Marshals Office will be available:
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Please note: The Department's cashier closes daily at 4:30 p.m.

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From: Steve Douglas [redacted]
Sent: Thursday, February 12, 2026 4:44 PM
To: Tran, Lara <lara.tran@pln.sccgov.org>
Cc: [redacted]
Subject: [EXTERNAL] Bay Area Vipassana Center Project

To Lara Tran, Senior Planner
Santa Clara County

Comments for the proposed Retreat Center
I am a home owner in the El Matador area, and while being on the other side of the hill from the proposed Vipassana project I have two concerns.
Our neighborhood gets our water from a well very near to the proposed Vipassana Center, this raises questions about the continuing supply of safe water for those on the Happy Acres Water system. Intrusion of untreated rainwater from the Center into the aquifer could contaminate our well, in addition a larger well(s) suppling the Center could affect our available water source. There will be a considerable amount of wastewater being introduced into the aquifer, and while it will be normally treated to a safe level, there is a concern of untreated wastewater during power outages and other treatment plant system failures. Will continuous testing of our water quality be needed? If so, who is responsible for the costs? Our system is volunteer run and should not be burdened by additional testing and concerns. 6-1

The other is the issue of traffic safety on Watsonville Rd, it has become a heavily traveled route and the intersections at Redwood Retreat and Burchell Roads have seen an increase in automobile accidents. Adding a substantial amount of traffic coming from Redwood Retreat onto Watsonville Rd should be addressed. Also there will added traffic using the intersection of Watsonville and Hecker Pass which is another location with accidents and traffic backup. Are there plans to increase safety in those locations? 6-2

Stephen Douglas
[redacted]
Gilroy, CA
[redacted]

Letter 6 Response: Steve Douglas

6-1 Groundwater quality issues are discussed in Impact 3.10-1 of the Draft EIR (pages 3.10-28 through 3.10-31). Additionally, a wastewater disposal feasibility report was prepared for the proposed OWTS and is presented as Appendix F to the Draft EIR. As discussed in Impact 3.10-1, the Project would be designed in accordance with low impact development design measures, as required by the Central Coast RWQCB.

The OWTS would be designed in accordance with the County's OWTS Ordinance, which requires design by a licensed engineer, the completion of a site assessment, compliance with design setback requirements, and installation permitting, all of which are subject to review and approval by the County Department of Environmental Health. Project applicants are required to demonstrate compliance with the OWTS Ordinance before obtaining permits for construction. Additionally, as discussed on page 3 of Draft EIR Appendix F, *Wastewater Disposal Feasibility Report*:

> *There will be numerous pump stations as part of the facilities plan and all pump stations will be designed per Santa Clara OWTS Manual requirements with adequate emergency storage capacity; most of the pump stations will have duplex pumps to provide an added safety factor in the event of pump failure. There will be several pumps at the pretreatment site near the entrance. These pumps stations will be part of the pretreatment process to recirculate the wastewater through textile filters or equivalent filters. The other pump station will deliver the treated wastewater to a pump station near the dining hall that will deliver the treated wastewater to the three proposed sub-surface drip disposal sites. The main pump stations will have control panels with telemetry to notify the service provider if there are any alarms or malfunctions occurring.*

Maintenance of the OWTS would be the responsibility of the Project applicant and would be conducted in accordance with County standards. Because the Project's OWTS would be designed in accordance with County standards, would require stormwater quality monitoring, and would include emergency measures such as backup pumps and control panels with telemetry monitoring, the EIR identified a less-than-significant impact on surface and groundwater quality.

6-2 The Project does not include improvements to Watsonville Road, Burchell Road, or the Hecker Pass Highway, which are under the jurisdiction of the County of Santa Clara and Caltrans. However, as described on page 3.17-10 in Draft EIR Section 3.17, *Transportation*, the Project would generate approximately 24 average daily trips, including deliveries. These trips would occur intermittently, with limited traffic during retreat sessions. In addition, as noted in Impact 3.17-2 (page 3.17-11) of the Draft EIR, the Project would relocate its access point farther from the Watsonville Road intersection to improve roadway conditions.

Outlook

FW: [EXTERNAL] Fw: PLN 20003

From Tran, Lara <lara.tran@pln.sccgov.org>
Date Tue 2/17/2026 9:46 AM
To Darcy Kremin <dkremin@esassoc.com>; David Beauchamp <DBeauchamp@esassoc.com>; Stephen Doyle <SDoyle@esassoc.com>

FYI for BAVC draft EIR comments below.

-Lara

From: Betty Reeder [redacted]
Sent: Saturday, February 14, 2026 1:50 PM
To: Tran, Lara <lara.tran@pln.sccgov.org>; Salisbury, Robert <Robert.Salisbury@PLN.SCCGOV.ORG>
Cc: Betty [redacted]
Subject: [EXTERNAL] Fw: PLN 20003

----- Forwarded Message -----
From: Betty Reeder [redacted]
To: [redacted]
Sent: Saturday, February 14, 2026 at 01:33:21 PM PST
Subject: Re: PLN 20003

Ms. Tran
Robert Salisbury

In regard to your latest correspondence, you as well as your collogues have displayed unmitigated gall.
They have NEVER answered any of my correspondence. least they forget they are a public servant.
To date you have been the only county representative to answer my questions. Thank you!
Robert Salisbury has not had the courtesy to respond as well as the County Supervisors, and Heath Department!
It is no wonder the county enjoys a poor image

7-1

Obviously, you as well as anyone from your supposed of team of experts have NOT examined the site in question.
Had you taken the time to review, the report from the EIR would not be of 'insignificant nature'.

7-2

The sanitation plans that were put out for review by your department are not adequate and simply put-- do not meet state/county requirements for the expected visitors and their use of the facilities.

7-3

Also, you seem to be unaware of 72+ homeowners are in in danger of losing their homes due to contaminated water by your decision to allow an inadequate sanitary sewer system to be installed ergo contaminating their only water supply. I am quite positive lawsuits will be forthwith coming should this debacle be allowed to come to fruition.
It is quite obvious that you, et al, do not know one iota about underground sanitary systems, nor do you seem to want to educate yourself. If you did, you would have answered prior correspondence. 7-4

I am requesting an answer to ALL of my prior correspondence, going back to 2020, with full and complete answers to all concerns that, to date, you have chosen to ignore. I also want a complete sanitary system plan drawn up by a certified Sanitary contractor with state of California license number along with the original date of submission included! 7-5

Best
Margaret E Reeder

On Sunday, August 3, 2025 at 02:02:39 PM PDT, Betty Reeder [redacted]

Ms. Tran,
I am reiterating the Reeder's total opposition to this plan.
The 22page letter from HAMWC attorney thoroughly as well as explicitly explains the issues with this plan. After reading this letter, there is absolutely no way the county can even consider passing the plan for PLN 20003. This firm represents 79 homes ergo the county has received at least one piece of correspondence representing 79 homeowners.
To date you have been the only county representative to answer my questions. Thank you! 7-6
Robert Salisbury has not had the courtesy to respond as well as the County Supervisors, and Heath Department!
It is no wonder the county enjoys a poor image.

Again, the Reeders are strongly opposed to this project due to the significant threat to our water. Without potable water we will not be able to live in our home. Should this occur the County of Santa Clara will have more issues.
Best,
Margaret E. Reeder

Letter 7 Response: Margaret E. Reeder

7-1 This comment is acknowledged. All comments received are part of the public record and will be considered and addressed as required through the County's Project approval process.

7-2 The conclusions in the Draft EIR are based on various site inspections conducted in 2019, 2020, 2021, 2022, and 2023; technical studies; and professional analysis conducted in accordance with CEQA. The commenter's concerns regarding the significance determinations are acknowledged and will be considered as part of the County's Project approval process.

7-3 Please see Response 6-1.

7-4 As discussed in Impact 3.10-1 of the Draft EIR (pages 3.10-28 through 3.10-31), the OWTS would be constructed in accordance with all state and County requirements and the applicant would be required to demonstrate compliance with such requirements before permit approval. Additionally, a feasibility report conducted for the proposed OWTS is included as Appendix F to the Draft EIR with preliminary design plans. Design plans developed by a certified engineer will be submitted to the County for approval.

7-5 Please see Responses 7-3 and 7-4.

7-6 This comment was submitted during the NOP comment period on August 3, 2025, and was addressed as part of the NOP scoping process.

Outlook

FW: [EXTERNAL] Notice of Availability of the DEIR for Bay Area Vipassana Center Project

From Tran, Lara <lara.tran@pln.sccgov.org>
Date Tue 2/17/2026 9:47 AM
To Darcy Kremin <dkremin@esassoc.com>; David Beauchamp <DBeauchamp@esassoc.com>; Stephen Doyle <SDoyle@esassoc.com>

LARA TRAN
Senior Planner

Department of Planning and Development
County of Santa Clara
70 W. Hedding Street | 7th Floor | East Wing
San Jose | CA 95110
Phone: (408) 299-5759
lara.tran@pln.sccgov.org

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From: Gina Piccardo [redacted]
Sent: Saturday, February 14, 2026 3:59 PM
To: Tran, Lara <lara.tran@pln.sccgov.org>
Subject: [EXTERNAL] Notice of Availability of the DEIR for Bay Area Vipassana Center Project

Hi Lara,

Thank you very much for this information on the Draft Environmental Impact Report (DEIR) for the proposed Bay Area Vipassana Center Project. 8-1

As you can imagine, given that this is currently a rural, low density housing area, residents are a bit perplexed at this change of use to allow a large, commercial property build. It's also difficult to image a complex of this size will have a "minimal" environmental impact, especially in the areas of water, noise and light pollution. 8-2

I see the report has come back with a "Notice of Intent to Adopt a Mitigated Negative Declaration", however I don't believe the report addresses, in detail, how the effects of a 53k sq. ft build with 122 parking spaces and capacity meant to regularly house 150 people will be mitigated in an unincorporated area of Santa Clara County, outside the Urban Service Area. Here are some questions I'd like to submit for consideration: 8-3

Santa Clara County zoned this area as (HS-sr) and has upheld low-density residential development, so why is it now approving a change of use for a 53k sq ft build to regularly house 150 people in a rural area, surrounded by rural single family residential homes? 8-4

Where can we review this residential to commercial change of use application and approval? 8-5

I read through the Water Supply Assessment provided, but do not see specifically what will be done to ensure the Happy Acres Mutual Water Company Well, adjacent to the property, is not contaminated by the by the septic treatment of a new system of this size. What information can we see regarding what will be done to ensure existing wells are not contaminated? 8-6

There are estimates made regarding the impact of the facility on existing wells, but this is hypothetical given a pump test done at a particular moment in time, 4 years ago, and doesn't necessarily reflect the reality of the facility usage once online, nor the impact it might have, especially in drought years, on nearby wells. If the facility opens and its water usage negatively effect existing wells, what recourse will existing residents have? 8-7

If this facility taxes water supply in the area and existing wells are no longer able to maintain required capacity or require drilling a new well to service residents, how will existing residents be compensated? 8-8

How will the lighting from a 122 parking space lot be mitigated for nearby residents at night? 8-9

This change of use will set precedent for other large lot owners in the area, who will then have a case for change of use and large re-development projects like this one. How is Santa Clara County justifying the approval of this particular permit, and what stopgaps, if any, will be put in place to prevent any large lot in a rural, low-density residential area from being turned into a high-capacity, commercial complex? 8-10

How will Santa Clara county uphold its commitment to rural areas and green zones given this change, or is that policy being loosed or abandoned? 8-11

Thank you very much for your time and consideration. We appreciate your support in guiding us to understand more about the above. 8-12

Best wishes,

Gina Piccardo

On Monday, February 9, 2026 at 10:57:13 AM PST, Tran, Lara <lara.tran@pln.sccgov.org> wrote:

Dear BAVC Interested Parties,

Attached is the Notice of Availability (NOA) of the Draft Environmental Impact Report (DEIR) for the Bay Area Vipassana Center (BAVC) project. Please refer to the attached NOA for details on how to submit comments. Please note that the public review period **begins on February 9, 2026 and ends on March 26, 2026** . Any comments provided must be **received by 5 p.m. on March 26, 2026**. The Draft Environmental Impact Report (DEIR) can be viewed at: https://plandev.santaclaracounty.gov/services/planning-services/projects/current-planning-projects/current-projects-gilroy (click under PLN20-003).

If you know of any other members of the public who may wish to comment but were not sent this email, please feel free to forward this email to them. If there's anyone who was forwarded this email and would like to be added to the interested parties list for this project, please let me know as well.

Warm regards,

LARA TRAN

Senior Planner

Department of Planning and Development

County of Santa Clara

70 W. Hedding Street | 7th Floor | East Wing

San Jose | CA 95110

Phone: (408) 299-5759

lara.tran@pln.sccgov.org

New Department office hours effective September 29, 2025

Monday – Thursday: 8:00 a.m. – 12:00 p.m., and 1:00 p.m. – 5:00 p.m.

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Letter 8 Response: Gina Piccardo

8-1 This comment is acknowledged.

8-2 The Draft EIR evaluates the Project based on its consistency with applicable land use plans and includes analyses of potential impacts related to water resources, biological resources, and other environmental factors. The commenter's concerns regarding the scale of the Project and potential environmental effects are acknowledged and will be considered as part of the County's Project approval process.

8-3 The County has yet to file a notice of determination for the Project. A notice of determination would be filed upon County approval of the Project and certification of the Draft EIR and adoption of the mitigation monitoring and reporting program (see Appendix C to this Final EIR). Specific concerns outlined by the commenter are addressed in detail in the responses to comments below.

8-4 Please see Response 5-9.

8-5 As discussed on page 3.11-7 of the Draft EIR, the County Zoning Ordinance categorizes the Project use as "camp and retreat," which is allowed with a use permit and architectural and site approval within the Hillside zoning designation. All permits and application materials associated with the Project are available for public review through the County Planning and Development Department.

8-6 Please see Response 6-1.

8-7 The potential for groundwater well interference is discussed in Impact 3.10-2 on pages 3.10-32 and 3.10-33 of the Draft EIR. As discussed in Impact 3.10-2, the Project's groundwater well would serve as a community supply well and would be part of a new public water system. Well testing at the existing BAVC test well pumped 2.5 times the projected maximum-day demand of 8,440 gallons per day, or 21,100 gallons. As described in the well testing report by Luhdorff and Scalmanini Consulting Engineers, 21,600 gallons per day were pumped from the BAVC test well for 3 consecutive days at a rate of approximately 15 gallons per minute.

Additionally, as discussed in Impact 3.18-1i on page 3.18-17 of the Draft EIR, all public water supply wells must be constructed in accordance with the community water system well requirements in California Department of Water Resources Bulletins 74-81 and 74-90 and American Water Works Association Standard A100-06 (Water Wells). BAVC must seek approval from the State Water Board's Division of Drinking Water for the proposed well site(s) before drilling of the well(s) to ensure that construction would not interfere with existing water resources.

Drinking water clearance documentation through the County of Santa Clara requires additional pump testing; reports older than 2 years are not accepted (County of Santa Clara

Department of Environmental Health 2024). Therefore, additional pump testing would be required for Project permitting and implementation.

8-8 As discussed in Draft EIR Section 3.10, *Hydrology and Water Quality* (pages 3.10-1 through 3.10-54), and Section 3.18, *Utilities and Service Systems* (pages 3.18-1 through 3.18-32), the Project would have a less-than-significant impact on the Uvas aquifer and would result in minimal interference on existing wells. Additional pump testing and review would be conducted in accordance with federal, state, and local regulations. The Project must demonstrate compliance before obtaining the necessary permits.

8-9 Impacts related to light and glare are discussed in Section 3.1, *Aesthetics*, of the Draft EIR (pages 3.1-1 through 3.1-14). All lighting for the proposed parking lot would be shielded, directed downward, and confined to the Project site in accordance with County requirements, with additional screening provided by on-site landscaping to prevent a substantial increase in light or glare in the Project area.

8-10 Please see Responses 5-9 and 8-5.

8-11 Please see Responses 5-9 and 8-5.

8-12 This comment is acknowledged.

[redacted]



20 February 2026

Co of Santa Clara Dept of Planning and Development, Planning Office
Attention: Lara Tran, Senior Planner
County Government Center
70 West Hedding Street 7th Floor East Wing
San Jose CA 95110

Dear Ms Tran

I am sending you my comments on the EIR Draft for the State Clearinghouse Number 2024030083 (Bay Area Vipassana Center). I live next to the location on the top north side. 9-1

Under project description, you propose on site installation of a 97000 gallon water tank, sewage collection lines, septic tanks, effluent collection lines, wastewater treatment system and other things. 9-1

The potential Environmental effects of the project says it would result in less than significant impacts on the following resource topics; air quality, biological resources and geology, soils and paleontology. What about water resources? 9-2

The next paragraph identifies that the project would result in less significant impacts to .....hydrology and water quality....transportation and wildfire. 9-3

I am a resident using the Happy Acres Mutual Water Co well located across the street from this project at Redwood Retreat and El Matador corner. It is a very good well that supplies water to about 85 residents along the lower El Matador and the upper El Matador roads and their side roads. I am very concerned about the underground 9-4

water table that serves our well. If your project goes in, will it use that same water table and will it hurt our water quality? Our well is only about 90 foot deep. If this water supply is ruined, we will have to truck in water for our homes and that would impact the value of our properties as well.

9-4 cont.

Since this property of the project is hilly, if a wildfire should occur on it, the fire would come up the hill to my home and neighbors. Not only will that cause devastation but it would cause traffic issues on the lower side. There are many residents on Redwood Retreat and their only escape is out to Watsonville Road at the lower El Matador Drive. That would impede emergency vehicles coming in to help. Watsonville Road is two lane and curvy so the traffic could not escape quickly.

9-5

My main concern is the water issue. Please investigate this before making a final decision.

9-6

Thank you

Cheryl Boomgaarden

Cheryl Boomgaarden
[redacted]

Letter 9 Response: Cheryl Boomgaarden

9-1 This comment is acknowledged. The Draft EIR evaluates the proposed on-site water supply, wastewater treatment, septic systems, and related infrastructure as part of the Project description and environmental analysis. Potential environmental impacts associated with these facilities are analyzed in Section 3.18, *Utilities and Service Systems*, of the Draft EIR (pages 3.18-1 through 3.18-32).

9-2 Impacts of the Project are summarized in the Executive Summary of the Draft EIR and are discussed in detail in their respective sections in Chapter 3, *Environmental Setting, Impacts, and Mitigation Measures* (pages 3-1 through 3.19-28). The Project would result in less-than-significant impacts with mitigation incorporated with respect to air quality, biological resources, and geology, soils, and paleontology. Impacts on hydrology and water quality, including surface water and groundwater resources, are discussed in Section 3.10, *Hydrology and Water Quality,* of the Draft EIR (pages 3.10-1 through 3.10-54). All impacts of the Project on hydrology and water quality were determined to be less than significant.

9-3 Please see Response 9-2.

9-4 As described on page 3.10-17 of the Draft EIR, the Project would use a well associated with the Uvas aquifer, the same aquifer used by the Happy Acres Mutual Water Company well. However, as discussed in Impacts 3.10-1 and 3.10-5 (pages 3.10-28 through 3.10-31 and 3.10-39 through 3.10-46), the Project would have a less-than-significant impact on water quality.

9-5 The Draft EIR evaluates impacts related to wildfire and emergency access in Section 3.9, *Hazards and Hazardous Materials* (pages 3.9-1 through 3.9-28); Section 3.17, *Transportation* (pages 3.17-1 through 3.17-18); and Section 3.19, *Wildfire* (pages 3.19-1 through 3.19-28). The Project includes CAL FIRE defensible space zones, vegetation and fuel management, an on-site water supply with new fire hydrants, internal access roads designed for emergency vehicles, and relocation of the existing access point to improve roadway conditions. These measures are anticipated to support emergency response and help reduce wildfire risk.

9-6 The Draft EIR discusses water quality in Impact 3.10-1 (pages 3.10-28 through 3.10-31) and water supply in Impact 3.18-1i (pages 3.18-17 and 3.18-18).

Outlook

FW: [EXTERNAL] BAVC PROJECT

From Tran, Lara <lara.tran@pln.sccgov.org>
Date Mon 3/2/2026 10:00 AM
To Darcy Kremin <dkremin@esassoc.com>
Cc Stephen Doyle <SDoyle@esassoc.com>; David Beauchamp <DBeauchamp@esassoc.com>; Salisbury, Robert <Robert.Salisbury@PLN.SCCGOV.ORG>

Good morning Darcy and team,

Please see the comment below on the DEIR.

Warm regards,
LARA TRAN
Senior Planner

Department of Planning and Development
County of Santa Clara
70 W. Hedding Street | 7th Floor | East Wing
San Jose | CA 95110
Phone: (408) 299-5759
lara.tran@pln.sccgov.org

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-----Original Message-----
From: TED R ZITNAY [redacted]

Sent: Sunday, March 1, 2026 4:19 PM
To: Tran, Lara <lara.tran@pln.sccgov.org>
Subject: [EXTERNAL] BAVC PROJECT

Hello, my husband and I had spoken with you several months ago regarding a couple of projects in our area. One is a builders remedy and the other is the BAVC Project. This project utilizes a tremendous amount of and takes away valuable resources to the Burchell Road Area. We are all on Wells. Years ago, Santa Clara county wanted us to cut back at least 30% during the big drought. We will not be able to achieve that by adding more projects like this that consume so much water. I also mentioned to you on the phone that this area had an aging population, only a couple per home in a lot of cases. Were not even at the max of what each individual home could possibly occupy. With the popularity of ADU units for added income or just aging parents, it will have a tremendous impact on our water resources. It could be like having two homes, utilizing water on each site thats intended for one home. On our court, seven homes and approximately 10 people living on our court right now. That number could easily quadruple without even adding ADU units. 10-1

We also have environmental concerns regarding the Native steelhead trout that live in Uvas and Little Arthur Creek. Traffic congestion will be an issue and the impact it will have on Burchell Road, which is just a narrow two lane road. Also, we could be running the risk with future development contaminating our underground aquifer which will leave homeowners devastated. 10-2 10-3 10-4

Thank you,
Ted and Lisa Zitnay
[redacted]

Sent from my iPad

Letter 10 Response: Ted and Lisa Zitnay

10-1 This comment is acknowledged. The Draft EIR discusses issues related to water resources and water availability in Section 3.10, *Hydrology and Water Quality* (pages 3.10-1 through 3.10-54), and Section 3.18, *Utilities and Service Systems* (pages 3.18-1 through 3.18-32). All impacts on hydrology and water quality and utilities and service systems were determined to be less than significant.

10-2 Impacts on biological resources, including aquatic wildlife, are discussed in Section 3.4, *Biological Resources*, of the Draft EIR (pages 3.4-1 through 3.4-26). The analysis evaluates impacts on aquatic species and associated habitat, including waterways such as Little Arthur Creek. The Project would implement measures to reduce erosion and sedimentation that could affect these resources, and it has been sited to maintain buffers from waterways and riparian areas.

10-3 Transportation impacts are discussed in detail in Section 3.17, *Transportation,* of the Draft EIR (pages 3.17-1 through 3.17-18). The Project would generate approximately 24 average daily trips, including deliveries. These trips would occur intermittently, with limited traffic during retreat sessions, and are anticipated to result in a minimal contribution to traffic volumes on local roadways.

10-4 As discussed in Impact 3.10-1 (pages 3.10-28 through 3.10-31) and Impact 3.10-5 (pages 3.10-39 through 3.10-46) of the Draft EIR, the Project would have a less-than-significant impact on water quality.

Outlook

FW: [EXTERNAL] Re: Notice of Availability of the DEIR for Bay Area Vipassana Center Project

From Tran, Lara <lara.tran@pln.sccgov.org>
Date Thu 3/5/2026 3:32 PM
To Darcy Kremin <dkremin@esassoc.com>; David Beauchamp <DBeauchamp@esassoc.com>; Stephen Doyle <SDoyle@esassoc.com>
Cc Salisbury, Robert <Robert.Salisbury@PLN.SCCGOV.ORG>

1 attachment (379 KB)
Lillian and Dave letter to Planning Dept - re Draft EIR.pdf;

Hi Darcy and team,

Please see the attached letter and email below on comments to the DEIR for BAVC.

Warm regards,

LARA TRAN
Senior Planner

Department of Planning and Development
County of Santa Clara
70 W. Hedding Street | 7th Floor | East Wing
San Jose | CA 95110
Phone: (408) 299-5759
lara.tran@pln.sccgov.org

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From: David Caserza[redacted]
Sent: Thursday, March 5, 2026 3:19 PM

To: Tran, Lara <lara.tran@pln.sccgov.org>
Subject: [EXTERNAL] Re: Notice of Availability of the DEIR for Bay Area Vipassana Center Project

Hi Lara,

I'm writing to express my concern that the Draft EIR does not address the concerns I raised in my previous letter (attached). In particular they should do a soil percolation test for the septic system in a wet winter month. They plan to operate the facility year round so the percolation test should be done in the worst case scenario. 11-1

In addition, it makes no sense that this project is even being considered since it does not meet the zoning requirements for the property. This project should have been rejected as soon as it was proposed! 11-2

Dave Caserza
[redacted]

On Mon, Feb 9, 2026 at 10:57 AM Tran, Lara <lara.tran@pln.sccgov.org> wrote:

> Dear BAVC Interested Parties,
>
> Attached is the Notice of Availability (NOA) of the Draft Environmental Impact Report (DEIR) for the Bay Area Vipassana Center (BAVC) project. Please refer to the attached NOA for details on how to submit comments. Please note that the public review period **begins on February 9, 2026 and ends on March 26, 2026** . Any comments provided must be **received by 5 p.m. on March 26, 2026**. The Draft Environmental Impact Report (DEIR) can be viewed at: https://plandev.santaclaracounty.gov/services/planning-services/projects/current-planning-projects/current-projects-gilroy (click under PLN20-003).
>
> If you know of any other members of the public who may wish to comment but were not sent this email, please feel free to forward this email to them. If there's anyone who was forwarded this email and would like to be added to the interested parties list for this project, please let me know as well.

Warm regards,

LARA TRAN
Senior Planner

Department of Planning and Development
County of Santa Clara
70 W. Hedding Street | 7th Floor | East Wing
San Jose | CA 95110
Phone: (408) 299-5759
lara.tran@pln.sccgov.org

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Letter 11 Response: Lillian J. Castillo and David D. Caserza

11-1 Soil support for an OWTS is discussed in Impact 3.7-5 of the Draft EIR (pages 3.7-22 and 3.7-23). Additionally, as discussed in the OWTS Feasibility Report (Appendix F to the Draft EIR), all septic system components (septic tanks, pump stations, grease tank, pretreatment system, and subsurface drip disposal fields) would be designed in compliance with County Department of Environmental Health standards. Soil testing at the site, discussed in detail in Section 3.7.1.3, *Environmental Setting* (pages 3.7-7 through 3.7-15), within Draft EIR Section 3.7, *Geology, Soils, and Paleontology*, indicated that all areas and soil types on-site would be suitable for wastewater disposal and would adequately support the use of a septic tank. The County Department of Environmental Health would approve the OWTS Feasibility Report before final design of the Project. Furthermore, a site-specific geotechnical investigation would be conducted and a feasibility report would be submitted to the County before the issuance of a grading permit, as required by the California Building Code and the Santa Clara County Geologic Ordinance. The site-specific geotechnical investigation would include recommendations for managing or minimizing soil or geologic hazards that could affect the OWTS, such as expansive soils.

The Project's OWTS would be constructed in accordance with County requirements and the applicant would be required to demonstrate compliance before permit approval and implementation of the OWTS.

11-2 Please see Responses 5-9 and 8-5.

March 24, 2026

County of Santa Clara Department of Planning and Development
County Government Center
70 W. Hedding Street, 7th Floor, East Wing
San Jose, CA 95110

Attn: Lara Tran, Senior Planner

Re: Comment of Draft Environmental Impact Report for Bay Area Vipassana Center Project
(PLN:20-003, SCH#2024030083)

Dear Ms. Tran:

I ama resident of the Hapy Acres Mutual Water Company in Gilroy, CA, living on El Matador Drive for over 20 years. There are 79 households that rely on one well situated approximately 500 feet from the Bay Area Vipassana Center (BAVC) project site near Redwood Retreat Road and El Matador Drive. I am very concerned about the potential environmental impacts of this project on our neighborhood, particularly regarding our drinking water and I believe the Draft Environmental Impact Report does not adequately address this issue. 12-1

The Draft EIR does not address the issue of having our well compromised either by runoff from the BAVC parking lots or sewage, but it also does not address the issue of having our water source reduced or eliminated altogether by the BAVC tapping into our aquifer. The EIR hydrogeological modeling should address the issue of prolonged droughts and should mandate long tern groundwater levels in neighboring wells, such as ours. 12-2

The second point is the EIR does not adequately address the wastewater treatment system for our geographical location. This area is clay soil, which all current residents know does not adequately percolate for sewage disposal. The project will have up to 150 people on site at a time and the proposed sewage disposal is inadequate, at best. If there is spillage of sewage, or contamination of our drinking water, who will take responsibility to assure us of clean drinking water for our families? In looking at the plans, the bulk of the buildings will be built close to our well instead of the other side of the property. The septic system planned for the BAVC is inadequate at best and need to be a municipal grade septic system with constant monitoring. 12-3

The third point the EIR does not adequately address is egress and wildfires. This area is a hillside urban area that could be subject to out-of-control wildfires. The people who live on Redwood Retreat Road only have ONE exit in case there is a wildfire and that is right past the planned BAVC project. If there is a wildfire and all the permanent residents of Redwood Retreat Road are being evacuated, the addition of 150 people attending the BAVC will cause gridlock and potential loss of lives due to the fact the permanent residents are unable to escape. This is unacceptable as the permanent residents are at risk of losing their lives and residences, along with livestock and pets, due to a retreat where the attendees will go home. 12-4

These impacts, when considering cumulative with climate change effects like prolonged droughts and intensifying wildfires could significantly degrade our neighborhood's environmental quality, as well as render our properties worthless. 12-5

It is unacceptable the County has relied on an inadequate EIR, and I am requesting a more robust EIR that fully addresses the issues of water safety, septic spillages and lack of egress. A possible partial solution might be scaling back the size and scope of the BAVC project. 12-6

Sincerely,

Elaine Phillips
[redacted]

Letter 12 Response: Elaine Phillips

12-1 This comment is acknowledged. Specific concerns outlined in the comment letter are addressed in detail in the responses to comments below.

12-2 Water contamination related to runoff and the OWTS is discussed in Impact 3.10-1 of the Draft EIR (pages 3.10-28 through 3.10-31). Sustainable groundwater management is discussed in Impact 3.10-2 (pages 3.10-31 through 3.10-34) and Impact 3.10-5 (pages 3.10-39 through 3.10-46), and water supply availability in all water year types is discussed in Impact 3.18-2 (pages 3.18-22 through 3.18-24). Potential interference with existing wells is discussed in Impact 3.18-1i of the Draft EIR. The BAVC well would be constructed in accordance with all federal, state, and local regulations, and the applicant would be required to demonstrate compliance before obtaining the necessary permits.

12-3 As discussed in Impact 3.7-5 of the Draft EIR (pages 3.7-22 and 3.7-23), soil testing in the Project area has indicated that the soils can adequately support the proposed OWTS. As discussed in the OWTS Feasibility Report (Appendix F to the Draft EIR), all septic system components (septic tanks, pump stations, grease tank, pretreatment system, and subsurface drip disposal fields) would be designed in compliance with County Department of Environmental Health standards. Soil testing at the site, discussed in detail in Section 3.7.1.3, *Environmental Setting* (pages 3.7-7 through 3.7-15), within Draft EIR Section 3.7, *Geology, Soils, and Paleontology*, indicated that all areas and soil types on-site would be suitable for wastewater disposal and would adequately support the use of a septic tank. The County Department of Environmental Health would approve the OWTS Feasibility Report before final design of the Project. Furthermore, a site-specific geotechnical investigation would be completed and a feasibility report would be submitted to the County before the issuance of a grading permit, as required by the California Building Code and the Santa Clara County Geologic Ordinance. The site-specific geotechnical investigation would include recommendations for managing or minimizing soil or geologic hazards that could affect the OWTS, such as expansive soils.

12-4 The Draft EIR discusses impacts related to wildfire and emergency access in Section 3.9, *Hazards and Hazardous Materials* (pages 3.9-1 through 3.9-28); Section 3.17, *Transportation* (pages 3.17-1 through 3.17-18); and Section 3.19, *Wildfire* (pages 3.19-1 through 3.19-28). The Project would include a site-specific evacuation plan that would prioritize coordination with County emergency officials and minimal conflict with local residents. The evacuation plan includes phased evacuation and preassigned participant roles to aid with evacuation of the BAVC and traffic management in the event of a wildfire. The Draft EIR also references conservative site-specific modeling that demonstrates adequate evacuation times.

12-5 Drought considerations are discussed in Impact 3.18-2 of the Draft EIR (pages 3.18-22 through 3.18-24). Wildfire is discussed in Section 3.19, *Wildfire* (pages 3.19-1 through 3.19-

28). As determined in Impact 3.18-2, the Project would not significantly contribute to additional water supply insecurity or wildfire risk. The Draft EIR discusses cumulative impacts related to water supply and wildfire in Section 3.10.4 (pages 3.10-46 through 3.10-50) and Section 3.19.4 (pages 3.19-23 through 3.19-26), respectively.

12-6 This comment is acknowledged. Concerns regarding the adequacy of the environmental analysis, project scale, and other potential impacts are acknowledged and will be considered as part of the County's Project approval process.

Roger and Gail Garduque
[redacted]

March 24, 2026

County of Santa Clara Department of Planning and Development
Attn: Lara Tran
County Government Center
70 W. Hedding Street, 7th Floor, East Wing
San Jose, CA 95110

Dear Ms Tran:

We have been residents in our home since 1978. We moved here from San Jose to get away from all the traffic and congestion of a big city. We moved here to enjoy the beauty of the open land and we love it here! 13-1

It is our understanding that the Watsonville Road and Redwood Retreat Road area were considered a green belt area and that there would not be any large developments of any kind and the area would be kept rural. Has this been changed or are we allowing attorneys to use different wording so that Santa Clara Department of Planning and Development can change things to suit those who are applying for 'out of the ordinary' projects in our area? 13-2

It would be nice to have you come out to this location and see how serene and peaceful it is in our neighborhood. To allow this in our area would infringe our life style, as we know it. You know we have rights too, to keep our neighborhood, as it is today - peaceful and beautiful. 13-3

In the project description, it is proposed to have 18 buildings built. How would you like to look at that everyday, across the street from your home? We wouldn't. 13-4 It also states there is to be a 97,000 gallon water tank, where are they putting that? We are concerned because the well that they would draw from is adjacent to our well, which is within 150' of ours. 13-5 Currently, our well services over 80 residential homes and it seems that their water usage could majorly impact our water supply and quality of our water. We are very, very concerned about their septic system contaminating our drinking water by being way too close to our well. If we run out of water or our water gets contamininated, shouldn't they be held accountable for that? In our 48 years of living here, we have never run out of water and our water quality has been held to high standards. 13-6

My other concern is the project access is on El Matador Drive. We, as well as our neighbors, drive up this road daily, which is a one lane road, to get to our homes. Add 200 cars to that along with commercial delivery trucks coming in and out constantly to manage this huge project. Does that make any sense? Absolutely not. We are sure if this project was happening 13-7

in their own neighborhood, they would have the same concerns. This group just wants to use the facility and they get to go back to their quiet neighborhoods, but we have to live with it daily. The cars coming and going, the congestion, delivery trucks coming in and out, a huge paved parking lot where currently is a beautiful pasture with trees, deer feeding and wildflowers. What neighbors would be happy with this? We aren't.

13-7 cont.

We are also concerned about all the wildlife we enjoy seeing daily. This would impact their lives, as well. We have deer, wild turkeys, wild pheasants, quail, tree squirrels, bobcats, mountain lions and the steelhead that come up Little Arthur Creek, as well as numerous types of snakes and lizards.

13-8

So you see, a better plan would have been to select a piece of property that did not have such an impact on adjacent homes and would be in a more remote area, where water contamination would not be an issue and they would not be disrupting a nice, tranquil neighborhood.

13-9

We are also in a high fire zone and adding 200 more cars every week plus more on the weekends on this single lane road would be a disasterous situation. Who would be responsible for that?

13-10

Watsonville Road is highly impacted now with people commuting back and forth to Watsonville and Santa Cruz. Our road is crowded now and quite often is backed up from Redwood Retreat Road all the way to Hecker Pass during morning and evening commute hours. To add 200 more cars to that is just too much.

13-11

I ask that you would take a drive out here, look at this beautiful piece of property. First, imagine how nice it is to be lucky enough to live out here where we live. Secondly, imagine a huge paved parking lot in the pasture area and 18 buildings strewn throughout the property that would be in plain sight. Really look at it. Thirdly, walk up and down El Matador and tell me what you really think of a project of this magnitude in our neighborhood. Can you imagine living across the street from all of this and driving by it 'day in and day out'. I think you would agree with us that this may not be the place for this project.

13-12

I ask that you would kindly consider the items I have discussed, come out and see for yourself how it would impact our neighborhood, see it from our perspective.

Thank you,

Roger Garduque
Gail Garduque

Roger and Gail Garduque

[redacted]

Letter 13 Response: Roger and Gail Garduque

13-1 This comment is acknowledged. Specific concerns outlined in the comment letter are addressed in detail in the responses to comments below.

13-2 CEQA addresses the potential environmental impacts of a proposed project and does not evaluate broader concerns regarding County planning practices. This comment does not raise a project-specific CEQA environmental issue.

13-3 CEQA is intended to evaluate the potential environmental impacts of a proposed project and does not address preferences related to maintaining existing neighborhood conditions. These comments are acknowledged and will be considered as part of the County's Project approval process.

13-4 Visual impacts of the Project are discussed in Section 3.1, *Aesthetics*, of the Draft EIR (pages 3.1-1 through 3.1-14). The proposed structures would be clustered and have been designed with materials and colors intended to blend with the surrounding environment. The Project would also include vegetative screening to reduce visibility from adjacent roadways and residences, and California native species would be planted throughout the Project site to remain consistent with the existing rural visual character of the area.

13-5 Groundwater well interference is discussed in Impact 3.10-2 of the Draft EIR (pages 3.10-31 through 3.10-34). The location of the water tank is shown in Figure 2-4 on page 2-8.

13-6 Please see Response 6-1.

13-7 Impacts related to transportation are discussed in Section 3.17, *Transportation,* of the Draft EIR (pages 3.17-1 through 3.17-18). The Project would relocate access to the Project site to Redwood Retreat Road. There would be no access to the BAVC along El Matador Drive, and no participants or delivery vehicles are anticipated to use this roadway. All traffic to and from the Project would use Redwood Retreat Road and vehicles would park in the on-site parking lot, which would include vegetative screening to reduce visual intrusion.

13-8 Impacts on biological resources, including wildlife, are discussed in Section 3.4, *Biological Resources*, of the Draft EIR (pages 3.4-1 through 3.4-26). The analysis evaluates impacts on wildlife, including sensitive species and their habitat. The Project incorporates mitigation measures to minimize impacts on wildlife species, including monitoring and work windows.

13-9 Please see Response 13-3.

13-10 This comment is acknowledged. Please see Response 13-7 regarding traffic impacts on El Matador Drive. Impacts related to wildfire are discussed in Section 3.19, *Wildfire*, of the Draft EIR (pages 3.19-1 through 3.19-28). The Project includes CAL FIRE defensible space

zones, vegetation and fuel management, and an on-site water supply with new fire hydrants to improve emergency response in the area.

13-11 This comment is acknowledged. Please see Response 6-2.

13-12 This comment is acknowledged. Please see Response 13-4.

March 25, 2026

Wendy and Charles Krueger
[redacted]
[redacted]

Ms. Lara Tran, Senior Planner
County of Santa Clara Department of Planning and Development
County Government Center
70 W. Hedding Street, 7th Floor, East Wing
San Jose, CA 95110

Subject: Bay Area Vipassana Center
File Number: PLN20-003

Dear Ms. Tran,

We have reviewed the Draft Environmental Impact Report (DEIR) for the Bay Area Vipassana Center (Project) at 9210 El Matador Drive (File Number PLN20-003). As nearby residents, we disagree with the DEIR's finding that the Project would result in less-than-significant impacts to the area. Our concerns are as follows: 14-1

The renderings included on the cover and in Figure 2-7 are misleading, since it is unlikely that the extensive, colorful landscaping will be planted and maintained as shown. If this landscaping is planted, it will require a significant amount of irrigation to keep it green, especially for the large lawn area. If the landscaping shown in the rendering is not planted and maintained, the 18 structures included in the Project will be visible from Watsonville Road and Redwood Retreat Road, which are designated as County scenic routes. The rendering in Figure 2-7 shows the large paved parking lot, which is not appropriate for this area. 14-2

According to the Project Overview (ES.2.3), the Project, which includes 18 structures totaling 53,260 square feet, would allow for up to 150 participants to attend 10-day retreats twice a month. After five years, the Project would add a 30-day retreat, and eventually include a 45-day retreat. There is nothing preventing the center from allowing year-round retreats. This makes the Project more similar to a motel than a retreat. 14-3

The DEIR states that Alternative 2 (ES.4.2) (16 structures and 125 participants) and Alternative 3 (ES.4.3) (14 structures and 100 participants) would not provide sufficient capacity to meet the documented demand for silent meditation retreats in Santa Clara County. However, no information is provided to substantiate this statement. Are there other existing retreats in Santa Clara County or is this Project intended to meet the demand for the entire county? The DEIR also states that Alternatives 2 and 3 would be insufficient to financially support sustained operations of a center because a reduction in participants would result in a compounding reduction in donations over time, which would consequently lead to the Project not being financially self-sufficient. This assertion does not seem reasonable. A reduction in participants should not result in a reduction in donations, unless the participants are providing the donations. This statement appears to be an attempt to justify the size of the development without considering alternatives of a more appropriate size. 14-4

Section 2.4.1.4 states that the Project proposes outdoor lighting for the parking lot, as well as along the drive aisle onsite and at select locations along the buildings. Adding parking lot lights, streetlights and lighting on buildings will contribute to light pollution in this area. 14-5

Our biggest concern is that the proposed Project may affect the existing Happy Acres Mutual Water Company well that has provided water to more than 80 homes in the El Matador Drive community for the last 50 years. Our well is located at the corner of Redwood Retreat Road/El Matador Drive, immediately adjacent to the Project. As shown on Figure 3.10-2, the Project proposes to construct a well immediately adjacent to our community well, which is located near the western corner of the Uvas Aquifer. 14-6

According to page 3.10-22 of the DEIR, a 3-day pumping test was conducted at the Project site and the groundwater levels declined between 1 and 2 feet during the last 10 hours of pumping. The report attributes this decline to “other pumping in the aquifer,” but we are concerned that this decline could have been caused by the test pumping. Even if the decline in groundwater level was caused by pumping from other existing wells, it is not known how the proposed well will affect our well once it is in continuous operation. The fact that the wells are near the edge of the aquifer adds to our concern regarding the potential impacts from this competing well. In addition, the water needed to establish and maintain the 2.9 acres of landscaping does not appear to be accounted for in the water needed for the Project. 14-7

In addition to the proposed well, the Project intends to construct an on-site wastewater treatment system (OWTS) upslope from our well that will treat up to 6,900 gallons of wastewater per day. This system will have to manage wastewater for 150 people on a continuous basis, because the participants do not leave the facility for the entire duration of their retreat. The DEIR states that the system would be constructed in 14-8

accordance with County OWTS Ordinance guidelines. However, the Groundwater Contamination section of the DEIR does not mention our nearby community well or the potential for contamination.

14-8 cont.

The new well and wastewater treatment system have the potential to affect the only active source of water for our community. The new well may reduce the output from our well, and the wastewater treatment system could affect the quality of our water. Either of these scenarios would have a significant impact on the quality of life and the property values in our community.

14-9

The General Plan designation for the proposed Project site is Hillsides with a Scenic Road combining district (HS-SR) and the Project site is surrounded by single family residences. According to Chapter 2.20 – Rural Base Districts, of the Zoning Ordinance, permitted uses for Hillside district properties "include agriculture and grazing, very low density residential use, low density, low intensity recreation, mineral and other resource extraction, and land in its natural state." The proposed Project, with 150 potentially full-time residents, does not qualify as very low density.

14-10

According to the Notice, approval of the project will require the County of Santa Clara to prepare and certify a Final EIR and Use Permit. Section 5.65.030 – Findings, of the Zoning Ordinance states that the County must find that the proposed use will not be detrimental to the public health, safety or general welfare, or the application shall be denied. We strongly urge the County of Santa Clara to deny the Use Permit for this Project due to the potential significant impacts to this community.

14-11

If you have any questions, please feel free to contact us at [redacted] or [redacted].

Sincerely,

Wendy J. Krueger

Charles J. Krueger

cc: Supervisor Sylvia Arenas, District 1

Mr. Robert Salisbury, Principal Planner

Letter 14 Response: Wendy and Charles Krueger

14-1 This comment is acknowledged. Specific concerns identified in the comment letter are addressed in detail in the responses to comments below.

14-2 As discussed in Draft EIR Section 3.1, *Aesthetics* (pages 3.1-1 through 3.1-14), the visual simulations are representative depictions intended to illustrate the Project under planned conditions that would be implemented and maintained consistent with Project approvals. The landscaping and site design would be subject to water-efficient design standards consistent with applicable regulations, and the parking area would include screening and has been sited to minimize its visual prominence.

14-3 The Draft EIR analyzes the environmental impacts of the Project based on the description of the Project presented in Chapter 2 of the Draft EIR (pages 2-1 through 2-18). If approved, any substantial changes to Project operations beyond those analyzed would require additional County review and approval, including any necessary permits, in accordance with applicable regulations.

14-4 According to statements from the applicant, the Project requires a minimum total on-site population of 150 persons—125 course participants and up to 25 staff members and volunteers—to operate responsibly and sustainably. Staff members and volunteers are essential to each retreat and must remain on-site for the duration of the retreat. Instruction, food service, facility operations, and participant safety require staffing levels that do not decline in proportion to reductions in participant numbers. The proposed participant capacity is supported by clear historical demand. According to the Project applicant, the three existing Vipassana meditation centers in California consistently have long waiting lists, with courses typically filling up approximately 3 months before the start date. This demand has been sustained over time and reflects a significant unmet regional need.

The minimum program size should also be considered in the context of development in Santa Clara County. In addition to the cost of acquiring the land, the Project applicant has already incurred more than $1.5 million in permitting, environmental review, and entitlement-related expenses, exclusive of construction costs. These are fixed costs associated with the County's discretionary review process. Because all operating and capital costs are met solely through voluntary donations, the Project needs to operate at a scale sufficient to support both ongoing operations and the substantial upfront investment required to entitle and construct the facility in the Bay Area. For these reasons, a total on-site population of 150 persons represents the minimum feasible design condition for the BAVC Project.

14-5 This comment is acknowledged. Please see Response 8-9.

14-6 Groundwater well interference is discussed in Impact 3.10-2 of the Draft EIR (pages 3.10-31 through 3.10-34).

14-7 Please see Response 8-7.

14-8 Please see Response 6-1.

14-9 Please see Responses 6-1 and 8-7.

14-10 Please see Responses 5-9 and 8-5.

14-11 This comment relates to discretionary project approval under the County Zoning Ordinance and does not raise a CEQA environmental issue. CEQA is limited to evaluating the potential environmental impacts of the Project.

Outlook

FW: [EXTERNAL] PLN20-003

From Darcy Kremin <dkremin@esassoc.com>
Date Thu 3/26/2026 3:07 PM
To Emily Kline <EKline@esassoc.com>

Darcy Kremin, AICP *(she/her)*
Senior Principal Planner

ESA | Environmental Science Associates
510-463-6747 **direct**

From: Tran, Lara <lara.tran@pln.sccgov.org>
Sent: Thursday, March 26, 2026 2:49 PM
To: Darcy Kremin <dkremin@esassoc.com>; David Beauchamp <DBeauchamp@esassoc.com>; Stephen Doyle <SDoyle@esassoc.com>
Cc: Salisbury, Robert <Robert.Salisbury@PLN.SCCGOV.ORG>
Subject: FW: [EXTERNAL] PLN20-003

Public comment below on draft EIR for BAVC

LARA TRAN
Senior Planner

Department of Planning and Development
County of Santa Clara
70 W. Hedding Street | 7th Floor | East Wing
San Jose | CA 95110
Phone: (408) 299-5759
lara.tran@pln.sccgov.org

New Department office hours effective September 29, 2025
Monday – Thursday: 8:00 a.m. – 12:00 p.m., and 1:00 p.m. – 5:00 p.m.
Fridays: Building Services only – Limited (Active Permits)
8:00 a.m. – 12:00 p.m., and 1:00 p.m.– 5:00 p.m.

Staff Representatives from the Dept. of Environmental Health, Roads and Airports and the Fire Marshals Office will be available:
Tuesdays & Thursdays: 8:00 a.m. – 12:00 p.m., and 1:00 p.m. – 5:00 p.m.

Please note: The Department's cashier closes daily at 4:30 p.m.

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an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you have received this message in error, please notify the sender by return email.

From: David Ask [redacted]
Sent: Thursday, March 26, 2026 2:11 PM
To: Tran, Lara <lara.tran@pln.sccgov.org>
Cc: redwagon350 <redwagon350@yahoo.com>
Subject: [EXTERNAL] PLN20-003

Attention: Lara Tran

County Government Center
70 W. Hedding Street, 7th Floor, East Wing,
San Jose, CA 95110

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE BAY AREA VIPASSANA CENTER
Project Applicant: Bay Area Vipassana Center
File Number: PLN20-003
Application For: Use permit, Architecture and Site Approval, and Grading Approval

Ms. Tran,

I previously wrote you July 15, 2025, expressing concerns with the proposed Vipassana development. I am writing you again after reviewing the Draft EIR identified for the project and I continue to be concerned with potential impacts to the Uvas aquifer and specifically what is noted as the HAMWC well which is my home and community source of water. 15-1

Living on El Matador Drive, I see this project as planned causing damage to our community well by either overpumping and/or contamination from the planned commercial wastewater system. I continue to be concerned regarding hazardous material runoff in the form of automotive fluids from the large 120 car parking lot as well as the loss of ground absorption from the 53,000 sq ft of combined buildings and a 100 or so yards of road/driveway, all of which would flow directly above our well. If the well and aquifer is contaminated, our living in our homes is impacted. For the visitors to the Vipassana center, they can return to their homes without impact.. 15-2

This Vipassana conference center should be built elsewhere such that local residents are not at risk.

Regards,

Dave Lawler

[redacted]

Letter 15 Response: Dave Lawler

15-1 Impacts on the Uvas aquifer are discussed in Section 3.10, *Hydrology and Water Quality*, of the Draft EIR (pages 3.10-1 through 3.10-54).

15-2 Please see Response 6-1. The Project would be required to implement low impact development design measures in accordance with County requirements and the Phase II Permit required by the Central Coast RWQCB. The Phase II Permit would require that proposed bioretention areas treat the runoff generated by the Project. As shown in Figure 3.18-1 in Draft EIR Section 3.18, *Utilities and Service Systems* (page 3.18-20), the Project includes the use of planted bioswales to slow, treat, attenuate, and/or redirect the stormwater runoff. To gauge the quality of stormwater runoff from the parking lot, the applicant would inspect stormwater samples collected in jars for the presence of a surface sheen, indicative of the presence of hydrocarbons. Should a sheen be observed, the applicant would engage a stormwater quality consultant to determine whether a sediment trap or other stormwater controls should be installed to capture hydrocarbons and metals commonly found in parking lots.

3/24/26

Regarding: Bay Area Vipassana Center - PLN20-003

Dear Lara Tran and County of Santa Clara Department of Planning and Development Office,

I am writing as a nearby resident living on the hillside directly above the proposed Bay Area Vipassana Center Project to formally and strongly oppose this development. While I respect the intent behind creating a space for meditation and reflection, this project—at this location and scale—poses serious, credible, and irreversible risks to water security, environmental stability, and public safety. 16-1

As a neighbor, I experience this land not as an abstract parcel, but as part of a living, functioning watershed. Water does not recognize property lines. What happens on this site—how it is graded, paved, drained, and built upon—will directly affect everything below and around it. The proposed transformation of this land from a natural, permeable hillside into a complex with 18 structures, extensive infrastructure, and large areas of impervious surface is not a minor change. It is a fundamental alteration of how this landscape absorbs, filters, and moves water. 16-2

My most urgent concern is the risk to groundwater and the nearby shared well systems that serve dozens of families. The project includes septic tanks, wastewater treatment systems, effluent dispersal, and subsurface irrigation—all of which would be introduced into an area already dependent on fragile, shallow groundwater sources. Multiple residents have documented that nearby communities rely on a single primary well with no meaningful backup supply. Placing a high-occupancy facility with continuous wastewater generation in such close proximity to this well is not just concerning—it is fundamentally incompatible with protecting a sole-source drinking water system. 16-3

As a neighbor, the risks are even more apparent. Changes in grading and drainage will alter natural runoff patterns, increasing the likelihood that contaminants—whether from wastewater systems, stormwater runoff, or surface disturbance—are carried into recharge zones that feed these wells. In heavy rain events, which are becoming more intense and unpredictable, this risk is amplified. Once groundwater is contaminated, the damage is not easily reversed. There is no practical remediation that restores trust in a community's drinking water once it has been compromised. 16-4

The scale and complexity of the proposed wastewater infrastructure only deepen these concerns. This is not a simple rural septic system—it is a multi-component system involving treatment, pumping, dispersal, and long-term maintenance. Residents have already raised valid questions: What happens during system failure? During power outages? During peak usage? During winter saturation when soils are already stressed? Who monitors this system, and who is accountable if contamination occurs? These are not hypothetical concerns—they are predictable risks in a setting that lacks municipal sewer infrastructure and relies entirely on local groundwater. 16-5

Beyond water, hillside stability and stormwater impacts present another serious issue. The introduction of buildings, roads, parking areas, and grading will reduce the land's natural ability to absorb water, increasing runoff volume and velocity. This can lead to erosion, sediment transport, and long-term degradation of both the hillside and downstream environments. As a neighbor, I am particularly concerned about how these changes could destabilize natural drainage patterns and increase the risk of slope-related impacts over time. 16-6

The project is also fundamentally out of scale with its surroundings. A 53,000+ square foot complex with 18 structures and supporting infrastructure does not reflect low-density, hillside-sensitive development. It introduces an intensity of use more consistent with an institutional or retreat campus than a rural, scenic corridor. This is not simply about visual impact—it is about land use compatibility. Hillside zoning exists for a reason: to prevent exactly this type of concentrated development in environmentally sensitive areas. 16-7

Equally important is the broader principle at stake: the preservation of California's natural landscape. Santa Clara County is part of a state known for its extraordinary natural beauty—its rolling hills, open spaces, and ecosystems that define not only the environment, but also the identity of the region. These landscapes are increasingly rare and under pressure from development. Once altered, they cannot be restored to their original state. Preserving areas like this is not about resisting progress; it is about recognizing that some places hold intrinsic value simply by remaining untouched. Protecting this land means protecting wildlife habitat, natural water systems, and the quiet, undeveloped character that makes California unique. Decisions like this shape whether future generations inherit open, living landscapes—or fragmented, overbuilt ones. 16-8

Traffic and safety concerns further reinforce the incompatibility of this project. The roads serving this area are narrow, winding, and already constrained. Increased traffic from a facility hosting large numbers of visitors—many unfamiliar with the terrain—will degrade road safety and increase noise and disruption. More importantly, in the event of a wildfire, evacuation is already challenging. Residents, families, animals, and emergency responders all rely on limited access routes. Adding a significant population load to this system introduces real and potentially life-threatening risks during emergency situations. 16-9

There are also broader environmental concerns that cannot be ignored. Nearby creeks and waterways, including those connected to the Uvas watershed, depend on clean groundwater and stable runoff patterns. Any disruption—whether through contamination, sedimentation, or reduced recharge—has downstream ecological consequences. This includes potential impacts to sensitive species and habitats that rely on these water systems. 16-10

It is also telling that this project has required escalation to a full Environmental Impact Report. That decision alone reflects the seriousness and complexity of the potential impacts. The volume and consistency of concerns raised—particularly around water, wastewater, and safety—demonstrate that these are not minor issues that can be easily mitigated. They go to the core question of whether this project belongs in this location at all. 16-11

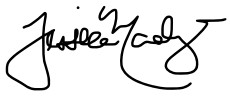
At its heart, this is not an argument against meditation, community, or spiritual development. It is an argument for responsible siting. Not every use belongs in every place. This particular hillside—hydrologically sensitive, dependent on fragile groundwater systems, and constrained by infrastructure—is not an appropriate location for a development of this magnitude. 16-12

The risks are not theoretical. They are specific, documented, and rooted in the lived reality of those of us who depend on this land every day.

For these reasons, I respectfully but firmly urge the County to deny approval of the Bay Area Vipassana Center Project in its current proposed location. Protecting water security, preserving environmental integrity, and ensuring public safety must take precedence over development that can—and should—be located elsewhere. 16-13

Thank you for your time, your responsibility, and your careful consideration of the long-term consequences of this decision.

Sincerely,



Letter 16 Response: Jessica Madej

16-1 This comment is acknowledged. Specific concerns outlined in the comment letter are addressed in detail in the responses to comments below.

16-2 Please see Response 15-2.

16-3 Please see Response 6-1.

16-4 Please see Responses 5-9 and 8-5.

16-5 Please see Response 6-1.

16-6 Drainage-related impacts are discussed in Impacts 3.10-3i through 3.10-3iv of the Draft EIR (pages 3.10-34 through 3.10-38). Please see Response 15-2.

16-7 Please see Response 5-9.

16-8 As discussed in Impact 3.11-2 of the Draft EIR (pages 3.11-6 and 3.11-7), the County Zoning Ordinance categorizes the Project use as "camp and retreat," which is allowed with a use permit and architectural and site approval within the Hillside zoning designation. Impacts related to runoff and the addition of impervious surfaces, such as the proposed parking lot, are addressed in Section 3.10, *Hydrology and Water Quality*, of the Draft EIR (pages 3.10-1 through 3.10-54).

16-9 Transportation impacts are discussed in detail in Section 3.17, *Transportation*, of the Draft EIR (pages 3.17-1 through 3.17-18). The Project would generate approximately 24 average daily trips, including deliveries. These trips would occur intermittently, with limited traffic during retreat sessions. The Project would include a site-specific evacuation plan that would include phased evacuation and preassigned participant roles, intended to aid in the evacuation of the BAVC and in traffic management near the access point to the site in the event of a wildfire. The Draft EIR also references conservative site-specific modeling demonstrating adequate evacuation times.

16-10 As discussed throughout Draft EIR Section 3.10, *Hydrology and Water Quality* (pages 3.10-1 through 3.10-54), although the Project may temporarily redirect flows, the Project's low impact development design required by the Phase II Permit would slow, attenuate, and treat runoff to meet pre-Project conditions. The Project design would follow the natural drainage pattern along El Matador Drive and would not result in substantial additional sources of runoff.

16-11 Preparation of an EIR reflects the determination that the Project has the potential to result in significant environmental effects and therefore requires detailed analysis under CEQA. The Draft EIR evaluates potential impacts related to water supply, wastewater, public safety, and

other environmental factors and identifies mitigation measures where feasible. The preparation of an EIR reflects procedural requirements under CEQA and does not, by itself, indicate the appropriateness of a project's location.

16-12 This comment is acknowledged. Please see Response 16-11.

16-13 This comment is acknowledged. All comments received are part of the public record and will be considered and addressed as required through the County's Project approval process.

March 26, 2026

Couty of Santa Clara Department of Planning & Development
Attention: Lara Tran
70 W. Hedding Street 7th Floor, East Wing
San Jose, CA 95110

Ref: Bay Area Vipassana Center
File number: PLN20-003
Application for: Use Permit, Architecture & Site Approval & Grading Approval

We'd like to address the lastest Notice dated 2/4/2026.
The only remark in this Notice that is truthful is "no impact on public services, transportation".
There is NO public services/transportation in this area.
Never has been and who knows if there ever will be!
Was there a traffic study done for Watsonville Road and Redwood Retreat? The "Groups" of participants come to the retreat every 10days, like a revolving door. Is there any mention of the commercial vehicles that will be delivering food and other supplies numerous times per week/month. 17-1

In 2018 as the listing agent of 9201 El Matador, I spoke with County Planning and was informed that no more than two single family residences could be built on this 54.59 acre site. The limit of two residences was do to the fact there is 17-2

little level land, the majority of this parcel is hillside. Grading of hillside would not be permitted.
NOW an entire City 53,260 sq ft of land will be covered with buildings plus a 97,000 gal water tank. I truly doubt there is 10 acres of level land for buildings and an entire sewage treatment facility. The "10 acres" slopes up to the South with a creek running through the property. I didn't see any mention of the natural spring box nor the creek. Both exists
We didn't see any mention of the wild life on this parcel. There are bobcats, mountain lions, turtles, knuts, skunks, turkeys, fish, turtles, rabbits, racoons, deer, squirrels, possums, and gophers.
There are a number of rock croppings that have the rounded-out impressions from the Ohlone Indians grinding their corn. There are arrowheads as well as human bones, most likely Indian remains.

17-2 cont.

17-3

17-4

Has the hydrostatic water that follows from the hills that occurs all year round been taken into consideration? Hydrostatic water can make it difficult in the winter time for the leach fields to work properly.
To conclude that there is less significant impacts of hazard material is not true. The sewage collection lines, septic tanks, effluent collection lined, wastewater treatment system, pressure delivery effluent pipelines, pump stations and subsurface drip disposal fields will cover a lot of the 10 acres. 18 structures totaling 53,260 square feet is an entire city that does not belong in the zoning of Hillsides with a Scenic Road zoning district (HS-sr). How many acres will be

17-5

17-6

17-7

parking lots? No concern for runoff covering so much of this hillside property? Why is that ok?
Happy Acre Well Company provides 79 homes plus holding tank and fire safety system. This well is located across the street from the 10 acre City aka Vispassana Center. Can the County guarantee that Bay Area Vipassana Center won't be drawing from the same aquifer? Can the County guarantee the Center won't pollute Happy Acre well with sewage?
We will hold the County liable if Happy Acre well is diminished, goes dry, or is contaminated due to the approval of this misplaced project. Not a threat, just a promise.
This center is bad for the environment, the existing surrounding parcels, nature and Watsonville Road traffic. Please take the time to come to the site, rather than make the decision from goggle map images. To approve this project will negatively impact 79 homes and many lives.
Watsonville Road is a daily commuter road for folks going to work in San Jose. Weekends & holidays can be a nightmare on Watsonville Road to Hecker Pass. Traffic backs up to the Indian camp. Please do a traffic study and remember there is NO public transportation to or from this area

17-7 cont.

17-8

17-9

Thank you for your consideration

Susan & Kurt Jacobsen Kurt [redacted]
[redacted] Susan [redacted]
[redacted]
[redacted]

Letter 17 Response: Susan and Kurt Jacobsen

17-1 Transportation impacts are discussed in detail in Section 3.17, *Transportation*, of the Draft EIR (pages 3.17-1 through 3.17-18). The Project would generate approximately 24 average daily trips, including deliveries from commercial vehicles. These trips would occur intermittently, with limited traffic during retreat sessions, and are anticipated to result in a minimal contribution to traffic volumes on local roadways. The Draft EIR references several reports prepared for the Project that evaluate potential traffic impacts of the Project.

17-2 As discussed in Impact 3.7-1c of the Draft EIR (page 3.7-18), before the issuance of a grading permit, the Project applicant would be required to submit a feasibility report documenting geologic hazards on the Project site, including landslide susceptibility, to the County Geologic Engineer for approval. Additionally, all development (if applicable) on slopes greater than 30 percent would be required to adhere to General Plan Policies R-GD 29 and R-GD 30, which require that all development on slopes of 30 percent or greater be evaluated by the Zoning Administrator and receive a building site approval. To acquire a building site approval, the applicant would be required to demonstrate conformance with all federal, state, and local regulations. Additionally, site design measures would be submitted to demonstrate adequate mitigation of any geologic hazards associated with slopes with a grade of 30 percent or greater.

17-3 Impacts on biological resources, including wildlife, are discussed in Draft EIR Section 3.4, *Biological Resources* (pages 3.4-1 through 3.4-26), while impacts on hydrologic resources are discussed in Section 3.10, *Hydrology and Water Quality* (pages 3.10-1 through 3.10-54). The analysis evaluates impacts on aquatic resources, such as Little Arthur Creek, and considers potential impacts on wildlife, including sensitive species and their habitat. The Project also incorporates mitigation measures to minimize impacts on wildlife species, including construction monitoring, and includes measures to reduce erosion and sedimentation that could affect waterways.

17-4 Impacts on cultural and tribal cultural resources are addressed in Section 3.5, *Cultural and Tribal Cultural Resources*, of the Draft EIR (pages 3.5-1 through 3.5-16). The analysis includes consultation with the Native American Heritage Commission and local tribes and provides mitigation measures, such as monitoring, avoidance, and proper handling of any discovered artifacts or human remains.

17-5 Please see Response 12-3.

17-6 Please see Response 12-3.

17-7 Please see Response 16-8.

17-8 As discussed in Draft EIR Section 3.10, *Hydrology and Water Quality* (pages 3.10-1 through 3.10-54), the Project's potable water would be drawn from the same aquifer as the Happy

Acres Mutual Water Company. Impacts on groundwater quality are discussed in Impact 3.10-1 (pages 3.10-28 through 3.10-31), Impact 3.10-2 (pages 3.10-31 through 3.10-34), and Impact 3.10-5 (pages 3.10-39 through 3.10-46) of the Draft EIR.

17-9 This comment is acknowledged. Please see Response 17-1.

Outlook

FW: [EXTERNAL] PLN20-003 - Bay Area Vipassana Center (BAVC) on El Matador Dr.

From Darcy Kremin <dkremin@esassoc.com>
Date Tue 4/7/2026 2:59 PM
To Emily Kline <EKline@esassoc.com>

FYI

-----Original Message-----
From: Tran, Lara <lara.tran@pln.sccgov.org>
Sent: Tuesday, April 7, 2026 2:53 PM
To: Darcy Kremin <dkremin@esassoc.com>; David Beauchamp <DBeauchamp@esassoc.com>; Stephen Doyle <SDoyle@esassoc.com>
Cc: Salisbury, Robert <Robert.Salisbury@PLN.SCCGOV.ORG>
Subject: FW: [EXTERNAL] PLN20-003 - Bay Area Vipassana Center (BAVC) on El Matador Dr.

Hi Darcy and team,

Please see the public comment below on the draft EIR for BAVC. Note that the comment was sent on March 31, after the closing deadline.

LARA TRAN
Senior Planner

Department of Planning and Development
County of Santa Clara
70 W. Hedding Street | 7th Floor | East Wing San Jose | CA 95110
Phone: (408) 299-5759
lara.tran@pln.sccgov.org

-----Original Message-----
From: Francis Mcgill [redacted]
Sent: Tuesday, March 31, 2026 10:04 AM
To: Tran, Lara <lara.tran@pln.sccgov.org>
Subject: [EXTERNAL] PLN20-003 - Bay Area Vipassana Center (BAVC) on El Matador Dr.

After reviewing the report it failed to address so many of the issues that have been raised. Among serious possible water issues for Happy Acres Mutual Water Co(not addressed), fire danger, runoff environmental concerns, lack of sufficient evacuation requirements, and traffic impacts none were sufficiently addressed and reasonable remediation was not proposed. This is a large commercial project that should be built somewhere other than in a residential area. Rezoning to allow this project should

18-1

not be done. It's the wrong place for this project. 18-1 cont.

Regards

Frank & Del McGill

Sent from my iPhone

Letter 18 Response: Frank and Del McGill

18-1 This comment is acknowledged. All comments received are part of the public record and will be considered and addressed as required during the County's Project approval process.

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CHAPTER 3
Draft EIR Revisions

3.1 Introduction

This chapter presents revisions to the Draft Environmental Impact Report (Draft EIR) for the Bay Area Vipassana Center Project (Project) published on February 9, 2026. These revisions include both (1) changes made to text in response to comments on the Draft EIR as discussed and presented in Chapter 2, and to provide updated information where applicable. None of the revisions or corrections in this chapter substantially change the analysis and conclusions presented in the Draft EIR; thus, as described in Section 1.1 of the Final EIR, recirculation of the Draft EIR is not required due to the minor nature of revisions.

The chapter includes all revisions by reproducing the relevant excerpt of the Draft EIR in the sequential order by the chapter, section, and page that it appears in the document. Deletions in text and tables are shown in strikethrough (~~strikethrough~~) and new text is shown in underline (<u>double-underline</u>).

3.2 Changes to the Draft EIR

Cover, Table of Contents, Acronyms and Other Abbreviations, and Key Terms

No revisions were made to these chapters.

Executive Summary

Changes were made to revise ES.2.3, *Project Overview*, on Draft EIR pages ES-2 as follows:

> The Project would be developed with 18 structures, along with a 122-space surface parking lot. As discussed in Chapter 2, Section 2.4, Project Components, the Project would involve the installation and maintenance of the following components: electric and telecommunication lines; ~~two~~ <u>a</u> new water supply wells; a public water system that would provide potable water and would be used in emergencies for fire suppression; an on-site septic system; an on-site wastewater treatment system; landscaping, which would also serve as defensible space, and associated infrastructure for irrigation; bioretention swales to treat stormwater; and internal roadways for navigating around the Project site.

Chapter 1, Introduction

No revisions were made to this chapter.

Chapter 2, Project Description

Changes were made to revise Section 2.2.3, *Project Site*, on Draft EIR pages 2-4 as follows:

> The eastern portion of the Project site is relatively flat, then the site inclines steeply toward the west. Little Arthur Creek is located approximately 400 feet north of the Project site, and the property is located within the coverage area of the Santa Clara Valley Habitat Plan, specifically in the area where the plan covers rural development equal to or greater than 2 acres. The Project site currently contains one barn and an existing groundwater irrigation well that would be closed and abandoned to eliminate groundwater pumping interference.~~, but t~~The rest of the site is open space and has not been used for agricultural cultivation.

Changes were made to revise Section 2.4.1.5, *Water and Wastewater*, on Draft EIR pages 2-9 and 2-10 as follows:

> The Project site is located on land in unincorporated Santa Clara County and is outside of the Sphere of Influence and Urban Service Area for the City of Gilroy. The City of Gilroy is unable to provide water and wastewater services to the Project site. Therefore, the Project proposes to construct a public water system that would provide potable water via an on-site groundwater supply well for both potable water use and fire suppression. In May 2022, BAVC Test Well #1 and BAVC Monitoring Well #1 were installed. Based on the results of the pumping tests, BAVC proposes to convert Test Well #1 to a production well upon County and state approval. The water would be stored in a 97,000-gallon tank and distributed via gravity to the proposed structures. No other official water sources are proposed as part of the Project, however, greywater may be used for irrigation or other non-potable water uses to manage water demand on-site.

Changes were made to revise the second paragraph of Section 2.4.3, *Construction*, on Draft EIR pages 2-12 as follows:

> DDW and the County Department of Environmental Health (DEH) will require BAVC (the Project applicant) to (1) obtain drilling and other construction permits from the County, (2) conduct grading ~~and drill wells~~, and (3) meet other DDW permitting requirements, before receiving the required clearance from DDW. Construction of the facility would occur for 6 years after the issuance of required permits.

Chapter 3, Section 3.0 Introduction to Environmental Analysis

No revisions were made to this section.

Chapter 3, Section 3.1, Aesthetics

Changes were made to revise Section 3.1.1.2, *Regulatory Setting*, County of Santa Clara Zoning Ordinance on Draft EIR page 3.1-5 as follows:

Section 4.30.070 Parking Design Standards

Pursuant to County Code of Ordinances Section 4.30.70, all off-street parking areas within non-residential projects shall be provided with exterior lighting which meets County minimum standards (County of Santa Clara 2025a).

H. Lighting. All off-street parking areas within non-residential projects shall be provided with exterior lighting which meets all of the following minimum standards:

1. The equivalent of one foot candle of illumination shall be provided throughout the parking area;
2. All lighting shall be on a time clock or photo-sensor system;
3. Parking lot illumination devices shall be high-pressure sodium vapor with 90-degree cut-off and flat lenses; and
4. All lighting shall be designed to confine direct rays to the premises. Any spillover beyond the property line, except onto public thoroughfares, shall be as approved by the approving authority. Any spillover onto public thoroughfares shall not cause a hazard to motorists.

Chapter 3, Section 3.2, Agriculture and Forestry Resources

Changes were made to revise Section 3.2.3.2, *Direct and Indirect Effects of the Project*, on Draft EIR page 3.2-5 as follows:

Of the entire Project site, only approximately 10 acres would be developed for the Project; the remaining acreage would remain undeveloped. The Project would be constructed on land designated by the FMMP as Farmland of Local Importance. As defined in Section 3.2.1.2, "Farmland of Local Importance" applies to land that is important to the local agricultural economy, as determined by the appropriate unit of local government agency or agencies. This land either is currently producing crops or is capable of production but does not meet the criteria for Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. ~~Historically, t~~The Project site has ~~not~~ been previously used for agricultural purposes according to historic Google Earth maps, but it has not been cultivated for more than 20 years. Therefore, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to nonagricultural use.

Chapter 3, Section 3.3, Air Quality

No revisions were made to this section.

Chapter 3, Section 3.4, Biological Resources

Changes were made to revise Section 3.4.1.2, *Environmental Setting,* Vegetation Communities on Draft EIR page 3.4-6 as follows:

> Natural communities are assemblages of plant species that occur together and are defined by species composition and relative abundance. Plant communities in and immediately adjacent to the Project site include agricultural land, annual grassland, disturbed land, and mixed oak woodland. The Project site also contains ~~an ephemeral channel (open water),~~ riparian woodland, and serpentine bunchgrass (Figure 3.4-1, Vegetation Communities). These natural communities are described below.

Changes were made to revise the first paragraph of Section 3.4.1.2, *Environmental Setting*, Waters and Creeks on Draft EIR page 3.4-9 as follows:

> A small ephemeral creek is present along the southeastern edge of the Project site, behind an existing residence ~~(Figure 3.4-1)~~, ~~and~~ which may be tributary to Uvas Creek 600 feet downstream, via culverts and roadside drainage. This ephemeral creek contains no side ponds. It enters the site northeast of the existing barn and continues north of the barn. The ephemeral creek is a narrow, incised channel that flows only during and after rain events. It does not pond long enough to provide breeding habitat for special-status fish or amphibians (EMC 2021).

Chapter 3, Section 3.5, Cultural Resources and Tribal Cultural Resources

No revisions were made to this section.

Chapter 3, Section 3.6, Energy

No revisions were made to this section.

Chapter 3, Section 3.7, Geology, Soils, and Paleontology

Changes were made to revise the last paragraph of Section 3.7.1.2, *Regulatory Setting*, State, National Pollutant Discharge Elimination System Construction General Permit on Draft EIR page 3.7-3 as follows:

> In the Project site, the Construction General Permit is implemented and enforced by the ~~San Francisco Bay~~Central Coast RWQCB, which administers the stormwater permitting program. Dischargers must notify the ~~San Francisco Bay~~Central Coast RWQCB of violations or incidents of noncompliance and submit annual reports that identify deficiencies in the BMPs and explain how the deficiencies were corrected. The risk assessment and SWPPP must be prepared by a State Qualified SWPPP Developer and implementation of the SWPPP must be overseen by a State Qualified SWPPP Practitioner.

Chapter 3, Section 3.8, Greenhouse Gas Emissions

No revisions were made to this section.

Chapter 3, Section 3.9, Hazards and Hazardous Materials

No revisions were made to this section.

Chapter 3, Section 3.10, Hydrology and Water Quality

Changes were made to revise the last paragraph of Section 3.10.1.2, *Regulatory Setting*, State, California Executive Order N-3-23 on Draft EIR page 3.10-8 as follows:

> The Project's well~~s~~ would not be required to adhere to Executive Order N-3-23, as ~~the water wells~~it would be permitted under a public water supply system; however, this regulation has been included for informational purposes because it is relevant to cumulative impacts.

Changes were made to revise the first paragraph of Section 3.10.1.2 Regulatory Setting, Regional and Local, Final Lake or Streambed Alteration Agreement, EPIMS Notification No. EPIMS-SCL-17832-R3, Uvas Reservoir Operation Strategy on Draft EIR page 3.10-9 as follows:

> Uvas Reservoir is managed by Valley Water. The reservoir is upstream of Uvas Creek within the Uvas-Llagas watershed, which is part of the larger Pajaro River watershed. Uvas Reservoir captures and stores local runoff from the Uvas watershed for fisheries management~~, flood risk reduction,~~ and municipal water supply. An initial memorandum of agreement (MOA) between Valley Water and the California Department of Fish and Wildlife (CDFW) accompanied the completion of Uvas Dam, which included an initial operation strategy for Uvas Reservoir. The MOA was replaced with Lake and Streambed Alteration Agreement (LSAA) 1600-2011-0395-R3 and amendments dated August 13, 2013, and February 3, 2020.

Changes were made to revise the first paragraph of Section 3.10.3.2 Direct and Indirect Effects of the Project, Groundwater Contamination, Criterion b, Operation on Draft EIR page 3.10-32 as follows:

> An operational impact under this criterion could occur related to groundwater demand or through the addition of impervious surfaces that could interfere with groundwater recharge. All water supply for Project operations would be sourced from the proposed on-site groundwater well~~s~~. During Project operation, the anticipated average-day demand for groundwater would be 6,160 gpd or 6.9 AFY. The anticipated maximum-day demand is 8,440 gpd or 9.5 AFY of groundwater (Mohr 2022).

Chapter 3, Section 3.11, Land Use and Planning

Changes were made to revise Section 3.11.1.2, *Regulatory Setting*, Local: Santa Clara County General Plan on Draft EIR page 3.11-2 to add the following:

> ***R-LU 25:*** Non-residential land uses allowed in 'Hillsides' areas shall be of a generally low density or low intensity nature, depending on the use, as is consistent with the basic intent of the

Hillsides designation to preserve the resources and rural character of the land. Non-residential uses shall:

a. avoid or minimize any potentially significant adverse environmental impacts;

b. provide adequate access to safely accommodate potential traffic without significantly impacting local transportation routes;

c. demonstrate no significantly increased risks associated with natural hazards;

d. not create adverse visual impacts as viewed from the Valley floor or from adjacent public recreational areas; and

e. cause no significant increase in the demand for public services or infrastructure, including potential impacts on school districts.

***R-LU 27*:** Land uses proposed for inclusion within the Hillside zoning ordinance may be evaluated for conformity with the intent of this land use designation by various measures of land use intensity, including but not limited to:

a. waste water generation rates;

b. traffic generation rates;

c. extent of grading, vegetation removal, drainage modifications, or other alteration of the natural environment;

d. noise or other nuisance potential; and

e. growth-inducing potential.

In addition, changes were made to the analysis under Impact 3.11-2 on page 3.11-6 as follows:

The Project site is designated as Hillsides by the County's General Plan. Allowable uses include select commercial, industrial, or institutional uses that require a remote setting or support the use and appreciation of the natural environment. As outlined in Chapter 2, Section 2.3, *Project Objectives*, the Project proposes a sustainably designed, self-sufficient retreat center for up to 150 people that blends into the natural setting through clustered and screened structures, quiet operations, and on-site water and wastewater systems to minimize environmental and neighborhood impacts. The Project requires a remote setting to maintain a quiet, secluded, and natural environment appropriate for meditation and retreat activities and supports the appreciation of the natural environment through its integration with the landscape, emphasis on privacy and natural screening, and use of sustainable, low-impact infrastructure. The Project is designed to be compatible with surrounding rural and open-space land uses, through its low-intensity and low-density operational characteristics and site design that would maintain substantial areas of woodlands and undeveloped open space. Thus, the Project would align with the Hillsides designation's intent to permit low-intensity, nature-compatible institutional uses that preserve the area's environmental and rural character and there would be no impact from the Project.

Chapter 3, Section 3.12, Mineral Resources

No revisions were made to this section.

Chapter 3, Section 3.13, Noise

No revisions were made to this section.

Chapter 3, Section 3.14, Population and Housing

No revisions were made to this section.

Chapter 3, Section 3.15, Public Services

No revisions were made to this section.

Chapter 3, Section 3.16, Recreation

No revisions were made to this section.

Chapter 3, Section 3.17, Transportation

No revisions were made to this section.

Chapter 3, Section 3.18, Utilities and Service Systems

Changes were made to revise the second paragraph of Section 3.18.3.2, *Direct and Indirect Effects of the Project*, Impact 3.18-1i on Draft EIR page 3.18-18 as follows:

> Adherence to the submittal requirements for approval of a domestic water supply permit would ensure that the public water system installed as part of the Project would be designed and constructed in accordance with the Division of Drinking Water's Domestic Water Permit, which would require the Applicant to demonstrate that the Project's water supply is of sufficient quantity and quality to meet Project demand (Health and Safety Code, Division 104, Part 12, Article 7, Sections 116527 and 116530). ~~and would therefore have a minimal impact on existing water facilities.~~ Furthermore, and as discussed in detail in Section 3.10, *Hydrology and Water Quality*, and below in Impact 3.18-3, the proposed groundwater well would not strain the existing water supply in the Llagas subbasin, or in the local aquifer recharged by Little Arthur and Uvas creeks. Water supply assessments prepared by Mohr HydroGeoScience LLC (Mohr n.d., 2021, 2024) established that the groundwater supply in the Project area is robust and continuously recharged because of a CDFW LSAA that requires continuous instream flows (and thus, continuous groundwater recharge) in Uvas Creek (Appendix E). Water supply at the Project site is discussed in further detail in Impact 3.18-2.

Chapter 3, Section 3.19, Wildfire

Changes were made to revise the second paragraph of Section 3.19.3.2, *Direct and Indirect Effects of the Project*, Impact 3.19-3 on Draft EIR page 3.19-20 as follows:

> As discussed in Chapter 2, Section 2.4, *Project Components*, the Project would involve the installation and maintenance of the following components:
>
> - Electric and telecommunication lines.
> - ~~Two~~One ~~new~~ water supply well~~s~~.
> - A public water system that would provide potable water and be used in emergencies for fire suppression.
> - An on-site septic system.
> - An on-site wastewater treatment system.
> - Landscaping, which would also serve as defensible space, and associated infrastructure for irrigation.
> - Bioretention swales to treat stormwater.
> - As shown in Figure 2-2, internal roadways for navigating around the Project site.

Chapter 4, Alternatives

No revisions were made to this chapter.

Chapter 5, Other CEQA Considerations

No revisions were made to this chapter.

Chapter 6, Report Preparers

No revisions were made to this chapter.

CHAPTER 4
References

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Google Earth, 2026. Imagery of Gilroy, California, in the immediate vicinity of the Bay Area Vipassana Center Project site. earth.google.com. Coordinates: 37º01'27.63"N 121º39'30.47"W

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Appendix A
Public Notices

Docusign Envelope ID: 8430386A-3B6F-4D3B-80E3-2CAB30E793CF

County of Santa Clara

Department of Planning and Development

"People Centered Services"

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San José, CA 95110
Phone: (408) 299-5700
Website: plandev.santaclaracounty.gov

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE BAY AREA VIPASSANA CENTER

Project Applicant: Bay Area Vipassana Center
File Number: PLN20-003
Application For: Use Permit, Architecture and Site Approval, and Grading Approval

The County of Santa Clara ("County") as Lead Agency has prepared a Draft Environmental Impact Report (Draft EIR) for the Bay Area Vipassana Center Project (BAVC or "Project"). The County requests your comments on the content of the Draft EIR for the Project (State Clearinghouse Number 2024030083). A brief description of the Project, its location, and a summary of the potential environmental effects are provided below, as well as a description of the locations where these documents are available for public review. Approval of the Project will require actions by the County of Santa Clara, including the preparation and certification of a Final EIR and Use Permit, Architecture and Site Approval, Grading Approval, and Encroachment Permit.

The review period will start on February 9, 2026 and end on March 26, 2026. The purpose of the review period is to provide public agencies and individuals the opportunity to comment on the possible environmental effects of the Project. Please send your response to:

County of Santa Clara Department of Planning and Development
Attention: Lara Tran
County Government Center
70 W. Hedding Street, 7th Floor, East Wing, San Jose, CA 95110
Email: lara.tran@pln.sccgov.org

DocuSigned by:
Lara Tran
747B96A85CB94DC...

Lara Tran, Senior Planner — 2/4/2026 — Date

DocuSigned by:
Robert Salisbury
C140DFC1F718456...

Robert Salisbury, Principal Planner — 2/4/2026 — Date

Docusign Envelope ID: 8430386A-3B6F-4D3B-80E3-2CAB30E793CF

Project Location

The Project site is located in an unincorporated area of Santa Clara County, outside the Urban Service Area, west of the incorporated City of Gilroy (Figure 1). The Project site is a 54.59-acre parcel (A.P.N. 756-30-024) located at 9201 El Matador Drive (Figure 2). The General Plan designation of this parcel is Hillsides, and the zoning is Hillsides with a Scenic Road combining zoning district (HS-sr). The Project site is accessed from El Matador Drive and is surrounded by mostly low-density residential development, with agricultural uses to the north. The Project site is on relatively flat ground within the eastern half, then inclines steeply towards the west.

Project Description

The Project is a retreat center for teaching and practicing Vipassana meditation. The Project proposes to construct 18 structures totaling 53,260 square feet, demolish an accessory structure (barn), and install on-site improvements including a new 97,000-gallon water tank, driveway, access road, parking lot, new landscaping, sewage collection lines, septic tanks, effluent collection lines, wastewater treatment system, pressure delivery effluent pipelines, pump stations, and subsurface drip disposal fields. The total footprint of the Project would be approximately 10 acres in clusters, mostly along the eastern half of the 54.59-acre site. Project construction would take 6 years (72 months) and would occur over five phases.

Potential Environmental Effects of the Project

The Draft EIR identified that the Project would result in less-than-significant impacts with mitigation incorporated on the following resource topics: air quality, biological resources, and geology, soils, and paleontology.

Further, the Draft EIR identified that the Project would result in less-than-significant impacts to aesthetics, cultural and tribal cultural resources, energy, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services, transportation, utilities and service systems, and wildfire.

Additionally, the Draft EIR identified that the Project would result in no impacts to agriculture and forestry resources, land use and planning, mineral resources, and recreation.

Availability of Documents

As required by CEQA, the Draft EIR is being made available for agency and public review and comment for at least 45 days. An electronic copy of the Draft EIR is available on the County's website: https://plandev.santaclaracounty.gov/services/planning-services/projects/current-planning-projects/current-projects-gilroy. Printed copies of the Draft EIR and electronic copies of all appendices and documents referenced in the Draft EIR are available for review during normal business hours at the following locations:

County of Santa Clara
Department of Planning and Development
70 W. Hedding Street, 7th Floor, East Wing
San José, CA 95110

Docusign Envelope ID: 8430386A-3B6F-4D3B-80E3-2CAB30E793CF

Gilroy Library
350 W. 6th Street
Gilroy, CA 95020

Comment Period

Please submit any written comments on the Draft EIR to the following address by 5 p.m. on Thursday, March 26, 2026:

County of Santa Clara Department of Planning and Development, Planning Office
Attention: Lara Tran, Senior Planner
County Government Center
70 West Hedding Street, 7th Floor, East Wing
San José, CA 95110
Email: lara.tran@pln.sccgov.org

After the end of the Draft EIR's public review period, the County will review all comments received during the review period and provide written responses to substantive comments in a final environmental impact report (Final EIR). The Final EIR will be made available to agencies and the public and will provide a basis for agency decision-making. The County Planning Commission will review and consider the Final EIR before taking action on the Project.



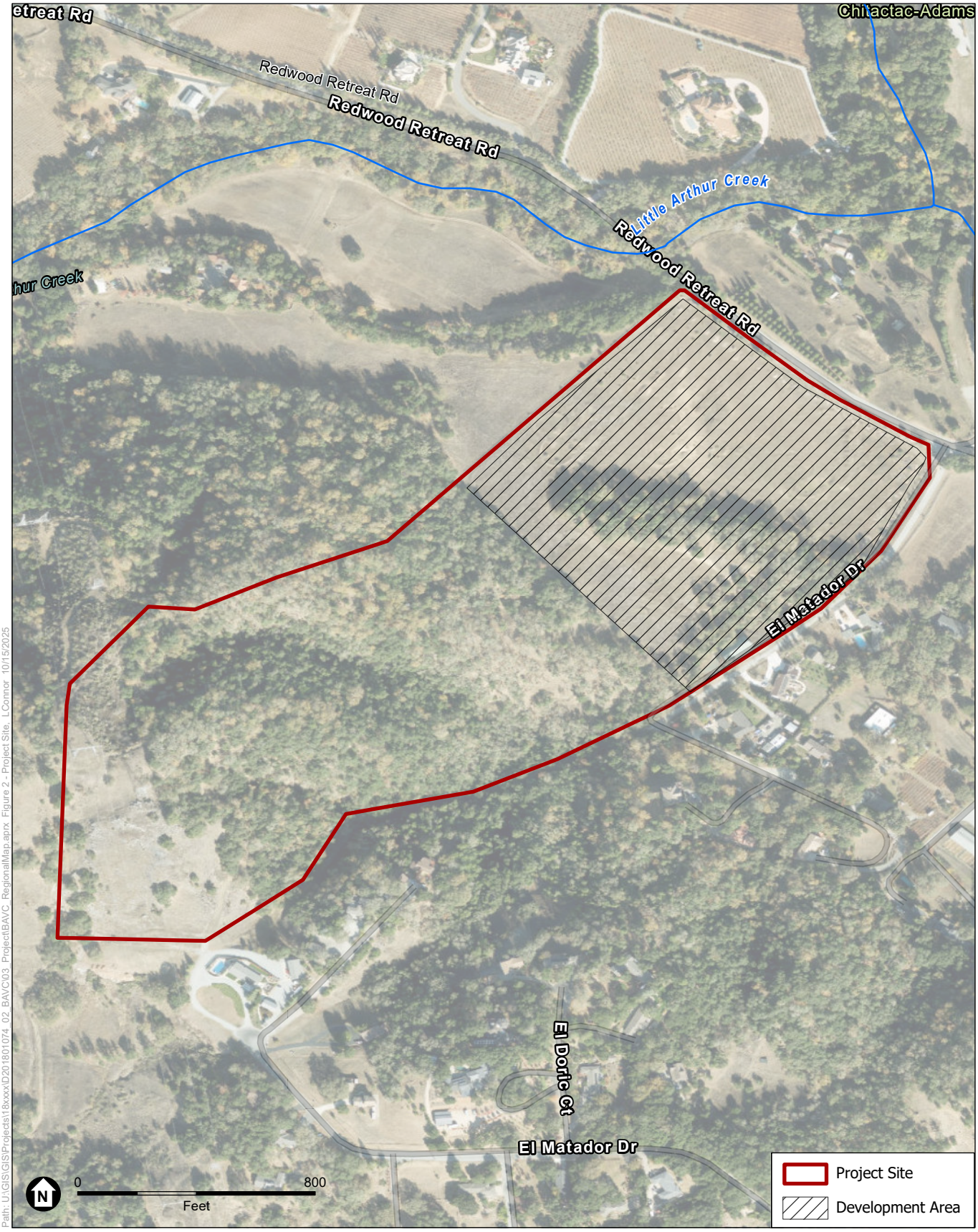
Path: U:\GIS\GIS\Projects\18xxxx\D201801074.02_BAVC\03_Project\BAVC_RegionalMap.aprx Figure 1 - Regional Location, FMarquez 11/22/2023

SOURCE: Esri, 2021; ESA, 2023;

D201901231.10 Bay Area Vipassana Center

Figure 1
Regional Location

ESA



SOURCE: Esri, 2025; ESA, 2025

D201901231.10 Bay Area Vipassana Center

Figure 2
Project Site and Development Area

ESA

From: Tran, Lara
To: Tran, Lara
Subject: Notice of Availability of the DEIR for Bay Area Vipassana Center Project
Date: Monday, February 9, 2026 10:57:10 AM
Attachments: image001.png
BAVC Notice of Availability Feb 2026.pdf

Dear BAVC Interested Parties,

Attached is the Notice of Availability (NOA) of the Draft Environmental Impact Report (DEIR) for the Bay Area Vipassana Center (BAVC) project. Please refer to the attached NOA for details on how to submit comments. Please note that the public review period **begins on February 9, 2026 and ends on March 26, 2026** . Any comments provided must be **received by 5 p.m. on March 26, 2026**. The Draft Environmental Impact Report (DEIR) can be viewed at: https://plandev.santaclaracounty.gov/services/planning-services/projects/current-planning-projects/current-projects-gilroy (click under PLN20-003).

If you know of any other members of the public who may wish to comment but were not sent this email, please feel free to forward this email to them. If there's anyone who was forwarded this email and would like to be added to the interested parties list for this project, please let me know as well.

Warm regards,

LARA TRAN
Senior Planner

Department of Planning and Development
County of Santa Clara
70 W. Hedding Street | 7th Floor | East Wing
San Jose | CA 95110
Phone: (408) 299-5759
lara.tran@pln.sccgov.org

New Department office hours effective September 29, 2025
Monday – Thursday: **8:00 a.m. – 12:00 p.m., and 1:00 p.m. – 5:00 p.m.**
Fridays: Building Services only – Limited (Active Permits)
8:00 a.m. – 12:00 p.m., and 1:00 p.m.– 5:00 p.m.

Staff Representatives from the Dept. of Environmental Health, Roads and Airports and the Fire Marshals Office will be available:
Tuesdays & Thursdays: 8:00 a.m. – 12:00 p.m., and 1:00 p.m. – 5:00 p.m.

Please note: The Department's cashier closes daily at 4:30 p.m.

CONFIDENTIALITY NOTICE: This email message and/or its attachments may contain information that is confidential or restricted. It is intended only for the individuals named as recipients in the message. If you are NOT an authorized recipient, you are prohibited from using, delivering, distributing, printing, copying, or disclosing the message or content to others and must delete the message from your computer. If you have received this message in error, please notify the sender by return email.

Appendix B
Biological Resources Reconnaissance Survey Memoranda

ESA

775 Baywood Drive
Suite 100
Petaluma, CA 94954
707.795.0900 phone
707.795.0902 fax

www.esassoc.com

memorandum

date	April 24, 2026
to	Darcy Kremin and David Beauchamp, ESA
from	Alicia Herbert, ESA
subject	ESA Biological Survey of Bay Area Vipassana Center Project Site, Gilroy CA

In support of the Bay Area Vipassana Center Project in Gilroy, California, a biological reconnaissance survey of the property (located at the junction of Redwood Retreat Rd. and El Matador Dr.) was conducted on April 22, 2026. ESA Biologist Alicia Herbert conducted a survey to evaluate the potential for sensitive biological resources on the property, especially potential aquatic features.

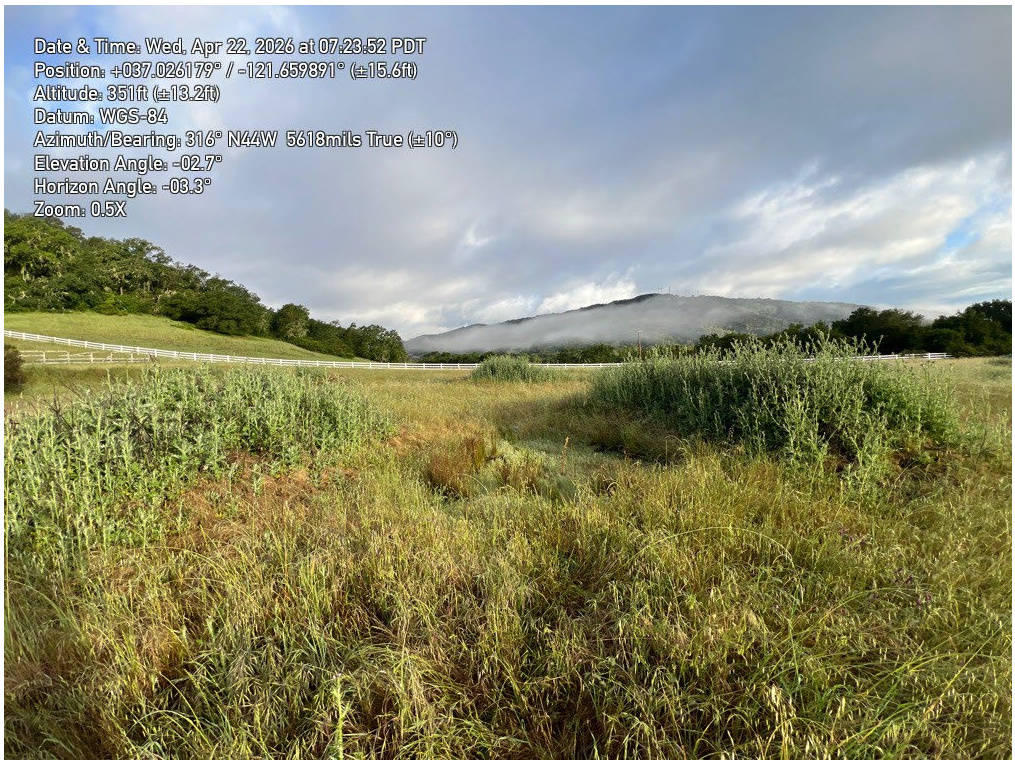
Survey Results

The biological survey was conducted from 7:00 am to 9:00 am on April 22. Weather conditions were clear sunny skies and temperature approximately 65 degrees Fahrenheit. The biologist walked the site with Mukul Agarwal and two other client representatives, examining potential sensitive natural communities, species habitat, and other features. Several depressions were observed in the grassland, all of which appeared to be manmade as a result of off-road vehicle use on the property. Most features contained upland vegetation; however, one feature was observed in a low-lying portion of the onsite grassland containing reeds (*Juncus* sp.) and other vegetation characteristic of wetalnds (**Photo 1**).

In addition, a drainage was observed running along the southeastern edge of the project site. The drainage was approximately 3 feet wide and contained up to 6 inches of pooled and running water under the tree canopy. Where tree canopy over the drainage was absent, the drainage was dry. The drainage is culverted in several areas along its length on the property and straightened for approximately 350 feet along El Matador Drive at the northeastern corner of the project site (**Photo 2**).

Due to the disturbed state of the parcel development area and the lack of sensitive vegetation communities, there is low potential for sensitive plants or wildlife to be present. However, migratory birds may forage or nest within the trees and other vegetation on the parcel, and bats may roost in cavities or deep bark folds of mature trees.

Bird species observed during the survey included yellow-rumped warbler (*Setophaga coronata*), bushtit (*Psaltriparus minimus*), house finch (*Haemorhous mexicanus*), wild turkey (*Meleagris gallopavo*), white-crowned sparrow (*Zonotrichia leucophrys*), red-shouldered hawk (*Buteo lineatus),* black phoebe (*Sayornis nigricans),* California scrub jay (*Aphelocoma californica*), and American crow (*Corvus brachyrhynchos).*



Photograph 1: Overview of the depression mound created due to ground disturbance from an off roading vehicle area at BAVC Project site.



Photograph 2: Overview of a drainage running along the southeastern at BAVC Project site.

ESA

2600 Capitol Avenue
Suite 200
Sacramento, CA 95816
(916) 564-4500 phone

www.esassoc.com

memorandum

date	May 15, 2026
to	Darcy Kremin and David Beauchamp, ESA
from	Jessica Orsolini, ESA
subject	ESA Wetland Investigation at Bay Area Vipassana Center Project Site, Gilroy CA

In support of the Bay Area Vipassana Center Project in Gilroy, California, a wetland investigation of the property (located at the junction of Redwood Retreat Rd. and El Matador Dr.) was conducted on May 7, 2026. ESA Wetland Biologist Jessica Orsolini conducted the survey to evaluate the potential for wetlands to be present in aquatic features onsite.

Survey Results

The biological survey was conducted from 11:45 am to 3:15 pm on May 7. I walked the site with Mukul Agarwal and two other client representatives, focusing on the area previously identified as a potential aquatic feature. The potential wetland occurred in a low area within the grassland onsite, created as a result of ground disturbance from an off-road vehicle track that previously operated on the property. Due to the presence of wetland plants, I took a data point using the Arid West Wetland Determination Data Sheet (see Photograph 1 below). Plants in the depression were determined to be hydrophytic, based on the dominance of wall barley (*Hordeum marinum* ssp. gussoneanum), a facultative (FAC) plant in the arid west; FAC-rated plants are equally likely to occur in wetlands and non-wetlands. The wetland hydrology indicator was also met, due to the presence of biotic crust on the soil surface. However, soils at the site did not contain hydric soil indicators. All three wetland indicators (plants, hydrology, and soil) must be met in order for a site to be considered a wetland; therefore, due to the lack of hydric soils, the depression is not a wetland.

For comparison to the data point taken in the depressional feature, I also took another data point nearby at a slightly higher elevation lacking depressional topography. Plants at this data point were dominated by upland species consisting of oat (*Avena* sp.) and short-fruited filaree (*Erodium brachycarpum*). No wetland hydrology indicators were present, and soils similarly did not contain hydric soil indicators.

In addition, a drainage was observed running along the southeastern edge of the project site. The drainage was approximately 3 feet wide and contained up to 6 inches of pooled and running water under the tree canopy. Where tree canopy over the drainage was absent, the drainage was dry. The drainage is culverted in several areas along its length on the property, and straightened for approximately 350 feet along El Matador Drive at the northeastern corner of the project site.



Photograph 1: Delineation point taken in depressional area at BAVC Project site

Appendix C
Mitigation Monitoring and Reporting Program (MMRP)

APPENDIX C
Mitigation Monitoring and Reporting Program

Section 21081.6 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it approves a project for which mitigation measures have been required to mitigate or avoid significant effects on the environment. The MMRP presented in Table B-1 reproduces mitigation measures that will be adopted by the County of Santa Clara Planning Commission. The purpose of the MMRP is to ensure compliance with the mitigation measures during implementation of the Bay Area Vipassana Center Project (Project).

This appendix contains the Mitigation Monitoring and Reporting Program (MMRP) prepared in compliance with Public Resources Code Section 21081.6(a). The MMRP will be considered for adoption by the Planning Commission and will aid the County in its implementation and monitoring of measures included in the Draft EIR and adopted by the Commission.

TABLE C-1
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE BAY AREA VIPASSANA CENTER PROJECT

Mitigation Measure	Implementing Actions/Responsible Party	Timing
Air Quality and Greenhouse Gas Emissions		
Mitigation Measure AIR-1: Construction-Related Fugitive Dust Emissions. To reduce impacts from fugitive dust emissions during construction, construction contractors shall be required to implement the following best management practices during activities involving soil disturbance, grading, and material hauling: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour. • All trucks and equipment, including their tires, shall be washed off prior to leaving the site. • Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel. • Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.	Construction Contractor	Construction
Biological Resources		
Mitigation Measure BIO-1: Protect Special-Status Reptiles and Amphibians. The Project applicant shall implement the following measures to protect northwestern pond turtle, California tiger salamander, and California red-legged frog from injury or mortality during Project construction: 1. Work within 50 feet of suitable aquatic dispersal habitat for the California red-legged frog, California tiger salamander, or northwestern pond turtle shall be limited to dry periods from May 15 through October 31. 2. Within 14 days before construction activities, a qualified biologist shall conduct a preconstruction survey for California red-legged frog, California tiger salamander, and northwestern pond turtle in suitable aquatic, riparian, and adjacent habitats. A qualified biologist shall report the results of the preconstruction surveys to the County of Santa Clara before ground disturbance. 3. Temporary exclusion fencing shall be placed around the defined work area before the start of construction activities and maintained until grading and site preparation (Phase 2) is complete. The temporary exclusion fencing shall be installed at the perimeter of the work area adjacent to potential habitat for special-status reptile and amphibian species. Fence height shall be at least 12 inches higher than the highest adjacent vegetation, with a maximum height of 4 feet. All supports for the exclusion fencing shall be placed on the inside of the work area. 4. Before work activities begin, a qualified biologist shall conduct a training session for all construction personnel. The training shall include a description of the California red-legged frog, California tiger salamander, and northwestern pond turtle and their habitats; the specific measures being implemented to conserve these species; and the boundaries within which the Project will be constructed. The applicant shall document evidence of completion of training to the County before ground-disturbing activities.	Qualified Biologist and Construction Contractor	Pre-Construction and Construction

TABLE C-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE BAY AREA VIPASSANA CENTER PROJECT

Mitigation Measure	Implementing Actions/Responsible Party	Timing
5. The applicant shall limit the number of access routes, size of staging areas, and total area of the activity to the minimum necessary to achieve Project goals. The applicant shall confine access routes and construction areas to the minimum area necessary to complete construction, including locating access routes and construction areas outside of riparian areas. 6. No work shall occur during or 24 hours after any rain event to minimize impacts on dispersing amphibians. A "rain event" is considered any precipitation totaling 0.2 inch or more. A qualified biologist shall survey the Project site immediately before the resumption of Project activities. 7. All employees and contractors shall have the authority to halt construction work at any time to prevent harm to the California red-legged frog, California tiger salamander, or northwestern pond turtle, or when any of the permit-specified protection measures have been violated. Work shall resume only when authorized by a qualified biologist or inspector. 8. If any California red-legged frogs, California tiger salamanders, or northwestern pond turtles are observed within an active construction zone, the qualified biologist shall be notified immediately and all work within 50 feet of the individual(s) will be halted and all equipment turned off until the individual(s) have left the construction area; or until the biologist has captured and relocated the individual(s), with approval from USFWS and CDFW, as applicable. 9. Trenches shall be covered or have adequate means of escape (e.g., earthen ramps not more than 2:1 slope, wooden boards). The crew shall check all excavated steep-walled holes or trenches greater than 1 foot deep for trapped animals. 10. During Project construction, the applicant shall properly contain all trash that may attract predators by removing it from the worksite and disposing of it daily. After construction, the applicant shall remove all trash and construction debris from work areas. 11. Before the onset of work, the applicant shall ensure that a plan is in place for a prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to follow should a spill occur. 12. The applicant shall conduct all refueling, maintenance, and staging of equipment and vehicles at least 60 feet from aquatic or riparian habitat and not in a location from where a spill would drain directly toward aquatic habitat.		
Mitigation Measure BIO-2: Protect Crotch's Bumble Bee. A qualified biologist shall conduct focused surveys for Crotch's bumble bee in accordance with CDFW's Survey Considerations for CESA Candidate Bumble Bee Species (CDFW 2023b) during the season immediately before ground-disturbing activities. A qualified biologist experienced in identifying native bumblebee species shall complete visual surveys with photo documentation. The surveyor shall walk through all areas of suitable habitat, focusing on areas with floral resources. Surveys shall be completed at a minimum of one person-hour of searching per 3 acres of suitable habitat during suitable weather conditions (sustained winds less than 8 miles per hour, mostly sunny to full sun, temperatures between 65 and 90 degrees Fahrenheit) at an appropriate time of day for detection (ideally between 9 a.m. and 1 p.m.). At a minimum, two nesting surveys shall be conducted during the colony's active period (April through August), with a focus on detecting active nesting colonies before ground-disturbing activities that are scheduled to occur during the same flight season (February through October). If Crotch's bumble bees are not detected, no further action is needed. If Crotch's bumble bees are detected, the following additional actions shall be performed. An appropriate no-disturbance buffer zone (e.g., 50 feet, including foraging resources and flight corridors essential for supporting the colony) shall be established around the nest to reduce the risk of disturbance or accidental take. The biologist shall coordinate with CDFW to determine whether an incidental take permit is required. Nest avoidance buffers may be removed at the completion of the flight season and/or once the qualified biologist deems the nesting colony to be no longer active and CDFW has provided concurrence of that determination. If no nests are found but the species is identified, a full-time qualified biological monitor shall be present during vegetation removal or ground-disturbing activities that are scheduled to occur during the queen's flight period (February through March), the colony's active period (March through September), and/or the gynes' (young females') flight period (September through October).	Qualified Biologist and Construction Contractor	Pre-Construction and Construction

TABLE C-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE BAY AREA VIPASSANA CENTER PROJECT

Mitigation Measure	Implementing Actions/Responsible Party	Timing
Mitigation Measure BIO-3: Protect Western Burrowing Owl. At least 14 days before construction or ground disturbance begins, a qualified biologist shall survey agricultural and grassland habitats on the Project site and areas within 250 feet (as accessible) to locate burrowing owls and their burrows. The survey methodology shall be consistent with the methods outlined in Appendix D of the CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012), or latest appropriate guidance documents. Take avoidance surveys for burrowing owl typically involve four morning or dusk survey visits, if suitable burrows are present (CDFG 2012). If no burrowing owls or signs of owl occupancy are found, a letter report confirming absence will be prepared and submitted to the County and no further mitigation is required. After completion of the survey, any inactive (unoccupied) or suspected owl burrows may be excavated by hand using a shovel to prevent burrowing owls from using them during construction. Each burrow's inactive status will be determined by the approved biologist through monitoring before burrow excavation. If active (occupied) burrowing owl burrows are detected, no ground-disturbing activities, such as vegetation clearance, grading, or other construction activities, shall be permitted within a no-disturbance buffer around the burrow. The size of any employed no-disturbance buffers will be determined in accordance with recommended restricted-activity dates and setback distances by level of disturbance for burrowing owls, as outlined in the California Department of Fish and Game Guidance for Burrowing Owl Conservation (CDFW 2008): • 75 meters (250 feet) from occupied burrows during breeding season. • 50 meters (160 feet) from occupied burrows during non-breeding season. Depending on the level of disturbance and its duration, visual and auditory screening, and similar factors, a smaller buffer may be established by a qualified biologist in coordination with CDFW based on the visibility and sensitivity responses of each individual burrowing owl. If active burrowing owl avoidance is infeasible, the Project could receive incidental take authorization for impacts on western burrowing owl, a covered species in the Santa Clara Valley HCP, by completing the HCP application process.	Qualified Biologist, Construction Contractor, and the County of Santa Clara	Pre-Construction and Construction
Mitigation Measure BIO-4: Protect American Badger. No more than 14 days before the beginning of ground disturbance and/or construction activities, a qualified biologist shall conduct preconstruction surveys for American badger throughout all areas of suitable habitat on the Project site. If present, occupied badger dens shall be flagged and ground-disturbing activities shall be avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season (February 15 through July 1) and a minimum 200-foot buffer shall be established. Buffers may be modified with the concurrence of CDFW. Maternity dens shall be flagged for avoidance and identified on construction maps, and a biological monitor shall be present during construction. If avoidance of a non-maternity den is not feasible, badgers shall be relocated by slowly excavating the burrow (either by hand or using mechanized equipment under the direct supervision of the biologist, removing no more than 4 inches at a time) before or after the rearing season (February 15 through July 1). Any relocation of badgers shall occur only after coordination with CDFW.	Qualified Biologist and Construction Contractor	Pre-Construction and Construction
Mitigation Measure BIO-5: Protect Nesting Birds. Preconstruction nest surveys shall be conducted within all proposed impact areas and suitable buffers (150 feet for songbirds, 500 feet for raptors) within suitable habitat for protected migratory birds. Nesting bird season in lowland California is generally considered February 1 to August 31. In the event of the discovery of an active nest, the area and a suitable buffer shall be marked as a sensitive area and shall be avoided until the young birds fledge. Nest buffers may be reduced in size at the discretion of a qualified biologist depending upon such factors as the sensitivity of the identified species, the presence of obstacles between the planned activity and the nest, and the intensity of the proposed activity.	Qualified Biologist and Construction Contractor	Pre-Construction and Construction

TABLE C-1 (CONTINUED)
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE BAY AREA VIPASSANA CENTER PROJECT

Mitigation Measure	Implementing Actions/Responsible Party	Timing
If avoiding the nest with a suitable buffer is infeasible, a qualified biologist shall monitor active nests to ensure that construction activities are not disturbing the nest(s). The monitor shall have the authority to stop work activities upon the discovery of nests or live individuals and to allow construction to proceed after steps required to avoid or minimize impacts on nesting birds have been identified and implemented.		
Mitigation Measure BIO-6: Protect Roosting Bats. Within 14 days of construction, a qualified biologist shall conduct a preconstruction survey for roosting bats in the trees to be pruned. If no roosting bats are found, no further action is required. If an active bat roost is found, the following measures shall be implemented to avoid impacts on roosting bats. 1. If active maternity roosts are found in trees to be pruned as part of construction, tree trimming shall begin before maternity colonies form (generally before March 1) or after the young are flying (generally by July 31). Active maternal roosts shall not be disturbed. 2. If a non-maternal roost of bats is found in a tree to be pruned as part of construction, the individuals shall be safely evicted, under the direction of a qualified biologist and with approval by CDFW. Removal of the habitat shall occur no sooner than 2 nights after the initial minor site modification (to alter airflow), under the guidance of the qualified biologist. The modifications shall alter the bat habitat, causing bats to seek shelter elsewhere after they emerge for the night. On the following day, the habitat in the tree or structure may be removed, in the presence of the bat biologist.	Qualified Biologist and Construction Contractor	Pre-Construction and Construction
Geology and Soils		
Mitigation Measure GEO-1: Paleontological Mitigation Monitoring Plan. Before the issuance of grading permits, a qualified paleontologist shall be retained to prepare and oversee the paleontological mitigation monitoring plan for the Project. The plan shall contain monitoring procedures, define areas and types of earthwork to be monitored, and provide methods for determining the significance of fossil discoveries. The paleontological mitigation monitoring plan shall be informed by a paleontological records search and a literature review and shall be in accordance with standards developed by the Society of Vertebrate Paleontology (SVP). The plan shall direct that a qualified paleontological monitor (working under the supervision of the qualified paleontologist) monitor all excavations and grading in geologic units with high potential for paleontological resources, outlined in the paleontological mitigation monitoring plan. The duration and timing of paleontological monitoring shall be determined by the qualified paleontologist based on the grading plans and construction schedule and may be modified based on the initial results of monitoring. The paleontological mitigation monitoring plan shall state that any fossils that are collected shall be prepared to the point of curation, identified to the lowest reasonable taxonomic level, and curated into a recognized professional repository (e.g., University of California Museum of Paleontology), along with associated field notes, photographs, and compiled fossil locality data. The repository shall be contracted before the start of earthwork to curate and store any discovered and recovered fossils. Such an institution shall be a recognized paleontological specimen repository with a permanent curator, such as a museum or university. Donation of the fossils shall be accompanied by financial support for initial specimen curation and storage. Following the completion of the above tasks, the qualified paleontologist shall prepare a final mitigation report that outlines the results of the mitigation program. This report shall include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils. The report shall be submitted to appropriate agencies, as well as to the designated repository.	Professional Paleontologist and the County of Santa Clara	Pre-Construction and Construction
Mitigation Measure GEO-2: Required Measures in the Event of Inadvertent Paleontological Resources Findings. If paleontological resources are encountered during ground-disturbing activities when the qualified paleontologist or paleontological monitor is not on-site (an inadvertent discovery), earthwork within 100 feet of the discovery shall immediately halt and the qualified paleontologist shall evaluate the significance of the fossil discovery. If the fossil discovery is deemed significant, the fossil shall be recovered using appropriate recovery techniques based on the type, size, and mode of preservation of the unearthed fossil. Earthwork may resume in the area of the fossil discovery once the fossil has been recovered and the qualified paleontologist determines that the discovery site has been mitigated to the extent necessary.	Professional Paleontologist and Construction Contractor	Construction

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