


County of Santa Clara

Department of Planning and Development
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STAFF REPORT
Planning Commission
July 28, 2016
Item #4


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File: 10571-15GP-15Z-14CP

Status Report on implementation of General Plan and Zoning policy provisions for Local-serving Uses in Rural Districts

Summary: One-year status report on implementation of General Plan and Zoning local-serving policy provisions adopted by the Board of Supervisors on October 20, 2015.

Applicant: Santa Clara County
Applicability: Rural Unincorporated Base Zoning Districts (A, AR, HS, and RR) and A1 of the San Martin Commercial Use Permit Area (except those East of Murphy Avenue)

RECOMMENDED ACTIONS

It is recommended that the Planning Commission:

- A. Accept the one-year status report on implementation of the revised local-serving policy provisions.

PROJECT DESCRIPTION

On October 20, 2015, the Board of Supervisors ("Board") adopted amendments to the General Plan and Zoning Ordinance addressing local serving uses in rural areas ("local serving provisions"). As part of its adoption, the Board requested that the Planning Office report back within one year regarding implementation of the policies and ordinance.

The local serving provisions, which took effect on November 19, 2015, are intended to create objective standards for evaluating the appropriate size, scale and intensity of local-serving uses in rural unincorporated areas of Santa Clara County. These provisions--which consist of General Plan policies, Zoning Ordinance text, and a "Local Serving Data Document"--replaced General

Plan policies that implied residency requirements for patrons or customers of land uses classified as “local serving.” The Zoning Ordinance identifies “local serving” uses as certain commercial uses within San Martin, non-profit institutions, schools, hospitals, clubs, and religious facilities. The local serving provisions adopted in 2015 established quantitative thresholds based on historical statistical data for the size of local serving uses within rural areas previously approved by the County. The quantitative threshold is used to differentiate proposed local serving uses that are smaller in size versus larger uses that require more scrutiny and analysis to determine if they will significantly impact rural resources. Uses larger than the threshold are further evaluated to determine if they will significantly impact rural resources, such as traffic, noise, open space, and traffic.

Based on recommendations from the San Martin Planning Advisory Committee and Planning Commission, the quantitative threshold adopted by the Board was the 75th Percentile from this statistical data. As acknowledged within the “Local Serving Data Document” – the 75th percentile threshold was intended to be a “living threshold” that would evolve over time, accounting for statistical changes based on the size of new facilities approved by the County.

This report summarizes issues observed by the Planning Office since November 2015 associated with the processing of land use applications subject to the local serving provisions. The report also responds to public comments received by staff regarding the local serving provisions, including a letter submitted from the San Martin Planning Advisory Committee (SMPAC) to Board of Supervisors member Mike Wasserman, dated June 22nd 2016 (Attachment 3).

Staff intends to provide this report back for the Planning Commission’s review, prior to submittal to the Board of Supervisors, in two parts. The first part, consisting of this report, is intended to provide a high level overview of the implementation status and known issues for initial discussion. Subsequently, staff will provide a second status report, targeted for the August 2016 Planning Commission meeting, to be accompanied by any proposed amendments to the Zoning Ordinance or Local Serving Data Document, addressing the issue areas identified.

REASONS FOR RECOMMENDATION

Application Processing

Since adoption of the local serving provisions in October 2015, two projects subject to the provisions have been approved by the County. In addition, the Planning Office has received one use permit and one use permit pre-application for projects that are subject to the local serving provisions. The four projects are summarized below:

1. File No. 5056-14P-14A-14G Vaidica Vidhya Ganapathi Center (“VVGC”) in San Martin, approved by the Planning Commission on December 17, 2015.
2. File No. 10302-13P-13A-13G-13EA Canh Thai Temple in unincorporated East San Jose, approved by the Planning Commission on August 27, 2015 and subsequently appealed to the Board. The Board declared its intent to approve the project and deny the appeal on May 24, 2016.

3. File No. 2145-15P-15A-15G Cordoba Center in San Martin, use permit submitted on January 4, 2016, currently under review.
4. File No. 10576-16PA Tranquility Center in unincorporated Milpitas, pre-application letter sent on June 17, 2016.

Both the VVGC and Canh Thai Temple facilities were submitted for review and were processed by the Planning Office prior to the Board's adoption of the local serving policies in October 2015; however, both projects were subject to the new provisions at the time they were heard by the Planning Commission or Board for approval. The Cordoba Center and Tranquility Center were submitted for review after adoption of the local serving provisions.

Implementation Tools

In order to better assist applicants, the public, and staff in explaining the applicable standards under the local serving provisions and the process, staff has prepared and distributed several worksheets and forms that better describe how to complete the rural resources report required for larger projects per the provisions. These materials are attached as Attachment 2

Issue Areas

Planning Office staff has identified six general issue areas for discussion and consideration of potential modifications to the local serving provisions, based on (a) observations by staff during application processing of proposed projects subject to the local serving provisions, (b) public comments and feedback received during the public hearings for local serving projects, and (c) issues identified in a letter submitted from the San Martin Planning Advisory Committee to Supervisor Mike Wasserman, (Attachment 3)

1. Living 75% Threshold

The 75th percentile threshold used for the local serving provisions to delineate larger and smaller projects was originally intended to be a "living threshold" that would be modified following the approval of new projects to reflect the resulting change in statistical data for local serving projects. This approach was consistent with the methodology used to prepare the original 75th percentile threshold, which was based on statistical data for previous local serving uses that were approved by the County.

However, staff has since identified two issues that have arisen as a result of the living threshold concept. First, the knowledge of a living threshold and the ramifications of approving a project larger or smaller than the current threshold by the public and decision-makers can change the focus of discussion in the decision-making process for individual projects from the merits of the project to instead the resulting threshold change. This was observed by staff during evaluation of the VVGC Temple by the San Martin Planning Advisory Committee ("SMPAC"). As the proposed VVGC facility was larger than the 75th percentile threshold, much public comment and deliberation by SMPAC focused on how the threshold would change if the project was approved (increase in the 75th percentile threshold). This discussion detracted from the purpose of use permit decision-making process - to evaluate the merits of the proposed project and its

consistency with the local serving provisions and other applicable County policies and requirements.

Second, the “living threshold” creates confusion in conveying to applicants and the public the quantitative 75th percentile that would apply to a proposed project. Since the 75th percentile threshold could potentially change between the time of an initial applicant inquiry, application submittal, and public hearing, uncertainty is created in the project review process which is contrary to the overall objectives of the local serving provisions – to create clear and objective standards to apply to local serving uses.

Discussions at the SMPAC have identified both of these issues as “tragedy of the commons” to characterize the situation where individual decisions (land use approvals for a local serving use) affect a “common” threshold in a setting where there is no specific ownership during the process (by applicants, staff or the decision-makers) of the common threshold.

Potential options for resolving this issue includes (a) setting the 75th percentile in place and not updating the threshold following approval of new projects, or (b) setting a longer period of time before reviewing the projects approved and updating the threshold. This could involve waiting a period of years (for example - 10 years) to review the changes in data, with a review and option of modifying the threshold (by the Planning Commission or Board of Supervisors) based on changes due to projects approved.

2. Creation of a Cap to Replace the Threshold

The SMPAC letter (Attachment 2) to Supervisor Wasserman recommends that the County adopt a “cap” on the size of local serving uses or all non-residential uses in the San Martin area. This proposal would create a different policy approach to addressing local serving uses by defining a maximum size (in floor area or number of persons onsite) for proposed local serving uses. Discussions at SMPAC regarding the rationale for this proposed cap have identified that the current 75% percentile threshold is not effective in limiting the size of new non-residential facilities in the San Martin area.

Planning staff does not recommend that a cap be considered at this time because the local serving provisions were adopted in October 2015 and, to date, only two projects have been approved using the provisions; thus more time is needed evaluate the effectiveness of the local serving provisions in addressing the size, scale, and intensity of new non-residential projects in the rural areas, specifically regarding any impacts to rural communities (such as San Martin) or rural resources.. The Planning Office is currently processing one application (Cordoba Center) that is subject to the new policies and has provided initial feedback via a pre-application letter to another proposed facility (Tranquility Center) using the new policies.

Furthermore, as previously discussed by SMPAC and the Planning Commission during review of the local serving provisions in 2015, a cap would prevent the County from considering the unique needs associated with proposed local serving uses and the surrounding rural community. For example, the use of a cap would prevent the construction of a larger school or hospital in a rural community where there could be a need for these services.

3. Cumulative Analysis

Public comment at SMPAC meetings have asked if the local serving policies should be revised to include a cumulative impact analysis, accounting for local serving projects that are simultaneously proposed in the same geographic area that would together create cumulative environmental impacts (such as traffic).

Cumulative environmental impacts are evaluated under the California Environmental Quality Act (CEQA), which requires an evaluation of how a project would contribute to any known cumulative environmental impacts. The local serving provisions do not expressly evaluate cumulative impacts. However, any changes to the rural setting or “baseline” resulting from the approval and construction of new projects is accounted for in the rural resources study required for larger projects. For example, if a project is approved and built that affects open space and traffic, any subsequent proposed local serving use in the vicinity of the project would have to account for this change in the background rural setting. In short, staff believes that there has not yet been a sufficient amount of time to evaluate the effectiveness of the local serving provisions in addressing cumulative impacts and thus is not recommending any modifications at this time.

4. Parking Ratio for Institutional Uses

The SMPAC letter (Attachment 2) has requested that the County amend the parking ratios within the Zoning Ordinance to use a lower ratio for institutional uses, effectively reducing the standard from a ratio of one parking space per 4 fixed seats to one parking space per 2 fixed seats.

The County’s parking standards were not amended as part of the approval of the local serving provisions in 2015. The parking standards and ratios within the Zoning Ordinance were established based on commonly accepted standards, including those from adjacent jurisdictions such as the City of San José. Any reconsideration of parking standards and ratios, which affect land uses beyond those addressed in the local serving provisions, would require greater study and analysis that is beyond the scope of the report back on the local serving provisions.

5. Definitions / Terminology / References

Staff has identified several areas in the local serving provisions where inconsistent terminology was used, which necessitates revisions for consistency. For example, the local serving provisions in the Zoning Ordinance uses “Building Square Footage” in referencing the size of a building where the correct term, as defined in the Zoning Ordinance, is “Square Footage”. In addition, some uses in the San Martin Commercial Use Permit areas were misidentified in the Zoning Ordinance as being subject to the local serving provisions, which is not the case. Staff intends to return in August with proposed Zoning Ordinance amendments and amendments to the Local Serving Data Document to correct these inconsistency.

6. Mixed Use Projects and applicability of local serving size thresholds.

The two projects that have been reviewed and approved by the County under the local serving provisions – Canh Thai Temple and VVGC Temple - were mixed use facilities because they involved several different land uses on one subject property. For example, the Canh Thai Temple included a proposed residence and religious facility and the VVGC facility included a large agricultural building and religious facility. Public comment made during the SMPAC review of the VVGC facility recommended that the agricultural barn should be included in the

total square footage calculation subject to the local serving provisions and the 75th percentile threshold. However, under the County's Zoning Ordinance, both agricultural structures and single family homes are allowed as a matter of right in rural zoning districts and do not require a use permit. Consequently, the agricultural structures and single family homes should not be accounted for in the local serving provisions since these provisions are applicable to enumerated uses.

This explanation was provided within staff reports prepared for both the VVGC and Canh Thai projects and discussed during the public hearings for both items. In order to ensure that this policy distinction is clear, staff recommends that the Local Serving Data Document be modified to clarify that the local serving provisions do not apply to land uses allowed by right.

BACKGROUND

REGULATORY FRAMEWORK

The local serving provisions in the General Plan and Zoning Ordinance were updated in 2015 due to challenges with the application of General Plan policy R-LU57 related to unclear definitions and standards for "local-serving uses". Several references for "local-serving" uses in the General Plan and Zoning Ordinance were revised to be consistent with a review process that focuses on the size, scale and intensity of the use, instead of the origin of patrons or customers.

The Zoning Ordinance amendments established a building size and maximum number of persons threshold at the 75th percentile level using statistical data from approved local-serving uses since 1981. As described within the Local Serving Data Document, the 75th percentile threshold was intended to be a living threshold which would be updated from time to time based on change in statistical data associated with the approval of new development applications.

Additionally, a new process was added under Zoning Ordinance Section 2.20.090 for local-serving uses, where proposed uses with a size below the threshold were deemed to be of an appropriate size, scale and intensity to be sited in the rural areas. Proposed uses with a size above the threshold, however, require the preparation of a rural resources impact report to evaluate if the use would significantly impact rural resources. This study evaluates impacts of larger projects to aesthetics, open space and habitat, agricultural production, watersheds, traffic, and noise, and requires that any proposed facility avoid significant impacts to these facilities.

Following adoption of the proposed amendments, Staff created a rural resources impact study template to assist applicants with preparation of such reports (Attachment 2).

PUBLIC COMMENTS

The San Martin Planning Advisory Committee submitted a letter, dated June 22, 2016, to District 1 Supervisor Wasserman, raising several concerns about the previously adopted local-serving provisions, some of which – such as the issue of a threshold, are proposed to be addressed through the changes recommended by Staff.

Exhibits Included with this Staff Report:

Attachment 1 – Local Serving Policy Provisions (County Zoning Ordinance)

Attachment 2 – Rural Resources Impact Study Template

Attachment 3 – San Martin Planning Advisory Committee Letter to Supervisor Mike Wasserman, June 22, 2016

1. Absolute minimum lot size for any parcel created by a RR cluster subdivision shall be one (1) acre. Minimum lot size requirements may be greater than one (1) acre if necessary to ensure compliance with applicable development standards, such as for septic systems, wells, access, and related site improvements.
2. Permanent dedication of development rights and open space preservation shall be required for lands involved in any RR cluster subdivision to ensure that no further subdivision is possible which would exceed the maximum density of land allowed by the general plan through subdivision.
3. Land uses permitted on lands dedicated as permanent private open space as part of a cluster subdivision are limited to the following:
 - a. Agriculture.
 - b. Agricultural accessory structures, including windmills (not residential accessory structures).
 - c. Wood cutting and commercial timber harvest.
 - d. Outdoor recreation, non-commercial, including riding stables, corrals, trails, and other similar uses intended for residents of homes within the cluster subdivision.
 - e. Utilities, wells, and water storage and distribution facilities.



§ 2.20.090 Local-Serving Uses

Local-serving uses are of a size, scale and intensity intended to provide goods and services to the resident rural population. For the purposes of this section, the term “local-serving uses” refers to certain institutional and commercial uses that may be allowed in rural districts if their size, scale and intensity is typical of local-serving uses in a rural community. Local-serving uses are not exclusive to the resident rural population and may be used by residents not local to the area.

- A. The size, scale and intensity of the use shall be evaluated in accordance with the *Local-Serving Data* document, on file with the Department of Planning and Development and as updated from time-to-time by the Department. Uses deemed to be an appropriate size, scale and intensity by the approval authority because the building square footage and maximum number of people are each less than the applicable 75 percentile values listed in Table 1.1 (*Local-Serving Data* document on file with the County Planning and Development Department) may be authorized in rural districts in accordance with any other requirements, findings, and criteria otherwise required by the zoning ordinance.
- B. For a proposed use whose building square footage or maximum number of people is more than the applicable 75th percentile value listed in Table 1.1 of the *Local-*

Serving Data document, the applicant shall prepare a report that establishes a baseline for a proposed use designed at the 75th percentile and evaluating the comparison of size, scale, and intensity impacts to rural resources and character at the 75th percentile with size, scale and intensity impacts to rural resources and character as proposed. The size, scale and intensity impacts to be evaluated at the 75th percentile and as proposed shall evaluate the following criteria:

1. **Aesthetics.** The scale and massing of the building(s) and improvements shall be compatible with the existing rural setting, taking into consideration the surrounding open space, scenic resources, ridgelines, agricultural uses, and rural residences.
 2. **Open Space and Habitat.** The use shall be sized and designed to minimize disturbance of natural landscapes and biological communities.
 3. **Agricultural Production.** The use shall retain agricultural productivity and minimize conflicts with surrounding agricultural lands. Any loss of agricultural productivity shall be quantified and minimized to the extent feasible.
 4. **Watersheds.** The use shall not create a hazard to water quality or create significant drainage, flooding, erosion or sediment impacts. Increases in impervious surface area, drainage volumes and erosion levels shall be quantified and minimized to the extent feasible.
 5. **Traffic.** The use shall not generate significant additional traffic that creates a safety hazard or impairs local rural roads. New traffic associated with the use should not increase traffic levels significantly above existing conditions.
 6. **Noise.** The use shall not significantly increase noise over existing ambient levels.
- C. Uses where the building square footage or maximum number of people are more than the applicable 75th percentile values listed in Table 1.1, of the *Local-Serving Data* document, may be authorized in rural districts following review of the report identified in § 2.20.090(B), and in accordance with any other requirements, findings, and criteria otherwise required by the zoning ordinance, and upon making the following finding.
1. The project is designed, to the maximum extent feasible, such that the use does not result in size, scale and intensity impacts to the criteria identified in Section 2.20.090(B) greater than what might result from a use which is equal to the 75th percentile baseline value. As used in this section the maximum extent feasible, means making all changes that are possible taking into account the physical limitations of the site, considerations of project, engineering design, and financial cost.



**Santa Clara County
Department of Planning and Development**

Local Serving Data

(Adopted by the Board of Supervisors: XXXX 2015)

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1. INTRODUCTION

This “Local Serving Data” document contains size, scale and intensity indicators for “local-serving” commercial or institutional uses in Santa Clara County’s (County) rural districts. There are currently no local serving industrial uses within the County, therefore there are no such indicators available for industrial uses. Drawn from historic commercial and institutional use permit approvals since 1980, these indicators provided in Appendix A include building size, traffic, maximum number of people at a time – daily and special events, and frequency of events.

This document is intended to be adopted by the Board of Supervisors. The data within the document will be maintained and updated, from time-to-time, by the Department of Planning and Development based on future Use Permits approved by the County. For future applications, Table 1.1 thresholds existing when an application is deemed complete would apply.

2. THRESHOLDS FOR A LOCAL-SERVING USE

In order to determine the appropriate size, scale and intensity of proposed uses that are intended to be local serving, proposed development is to be benchmarked against existing locally serving land use indicators as specified in the County Zoning Ordinance Section 2.20.090. Table 1.1 provides the 75th percentile thresholds for local serving indicators, based on data points by zoning district. Since trip generation is a function of building square footage and use, this data has been excluded from the 75th percentile threshold table.

Table 1.1. Thresholds (75th Percentile) for Local-Serving Indicators

	Maximum Number of People	Building Square Footage
Commercial Uses	30	16,440
Rural Residential (RR) District		
Institutional Uses	50 (daily)	6,510
	220 (special events) ¹	
Agricultural (A), Agricultural Ranchlands (AR) and Hillside (HS) Districts		
Institutional Uses	70 (daily)	8,480
	320 (special events) ¹	

Note: All values have been rounded to the closest 10.

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

To see the background data and the diagrams that depict the full range of data, please see Appendix A and Appendix B.

3. DATA COLLECTION METHODOLOGY

The data sample includes commercial and institutional use permits (since adoption of the November 1980 General Plan up until December 2014) within Santa Clara County’s Agriculture (A), Agricultural

Ranchlands (AR), Hillside (HS) and Rural Residential (RR) base zoning districts, and commercial uses within the San Martin Commercial and Industrial Use Permit Areas (with the exception of uses on properties immediately adjacent to the San Martin Avenue/Highway 101 interchange that are east of Murphy Avenue). Within the rural districts, these local serving uses include the following land use classifications

- 1 Clubs – Private and Non-Profit
- 2 Hospitals and Clinics
- 3 Manufacturing: Small Scale Rural
- 4 Non-Profit Institutions
- 5 Religious Institutions
- 6 Retail Sales and Services – Local Serving
- 7 Schools
- 8 Commercial Uses (within the San Martin Commercial and Industrial Use Permit areas)

The step by step data collection methodology and the 75 percentile values determination process is provided below:

- Step 1:* The data was initially filtered for all use permits in the rural zones approved between 1980 and 2014 using Geographic Information Systems (GIS) and the County’s databases. Uses approved prior to the 1980 General Plan were not considered because there were no “local-serving” policies at the time.
- Step 2:* The use permits were filtered based on whether or not a use classification was defined as a use within the eight (8) local serving uses as defined above. Uses that were approved in this time period by the County but never built were included in the analysis as they were considered to fall within the local serving criteria.
- Step 3:* Planning staff reviewed each of the files to identify maximum number of people, traffic, and building size data.
- Step 4:* When staff was unable to find data and/or files for certain projects they were either removed from consideration, or if partial information was available, data was extrapolated for number of people and average daily trips.
- Step 5:* The following describes the data extrapolation methodology:
1. People: In instances where number of users was not clearly described in a Use Permit, maximum number of people was extrapolated from existing parking spaces (one user per parking space) determined by a review of aerial site photographs or the use permit conditions of approval. If only one number was provided for users, this was counted as maximum number of people allowed at events.
 2. Trips: For average daily trips extrapolation, the current Trip Generation Manual¹ was used to determine the trips based on use and building square footage.
- Step 6:* If a use permit had multiple iterations, the largest approved building size and number of people were used.
- Step 7:* Once the data set was complete, the 75 percentile values were calculated for building square feet, maximum number of people, and average daily trips. These values were rounded off to facilitate ease of implementation.

¹ Institute of Transportation Engineers, Trip General Manual 9th Edition, Volume 2 and 3 Data

The County has no records for certain local-serving land use classifications, such as Hospitals/Clinics and Schools, ever being approved since the adoption of the 1980 General Plan. However, these uses are a permitted use subject to any other requirements, findings, and criteria otherwise required by the zoning ordinance.

The datasets in Appendix A, diagrams in Appendix B, and thresholds in Table 1.1 will be updated periodically as future use permits are approved to maintain a current dataset.

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Table A.1. Institutional Uses – Dataset for Local Serving Indicators

S. NO.	BASE ZONE	File Number	DATE	Site Address	Property Size (acres)	Building Square Footage	Max Number of People (Daily)	Max Number of People (Events)	Event Frequency per year	Average Daily Trips (ADT) - Workday	Max. (Weekend /Event) Daily Trips	Name
1	A	2714-91P	1991	15055 Monterey Highway	5.5	6,576	32	60	52	60 – ITE Manual		Morgan Hill Bible Church
2	A	5121-91P	1991	West side of Santa Teresa Boulevard (south corner of De Bruin Way)	5.7	9,077	42	247	104	84	432	Cornerstone Church of the Nazarene
3	HS	2020-83P	1983	23185 Summit Road	8	7,888	96	384		72 – ITE Manual		Church of Latter Day Saints
4	RR	241-00P	2000	12415 Murphy Avenue	5.92	6,990	22	250		204 – ITE Manual		San Martin Lion's Club
5	RR	9013-05P	2005	1300 Church Avenue	4.6	5,086	50	100	6	30	80	Vo Vu Zen Center (Buddhist Meditation Association)
6	RR	2899-86P	1986	10468 Crothers Road	10.54	1,890	12	48		-10 -ITE Manual		Persian Zoroastrian Organization (Trustees of the Rustam)
7	RR	3554-88P	1988	13485 Colony Avenue	1.88	4,472	35	122		41 – ITE Manual		South County Church of Christ
8	RR	6992-00P	2000	20431 McKean Road	10	10000	105	500		170	670	Chinese Church in Christ South Valley
9	RR	5056	2013	West side of Monterey Road (between Church and Masten Avenues)	12.7	1,147	10	N/A	N/A	9-ITE Manual		Vaidica Vidhya Ganapathi Center Inc.

Table A.2. Commercial Uses – Dataset for Local Serving Indicators

S. N. O.	BASE ZONE	File Number	DATE	Site Address	Building Square Footage	Max Number of People (Daily)	Property Size (acres)	Average Daily Trips (ADT) - Workday	Max. (Weekend /Event) Daily Trips	Name	Description
1	A	2706-11P	2011	8145 Monterey Highway Northeast Corner of Monterey Road and Crowner Road	783	12	0.22	3 – ITE Manual		Joe's Gas, Bait, & Tackle Shop	Bait Shop
2	A1	2228-00P	2000	13755 Llagas Avenue	4,774	40	0.35	86	432	Calderon	Tire Shop Wholesale/Retail Building Supplies
3	A1	3335-87P	1987	12955 Monterey Road	24,440	46	13.5	80			Veterinary Hospital and Commercial Office
4	A1	470-92P	1992	13240 Llagas Avenue	12,877	28	2.28	61 – ITE Manual			Bottled Water Distribution Facility
5	A1	7615-00P	2000	13920 Llagas Avenue	10,075	15	2.14	5		Freedom Paws	Dog Training Facility and Day/Night Boarding
6	A1	9413-14P	2014		20,000	27	4.21	325			Grocery Store, Convenience Store, Bait Shop
7	HS	5623-94P	1994	4275 Gilroy Hot Springs Road	1,000	16	1.18	5	100		

Figure A.1 Institutional Uses – Square Footage and Maximum Number of People

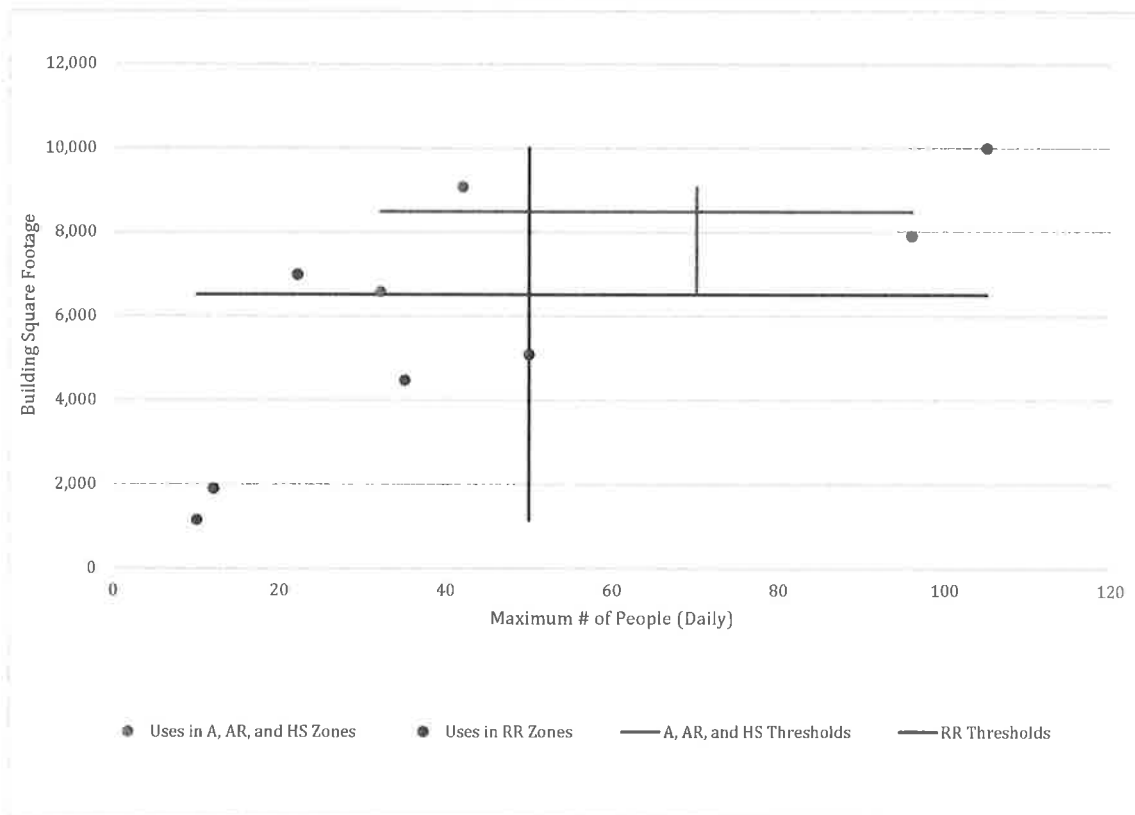


Figure A.2 Institutional Uses –Maximum Number of People (Events)

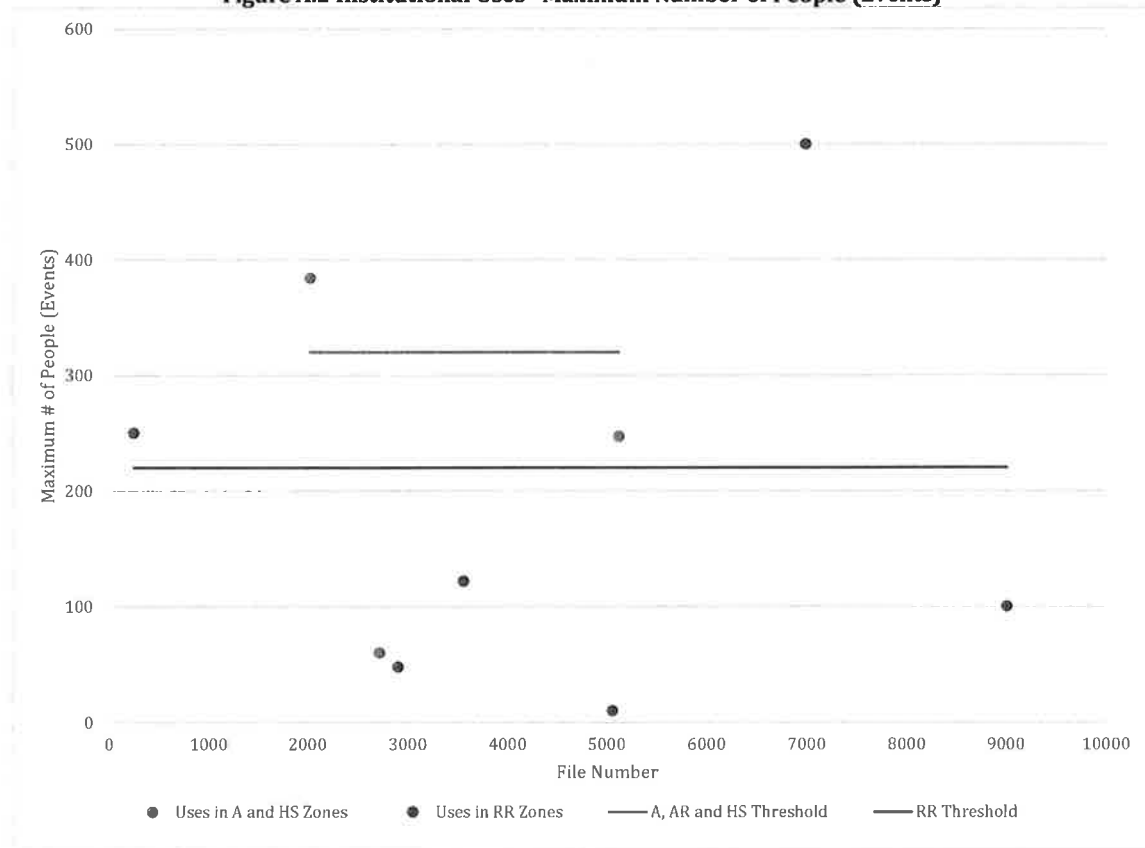
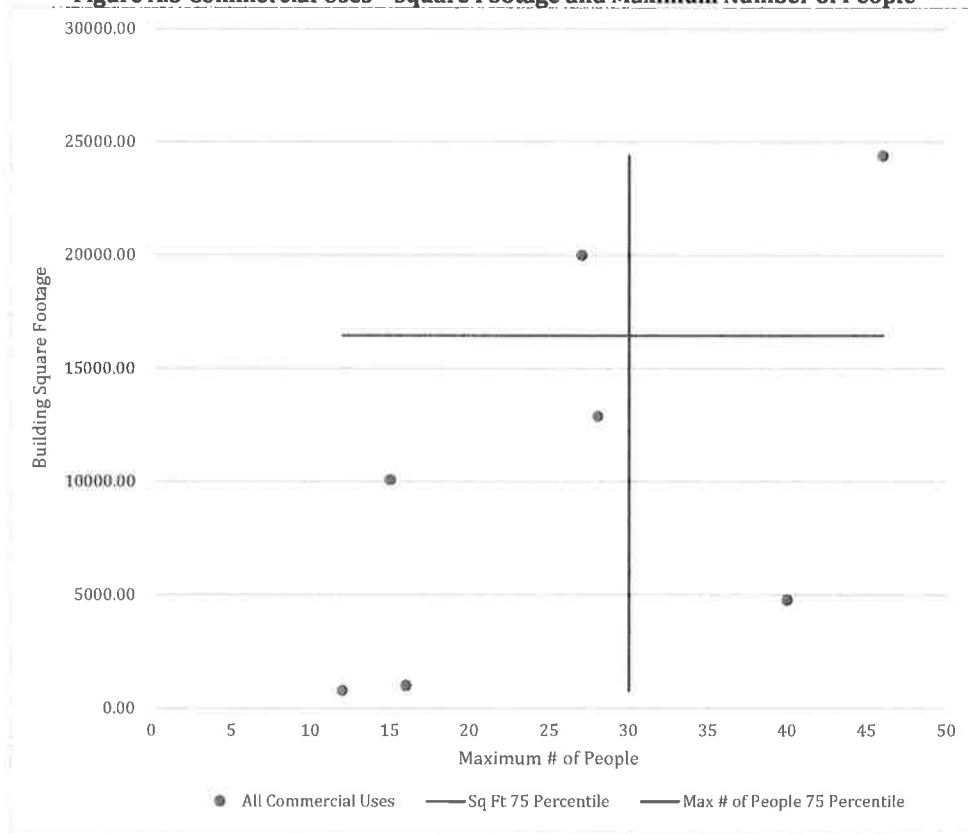


Figure A.3 Commercial Uses – Square Footage and Maximum Number of People



Santa Clara County
Department of Planning and Development
Rural Resources Impact Study Template
(Zoning Ordinance Section 2.20.090)

File Number: XXXXX-XXP
Location: [Enter Address and APNs]
Project Name: [Enter project name]
Project Summary: [Enter brief project description]
Prepared by: [Name and contact Information]

Part I - Calculations

	Cumulative Building Size (in square feet)*	People: Daily – max at any given time	People: Special Events – max at any given time**
75 th Percentile Thresholds			
Proposed Project			
Is the project above the thresholds?			

* For building size – include gross floor area of all structures related to the land use.

** Special events are defined as no more than 4 per year, 1-3 consecutive days in duration.

No further analysis is required if the answer to all three above is “no”. If any thresholds are exceeded in Part I, go to Part II.

ATTACHMENT 2

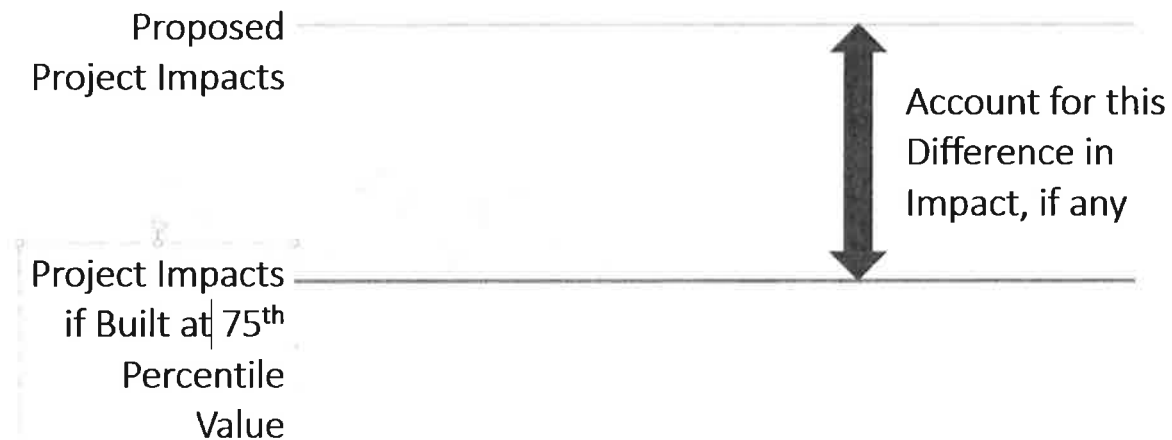
Part II - Rural Resources Impact Study for [XXXX Project Name]

DRAFT FORM 2/9/2016

Overview: The Rural Resources Impact Study is a tool to evaluate project impacts to the six criteria identified in Table 2, to demonstrate compliance with Zoning Ordinance Section 2.20.090.

If the project is proposed at a size or intensity exceeding the thresholds in Part I of this document, then the applicant shall complete and submit this study to the County Planning and Development department. The applicant shall evaluate impacts to the six key rural resource areas identified below and demonstrate how impacts to these resources have been minimized to project at threshold levels, as demonstrated by Figure 1 below. If impacts cannot be minimized, the applicant shall provide an explanation.

Figure 1: Impact Minimization



Analysis of Project Impacts to Rural Resources

1. Aesthetics. The scale and massing of the building(s) and improvements shall be compatible with the existing rural setting, taking into consideration the surrounding open space, scenic resources, ridgelines, agricultural uses, and rural residences.

Analysis: [Insert analysis here - identify surrounding rural resources and compare proposed size and scale of buildings to the scale and massing of existing surrounding buildings. Recommended exhibits – 1. A map showing all neighboring uses which surround the subject site; 2. Photos of existing rural resources, and 3. Visual simulations and project plans (elevations, section drawings) that demonstrate how the proposed project is compatible with existing rural setting]

Minimization Measures: [Applicant could consider - Breaking up massing of buildings, appropriate siting, introducing architectural details and elements, landscaping, increased setback distances from neighboring properties etc,]

Part II - Rural Resources Impact Study for [XXXX Project Name]

DRAFT FORM 2/9/2016

2. Open Space and Habitat. The use shall be sized and designed to minimize disturbance of natural landscapes and biological communities.

Analysis: [Insert analysis here - identify existing natural landscapes and biological communities and how the project avoids/minimizes any impacts to these resources in terms of its size, siting and design. Recommended exhibits – 1. Biological Report and mapping; 2. Landscape plans and 3. Any design changes to minimize impacts]

Minimization Measures: [Appropriate siting, on-site and/or off-site open space/habitat mitigation, conservation easements]

3. Agricultural Production. The use shall retain agricultural productivity and minimize conflicts with surrounding agricultural lands. Any loss of agricultural productivity shall be quantified and minimized to the extent feasible.

Analysis: [Insert analysis here - identify existing or recent ag production on site, and active agricultural sites on surrounding lands. Provide details on acreage/sq .ft distance between proposed uses and active agricultural production on-site and surrounding properties. Demonstrate how the ag use of said land will be retained, or how the proposed use will avoid/minimize conflicts with surrounding ag lands. If there are any shared access routes – driveways between the use and farms; provide explanation of how the agricultural uses will not be significantly impacted. Quantify any loss of agricultural productivity and minimize as much as possible. Recommended exhibits – 1. Table documenting agricultural production on site in last 5 years, if any; 2. Agricultural soil mapping and report (document if the lands are prime agricultural soils and show location of prime farmland) and 3. Proof of outreach to surrounding agricultural uses to reduce any conflicts with them.]

Minimization Measures: [Appropriate siting, modifying plans to avoid conflicts with ag uses]

4. Watersheds. The use shall not create a hazard to water quality or create significant drainage, flooding, erosion or sediment impacts. Increases in impervious surface area, drainage volumes and erosion levels shall be quantified and minimized to the extent feasible.

Analysis: [Insert analysis here - identify existing conditions and how the use does not create a hazard to water quality or any drainage, flooding, erosion or sediment impacts. Quantify increases in impervious surface area (from existing to project at 75th percentile level to proposed project level), drainage volumes and erosion levels; and minimize these to the extent feasible. Recommended exhibits – 1. Table and drainage plans documenting impervious surfaces and drainage volumes and 2. Measures that minimize any drainage, flooding, erosion or sediment impacts]

Minimization Measures: [Could include bioswales, stormwater detention facilities, LID techniques, appropriate siting, using pervious paving, adequate landscaping]

5. Traffic. The use shall not generate significant additional traffic that creates a safety hazard or impairs local rural roads. New traffic associated with the use should not increase traffic levels significantly above existing conditions.

Analysis: [Insert analysis here – analyze how the proposed use would not create a safety hazard or impair local rural roads. For trips generated, identify existing peak hour volumes, peak hour

Part II - Rural Resources Impact Study for [XXXX Project Name]

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volumes at 75th percentile thresholds, and peak hour volumes for project. Demonstrate percentage increase of vehicle trips over existing, and the 75th percentile values. Minimize the trips over the 75th percentile thresholds to the extent feasible. Recommended exhibits – Traffic study that includes 1. Table 2.1 below documenting existing peak hour traffic volumes, peak hour trips at 75th percentile threshold and peak hour trips at proposed project level with percentage increases; and 2. Measures that minimize the increase in trips over threshold values]

Minimization Measures: [Could include TDM measures to reduce impacts, such as shuttle parking valet plan, charging for parking, carpool programs, etc.]

6. Noise. The use shall not significantly increase noise over existing ambient levels.

Analysis: [Insert analysis here – analyze how the proposed use would not significantly increase noise over existing ambient levels. Recommended exhibits – Noise study that includes 1. Table 2.2 documenting existing ambient levels and increases in noise levels due to proposed use; and 2. Measures that minimize any noise increases]

Minimization Measures: [Could include modifying amplified noise operations to reduce noise impacts, building ventilation design, noise barriers, or other recommendations from acoustical engineers etc.]

Applicants Finding on Minimizing Impacts to Rural Resources

Analysis: [Insert analysis here to show how the project has evolved to minimize impacts to all the rural resources identified above to the extent feasible].

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TABLE 1.1 Traffic Volume Comparisons

	A	B	C	D	E	F	G
	Existing Volume	75 th percentile Threshold	Threshold % of Existing (B/A)	Project Trips	Project Trips % of Existing (D/A)	Project Trips Above Threshold Trips (D-B)	Project % Above Threshold % (E-C)
Weekday Peak Hour (VPH)							
Sunday Peak Hour (VPH)							
Special Event Peak Hour (VPH)							

TABLE 2.2 Existing Ambient Noise Levels and Project-Generated Noise Exposures

	Proposed Project (Maximum at events)	Thresholds (People at events)	Thresholds (People on a daily Basis)
No. of Attendees	XXX	XXX	XXX
Base Noise Level			
Sound Buildup			
Bldg. Sound Reduction			
Total Noise Level			
Noise Exposure			
Lowest Ambient			
Change in Noise Exposure			

SMPAC (San Martin Planning Advisory Committee)
80 Highland Avenue
San Martin, CA 95046

June 22nd, 2016

Honorable Supervisor Mike Wasserman – District 1
70 West Hedding Street, 10th Floor
San Jose, CA 95110

Dear Supervisor Wasserman,

We, the members of the San Martin Planning Advisory Committee (SMPAC), respectfully request the Board of Supervisors to consider several pertinent issues directly and **cumulatively** affecting the quality of living in San Martin.

SMPAC is in agreement the future of San Martin's rural environment is at a critical stage. Therefore, SMPAC is writing directly to the Santa Clara County Board of Supervisors to solicit help in protecting this unique and special area, known as San Martin.

The relevant key areas of concern fall within County Policies, Ordinances and Guidelines for Rural Local Serving Uses as they pertain to San Martin:

- A need to set a square footage cap on the size of projects proposed within the unincorporated areas of San Martin.
- Correct the "tragedy of the commons" and fix the 75% percentile calculation, the daily use capacity, and the event usage used by Planning when determining approval of institutional projects within San Martin.
- Change the default capacity currently being used in traffic analysis of cars to two (2) persons per car for calculating parking in San Martin.
- Acknowledge the concern and limitations of ground water in San Martin by creating a Special Water District Protection Order, like the one for Los Gatos, insuring the quality of ground water now and in the future.

SQUARE FOOTAGE CAP

The availability of land at a reasonable price is attracting institutions to San Martin with proposals to build facilities completely out of character for a rural residential area. The use of these facilities attracts large numbers of people and traffic far outside our local area. For many reasons large institutional facilities are best served by urban areas who already have the proper infrastructure and services in place.

ATTACHMENT 3

TRAGEDY OF THE COMMONS

The current general plan allows the situation to grow worse rather than contained. The planning guidelines accepted by the Board of Supervisors last year allows institutions to propose a facility below a certain threshold of size, capacity and event frequency; known as the 75th percentile, and is considered to be consistent with activity in a rural residential area. Proposals larger than the threshold or 75th percentile are said to be subject to greater scrutiny. The "tragedy of the commons" happens due to the threshold being subjected to overall limits with each larger proposal approved.

TRAFFIC ANALYSIS

Currently, the planning process judges the number of parking spaces and the amount of traffic generated by facilities using 4 persons per car. Common sense, studies, and our personal experience show the average number of persons per car for most events is 2 or less. This has considerable impact on the traffic studies and the required off-street parking.

GROUND WATER

A major concern by San Martin residents is the quality of its ground water. Per the Santa Clara Valley Water District, almost all residents of San Martin rely entirely on well water. San Martin has the greatest majority of wells in all of Santa Clara County. Well's continue to be monitored due to the contamination of wells in San Martin, as a result of the Olin Corporation using the chemical "perchlorate" for several years when they operated their business on Tennant Avenue in Morgan Hill. This chemical traveled to the ground water in San Martin and the perchlorate leakage problem continues to be tracked to this current day by the Perchlorate Community Advisory Group and the Central Coast Regional Water Control Board in San Luis Obispo, California.

SUMMARY

In San Martin there has been a considerable increase in population, planning approvals for commercial and institutional uses, as well as more plans in the pipeline. Although, each planning application is based on its merits, there appears to have been no consideration given to the **cumulative effects** on San Martin. The areas in need of greater consideration for San Martin include: traffic, noise, ground water issues, building's inconsistent with the rural environment, loss of open space/farmland, and commercial operations which impinge on residents within these rural areas.

We believe there needs to be an in depth investigation as to the effects on current use of septic systems and the additional waste created by secondary dwellings, use by commercial enterprises, concentrated areas of excessive waste and septic usage, cemeteries, and disposal of animals. The awareness of the continued drain

on San Martin's ground water desperately needs to be addressed. Over the years, residents of San Martin have seen wells dry up due to drought conditions and increased water usage created due to many more users.

SMPAC's concern's and/or recommendations pertaining to the erosion of the quality of life in San Martin and destruction of the intentions of the San Martin Integrated Design Plan, as approved by the Board of Supervisors, has not been taken into enough consideration by the Planning Commission when approving multiple projects within San Martin. SMPAC has seen this spiral for a long time (population increase from 2000 to 2010 is about 70%) and it has now become an urgent matter to control excessive development in rural residential San Martin.


Each member of SMPAC takes their advisory role seriously and as such we have a moral obligation to the San Martin Community to bring these serious concerns directly to the Board of Supervisors. We thank you for your time and attention regarding our list of concerns and we are aware of the need to revisit the project and policies in the near future, however, the SMPAC committee and members of the community wished to provide this communication given the urgency of our concerns.

SMPAC voted to approve this communication on **June 22nd, 2016**, we respectfully request a written response from the Board of Supervisors.


Sincerely,


Robert Cerruti


Diane Dean

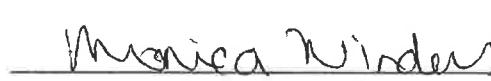

John English


Drake Fenn


Trina Hineser


James Poore

ABSENT
Ed Stricker


Monica Winders

cc: President, Board of Supervisors, Dave Cortese, District 3
Honorable Supervisor Cindy Chavez, District 2
Honorable Supervisor Ken Yeager, District 4
Honorable Supervisor Joe Simitian, District 5

