

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 Intent to Adopt a Mitigated Negative Declaration

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et sec.) that the following project will not have a significant effect on the environment.

File Number	TAZ	APN(s)	Date
PLN23-079		042-04-028, 042-04-029	5/5/2026
Project Name		Project Type	
Jain Temple Project		Use Permit with Architecture and Site Approval, Grading Approval	
Person or Agency Carrying Out Project		Address	Phone Number
Digambar Jain Sangh of Northern California		18832 Arata Way Cupertino, CA 95014	(408) 679-2333
Name of Applicant		Address	Phone Number
Archana Jain		18832 Arata Way Cupertino, CA 95014	(408) 679-2333
Project Location			
The proposed project site is located in the unincorporated Milpitas hills just off Calaveras Road, in close proximity to Ed Levin County Park and Spring Valley Golf Course. The parcel is surrounded by other similarly sloped parcels that consist of low-density single-family homes to the south and west, and open space to the north and east, which are all within the unincorporated areas of Santa Clara County.			
Project Description			
The subject application is a Use Permit, Architecture and Site Approval, and Grading Approval to construct a temple and meditation center with accessory structures and associated improvements on a 63-acre parcel (Assessor's Parcel Numbers (APNs) 042-04-028, 042-04-029). Proposed improvements include a temple building, a meditation/community hall with kitchen, an assembly hall, a stage, classrooms, a restroom building, a pump house, and appurtenant site work, including fences, walkways, driveways, an 86-stall parking lot, water storage tanks, landscape planting, and road improvements. The project would also include grading and retaining walls to construct the proposed structures and related improvements.			
The total estimated grading quantities for all improvements would be 3,347 cubic yards of cut and 7,778 cubic yards of fill. The total square footage of all proposed structures would be 12,349 square feet. This total would include the main temple, meditation hall, restroom structure, pumphouse, and water treatment shed.			
Domestic water is proposed to be provided by an approved individual water system well, and an on-site wastewater treatment system is also proposed. Retaining walls are proposed along the meditation garden, landscaped areas, and various structures on the property.			

Purpose of Notice		
<p>The purpose of this notice is to inform you that the County Planning Staff has recommended that a Mitigated Negative Declaration be approved for this project. County of Santa Clara Planning Staff has reviewed the Initial Study for the project, and based upon substantial evidence in the record, finds that although the proposed project could initially have a significant effect on the environment, changes or alterations have been incorporated into the project to avoid or reduce impacts to a point where clearly no significant effects will occur. The project site is not on a list of hazardous material sites as described by Government Code 65962.5 (Cortese List).</p> <p>A public hearing for the proposed project is tentatively scheduled on <u>June 25, 2026</u> at the County Government Center at 70 W. Hedding Street, San Jose, CA 95110. Please note that the approval of a Mitigated Negative Declaration does not constitute approval of the project under consideration. The decision to approve or deny the project will be made separately.</p>		
Public Review Period: 30	Begins: 5/8/2026	Ends: 6/8/2026
<p>Public Comments regarding the correctness, completeness, or adequacy of this negative declaration are invited and must be received on or before the above date. Such comments should be based on specific environmental concerns. Written comments should be addressed to the attention of Michael Shwe at the County of Santa Clara Planning Office, County Government Center, 70 W. Hedding Street, San Jose, CA 95110, Tel: (408) 299-5700. A file containing additional information on this project may be reviewed at the Planning Office under the file number appearing at the top of this form. For additional information regarding this project and the Negative Declaration, please contact Michael Shwe at (408) 299-5714 or michael.shwe@pln.sccgov.org.</p>		
The Mitigated Negative Declaration and Initial Study may be viewed at the following locations:		
<p>(1) Santa Clara County Planning Office, 70 W. Hedding Street, East Wing, 7th Floor, San Jose, CA 95110 (2) Planning & Development website www.plandev.santaclaracounty.gov/home (under “Services” > “Projects” > “Current planning projects”)</p>		
Responsible Agencies sent a copy of this document		
<p>State Water Resources Control Board Santa Clara Valley Habitat Agency</p>		
Mitigation Measures included in the project to reduce potentially significant impacts to a less than significant level:		
<p>See Attachment A on a separate sheet.</p>		

A reporting or monitoring program must be adopted for measures to mitigate significant impacts at the time the Negative Declaration is approved, in accord with the requirements of section 21081.6 of the Public Resources Code.

Prepared by:
Michael Shwe, Associate Planner

DocuSigned by:

Michael Shwe

5/6/2026

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DocuSigned by:

Robert Salisbury

5/6/2026

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Signature

Date

Date

Attachment A

Notice of Intent – Adopt a Mitigated Negative Declaration Jain Temple at Weller Rd, Milpitas

MITIGATION MEASURES

AESTHETICS

- **AES-MIT 1: Vegetative Screening.** A final landscape plan shall be submitted for approval prior to final grading permit issuance which incorporates the tree replacement requirements as detailed in the Biological Resources Sections. Landscaping is required to be planted surrounding the residence and associated driveway and access road for the site. No additional trees beyond those identified on the project plans are authorized to be removed without prior County approval and necessary mitigation measures. Prior to issuance of the certificate of occupancy, but after the roof framing is complete, the County Department of Planning and Development shall inspect the site. Should the residence be visible from Calaveras Road, which is a County designated scenic road, the applicant shall plant additional fast-growing evergreen trees (36-inch box) for visual screening to mitigate this impact.
- **AES-MIT 2: Lighting.** A lighting plan shall be submitted for approval prior to building permit issuance. Any new outdoor lighting shall not adversely affect nighttime views. Lighting shall be of full cut-off shrouded design to ensure that no direct offsite spill of light or glare will occur.

AIR QUALITY

- **AQ-MIT 1: Dust Control.**
 - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered 2 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 mph.
 - 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 mph.

- 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.

BIOLOGICAL RESOURCES

- **BIO-MIT 1: Avoid and Minimize Impacts on Special-Status Plant Species.** To ensure protection of special-status plant species, the following measures shall be implemented.
 - Prior to the start of construction in areas mapped as California Annual Grassland or Northern Coastal Scrub/Diablan Sage Scrub, including clearing and grubbing, and grading, a qualified biologist shall conduct a properly timed special-status plant survey for Santa Clara thornmint (*Acanthomintha lanceolata*), bent-flowered fiddleneck (*Amsinckia lunaris*), California androsace (*Androsace elongata* ssp. *acuta*), big-scale balsamroot (*Balsamorhiza macrolepis*), Oakland star tulip (*Calochortus umbellatus*), Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*), Hospital Canyon larkspur (*Delphinium californicum* ssp. *interius*), Jepson's woolly sunflower (*Eriophyllum jepsonii*), Diablo helianthella (*Helianthella castanea*), bristly leptosiphon (*Leptosiphon acicularis*), woolly-headed Lessingia (*Lessingia hololeuca*), arcuate bush mallow (*Malacothamnus arcuatus*), Hall's bush mallow (*Malacothamnus hallii*), and rock sanicle (*Sanicula saxatilis*) within the species' suitable habitat within the project construction disturbance area. The survey shall follow the CDFW Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities (CDFW, 2018). If special-status plant species occur within the project disturbance area, then the biologist shall establish an adequate buffer area for each plant population to exclude activities that directly remove or alter the habitat of, or result in indirect adverse impacts on, the special-status plant species. A qualified biologist shall oversee installation of a temporary, plastic mesh-type construction fence (Tensor Polygrid or equivalent) at least 4 feet (1.2 meters) tall around any established buffer areas to prevent encroachment by construction vehicles and personnel. The qualified biologist shall determine the exact location of the fencing. The fencing shall be strung tightly on posts set at maximum intervals of 10 feet (3 meters) and shall be checked and maintained

weekly until all construction is complete. The buffer zone established by the fencing shall be marked by a sign stating:

- “This is habitat of [list rare plant(s)] and must not be disturbed. This species is protected by [the Endangered Species Act of 1973, as amended/CESA/California Native Plant Protection Act].”
 - As required by the CDFW Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities, the qualified botanist shall determine the potential presence and distribution of sensitive natural communities.
 - If direct impacts cannot be avoided, the County shall prepare a plan for minimizing the impacts by 1 or more of the following methods: 1) salvage and replant plants at the same location following construction; 2) salvage and relocate the plants to a suitable off-site location with long-term assurance of site protection; 3) collect seeds or other propagules for reintroduction at the site or elsewhere; or 4) payment of compensatory mitigation, e.g., to a mitigation bank.
 - The success criterion for any seeded, planted, and/or relocated plants shall be full replacement at a 1:1 ratio after 5 years. Monitoring surveys of the seeded, planted, or transplanted individuals shall be conducted for a minimum of 5 years, to ensure that the success criterion can be achieved at year 5. If it appears the success criterion would not be met after 5 years, contingency measures may be applied. Such measures shall include, but are not be limited to, additional seeding and planting, altering or implementing weed management activities, or, introducing or altering other management activities.
 - Any special-status plant species observed during surveys shall be reported to the USFWS and CDFW and submitted to the California Natural Diversity Database.
- **BIO-MIT 2: Avoid and Minimize Impacts on Nesting Birds.** Adequate measures shall be taken to avoid inadvertent take of raptor nests and other nesting birds protected under the Migratory Bird Treaty Act when in active use. This shall be accomplished by taking the following steps.
 - a) During the nesting season (February 15 to August 31), a pre-construction survey for nesting raptors and other nesting birds shall be conducted by a qualified biologist within 7 days prior to the onset of vegetation removal, construction staging, or construction, to identify any active nests on the project site and in the vicinity of proposed construction. Surveys for active bird nests shall be performed in the project construction area and vehicle and equipment staging areas plus a 150-foot buffer for passerines (songbirds) and a 500-foot buffer for raptors (birds of prey), within suitable bird nesting habitat.

- b) If no active nests are identified during the survey period, or if development is initiated during the non-breeding season (September 1 to February 14), construction may proceed with no restrictions.
 - c) If bird nests are found, an adequate no-disturbance buffer shall be established by the qualified biologist around the nest location and construction activities restricted within the buffer until the qualified biologist has confirmed that any young birds have fledged and are able to leave the construction area. Required setback distances for the no-disturbance zone shall be established by the qualified biologist and may vary depending on species, line-of-sight between the nest and the construction activity, and the birds' sensitivity to disturbance. As necessary, the no-disturbance zone shall be fenced with temporary orange construction fencing if construction is to be initiated on the remainder of the development site.
 - d) Any birds that begin nesting within the project area and survey buffers amid construction activities shall be assumed to be habituated to construction-related or similar noise and disturbance levels and no work exclusion zones shall be established around active nests in these cases; however, should birds nesting nearby begin to show disturbance associated with construction activities, no-disturbance buffers shall be established as determined by the qualified wildlife biologist.
 - e) Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest's success, work within the no-disturbance buffer shall halt until the nest occupants have fledged.
 - f) A report of findings shall be prepared by the qualified biologist and submitted to the County for review and approval prior to initiation of construction within the no-disturbance zone during the nesting season. The report shall either confirm absence of any active nests or shall confirm that any young within a designated no-disturbance zone and construction can proceed
- **BIO-MIT 3: Avoid and Minimize Impacts to California Red-legged Frog and Northwestern Pond Turtle.** Protective measures for California red-legged frog include pre-construction surveys, demarcating and avoiding ground squirrel burrows, the isolation of active work areas with wildlife exclusion fencing, hand clearing of vegetation within work areas, and preconstruction biological surveys and monitoring by a qualified biologist in areas where clearing is required. Protective measures shall additionally serve to protect California tiger salamander and northwestern pond turtle. Specific measures that are required to protect California red-legged frog are as follows:

- Conduct Pre-construction Survey for California red-legged frog and WPT: A qualified biologist shall conduct a pre-construction survey for California red-legged frog and northwestern pond turtle within 48 hours of the start of ground disturbing activities within 50 feet of Freshwater Seep or Riverine habitat. (This task can be done concurrently with burrow demarcation, below.)
- Avoid and Minimize Impacts California red-legged frog and northwestern pond turtle Individuals and their Aquatic Habitat: Temporary fencing shall be installed along the eastern edge of Weller Road from the property line to the south to 100 feet north of the spring to exclude California red-legged frog and northwestern pond turtle that could be in the freshwater seep/riverine habitat from the project work area. The fence shall be constructed of three-foot tall erosion-control fencing that is pulled tight to eliminate sagging, supported with wooden stakes or t-posts, and buried to a depth of at least 3 inches deep. Gaps between successive fence panels shall not exceed 1/4"-wide and can be filled using aerosol gap filler (i.e., door and window foam). Exclusion fencing shall be installed under the direction of a qualified biologist. Any individual California red-legged frog or northwestern pond turtle detected during fence installation or project construction shall be provided a sizeable buffer to avoid impacts and individuals allowed to exit the site on their own volition. Fencing shall be regularly inspected during the construction period and repaired or replaced as needed. If non-wetland/riparian vegetation must be removed during fence installation, vegetation shall be removed by hand to avoid injuring California red-legged frog and northwestern pond turtle. Wetland/riparian vegetation shall be avoided.
- Avoid Impacts to Ground Squirrel Burrows: Project activities, including but not limited to staging areas, vehicle parking, ground disturbance and soils disposal piles, shall avoid ground disturbance or compaction to burrows 3 or more inches in diameter, which can provide aestivation habitat to California red-legged frog. Prior to ground disturbing work, a qualified biologist shall demarcate ground squirrel burrows within 150 feet of project activities that are also within one mile of suitable aquatic habitat for either species. Burrow complexes shall be demarcated with lathe stakes, drift fencing, or another marking technique that will prevent construction personnel, equipment and vehicles from impacting burrows. If burrows cannot be avoided, a qualified biologist shall hand excavate the burrows prior to ground disturbance to confirm absence of California red-legged frog or California tiger salamander, or shall relocate individuals, with the approval of USFWS and CDFW. Demarcation of burrows shall be done concurrently with pre-construction surveys, above.

CULTURAL RESOURCES

- **CUL-MIT 1: Tribal Cultural Monitors during Ground Disturbance.** Tribal Cultural Monitors and a qualified archaeologist shall be on site to monitor project-related ground-disturbing activities including grubbing, grading, trenching, and excavation. The contract for this work shall be provided to the County prior to issuance of a grading permit. The frequency of monitoring shall be determined by the archaeologist based on the rate of excavation and grading activities, the materials being excavated, the depth and location of excavation, and, if found, the abundance and type of archaeological resources encountered.
- **CUL-MIT 2: Accidental Discovery Protocols.** In the event that human remains are discovered during ground-disturbing activities and/or grading at the site, the Applicant shall stop all activity within a 50-foot radius of the find. The County Coroner shall be notified immediately and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is necessary (as required by Health and Safety Code section 7050.5, Public Resources Code section 5097.98, Title 14 California Code of Regulations section 15064.5(e), and County Ordinance Number B6-18). If the remains are determined to be Native American, the Coroner shall notify the California Native American Heritage Commission (NAHC) within 24 hours of this determination. Once the NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial (including the treatment of grave goods). No further disturbance of the site shall be made except as authorized by the County Coordinator of Indian Affairs and the NAHC in accordance with the provisions of state law and the County Ordinance.

If buried historic or prehistoric cultural resources or suspected resources (such as chipped stone or groundstone, shell middens, historic debris such as trash dumps, building foundations, or old roadways) are inadvertently discovered during ground-disturbing activities, work shall stop within a 100-foot radius of the find, the County Department of Planning and Development shall be notified, and the qualified archaeologist shall evaluate the find to determine if it meets the definition of a historical, unique archaeological, and/or tribal cultural resource. If the find is determined to be a tribal cultural resource, consultation with recognized tribes shall be undertaken and their input shall be sought on the most appropriate treatment and disposition of the finds.

- **CUL-MIT 3: Tribal Cultural Awareness Training.** Prior to the start of ground-disturbing activities, the applicant shall retain a Tribal Cultural Monitor to implement cultural and archaeological awareness training for all construction personnel involved with earthmoving or grading activities. The training shall include information regarding the possibility of encountering buried cultural resources (including tribal cultural

resources), the appearance and types of resources likely to be seen during construction, notification procedures, and proper protocol to be followed should resources be encountered. This training shall be provided to all workers involved in ground-disturbing activities throughout the duration of construction and shall be documented in training records that shall be submitted to the County prior to those workers undertaking any ground-disturbing activities at the site.

- **CUL-MIT 4: Discovery of Tribal Cultural Resources and Tribal Notification**

Protocol. If buried prehistoric cultural resources or suspected resources (such as chipped stone or groundstone, or shell middens) are inadvertently discovered during ground-disturbing activities, work shall stop within a 100-foot radius of the find, the County Department of Planning and Development shall be notified, and the qualified archaeologist shall evaluate the find to determine if it meets the definition of a historical, unique archaeological, and/or tribal cultural resource, and all of the following shall be required:

- If the find(s) does/do not meet the definition of a historical resource or unique archaeological resource, no further study or protection is necessary prior to resuming project implementation.
- If the find(s) does/do meet the definition of a historical resource or unique archaeological resource, then it shall be avoided by project activities. If avoidance is not feasible, as determined by the County Department of Planning and Development, the qualified archaeologist shall make appropriate recommendations regarding the treatment and disposition of such find(s), and significant impacts to such resources shall be mitigated in accordance with the recommendations of the archaeologist, and evidence of such mitigation shall be submitted to the County Department of Planning and Development, prior to resuming any construction activities within the 100-foot radius of the find(s).
- If the find(s) is/are potentially a tribal cultural resource, then Tamien Nation tribal representatives shall be consulted. If, after consultation with Tamien Nation tribal representatives, it is determined that the find(s) is/are a tribal cultural resource, then the find(s) shall be avoided by project activities. If avoidance is not feasible, as determined by the County Department of Planning and Development, the qualified archaeologist, in consultation with tribal representatives, shall make appropriate recommendations regarding the treatment and disposition of such find(s) and significant impacts to such resources shall be mitigated in accordance with the recommendations of the archaeologist, and evidence of such mitigation submitted to the County, prior to resuming construction activities within the 100-foot radius.

- If the find(s) are human remains or grave goods, the requirements of Public Resources Code section 5097.98 and County Ordinance Code sections B6-18 through B6-20 shall be followed.

GEOLOGY/SOILS

- **GEO-MIT 1: Seismic Building Design.** The design of the structures and foundations shall meet local building code requirements for seismic effects. Prior to issuance of building permits, submit a signed and stamped Plan Review Letter prepared by the geotechnical consultant that confirms that the foundations plans conform to the recommendations provided in the approved geotechnical report.
- **GEO-MIT 2: Construction Monitoring.** All earthwork, grading, and foundation construction shall be observed and inspected by a representative of a qualified geotechnical firm. The structural engineer responsible for foundation design shall determine the final design of foundation and reinforcing requirements. The County Building Department shall approve all foundation plans prior to permit issuance, and shall approve all field changes prior to the County's foundation inspection. A representative of the geotechnical engineer shall be present during the foundation excavation and drilling of piers. The soil engineer shall inspect any foundation excavation and all foundation piers at the time they are drilled. Modifications to pier depths shall be made at that time as deemed necessary by field conditions. The geotechnical engineer shall prepare a final report upon completion of the grading operations and foundation construction. The geotechnical engineer shall submit a construction observation letter stating that the approved geotechnical recommendations for the grading and building construction were implemented.
- **GEO-MIT 3: Grading Operations.** No excavations shall be done during a period of sustained precipitation. The placement of fill and control of any grading operations at the site shall be performed in accordance with approved geotechnical recommendations. All existing utility lines and subsurface structures, if any, shall be removed prior to any grading at the site. The depressions left by the removal of any subsurface structures shall be cleaned of all debris, backfilled, and compacted with materials approved by the geotechnical engineer. All new utilities shall be undergrounded. All backfill shall be clean, native soil that is engineered and placed under the supervision of the geotechnical engineer. All organic surface materials and debris, including grass, shall be stripped prior to any other grading operations, and transported away from areas that are to receive structures or structural fills. Grading recommendations provided by ATC shall be incorporated into the plans. Construction observation and testing by the geotechnical engineer shall be required during grading.

- **GEO-MIT 4: Minimization of Grading.** The applicant shall submit all grading and drainage permit applications, including plans and geotechnical reports, to the County Department of Planning and Development to ensure that the adequate keying, benching, and subdrains are implemented. Large fills shall be avoided and retaining walls constructed, as necessary. Cut slopes shall be kept to a minimum and no steeper than 2:1 with a vertical height not exceeding 8 feet. If steeper slopes are required, then retaining walls shall be required.
- **GEO-MIT 5: Cut and Fill Slopes.** Where any fill is to be placed on the natural slopes, a keyway with a minimum width of 8 feet shall be excavated at the toe of the fill slope, and the bottom of the key shall slope a minimum of 2% into the hill. Additional requirements for keyway construction, backfill placement, and subdrain installation shall be performed in accordance with recommendations provided by the geotechnical engineer. The Department of Planning and Development shall inspect all excavations prior to the placement of fill. A pre-construction field meeting must be held with the contractor to review the field grading protocol. Cut and fill slopes shall be limited to a ratio of 2 horizontal to 1 vertical (i.e., 2:1). The maximum vertical section shall not exceed 5 feet. Surface water control measures shall be constructed at the top of slopes to prevent uncontrolled runoff. Overflow of water from the developed areas shall be re-directed away from the proposed improvements via drainage pipes, catch basins, and other engineered systems. All storm water runoff shall be directed to appropriate out-fall points (i.e., down slope). Appropriate measures shall be implemented to minimize surface soil erosion. The surface of the slopes shall be compacted to provide a surface free of loose material. To minimize the potential for erosion, slope surfaces shall be covered with erosion resistant plants. The plants shall be maintained until the roots have become firm.
- **GEO-MIT 6: Retaining Walls.** Any facilities that retain a soil mass, such as retaining walls, shall be designed using the design parameters provided in the ATC report. The structural engineer shall discuss any surcharge loads with the geotechnical engineer prior to designing the retaining walls. The retaining wall should be provided with subdrainage. Suitable outfall locations for drainage shall be chosen to minimize future erosion. The County shall review and approve all retaining wall designs to evaluate the suitability of the drainage system. If retaining walls are proposed as part of an exterior wall of the structure, adequate water-proofing materials and sheeting shall be applied to the walls so that the interior of the walls remain free of moisture.
- **GEO-MIT 7: Drainage.** Proper and adequate drainage (surface and subsurface) systems shall be incorporated into the planned development. Runoff collected from roof drains and area drains as well as discharge from subdrains (when needed) shall be released to appropriate locations away from the proposed building site and to appropriate drainage

facilities located at the property. The final exterior grade adjacent to the proposed buildings shall be such that the surface drainage will flow away from the structures. A 2% final soil grade slope shall be incorporated into the site grading. The slope shall be sufficient to remove all storm water from the foundations. Rainwater discharge at downspouts shall be directed onto pavement sections, splash blocks, or other acceptable facilities which will prevent water from collecting in the soil adjacent to the foundations. Utility lines that cross under or through perimeter footings shall be completely sealed to prevent moisture intrusion into the areas under the slab and/or footings. The utility trench backfill shall be of impervious material and this material should be placed at least 4 feet on either side of the exterior footings. All drainage systems shall comply with the requirements of the San Francisco Bay Regional Water Quality Control Board.

NOISE

- **NOI-MIT 1: Noise Operations**
 - Construction shall be limited to the hours of 7AM to 7 PM Monday through Friday and 9 AM to 6 PM on Saturdays. This includes all on-site construction activities associated with the project, including grading, excavation, pavement, foundation, and installing new structures and improvements.
 - Contractors shall use “new technology” power equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engine driven equipment shall be equipped with intake and exhaust mufflers which are in good working condition and appropriate for the equipment.
 - Stationary noise generating equipment shall be located as far as possible from sensitive receptors, such as single-family residences.
 - Unnecessary idling of internal combustion engines shall be prohibited.

TRIBAL CULTURAL RESOURCES

- **TCR-MIT 1: Tribal Cultural Monitors during Ground Disturbance.** Tribal Cultural Monitors and a qualified archaeologist shall be on site to monitor project-related ground-disturbing activities including grubbing, grading, trenching, and excavation. The contract for this work shall be provided to the County prior to issuance of a grading permit. The frequency of monitoring shall be determined by the archaeologist based on the rate of excavation and grading activities, the materials being excavated, the depth and location of excavation, and, if found, the abundance and type of archaeological resources encountered.
- **TCR-MIT 2: Accidental Discovery Protocols.** In the event that human remains are discovered during ground-disturbing activities and/or grading at the site, the Applicant shall stop all activity within a 50-foot radius of the find. The County Coroner shall be

notified immediately and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is necessary (as required by Health and Safety Code section 7050.5, Public Resources Code section 5097.98, Title 14 California Code of Regulations section 15064.5(e), and County Ordinance Number B6-18). If the remains are determined to be Native American, the Coroner shall notify the California Native American Heritage Commission (NAHC) within 24 hours of this determination. Once the NAHC identifies the most likely descendants, the descendants shall make recommendations regarding proper burial (including the treatment of grave goods). No further disturbance of the site shall be made except as authorized by the County Coordinator of Indian Affairs and the NAHC in accordance with the provisions of state law and the County Ordinance.

If buried historic or prehistoric cultural resources or suspected resources (such as chipped stone or groundstone, shell middens, historic debris such as trash dumps, building foundations, or old roadways) are inadvertently discovered during ground-disturbing activities, work shall stop within a 100-foot radius of the find, the County Department of Planning and Development shall be notified, and the qualified archaeologist shall evaluate the find to determine if it meets the definition of a historical, unique archaeological, and/or tribal cultural resource. If the find is determined to be a tribal cultural resource, consultation with recognized tribes shall be undertaken and their input shall be sought on the most appropriate treatment and disposition of the finds.

- **TCR-MIT 3: Tribal Cultural Awareness Training.** Prior to the start of ground-disturbing activities, the applicant shall retain a Tribal Cultural Monitor to implement cultural and archaeological awareness training for all construction personnel involved with earthmoving or grading activities. The training shall include information regarding the possibility of encountering buried cultural resources (including tribal cultural resources), the appearance and types of resources likely to be seen during construction, notification procedures, and proper protocol to be followed should resources be encountered. This training shall be provided to all workers involved in ground-disturbing activities throughout the duration of construction and shall be documented in training records that shall be submitted to the County prior to those workers undertaking any ground-disturbing activities at the site.
- **TCR-MIT 4: Discovery of Tribal Cultural Resources and Tribal Notification Protocol.** If buried prehistoric cultural resources or suspected resources (such as chipped stone or groundstone, or shell middens) are inadvertently discovered during ground-disturbing activities, work shall stop within a 100-foot radius of the find, the County Department of Planning and Development shall be notified, and the qualified archaeologist shall evaluate the find to determine if it meets the definition of a historical,

unique archaeological, and/or tribal cultural resource, and all of the following shall be required:

- If the find(s) does/do not meet the definition of a historical resource or unique archaeological resource, no further study or protection is necessary prior to resuming project implementation.
- If the find(s) does/do meet the definition of a historical resource or unique archaeological resource, then it shall be avoided by project activities. If avoidance is not feasible, as determined by the County Department of Planning and Development, the qualified archaeologist shall make appropriate recommendations regarding the treatment and disposition of such find(s), and significant impacts to such resources shall be mitigated in accordance with the recommendations of the archaeologist, and evidence of such mitigation shall be submitted to the County Department of Planning and Development, prior to resuming any construction activities within the 100-foot radius of the find(s).
- If the find(s) is/are potentially a tribal cultural resource, then Tamien Nation tribal representatives shall be consulted. If, after consultation with Tamien Nation tribal representatives, it is determined that the find(s) is/are a tribal cultural resource, then the find(s) shall be avoided by project activities. If avoidance is not feasible, as determined by the County Department of Planning and Development, the qualified archaeologist, in consultation with tribal representatives, shall make appropriate recommendations regarding the treatment and disposition of such find(s) and significant impacts to such resources shall be mitigated in accordance with the recommendations of the archaeologist, and evidence of such mitigation submitted to the County, prior to resuming construction activities within the 100-foot radius.
- If the find(s) are human remains or grave goods, the requirements of Public Resources Code section 5097.98 and County Ordinance Code sections B6-18 through B6-20 shall be followed.