

# County of Santa Clara

Department of Planning and Development  
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## STAFF REPORT Planning Commission May 28, 2015 **Item #8**

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### **File: 10571-14CP-15GP-15Z** **General Plan and Zoning Updates regarding Local-Serving Uses in Rural Districts**

**Summary:** The Santa Clara County Planning and Development Department is proposing to amend provisions in the General Plan and Zoning Ordinance that address local serving uses in rural districts. The amendments are intended to provide clarity regarding the County's implementation of these policies.

**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**

Staff recommends that the Planning Commission:

- A. Recommend to the Board of Supervisors acceptance of the Addendum to the 1994 General Plan Program Environmental Impact Report (PEIR).
- B. Recommend to the Board of Supervisors adoption of the proposed General Plan and Zoning Ordinance amendments relating to local serving uses in rural areas.
- C. Recommend to the Board of Supervisors approval of the *Local Serving Uses in Rural Districts Data Repository* document.

## **PROJECT DESCRIPTION**

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The Department of Planning and Development is proposing to amend sections of the general plan and zoning ordinance that address local serving uses in the rural areas of Santa Clara County. The proposed amendments are intended to clarify the policy intent of local serving policies, provide an implementation methodology consistent with past practice, and further consistency with the Religious Land Use and Institutionalized Persons Act (RLUIPA). The proposed amendments include text amendments to the General Plan and Zoning Ordinance, including the creation of new supplemental regulations for local serving uses within Chapter 2.20 “Rural Base Districts,” of the Zoning Ordinance, and approval of *Local Serving Uses in Rural Districts Data Repository* Document.

The proposed Zoning Ordinance amendments include adoption of subsection 2.20.090 that prescribes a methodology for evaluating local serving uses, and references from Chapter 2.50 “Special Purpose Base Districts” to this section. Related amendments are proposed to Chapter 4.30 “Off-Street Parking Standards” to encourage minimization of paved parking areas in rural areas.

Staff has incorporated feedback from the community outreach and public hearing process in drafting the proposed amendments, including feedback from the South County Joint Planning Advisory Committee, San Martin Planning Advisory Committee, and Planning Commission. Staff previously proposed Guidelines for the local serving provisions entitled, “Size, Scale, and Intensity Guidelines – Local Serving Commercial and Institutional Uses in Rural Areas,” Most of the provisions from these “Guidelines” have been incorporated into the proposed Zoning Ordinance amendments (2.20.090) to allow for clearer implementation. The Guidelines document, which now contains statistical data regarding the size, scale and intensity of local serving uses, has been renamed *Local Serving Uses in Rural Districts Data Repository*.

## **POLICY SETTING**

The Santa Clara County (County) General Plan focuses on preserving the natural resources and rural character of the lands outside the Urban Service Area, directing urban development into the incorporated cities or their Urban Service Areas. These strategies promote compact forms of urban development and infill within city boundaries, thus preventing urban sprawl from spilling into the County and further eliminating the remaining rural and open space resources.

Consistent with these fundamental General Plan goals and policies, land uses allowed within the rural base districts of the County are allotted into two broad categories, with some exceptions, as described below:

- (a) primary land uses, including those that are directly related to agricultural, open space, or other natural resources found in the rural areas, such as agricultural and agricultural-

supportive uses; wineries; camps and retreats; low density residential uses; surface mining (quarries); golf courses, hunting reserves; and; stables/equestrian facilities; and  
(b) support uses that are intended to serve the needs of the residents living in the rural areas, also known as “local serving uses.” These uses, as defined under the Zoning Ordinance, include:

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

Provisions within the General Plan also allow for “local serving” commercial uses within the Commercial Use Permit area of San Martin.

Provisions describing “local serving” uses for the four main rural zoning districts - Hillside, Ranchlands, Agriculture, and Rural Residential - are found throughout the General Plan and Zoning Ordinance. These provisions describe that “local serving” uses are intended to provide services to the rural residential population, precluding the need for rural residents to travel to the urban areas to obtain these services. Thus, these “local serving” uses are not intended to be of an “urban scale” where the use is sized to serve a regional population, rather than just the rural community. This intent is based upon the foundational goals of the General Plan to preserve open space, natural resources, and agricultural lands within the rural areas of the County and to protect these areas from urban development. As a specific example, County General Plan land use policies R-LU 57 and R-LU 127, which apply to Rural Residential areas and the San Martin Commercial Use Permit Area, are intended to limit the size, scale and intensity of commercial, and institutional land uses, is described below:

***RLU 57***

*Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they serve the needs of the resident population and result in a net overall reduction of travel demand.*

## **RLU 127**

*New commercial land uses within the commercial or industrial use permit areas shall be of a local-serving nature, with the exception of properties immediately adjacent to the San Martin Avenue / Highway 101 freeway interchange that are east of Murphy Avenue, where uses may be allowed which are not necessarily of a local-serving nature. Local-serving uses shall be defined as only those uses which provide support services for agriculture or satisfy the local day-to-day commercial needs of the residents of San Martin and do not result in significant additional traffic from outside the community.*

## **CURRENT CHALLENGES**

Several challenges with the “local serving” policies such as R-LU 57 and R-LU127 have arisen or been identified by staff in reviewing Use Permit applications for uses in this category, including:

1. *Regulation of People Instead of Impacts:* The “resident population” language found in R-LU57 and Zoning Ordinance Section 2.20.020 can be misconstrued as establishing residency requirements for customers or users of a proposed land use or development. Because land use and development are generally reviewed and regulated to manage impacts and not the allowable clientele, staff has historically evaluated the size, scale, and intensity of proposed land uses in relation to similar uses in a rural area to assess conformance with local serving standards and neighborhood compatibility. This approach is not reflected in these policies and related general plan and zoning ordinance language. See Exhibit A which identifies the problem policies and standards.
2. *Practical Difficulties in Implementation:* Requirements in R-LU57 and R-LU127 state that a local serving use must result in a net traffic reduction between the rural and urban areas. While this policy reflects the overall concept of “local serving”, it is speculative to conclude that this specific traffic pattern could result from the establishment of a single use in the rural areas. Furthermore, these policies imply that the County would evaluate and track the origins of patrons/customers and users of new development in the rural areas, which can be speculative and require expensive traffic modeling.
3. *Consistency with the Religious Land Use and Institutionalized Person’s Act:* Federal regulations, specifically the 2000 Religious Land Use and Institutionalized Persons Act (RLUIPA) restricts land use regulations that local jurisdictions may impose on religious institutions that could interfere with religious practice. The proposed revisions focusing on uses sized to be compatible with the surrounding rural areas rather than focusing on where persons are coming from furthers consistency with RLUIPA.

## **PROPOSAL**

To address the challenges and issues described above, Staff proposes a two-part solution:

1. *Clarify the Policy/Regulatory Framework for Local Serving Uses:* Staff has proposed text edits to the “local serving” policies of the General Plan and Zoning Ordinance that are intended to clarify the policy intent of “local serving” uses within the rural areas, consistent with broader foundational goals of the General Plan to protect resources in the rural areas and prevent urban development. In addition, staff has proposed text edits to General Plan policies R-LU 57 and R-LU 127 and related policies to clarify that implementation of the local serving policies evaluates the size, scale, and intensity of the use, rather than the actual residency of the patrons.
2. *Provide a Practical Method for Implementation:* Consistent with the comparison methodology used by staff today in evaluating local serving uses, Section 2.20.090 has been added to the Zoning Ordinance to specifically articulate the size, scale, and intensity criteria applicable to “local serving” uses by referencing historical data for like uses that have been approved and built in the rural areas.

This new section references historical data showing the size, scale and intensity of “local serving” uses that have been previously approved in the rural areas. Specifically, new “local serving” uses are considered the appropriate size, scale and intensity if they are within the 75% deviation threshold as compared to previous development approvals. Any proposed local serving use that is greater in size than the 75% deviation threshold must meet criteria and findings ensuring that the use is compatible with the surrounding rural area and will not substantially impair rural resources or the rural community. This includes the following criteria / findings:

#### Zoning Ordinance Section 2.20.090 Local-Serving Uses

Local-Serving uses are 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.

- A. The size, scale and intensity of the use shall be evaluated in accordance with *Local Serving Uses in Rural Districts Data Repository* 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 or equal to the applicable 75 percentile values listed in Table 1.1 may be authorized in rural districts in accordance with any other requirements, findings, and criteria otherwise required by the zoning ordinance.
- B. A use whose building square footage or maximum number of people are more than or equal to the applicable 75 percentile values listed in Table 1.1, shall prepare an analysis of size, scale and intensity to assess impacts to rural resources and character; including aesthetics, scenic resources, open space and habitat, agricultural production, watersheds and traffic. The analysis shall include evidence that the proposed use is

consistent with applicable General Plan policies governing rural land development, and reduces impacts to rural resources and character to the maximum extent feasible in accordance with the following criteria:

- i. Aesthetics - The scale and massing of the building(s) and improvements shall be minimized and designed to be compatible with the existing rural setting, taking into consideration the surrounding open space, scenic resources, ridgelines, agricultural uses, and rural residences;
- ii. Open Space and Habitat - The development shall be sized and designed to minimize disturbance of natural landscapes and biological communities.
- iii. Agricultural Production - The development 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.
- iv. Watersheds - The developments size, scale and intensity shall not create a hazard to water quality or create significant drainage, erosion or sediment impacts. Increases in impervious surface area, drainage volumes and erosion levels over pre-project conditions shall be quantified and minimized to the extent feasible.
- v. Traffic - The use shall not generate substantial new traffic that creates a safety hazard or impairs local rural roads. New traffic associated with the use should not increase traffic levels significantly above pre-project conditions.

Uses where the building square footage or maximum number of people are more than or equal to the applicable 75 percentile values listed in Table 1.1 may be authorized in rural districts following review of the analysis and in accordance with any other requirements, findings, and criteria otherwise required by the zoning ordinance.

As described further within the Background section of this report, the methodology for evaluating local serving uses within Section 2.20.090 were previously encapsulated within “Size, Scale and Intensity Guidelines” that were included within the April Planning Commission report. Staff has proposed that this methodology be transferred into the Zoning Ordinance to allow for clearer implementation. The “Size, Scale and Intensity Guidelines” have been renamed *Local Serving Uses in Rural Districts - Data Repository* and now only contain the historical data for local serving uses in the rural areas. This document is intended to be modified by the Department over time based on the approval of new uses in the rural areas, changing the reference data.

Associated amendments to the Zoning Ordinance include modifications to the Use Tables for the A1 Zoning District that reference applicable San Martin General Plan Policies and the new Local

Serving Policies under Section 2.20.090 and minor edits to the non-residential parking standards that are intended to minimize paved parking areas for new non-residential uses in rural areas.

## **PROJECT APPLICABILITY**

The proposed General Plan and Zoning Ordinance modifications and the new Guidelines affect local serving commercial, and institutional uses within the rural General Plan land use designations and zoning districts of the County – Rural Residential (RR), Hillside (HS), Agriculture (A), and Agricultural Ranchlands (AR), and within the San Martin Planning Area – Commercial Use Permit District (A1).

## **REASONS FOR RECOMMENDATION**

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### **CEQA**

The proposed project has been reviewed in accordance with the California Environmental Quality Act (CEQA). Staff has determined that the appropriate CEQA clearance is an Addendum to the Santa Clara County General Plan EIR.

The project consists of proposed text amendments to the County General Plan and Zoning Ordinance. Potential environmental impacts from the County General Plan were evaluated under the General Plan Final Environmental Impact Report (FEIR), certified by the Board of Supervisors on December 20, 1994.

As described within this staff report and within the CEQA Addendum (Exhibit D), the proposed General Plan and Zoning Ordinance amendments are intended to provide greater clarity regarding the policy intent and implementation methodology for “local serving” uses in the County’s rural areas. The proposed amendments formalize the methodology currently used by staff to implement the County’s local serving policies. As such, approval of the amendments would not constitute a change to the General Plan that could result in any new significant impacts, as compared to environmental impacts evaluated under the General Plan FEIR.

Pursuant to Section 15164 of the CEQA Guidelines, the County of Santa Clara has determined that the project constitutes a change or addition to an Environmental Impact Report which has been previously certified (General Plan FEIR).

All potentially significant environmental impacts from the project have been evaluated within the certified General Plan FEIR and (a) no substantial changes are proposed in the project which will result in new significant environmental effects, (b) no substantial changes have occurred with respect to the circumstances under which will result in the identification of new significant impacts, and (c) no new information is available which shows that the project will have new significant impacts or mitigation measures and alternatives which were previously found to be infeasible would not in fact be feasible (CEQA Guidelines Section 15162)

## **BACKGROUND**

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### **PUBLIC OUTREACH**

To provide opportunity to engage with the public and obtain early public input to the project, two community outreach meetings were conducted in February of 2015. The first was held, at the Gilroy Library on February 25, 2015, to serve the South County geographic area. A second meeting was held at the Hillview Branch Library in San Jose on February 26, 2015, to serve residents of the eastern foothills of the North County.

The South County Joint Planning Advisory Committee also received a presentation, took public comments, and discussed the project as a part of its March 19, 2015 meeting. The San Martin Planning Advisory Committee also received a presentation and provided comment at its April 22, 2015 meeting. The Planning Commission held a public hearing on April 23, 2015 and also received a presentation and provided comments.

The following summarizes the key public comments to date, received largely from residents of the San Martin community:

1. *Local-serving Language*: Many community members felt strongly about retaining the “Local Serving” language. Staff further refined the General Plan Amendment language to link “local serving uses” to “size, scale, and intensity,” instead of origin of patrons.
2. *Statistical Approach Based on Improper Project Approvals*: The data used in the guidelines to establish parameters has been evaluated to ensure they are reflective of approved development in the appropriate rural base zones.
3. *Potential Increase in Impacts*: The community had a number of concerns related to potential impacts to the following:
  - Traffic
  - Drainage
  - Water Quality
  - Noise
  - Visual Resources
  - Rural Character

Impacts to some of these resources are already reviewed under current use permit findings or during CEQA review. Staff has revised the Zoning Ordinance to include additional review and protections for visual resources, traffic and drainage language to integrate existing standards that protect these resources.

4. *Follow-through*: Enforcement of approved project’s use permit conditions was another concern expressed by the community. These concerns were acknowledged and conveyed to the Code Enforcement Division of the Department of Planning and Development.

All written public comments, including those received via email are posted to the project webpage and included in Exhibit E. Meeting minutes from the two community outreach meetings, the SCJPAC meeting, and SMPAC meeting are posted to the project webpage and included in Exhibit F.

## **ALTERNATIVE APPROACHES**

In evaluating the current challenges presented in implementing the General Plan and Zoning Ordinance “Local Serving” policies, staff considered several different approaches. These different approaches are presented below with an analysis of their advantages and disadvantages.

### **Approach #1 – Modifications only to RLU-57 without comparative data.**

This approach would only include proposed text edits to RLU-57 and similar General Plan policies requiring that local serving uses have a “size, scale, and intensity” comparative to similar uses in the rural areas. The comparative data will help applicants, staff and decision-makers benchmark proposed projects against existing, approved development. Requiring specific analysis of impacts to rural resources and character for large projects will promote sound project design and generate the evidence necessary to evaluate consistency with General Plan rural policies, particularly those policies relevant to deliberations on the size, scale and intensity of projects (e.g.; aesthetics, open space, watersheds, traffic, etc.).

### **Approach #2 – Creation of a “Size Cap” for local serving uses.**

This approach would establish a maximum building size or maximum number of persons on site for local serving uses, based on the historical statistical data from existing local serving uses. While this approach could provide clarity regarding the allowable size for local serving uses, it does not allow any flexibility in considering uses that are of a local serving nature that may necessitate a size, scale or intensity larger than an established quantitative threshold. There are several different types of uses within the local serving category (Schools, Religious Institutions, Commercial establishments), thus the creation of a single building or person cap does not acknowledge the different space and size needs of these different uses or the potential that uses can be designed in such a way as to minimize size, scale and intensity related impacts.

### **Approach #3 – Use of a different threshold.**

This approach would incorporate a different threshold than the 75% percentile for resource impact analysis and size, scale and intensity impact minimization requirements. The median line would present a threshold that is in the middle of the range of size, scale and intensity of past local serving uses. Today, staff uses an informal comparative methodology to evaluate the size of new local serving uses in comparison with existing uses, generally evaluating if a new use is within the same *range* of current uses with respect to size scale and intensity. If a median line is used, it is less representative of the “range” of size scale and intensity of similar uses and instead only distinguishes between the upper and lower half of this data. The median or standard deviation values were not used because the data are not normally distributed. During review of the proposed project at the April 24<sup>th</sup>, Planning Commission, the Commission provided initial comments to staff discouraging the use of a median line. Alternatively, the use of a threshold at

the 100% percentile of historical data may place the threshold too high, and only represent the largest “local serving” use that was previously approved, which could be outside the size range of other like uses.

### **DATA METHODOLOGY**

The data as detailed in document entitled *Local Serving Uses in Rural Districts Data Repository* provide central indicators of the size, scale and intensity for local serving commercial and institutional uses located in rural districts. Data was compiled using GIS map information and County permit information for all Use Permits of commercial and institutional land uses approved since adoption of the November 1980 General Plan through December 2014. The data includes Use Permits issued for “local serving” uses within all the rural zones of the County (Agriculture (A), Agricultural Ranchlands (AR), Hillsides (HS), Rural Residential (RR), including commercial uses within the San Martin Commercial Use Permit area (with exception of uses on properties adjacent to San Martin Avenue/Highway 101 interchange that are not required to be “local serving”). See Exhibit B.

Building size, maximum number of people and average daily traffic data was researched within the files for the identified projects as defined as “local serving” per the Zoning Ordinance and San Martin Commercial Use Permit Area policies. In instances (older Use Permits) where the permits did not identified a specific number of persons allowed, an extrapolation of occupancy was determined by viewing parking plans. Since the resulting data set is small, the confidence level is correspondingly lower. However, staff will continue to update the data as new use permits are issued that will result in a more robust data set.

### **RELEVANT INFORMATION**

Supervisory District: All

Gen. Plan Designations: Rural Residential, Hillsides, Agriculture, Ranchlands,  
San Martin Commercial Use Permit Area (West of Murphy  
Avenue only)

Current Zoning: RR, HS, A, AR, A1 (San Martin Commercial Use Permit Area  
only)

### **STAFF REPORT REVIEW**

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Reviewed by: Rob Eastwood, Interim Planning Manager

Approved by: Kirk Girard, Director of Planning and Development

**Exhibits Included with this Staff Report:**

Exhibit A	Proposed General Plan Amendments
Exhibit B	Proposed Zoning Ordinance Amendments
Exhibit C	Local Serving Uses in Rural Districts – Data Repository.
Exhibit D	Addendum to CEQA
Exhibit E	Public Comments and Staff Responses
Exhibit F	Public Meetings Minutes

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**Exhibit A**  
**Proposed General Plan Amendments**  
**for Local Serving Uses**

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Existing Regulatory Framework	Proposed Changes
<b>GENERAL PLAN</b>	
<p><b>STRATEGY #1: PRESERVE THE RESOURCES AND CHARACTER OF RURAL LANDS</b></p> <p><b>Low Density, Non-Urban Land Use</b></p> <p>Under the “joint urban development policies,” the 15 cities are responsible for managing urban growth through various means, including infill, expansion if appropriate, or both, but only on lands within each city’s established USA boundary. On lands outside of cities’ USAs, it is incumbent upon the County to allow only nonurban, low density uses.</p> <p>In allowing only non-urban uses and densities outside USAs, the County simultaneously:</p> <ul style="list-style-type: none"> <li>• maintains the integrity of the Urban Service Area concept;</li> <li>• conserves valuable natural resources;</li> <li>• avoids natural hazards and constraints which could pose a threat to public health, safety, and welfare, such as landslides and earthquake faults;</li> <li>• minimizes demand for public services and the costs to the general public of providing and maintaining roads and services;</li> <li>• helps preserve scenic qualities of the rural landscape; and</li> <li>• prevents unwanted or premature development that would preclude efficient conversion to urban uses and densities in areas suitable and intended for future annexation.</li> </ul> <p>In order to help preserve rural character and scenic values of the rural unincorporated area, application of design guidelines may also be of benefit. Design or development guidelines can help further carry out the intent of the General Plan by assuring that (a) the development is consistent with community goals to preserve rural character; (b) is not obtrusive or in conflict with the architecture of its surroundings; and, (c) minimizes other potential environmental impacts.</p>	<p>In allowing only non-urban uses and densities outside USAs, the County simultaneously:</p> <ul style="list-style-type: none"> <li>• maintains the integrity of the Urban Service Area concept;</li> <li>• conserves valuable natural resources;</li> <li>• avoids natural hazards and constraints which could pose a threat to public health, safety, and welfare, such as landslides and earthquake faults;</li> <li>• minimizes demand for public services and the costs to the general public of providing and maintaining roads and services;</li> <li>• helps preserve scenic qualities of the rural landscape; and</li> <li>• prevents unwanted or premature development that would preclude efficient conversion to urban uses and densities in areas suitable and intended for future annexation.</li> </ul> <p><u>With the exception of unique and specialized land uses (Strategy #3), the types of non-urban, low density uses allowed in the rural areas consist of rural residential and commercial, institutional, and industrial uses that either (a) are directly associated with open space, resources, and agriculture found in the rural areas, such as wineries, camps and retreats, or surface mining operations, or (b) are “local serving” in nature by providing goods and services to the rural resident community.</u></p> <p>In order to help preserve rural character and scenic values of the rural unincorporated area, application of design guidelines may also be of benefit. Design or development guidelines can help further carry out the intent of the General Plan by assuring that (a) the development is consistent with community goals to preserve rural character; (b) is not obtrusive or in conflict with the architecture of its surroundings; and, (c) minimizes other potential environmental impacts.</p>

Existing Regulatory Framework	Proposed Changes
<p><b>RURAL RESIDENTIAL AREAS - Allowable Uses</b>  <b>Policy R-LU 57</b>  Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they serve the needs of the resident population and result in a net overall reduction of travel demand.</p>	<p>Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they are sized to be local-serving in nature. <u>serve the needs of the resident population and do not result in significant traffic impacts to the community.</u></p>
<p>R-LU 119  Non-residential development in the San Martin Planning Area shall conform to adopted development and design guidelines for the San Martin Community.</p>	<p><u>R-LU 119</u>  Non-residential development in the San Martin Planning Area shall conform to adopted development and design guidelines for the San Martin Community <u>contained within the “San Martin Integrated Design Guidelines.”</u></p>
<p><b>SAN MARTIN PLANNING AREA - Commercial Use Permit Area</b>  <b>Policy R-LU 127</b>  New commercial land uses within the commercial or industrial use permit areas shall be of a local-serving nature, with the exception of properties immediately adjacent to the San Martin Avenue / Highway 101 freeway interchange that are east of Murphy Avenue, where uses may be allowed which are not necessarily of a local-serving nature. Local-serving uses shall be defined as only those uses which provide support services for agriculture or satisfy the local day-to-day commercial needs of the residents of San Martin and do not result in significant additional traffic from outside the community. [Amended Dec. 5, 1995; File #: 6009-00-00-95GP; Mar. 9, 1999; File# 7200-00-00-98GP]</p>	<p>New commercial land uses within the commercial or industrial use permit areas shall be <u>sized to be</u> of a local-serving nature, with the exception of properties immediately adjacent to the San Martin Avenue / Highway 101 freeway interchange that are east of Murphy Avenue, where uses may be allowed which are not necessarily of a local-serving nature. Local-serving uses shall be defined as only those uses which provide support services for agriculture or <u>satisfy the local day-to-day commercial needs of the residents of San Martin and do not result in significant additional traffic from outside the community.</u></p>

**Exhibit B**  
**Local Serving Uses**  
**Proposed Zoning Ordinance Amendments**

Ordinance No. NS-1200.###

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SANTA CLARA AMENDING APPENDIX I, ZONING, OF  
THE COUNTY OF SANTA CLARA ORDINANCE CODE RELATING TO  
LOCAL-SERVING USES IN RURAL AREAS

SUMMARY

This ordinance revises Appendix I, Zoning, of the County of Santa Clara Ordinance Code relating to local serving uses in rural areas.

THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA  
ORDAINS AS FOLLOWS:

**SECTION 1:** Section 2.20.010 of Chapter 2.10, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

**§ 2.20.010 Purposes**

The intent of the rural base districts is to maintain and preserve the predominantly rural character of lands to which they are applied. The base districts further regulate the type of land uses and intensity of development permitted in rural areas in a manner that implements the general plan and which protects natural resources and maintains compatibility between uses.

This chapter defines the allowable land uses and development standards for each of the rural base districts, which include the A “Exclusive Agriculture,” AR “Agricultural Ranchlands,” HS “Hillsides,” and RR “Rural Residential” districts. The specific purposes of each of these base districts are described below.

- A. **A Exclusive Agriculture.** The purpose of the Exclusive Agriculture district, also known as the A district, is to preserve and encourage the long-term viability of agriculture and agricultural lands, recognizing the vital contributions agriculture makes to the economy and quality of life within the county. The intent of this district is to reserve those lands most suitable for agricultural production for agricultural and appropriate related uses. This zoning district will provide stability for ongoing agricultural operations and provide for new uses necessary to support a viable local agriculture industry. This district is also intended to retain in open space uses those lands which may be suitable for future urbanization until such time as they are included within a city’s urban service area and public

facilities and services can be economically provided, consistent with community plans and objectives. This district is meant to apply to all portions of the county designated as Agriculture: Large-Scale, Agriculture: Medium-Scale, and Open Space Reserve in the general plan. Note that § 2.20.050 applies to this district.

- B. **AR Agricultural Ranchlands.** The purpose of the Agricultural Ranchlands district, also known as the AR district, is to preserve ranching, the natural resources, and the rural character of the areas to which it applies. Permitted uses include ranching or agriculture, low-intensity recreation, mineral extraction, and land in its natural state. Very-low-intensity residential, commercial, industrial and institutional uses may also be allowed if they are sized to primarily serve the rural ranchland residents or are necessary for the enhancement and protection of the natural resources of the area and do not require a substantially higher level of service than presently provided. This district is meant to apply to all parcels designated Ranchlands in the general plan. Note that § 2.20.060 applies to this district.

- C. **HS Hillside.** The purpose of the Hillside district, also known as the HS district, is 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. These lands are watersheds and may also provide such important resources as minerals, forests, animal habitat, rare or locally unique plant and animal communities, historic and archeological sites, scenic beauty, grazing lands, and recreational areas. Additionally, lands zoned Hillside define the setting or viewshed for the urban area of the county.

Development shall be limited to avoid the need for public services and facilities. Permitted uses 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. Low-intensity commercial, industrial, and institutional uses may also be allowed if they require a remote, rural setting and are sized in order 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. Clustering of development, particularly residential, is encouraged in order to preserve contiguous open space and achieve efficiency in the provision of access to dwellings. This district is meant to apply to all parcels designated Hillside in the general plan. Note that § 2.20.070 applies to this district.

- D. **RR Rural Residential.** The purpose of the Rural Residential district, also known as the RR district, is to permit rural residential development in certain limited unincorporated areas of the county designated by the general plan. Residential, agricultural and open space uses are the primary uses intended within the district. Agriculture-related uses that are not permitted by right may also be

permitted through the applicable discretionary review process if deemed compatible with residential uses. Commercial, industrial and institutional uses may be established only where they are sized to be local-serving in nature. ~~serve the needs of the resident rural population and result in a net overall reduction in travel demand for rural residents.~~ This district is meant to apply to all parcels designated Rural Residential in the general plan. Note that § 2.20.080 applies to this district.

**SECTION 2:** Section 2.20.020 of Chapter 2.20, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

#### **§ 2.20.020 Use Regulations**

The following tables, Tables 2.20-1 and 2.20-2, specify the allowable land uses for the rural base districts, listed by use classification as defined in Chapter 2.10. The regulations for each district are established by letter designations as follows:

- “R” designates use classifications that are permitted by right. The term “by right” indicates no discretionary permit process by the Planning Office is required. See subsection 1.20.040(D) for applicability of other rules and processes.
- “S” designates use classifications permitted with a special permit, subject to the provisions of Chapter 5.60, Special Permit.
- “A” designates use classifications permitted with architecture and site approval, subject to the provisions of Chapter 5.40, Architecture and Site Approval.
- “U” designates use classifications permitted with a use permit and architecture and site approval, subject to the provisions of Chapter 5.65, Use Permit, and Chapter 5.40, Architecture and Site Approval.
- “-” designates use classifications that are not allowed.

Supplemental regulations for the establishment and conduct of a use are referenced in the “Supplemental Regulations” column of the tables. Use classifications not listed in the tables are prohibited in the rural base districts.

**Table 2.20-1****RESIDENTIAL USES  
IN RURAL BASE DISTRICTS**

<b>R</b>	Permitted by Right
<b>S</b>	Special Permit (Ch 5.60)
<b>A</b>	ASA (Ch 5.40)
<b>U</b>	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
<b>Residences: Single-Family</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	Note 1
<b>Residential Accessory Structures &amp; Uses</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.20.020
<b>Agricultural Employee Housing</b>					
Short Term	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	§ 4.10.040, Note 2
Long Term	<b>U</b>	<b>R</b>	<b>U</b>	<b>U</b>	§ 4.10.040, Note 2, Note 3 (AR)
<b>Community Care</b>					
Limited	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.10.090, Note 4
Expanded	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.090, Note 5
<b>Domestic Animals</b>					
Dogs & Cats	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	Note 6
Other (see Ag: Livestock, Table 2.20-2)					
<b>Home Occupations</b>					
General	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.10.180
Expanded	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	§ 4.10.180, Note 7
<b>Residential – Communal Institutional</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.300, Note 8,
<b>Secondary Dwellings</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.10.340, Notes 1, 9
<b>Temporary Residences / Construction</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.10.380

**NOTES:**

1. Single-family dwellings, including certain additions, and new secondary dwellings, may be subject to the building site approval provisions of Section C12-300 et seq. of the County Ordinance Code.
2. Agricultural employee housing units may, on a limited basis, be used to accommodate overnight tourist stays. See subsection 4.10.395(C)(2) for criteria and permitting requirements.
3. On lots 10 acres or larger in AR districts, a second one-family dwelling for agricultural employee housing is allowed by right. Such agricultural employee housing unit shall not be subject to the supplemental use regulations of § 4.10.040.
4. Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
5. Not a permitted use in areas with the “Agriculture-Large Scale” land use plan designation of the general plan.

6. Not to exceed two (2) dogs and five (5) cats over four months of age on parcels less than five acres, or three (3) dogs and five (5) cats over four months of age on parcels five acres or more, unless the required permit is secured pursuant to Division B31 of the Ordinance Code.
7. Expanded home occupations permitted on lots one-acre or larger. For additional applicable criteria, see § 4.10.180.
8. In rural districts, the floor area of Residential – Communal Institutional uses shall be limited to 10,000 square feet or less.
9. Three classes of detached secondary dwellings are subject to the special permit process: (a) those exceeding the permissible separation between primary and secondary dwelling, (b) those attached to an accessory building where cumulative floor area exceeds the allowed area specified for secondary dwellings, and (c) those necessitating separate driveway access. See § 4.10.340(D) for more complete information.

**Table 2.20-2**

**NON-RESIDENTIAL USES  
IN RURAL BASE DISTRICTS**

<b>R</b>	Permitted by Right
<b>S</b>	Special Permit (Ch 5.60)
<b>A</b>	ASA (Ch 5.40)
<b>U</b>	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
<b>Agriculture</b>					
General	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	
Livestock	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	Note 1 (HS)
<b>Agricultural Accessory Structures/ Uses</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.20.020
<b>Agricultural Equipment Sales/ Services</b>	<b>A</b>	—	—	—	
<b>Agricultural Processing</b>					
Small Scale	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.10.030
Medium Scale	<b>A</b>	—	—	—	§ 4.10.030
Large Scale	<b>U</b>	—	—	—	§ 4.10.030
<b>Agricultural Research</b>	<b>A</b>	—	—	—	
<b>Agricultural Sales</b>					
Limited	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.40.110 (Signs)
Farmers' Markets	<b>U</b>	<b>U</b>	—	—	
<b>Agriculturally Related Entertainment &amp; Commercial Uses</b>	<b>U</b>	—	—	—	§ 4.10.050
<b>Aircraft Landing Strips – Private</b>	<b>U</b>	<b>U</b>	—	—	Note 2
<b>Antennas – Commercial</b>					
Minor	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	
Major	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	

Table 2.20-2

**NON-RESIDENTIAL USES  
IN RURAL BASE DISTRICTS**

<b>R</b>	Permitted by Right
<b>S</b>	Special Permit (Ch 5.60)
<b>A</b>	ASA (Ch 5.40)
<b>U</b>	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
<b>Bed &amp; Breakfast Inns</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.060, Note 3
<b>Butcheries</b>	<b>U</b>	<b>U</b>	—	—	
<b>Camps &amp; Retreats</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.070, Note 4
<b>Cemeteries</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.080, Note 4
<b>Churches [See “Religious Institutions”]</b>					
<b>Clubs—Private &amp; Nonprofit</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	Note 5 § 2.20.090
<b>Community Care</b>					
Limited	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.10.090, Note 6
Expanded	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.090, Note 4
<b>Dairies</b>	<b>U</b>	<b>U</b>	—	—	§ 4.10.110
<b>Entertainment—Seasonal Outdoor</b>	—	—	<b>U</b>	—	§ 4.10.120
<b>Feed Lots</b>	<b>U</b>	<b>U</b>	—	—	§ 4.10.130
<b>Golf Courses &amp; Country Clubs</b>	<b>U</b>	—	<b>U</b>	<b>U</b>	§ 4.10.140, Note 4
<b>Golf Driving Ranges</b>	<b>U</b>	—	—	<b>U</b>	§ 4.10.150, Note 4
<b>Helipads</b>	—	—	<b>U</b>	—	§ 4.10.160
<b>Historic Structures—Use Conversion</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	§ 4.10.170
<b>Hospitals &amp; Clinics</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.190, Notes 4 & 5 § 2.20.090 (AR, HS, RR Districts), § 4.10.190 (A Districts), Note 4
<b>Hunting &amp; Fishing Preserves</b>	<b>U</b>	<b>R</b>	—	—	Note 7
<b>Informational Displays</b>					
Small	<b>R</b>	—	—	—	
Large	<b>U</b>	—	—	—	
<b>Kennels—Commercial</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.200
<b>Laboratories and Testing Services (Limited)</b>	<b>U</b>	—	—	—	
<b>Livestock Auction Yards</b>	<b>U</b>	<b>U</b>	—	—	§ 4.10.210
<b>Manufacturing: Small Scale Rural</b>	<b>A</b>	<b>U</b>	—	—	Note 5 § 2.20.090
<b>Museums</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	Note 8

**Table 2.20-2****NON-RESIDENTIAL USES  
IN RURAL BASE DISTRICTS**

<b>R</b>	Permitted by Right
<b>S</b>	Special Permit (Ch 5.60)
<b>A</b>	ASA (Ch 5.40)
<b>U</b>	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
<b>Mushroom Farms</b>	<b>U</b>	<b>U</b>	—	<b>U</b>	§ 4.10.220
<b>Nonprofit Institutions</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.230, Notes 4, 5 & 19 § 2.20.090 (AR, HS, RR Districts), § 4.10.230 (A Districts), Notes 4 & 19
<b>Nurseries</b>					
Retail	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	Note 9
Wholesale	<b>R</b>	<b>R</b>	<b>R</b>	<b>U</b>	Note 9
<b>Offices (Limited)</b>	<b>U</b>	—	—	—	Note 10
<b>Oil &amp; Gas Extraction</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	
<b>Poultry and Egg Farms—Commercial</b>	<b>U</b>	<b>U</b>	—	<b>U</b>	§ 4.10.240
<b>Radio-Controlled Model Aircraft Facilities</b>	<b>U</b>	—	—	—	§ 4.10.250
<b>Reception Facilities</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.260
<b>Recreational Playgrounds &amp; Sports Fields</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.270 (A Zoning District)
<b>Recreational Vehicle Parks</b>	—	—	<b>U</b>	<b>U</b>	§ 4.10.280
<b>Recycling Facilities</b>					
Collection Facilities—Consumer Recycling	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.10.285
Recycling/ Processing Facilities—Consumer Waste	—	—	—	—	
Concrete, Asphalt & Soil Recycling	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	Note 11
Composting & Wood Recycling	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	
Hazardous Materials	—	—	—	—	
<b>Religious Institutions</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.290, Notes 4, 5 & 19 § 2.20.090 (AR, HS, RR Districts), § 4.10.290 (A Districts), Notes 4 & 19
<b>Restaurants &amp; Bars (Limited)</b>	—	<b>U</b>	<b>U</b>	—	Note 12
<b>Retail Sales &amp; Services: Local-Serving</b>	—	<b>U</b>	<b>U</b>	—	§ 4.10.310, Note 5
<b>Rodeos and Equestrian Event Facilities</b>	<b>U</b>	<b>U</b>	—	—	§ 4.10.320

**Table 2.20-2**

**NON-RESIDENTIAL USES  
IN RURAL BASE DISTRICTS**

<b>R</b>	Permitted by Right
<b>S</b>	Special Permit (Ch 5.60)
<b>A</b>	ASA (Ch 5.40)
<b>U</b>	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
<b>Schools</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.330, Notes 4 & 5 § 2.20.090 (AR, HS, RR Districts), § 4.10.330 (A Districts), Note 4
<b>Solar Energy Conversion Systems – Commercial</b>					
Minor	<b>A</b>	<b>U</b>	<b>U</b>	<b>A</b>	§ 4.10.345, Notes 4 & 13
Major	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.345, Notes 4 & 13
<b>Sport Shooting</b>	—	<b>U</b>	<b>U</b>	—	§ 4.10.350
<b>Stables – Commercial</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.360
<b>Surface Mining</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.370
<b>Swim &amp; Tennis Clubs</b>	—	—	<b>U</b>	<b>U</b>	
<b>Timber Harvest – Commercial</b>	—	<b>U</b>	<b>U</b>	—	Note 14
<b>Truck Sales &amp; Services: Storage (Limited)</b>	<b>U</b>	—	—	—	Note 15
<b>Underground Mining</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	
<b>Utilities and Public Facilities</b>					Note 16
Minor	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	
Major	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	
<b>Veterinary Clinics &amp; Hospitals</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	Note 17
<b>Well-Drilling Operations</b>	<b>A</b>	—	—	—	
<b>Wind Energy Conversion Systems – Commercial</b>	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.390
<b>Wineries</b>					
Small-Scale	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	§ 4.10.395, § 4.40.110 (Signs)
Medium-Scale	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	§ 4.10.395, § 4.40.110
Large-Scale	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.395, § 4.40.110

**Table 2.20-2**

**NON-RESIDENTIAL USES  
IN RURAL BASE DISTRICTS**

<b>R</b>	Permitted by Right
<b>S</b>	Special Permit (Ch 5.60)
<b>A</b>	ASA (Ch 5.40)
<b>U</b>	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING				Supplemental Regulations
	A	AR	HS	RR	
<b>Wireless Telecommunication Facilities</b>					
Co-location	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	§ 4.10.400, Note 18
Minor	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	§ 4.10.400
Major	<b>U</b>	<b>U</b>	<b>U</b>	<b>U</b>	§ 4.10.400

**NOTES:**

1. Livestock breeding, raising and keeping is limited in HS districts as follows: Not more than three (3) large animals or six (6) medium animals per acre as a matter of right, or a proportional combination totaling three (3) animal units where each large animal constitutes one (1) animal unit, and each medium animal constitutes 0.5 animal unit. Special permit required for numbers of large and medium animals exceeding these limits. There are no specified numerical limits for small animals.
2. Landing strip, including approach and departure zones, shall be located a safe distance from residential development to prevent significant hazard.
3. Bed and breakfast inns ancillary to on-site wineries, agricultural sales operations or other agriculturally related uses shall be subject to a special permit, in lieu of a use permit, provided they are situated within the primary residence on the property. Bed and breakfast inns are prohibited within the Los Gatos Hillside Specific Plan area, except as provided under the classification Historic Structures–Use Conversion.
4. Not a permitted use in areas with the “Agriculture-Large Scale” land use plan designation of the general plan.
- ~~5. The use shall be limited in scale and shall primarily serve the local (rural) community. The location shall be accessible and convenient to the local population to be served.~~
5. **[Reserved]**
6. Facilities qualifying as “Large-Family Day-Care Homes,” serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
7. The minimum lot size for hunting preserves shall be one hundred sixty (160) acres.
8. Museums in rural districts shall be limited in scale and must relate to the locally significant cultural, historical or social themes of the rural area.
9. The size of buildings for on-site sales and ancillary office associated with nurseries shall be kept to a minimum.
10. Offices ancillary to a permitted agricultural activity in A districts that contain no more than 2,400 square feet of floor area are allowed as a matter of right. Offices larger than 2,400 square feet are subject to a use permit.

11. Concrete, asphalt and soil recycling within rural districts is a permitted use only in association with an existing quarry operation in any rural base zoning district.
12. Restaurants and bars in rural districts shall be limited in scale, with a maximum floor area of 1,200 square feet, and primarily serve the local (rural) residents.
13. Not a permitted use in areas with the –d1 (Santa Clara Valley Viewshed) or –d2 (Milpitas Hillsides) Design Review combining zoning districts.
14. Timber harvest of commercial tree species as defined by the County Tree Preservation and Removal Ordinance, Division C16 of the County Ordinance Code, including but not limited to Redwood and Douglas Fir, may be subject to the regulatory and permitting authority of the California Department of Forestry and Fire Protection (CDF). No County permit shall be required if CDF has approved a *Timber Harvest Plan* or *Non-Industrial Timber Management Plan* for the activity.
15. Truck storage uses in rural districts shall be limited to agriculture-related tractors, trucks, trailers, and similar equipment.
16. Utility structures and facilities may be exempt from local zoning regulations if they are established by a government agency. There may also be federal or state laws that provide exemptions for certain types of utilities.
17. The minimum lot size for veterinary clinics and hospitals shall be two and one-half (2.50) acres.
18. Co-location of wireless telecommunication facilities may be eligible for an ASA administrative review and approval (§ 5.40.050), where consistent with the provisions of this ordinance. Where the proposed co-location meets the criteria in Government Code § 65850.6(b) relating to previously approved facilities permitted by a means of a discretionary permit issued on or after January 1, 2007, and either a negative declaration, mitigated negative declaration, or environmental impact report was prepared and adopted, the co-location shall be reviewed for consistency with the approved plans, mitigation requirements, and conditions imposed on the existing facility, and if found consistent, will be subject only to a building permit or other applicable permits required by Title C of the County Ordinance Code.
19. Established *Religious Institutions* and *Nonprofit Institutions* may include *Emergency Shelters: Small-Scale* as an ancillary use by right.

**SECTION 3:** The following new Section 2.20.090 of Chapter 2.20, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is hereby established to read as follows (additions are underlined):

**§ 2.20.090 Local Serving Uses**

Local-Serving uses are 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.

- A. The size, scale and intensity of the use shall be evaluated in accordance with Local Serving Uses in Rural Districts Data Repository 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 or equal to the applicable 75 percentile values listed in Table 1.1 may be authorized in rural districts in accordance with any other requirements, findings, and criteria otherwise required by the zoning ordinance.

B. A use whose building square footage or maximum number of people are more than or equal to the applicable 75 percentile values listed in Table 1.1, shall prepare an analysis of size, scale and intensity to assess impacts to rural resources and character; including aesthetics, scenic resources, open space and habitat, agricultural production, watersheds and traffic. The analysis shall include evidence that the proposed use is consistent with applicable General Plan policies governing rural land development, and reduces impacts to rural resources and character to the maximum extent feasible in accordance with the following criteria:

- i. Aesthetics - The scale and massing of the building(s) and improvements shall be minimized and designed to be compatible with the existing rural setting, taking into consideration the surrounding open space, scenic resources, ridgelines, agricultural uses, and rural residences;
- ii. Open Space and Habitat - The development shall be sized and designed to minimize disturbance of natural landscapes and biological communities.
- iii. Agricultural Production - The development 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.
- iv. Watersheds - The developments size, scale and intensity shall not create a hazard to water quality or create significant drainage, erosion or sediment impacts. Increases in impervious surface area, drainage volumes and erosion levels over pre-project conditions shall be quantified and minimized to the extent feasible.
- v. Traffic - The use shall not generate substantial new traffic that creates a safety hazard or impairs local rural roads. New traffic associated with the use should not increase traffic levels significantly above pre-project conditions.

Uses where the building square footage or maximum number of people are more than or equal to the applicable 75 percentile values listed in Table 1.1

may be authorized in rural districts following review of the analysis and in accordance with any other requirements, findings, and criteria otherwise required by the zoning ordinance.

**SECTION 4:** Section 2.50.020 of Chapter 2.50, Article 2 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended as follows (additions are underlined, deletions ~~overstruck~~):

#### **§ 2.50.020 Use Regulations**

The following table, Table 2.50-1, specifies the allowable land uses for the special purpose base districts, listed by use classification as defined in Chapter 2.10. The regulations for each district are established by letter designations as follows:

- “R” designates use classifications that are permitted by right. The term “by right” indicates no discretionary permit process by the Planning Office is required. See subsection 1.20.040(D) for applicability of other rules and processes.
- “S” designates use classifications permitted with a special permit, subject to the provisions of Chapter 5.60, Special Permit.
- “A” designates use classifications permitted with architecture and site approval, subject to the provisions of Chapter 5.40, Architecture and Site Approval.
- “U” designates use classifications permitted with a use permit, and architecture and site approval, subject to the provisions of Chapter 5.65, Use Permit, and Chapter 5.40, Architecture and Site Approval.
- “–” designates use classifications that are not allowed.

Supplemental regulations for the establishment and conduct of a use are referenced in the “Supplemental Regulations” column of the table. Use classifications not listed in the table are prohibited in the special purpose base districts.

**Table 2.50-1****USES IN SPECIAL PURPOSE BASE DISTRICTS**

<b>R</b>	Permitted by Right
<b>S</b>	Special Permit (Ch 5.60)
<b>A</b>	ASA (Ch 5.40)
<b>U</b>	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	OS/F	
<b>Adult Uses</b>	<b>U</b>	—	—	§ 4.10.020, <u>Notes 19 &amp; 20</u>
<b>Agriculture</b>	<b>R</b>	<b>R</b>	<b>R</b>	Note 1 (OS/F)
<b>Agricultural Accessory Structures &amp; Uses</b>	<b>R</b>	<b>R</b>	<b>A</b>	§ 4.20.020, Note 2 (OS/F)
<b>Agricultural Employee Housing</b>				
Short Term	<b>S</b>	—	—	§ 4.10.040, Note 16
Long Term	<b>U</b>	—	—	§ 4.10.040, Note 16
<b>Agricultural Equipment Sales &amp; Services</b>	<b>U</b>	—	—	
<b>Agricultural Processing</b>				
Small Scale	<b>R</b>	—	<b>A</b>	§ 4.10.030; Note 2, 3 (OS/F)
Medium Scale	<b>A</b>	—	—	§ 4.10.030
Large Scale	<b>U</b>	—	—	§ 4.10.030
<b>Agricultural Research</b>	<b>A</b>	—		
<b>Agricultural Sales</b>				
Limited	<b>R</b>	<b>R</b>	<b>A</b>	§ 4.40.110 (Signs), Note 2, 3 (OS/F)
Farmers' Markets	<b>U</b>	<b>U</b>	—	
<b>Agriculturally Related Entertainment &amp; Commercial Uses</b>	<b>U</b>	<b>U</b>	—	§ 4.10.050
<b>Antennas – Commercial</b>				
Minor	<b>A</b>	<b>A</b>	<b>A</b>	
Major	<b>U</b>	<b>U</b>	<b>A</b>	
<b>Auction Houses</b>	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>

**Table 2.50-1****USES IN SPECIAL PURPOSE BASE DISTRICTS**

<b>R</b>	Permitted by Right
<b>S</b>	Special Permit (Ch 5.60)
<b>A</b>	ASA (Ch 5.40)
<b>U</b>	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	OS/F	
<b>Automotive Sales &amp; Services</b>				
Limited Repair	U	—	—	Notes 19 & 20
General Repair	U	—	—	Notes 19 & 20
Sales & Rentals	U	—	—	Notes 19 & 20
Service Stations	U	U	—	Notes 19 & 20
Storage	U	—	—	Notes 19 & 20
Washing	U	—	—	Notes 19 & 20
<b>Banks</b>	U	—	—	Notes 19 & 20
<b>Bed &amp; Breakfast Inns</b>	U	U	—	§ 4.10.060, Notes 19 & 20 (A1)
<b>(A1)Billboards</b>	U	—	—	
<b>Broadcasting</b>	U	—	—	
<b>Business Services</b>	U	—	—	Notes 19 & 20
<b>Butcheries</b>	U	—	—	Note 19
<b>Camps &amp; Retreats</b>	—	—	—	
<b>Caretaker's Residences</b>	U	U	A	Note 4 (OS/F)
<b>Cemeteries</b>	U	—	—	
<b>Churches (See "Religious Institutions")</b>				Note 20
<b>Clubs – Private &amp; Nonprofit</b>	U	—	—	Note 20
<b>Colleges &amp; Vocational Schools</b>	U	—	—	
<b>Community Care</b>				
Limited	R	R	—	§ 4.10.090, Note 5
Expanded	U	U	—	§ 4.10.090
<b>Contractors' Facilities</b>	U	—	—	Note 19
<b>Dairies</b>	U	—	—	
<b>Domestic Animals</b>	R	R	—	
<b>Emergency Shelters</b>				
Small-Scale	R	R	—	§ 4.10.115
Large-Scale	U	—	—	§ 4.10.115

**Table 2.50-1****USES IN SPECIAL PURPOSE BASE DISTRICTS**

<b>R</b>	Permitted by Right
<b>S</b>	Special Permit (Ch 5.60)
<b>A</b>	ASA (Ch 5.40)
<b>U</b>	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	OS/F	
<b>Feed Lots</b>	<b>U</b>	—	—	
<b>Field Research</b>	<b>R</b>	<b>R</b>	<b>R</b>	Note 2 (OS/F)
<b>Food Preparation &amp; Catering Services</b>	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
<b>Funeral &amp; Cremation Services</b>	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
<b>Golf Courses &amp; Country Clubs</b>	<b>U</b>	—	—	§ 4.10.140(B)
<b>Golf Driving Ranges</b>	<b>U</b>	—	—	§ 4.10.150(B)
<b>Health &amp; Fitness Clubs</b>	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
<b>Helipads</b>	<b>U</b>	—	—	§ 4.10.160
<b>Historic Structure— Use Conversion</b>	<b>A</b>	<b>A</b>	—	§ 4.10.170
<b>Home Occupations</b>				
General	<b>R</b>	<b>R</b>	—	§ 4.10.180
Expanded	<b>S</b>	<b>S</b>	—	§ 4.10.180
<b>Hospitals &amp; Clinics</b>	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
<b>Hotels &amp; Motels</b>	<b>U</b>	<b>U</b>	—	<u>Notes 19 &amp; 20</u>
<b>Kennels</b>	<b>U</b>	—	—	§ 4.10.200, <u>Notes 19 &amp; 20</u>
<b>Laboratories &amp; Testing Services</b>	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
<b>Laundries— Commercial</b>	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
<b>Livestock Auction Yards</b>	<b>U</b>	—	—	§ 4.10.210
<b>Machinery &amp; Equipment Services</b>				
Limited	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
General	<b>U</b>	—	—	<u>Note 19</u>
<b>Maintenance &amp; Repair Services</b>	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
<b>Manufactured-Home Sales &amp; Rentals</b>	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
<b>Manufacturing</b>				
Limited	<b>U</b>	—	—	<u>Notes 19</u>
General	<b>U</b>	—	—	<u>Notes 19</u>
Intensive	<b>U</b>	—	—	<u>Notes 19</u>
<b>Massage Establishments</b>	<b>U</b>	—	—	Note 8
<b>Museums</b>	<b>U</b>	—	—	

**Table 2.50-1****USES IN SPECIAL PURPOSE BASE DISTRICTS**

<b>R</b>	Permitted by Right
<b>S</b>	Special Permit (Ch 5.60)
<b>A</b>	ASA (Ch 5.40)
<b>U</b>	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	OS/F	
<b>Mushroom Farms</b>	<b>U</b>	—	—	§ 4.10.220
<b>Nonprofit Institutions</b>	<b>U</b>	—	—	<u>Note 18, Notes 18, 19 &amp; 20</u>
<b>Nurseries</b>				
Retail	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
Wholesale	<b>U</b>	—	—	<u>Note 19</u>
<b>Offices</b>	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
<b>Oil and Gas Extraction</b>	<b>U</b>	—	—	
<b>Parking Services &amp; Facilities</b>	<b>U</b>	—	—	
<b>Personal Services</b>	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
<b>Petroleum Products Distribution</b>	<b>U</b>	—	—	
<b>Poultry &amp; Egg Farms</b>	<b>U</b>	—	—	§ 4.10.240
<b>Radio-Controlled Model Aircraft Facilities</b>	<b>U</b>	—	—	§ 4.10.250
<b>Reception Facilities</b>	<b>U</b>	—	—	§ 4.10.260, <u>Notes 19 &amp; 20</u>
<b>Recreation – Commercial</b>	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
<b>Recreational Playgrounds &amp; Sports Fields</b>	<b>U</b>	—	—	
<b>Recreational Vehicle Parks</b>	<b>U</b>	<b>U</b>	—	§ 4.10.280
<b>Recycling Facilities</b>				
Collection Facilities – Consumer Recycling	<b>R</b>	—	—	§ 4.10.285, <u>Note 19</u>
Recycling/ Processing Facilities – Consumer Waste	<b>U</b>	—	—	<u>Note 19</u>
Concrete, Asphalt, & Soil Recycling	<b>U</b>	—	—	<u>Note 19</u>
Composting & Wood Recycling	<b>U</b>	—	<b>A</b>	Notes 2, 9 (OS/F), <u>19</u>
Hazardous Materials	<b>U</b>	—	—	<u>Note 19</u>
<b>Religious Institutions</b>	<b>U</b>	—	—	Notes 18, <u>19 &amp; 20</u>
<b>Residential</b>				

Table 2.50-1

## USES IN SPECIAL PURPOSE BASE DISTRICTS

<b>R</b>	Permitted by Right
<b>S</b>	Special Permit (Ch 5.60)
<b>A</b>	ASA (Ch 5.40)
<b>U</b>	Use Permit/ ASA (Ch 5.65, 5.40)
–	Not Permitted

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	OS/F	
Single-Family	<b>R</b>	<b>R</b>	–	Note 10
Two-Family	<b>U</b>	–	–	
Multi-Family	<b>U</b>	–	–	
<b>Residential Accessory Structures &amp; Uses</b>	<b>R</b>	<b>R</b>	–	§ 4.20.020
<b>Residential – Communal Institutional</b>	<b>U</b>	–	–	
<b>Restaurants and Bars</b>	<b>U</b>	<b>U</b>	–	<u>Notes 19 &amp; 20 (A1)</u>
<b>Retail Sales &amp; Services</b>				
General	<b>U</b>	<b>U</b>	–	Note 6 (RS), <u>Notes 19 &amp; 20 (A1)</u>
Outdoor Sales & Storage	<b>U</b>	–	–	<u>Note 19</u>
<b>Rodeos &amp; Equestrian Events</b>	<b>U</b>	–	–	
<b>Rooming Houses, Fraternities, &amp; Sororities</b>	<b>U</b>	–	–	
<b>Schools</b>	<b>U</b>	–	–	<u>Notes 19 &amp; 20</u>
<b>Secondary Dwellings</b>	<b>R</b>	<b>R</b>	–	§ 4.10.340, Note 10
<b>Solar Energy Conversion Systems – Commercial</b>				
Minor	<b>A</b>	–	–	§ 4.10.345
Major	<b>U</b>	–	–	§ 4.10.345
<b>Sport Shooting</b>	<b>U</b>	–	–	§ 4.10.350
<b>Stables – Commercial</b>	<b>U</b>	–	–	§ 4.10.360, <u>Notes 19 &amp; 20</u>
<b>Stanford – Specialized Facilities and Installations</b>	–	–	<b>A</b>	Note 11 (OS/F)
<b>Studios – Arts &amp; Crafts</b>	<b>U</b>	–	–	<u>Notes 19 &amp; 20</u>
<b>Surface Mining</b>	<b>U</b>	–	–	§ 4.10.370
<b>Swim &amp; Tennis Clubs</b>	<b>U</b>	–	–	
<b>Taxidermy</b>	<b>U</b>	–	–	<u>Notes 19 &amp; 20</u>
<b>Temporary Residences / Construction</b>	<b>R</b>	<b>R</b>	–	§ 4.10.380
<b>Theaters</b>	<b>U</b>	–	–	<u>Notes 19 &amp; 20</u>
<b>Timber Harvest Operations –</b>	<b>U</b>	–	–	

**Table 2.50-1****USES IN SPECIAL PURPOSE BASE DISTRICTS**

<b>R</b>	Permitted by Right
<b>S</b>	Special Permit (Ch 5.60)
<b>A</b>	ASA (Ch 5.40)
<b>U</b>	Use Permit/ ASA (Ch 5.65, 5.40)
—	Not Permitted

USE CLASSIFICATIONS	ZONING			Supplemental Regulations
	A1	RS	OS/F	
<b>Commercial</b>				
<b>Truck &amp; Railroad Terminals</b>	<b>U</b>	—	—	
<b>Truck Sales &amp; Services</b>				
Repair	<b>U</b>	—	—	<u>Note 19</u>
Sales	<b>U</b>	—	—	<u>Note 19</u>
Storage	<b>U</b>	—	—	<u>Note 19</u>
<b>Underground Mining</b>	<b>U</b>	—	—	
<b>Utilities and Public Facilities</b>				Note 14
Minor	<b>A</b>	<b>A</b>	<b>A</b>	Note 12, 13 (OS/F)
Major	<b>U</b>	<b>U</b>	<b>A</b>	Note 12, 13 (OS/F)
<b>Veterinary Clinics &amp; Hospitals</b>	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
<b>Warehousing &amp; Storage</b>				
Indoor	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
Outdoor	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
<b>Well-Drilling Operations</b>	<b>U</b>	—	—	
<b>Wholesaling &amp; Distribution</b>	<b>U</b>	—	—	<u>Notes 19 &amp; 20</u>
<b>Wind Energy Conversion Systems – Commercial</b>	<b>U</b>	<b>U</b>	—	§ 4.10.390
<b>Wineries</b>				
Small-Scale	<b>R</b>	<b>R</b>	—	§ 4.10.395, § 4.40.110 (Signs)
Medium-Scale	<b>S</b>	<b>S</b>	—	§ 4.10.395, § 4.40.110
Large-Scale	<b>U</b>	<b>U</b>	—	§ 4.10.395, § 4.40.110
<b>Wireless Telecommunication Facilities</b>				
Co-location	<b>A</b>	<b>A</b>	<b>A</b>	§ 4.10.400, Note 15
Minor	<b>A</b>	<b>A</b>	<b>A</b>	§ 4.10.400
Major	<b>U</b>	<b>U</b>	<b>A</b>	§ 4.10.400

**NOTES:**

1. Within the OS/F district, tree farm operations that grow trees in containers or in the ground are consistent with the “Agriculture” use classification.

2. Within the OS/F district, structures ancillary to any allowed use or activity are permitted subject to the requirements of ASA (Chapter 5.40 and subsection 2.50.040(B)).
3. Within the OS/F district, agricultural processing is limited to low intensity processing and agricultural sales activities that would not significantly impact local transportation patterns. For example, activities such as packaging products for off-site shipping and allowing limited on-site purchase of agricultural commodities are consistent with allowable uses for this district. Activities such as a canning operation, or establishing a commercial outlet for sale of multiple agricultural commodities, would exceed the intensity allowed in this district. Prior to establishment of any use or activity, the Planning Office must determine that such use or activity is of low intensity and consistent with the General Use Permit requirements for the OS/F district.
4. Within the OS/F district, caretaker's residences, as defined in § 2.10.030, are allowed as follows: A cumulative total of five caretaker's residences is allowed to the extent they are consistent with all provisions of the Stanford General Use Permit and the zoning ordinance. This cumulative total includes all legal existing residential structures within the OS/F district, including any that may be legal nonconforming uses. Any existing legal nonconforming caretaker's residences that existed on December 12, 2000 and have not been subsequently abandoned may continue to be utilized as caretaker residences. Stanford University bears the burden of establishing that any existing structure and use is legal or legal nonconforming. Consistent with all other provisions of the zoning ordinance, any legal structure that has been converted to a caretaker's residence may be relocated, replaced, or modified, so long as there is no cumulative increase in the overall square footage of all residential structures. Caretaker's residences are subject to ASA (Chapter 5.40 and subsection 2.50.040 (B)). Cumulative building area (square footage and building footprint) for the five caretaker's residences shall not exceed the total square footage of documented building area for all legal or legal nonconforming residential structures that existed in the OS/F district on December 12, 2000.
5. Facilities qualifying as "Large-Family Day-Care Homes," serving between 7 and 14 children, are subject to an administrative permit, per the provisions of Division B24 of the County Ordinance Code.
6. In Roadside Services (RS) districts, general retail sales uses must be limited in scale and ancillary to a permitted use that is primarily oriented toward serving the needs of the motoring public, consistent with the general plan.
7. The existing Stanford University Golf Course may be modified or reconfigured within its boundaries as they existed on December 12, 2000, but the Golf Course footprint may not be expanded. Modification or replacement of the golf course clubhouse or ancillary support facilities is permitted if consistent with all applicable provisions of the Community Plan, General Use Permit, and the zoning ordinance.
8. Massage establishments shall comply with the provisions of Division B22 of the County Ordinance Code.
9. Within the OS/F district, composting facilities are limited to those servicing Stanford University purposes, and no other communities, jurisdictions or uses (e.g., Stanford Shopping Center).
10. Single-family dwellings, including certain additions, and new secondary dwellings, may be subject to the building site approval provisions of Division C12-300-399 of the County Ordinance Code.
11. Within the OS/F district, Stanford specialized facilities and installations are limited to those structures or facilities that require a remote setting, including but not limited to facilities for astronomical or atmospheric research. Only those structures or facilities that require isolation from sources of interference (such as noise, vibration, electromagnetic fields, or similar impediments) are allowed.

12. Within the OS/F district, existing utilities may be replaced if there is no increase in size or scale of aboveground structures. Above-ground disturbance resulting from the maintenance or replacement of such structures shall be restored to pre-disturbance condition.
13. Within the OS/F district, new utilities may be constructed that serve either Stanford or other lands if such facilities reasonably minimize degradation to the natural environment and maintain the predominantly natural appearance of the foothill setting.
14. Utility structures and facilities may be exempt from local zoning regulations if they are established by a government agency. There may also be federal or state laws that provide exemptions for certain types of utilities.
15. Co-location of wireless telecommunication facilities may be eligible for an ASA administrative review and approval (§ 5.40.050), where consistent with the provisions of this ordinance. Where the proposed co-location meets the criteria in Government Code § 65850.6(b) relating to previously approved facilities permitted by a means of a discretionary permit issued on or after January 1, 2007, and either a negative declaration, mitigated negative declaration, or environmental impact report was prepared and adopted, the co-location shall be reviewed for consistency with the approved plans, mitigation requirements, and conditions imposed on the existing facility, and if found consistent, will be subject only to a building permit or other applicable permits required by Title C of the County Ordinance Code.
16. Agricultural employee housing units may, on a limited basis, be used to accommodate overnight tourist stays. See subsection 4.10.395(C)(2) for criteria and permitting requirements.
17. Bed and breakfast inns ancillary to on-site wineries, agricultural sales operations or other agriculturally related uses shall be subject to a special permit, in lieu of a use permit, provided they are situated within the primary residence on the property.
18. Established *Religious Institutions* and *Nonprofit Institutions* may include *Emergency Shelters: Small-Scale* as an ancillary use by right.
19. Commercial and industrial uses in the San Martin Planning Area shall be subject to the applicable San Martin special area policies (R-LU 113 through R-LU 148) of the general plan.
20. Institutional uses in rural areas shall be subject to the local-serving criteria in Section 2.20.090. All commercial uses within San Martin's Commercial Use Permit Area shall be subject to General Plan policy R-LU127 and Section 2.20.090.

**SECTION 5:** Section 4.10.310 of Chapter 4.10, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended to read as follows (additions are underlined, deletions ~~overstruck~~):

#### **§ 4.10.310 Retail Sales & Services: Local-Serving**

This section refers to uses classified as *Retail Sales & Services: Local-Serving* as described in § 2.10.040. Such uses shall be subject to all of the following provisions:

- A. **Locally Oriented Local Serving.** ~~The use shall primarily serve the local community, and the location shall be accessible and convenient to the local population to be served. In rural districts, the term "local community" shall refer to rural, unincorporated residents of the area or community. Such such uses shall be sized and designed to be local serving, consistent with the rural character and~~

the environment. The use shall be located to conveniently serve the local community.

In R1S and R3S districts applicable to Stanford University lands, “local community” shall refer to the campus residents, pursuant to the applicable provisions of Chapter 2, Land Use, of the 2000 Stanford University Community Plan. A business plan, demonstrating that the business will primarily serve the local community, shall be provided as a basis for review and approval of proposed uses. In R3 Multiple Family districts, “local community” shall refer primarily to the residents of the particular multi-family development.

- B. **Size.** Maximum area of public-accessible floor space (measured from outer surfaces of enclosing walls, includes bathrooms) shall not exceed 1,200 square feet.
- C. **Demand.** The number and capacity of other existing similar uses in the area, together with the proposed use, can be supported by the local community.

**SECTION 6:** Section 4.30.070 of Chapter 4.30, Article 4 of Appendix I, Zoning, of the County of Santa Clara Ordinance Code, is amended to read as follows (additions are underlined, deletions ~~overstruck~~):

#### **§ 4.30.070 Parking Design Standards**

- E. **Surfacing.** Parking spaces, driveways, and maneuvering areas shall be paved and permanently maintained with asphalt or cement. Such areas shall be provided with drainage facilities adequate to dispose of all surface water accumulated within the parking area. Bumper guards shall be provided when necessary to protect adjacent structures or properties. The approval body may modify the provisions of this subsection for surfacing located in the rural base districts. In rural areas, overflow parking for occasional special events shall be designed to be pervious.

**SECTION 6: Severability.** This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof, other than the section so declared to be unconstitutional or invalid.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Clara, State of California on \_\_\_\_\_ by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Dave Cortese, President  
Board of Supervisors

**ATTEST:**

\_\_\_\_\_  
Megan Doyle  
Clerk of the Board of Supervisors

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Elizabeth G. Pianca  
Deputy County Counsel

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## **Exhibit C**

### **Local Serving Data Repository**

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Santa Clara County  
Department of Planning and Development

Local Serving Uses in Rural Districts  
Data Repository

(Adopted by the Board of Supervisors: XXXX 2015)

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## 1. INTRODUCTION

The “Local-serving Uses in Rural Areas - Data Repository” 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 where available, these indicators provided in Appendix A include building size, traffic, maximum number of people – daily average 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 statistical data from future Use Permits approved by the County.

## 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 75<sup>th</sup> percentile thresholds for local serving indicators. Since adequate data is not yet available for trip generation, this data has been excluded from the table at this time but will continue to be updated when future use permits are issued.

**Table 1.1. Thresholds (75<sup>th</sup> Percentile) for Local-Serving Indicators**

	Maximum Number of People	Building Square Footage
Commercial Uses	26	10,302
Institutional Uses	67 (daily average)	10,009
	310 (special events)	

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, Agricultural Ranchlands Hillsides and Rural Residential base zoning districts, and commercial uses within the San Martin Commercial Use Permit Area (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 Use Permit area)

The data was initially filtered for all use permits in the rural zones identified above using Geographic Information Systems (GIS) and the County's databases. Thereafter, planning staff went through each of the physical files to identify maximum number of people, traffic, and building size data. When staff was unable to find data and/or files for certain projects they were removed from consideration. In instances where the specific number of allowed persons was not clearly described in 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.

The County has no records for some land use classifications, including Hospitals/ Clinics and Schools, ever being approved since 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.

Santa Clara County - Planning Office  
Local Serving Data Repository  
Appendix A

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

S. NO.	BASE ZONE	File Number	DATE	Building Square Footage	Max Number of People (Daily)	Max Number of People (Events)	Event Frequency per year	Property Size (acres)	Average Daily Trips (ADT) - Workday	Max. (Weekend /Event) Daily Trips	Name	Description
1	A	2714-91P	1991	10,017	60	60	52	5.5			Morgan Hill Bible Church	Community Center / Church
2	A	5121-91P	1991	9,077	38	399	104	5.7	84	432		Church and Preschool
3	HS	2020-83P	1983	7,600	86	340		5.6			Church of Latter Day Saints	
4	HS	2156-84P		16,900	98			4.11			South Valley Christian Church (West Hills Community Church)	
5	HS	304-08P	2008	3,356	40 (200 per year)	125	48	6.44				Use Permit Modification to allow Public Use of Redwood Estates Pavilion
6	HS	6273-96P	1996	38,480	30	100	3	10	20	100	Dharma Realm Buddhist Association	Religious Center and Monastery Using Existing Buildings
7	RR	241-00P	2000	6000		250		5			San Martin Lion's Club	Renewal Community Assembly Facility with Caretaker's Residence
8	RR	9013-05P	2005	6000	50	100	6	4.6		100	Vo Vu Zen Center (Buddhist Meditation Association)	Legalize an existing religious facility
9	RR	2899-86P	1986	1,034	48	48		11.26	25	123	Persian Zoroastrian Organization (Trustees of the Rustam)	Church of the Zoroastrian Community Temple
10	RR	3554-88P	1988	4,472	35	120		1.9			South County Church of Christ	
11	RR	6992-00P	2000	10000		330		10	170	670		Church, Extension Of Time

(Data Last Updated January 2014)

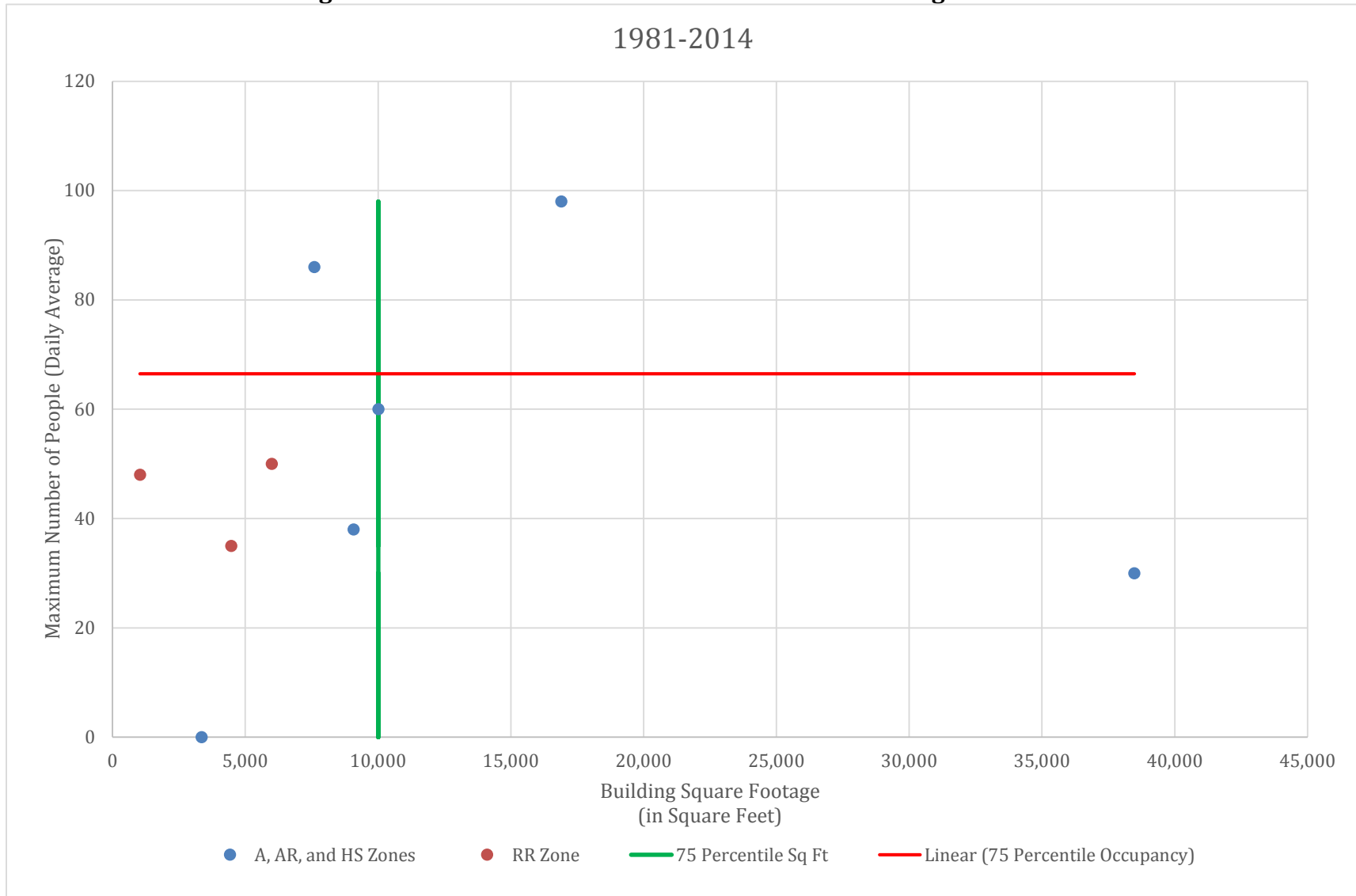
**Table A.2. Commercial Uses – Dataset for Local Serving Indicators**

S. NO.	BASE ZONE	File Number	DATE	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	783	12	0.22			Joe's Gas, Bait, & Tackle Shop	Bait Shop
2	A1	2228-00P	2000	4,774	40	0.35	86	432		Tire Shop
3	A1	470-86P	1986	10,377	20	0.16				Veterinary Hospital and Clinic
4	A1	470-92P	1992	12,877	28	2.28				Veterinary Hospital and Commercial Office
5	A1	7615-00P	2000	10,075	15	2.14	5			Bottled Water Distribution Facility
6	HS	5623-94P	1994	1,000	16	1.18	5	100		Grocery Store, Convenience Store, Bait Shop

**Table A.3. Commercial Uses (San Martin Commercial Use Permit Area) – Dataset for Local Serving Indicators**

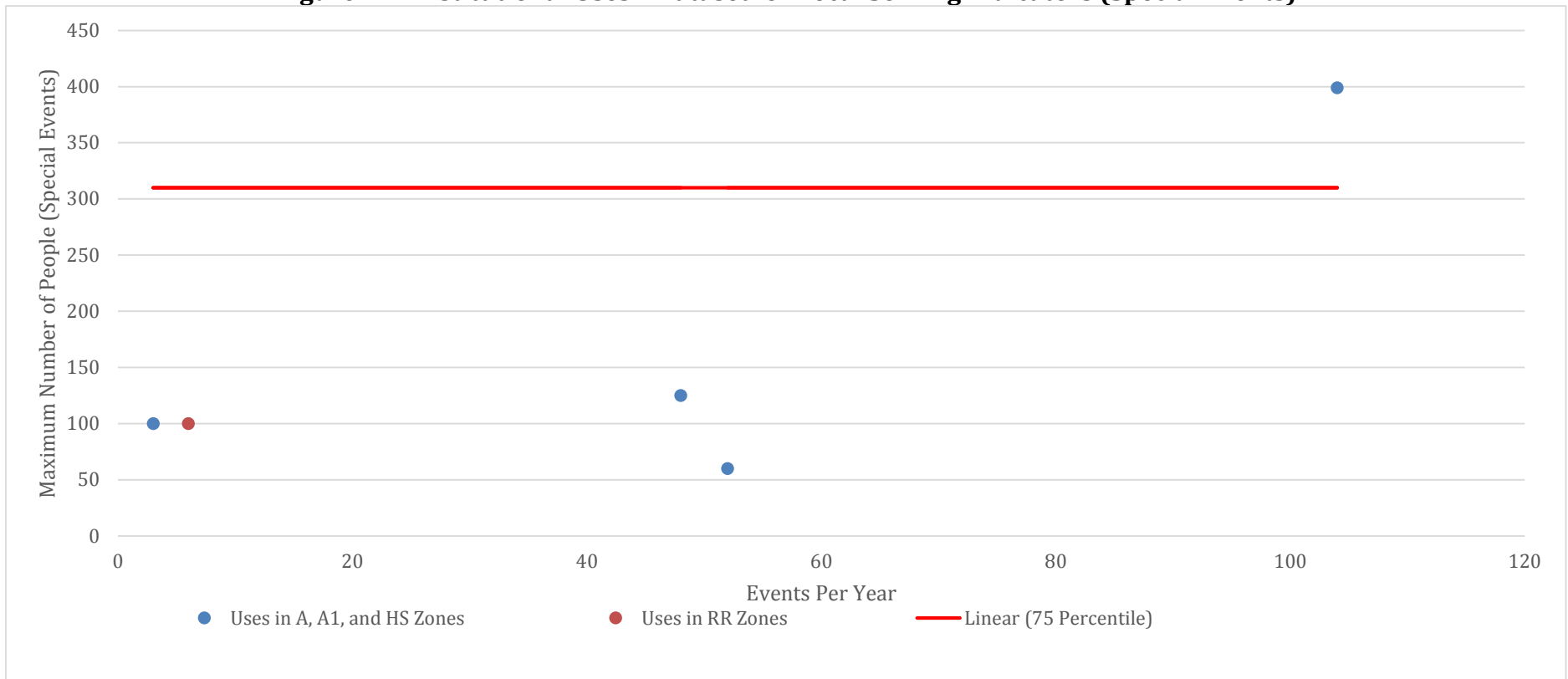
S. NO.	BASE ZONE	File Number	DATE	Building Square Footage	Max Number of People (Daily)	Property Size (acres)	Average Daily Trips (ADT) - Workday	Max. (Weekend /Event) Daily Trips	Name	Description
1	A1	2228-00P	2000	4,774	40	0.35	86	432		Tire Shop
2	A1	470-86P	1986	10,377	20	0.16				Veterinary Hospital and Clinic
3	A1	470-92P	1992	12,877	28	2.28				Veterinary Hospital and Commercial Office
4	A1	7615-00P	2000	10,075	15	2.14	5			Bottled Water Distribution Facility

**Figure A.1. Institutional Uses – Dataset for Local Serving Indicators**

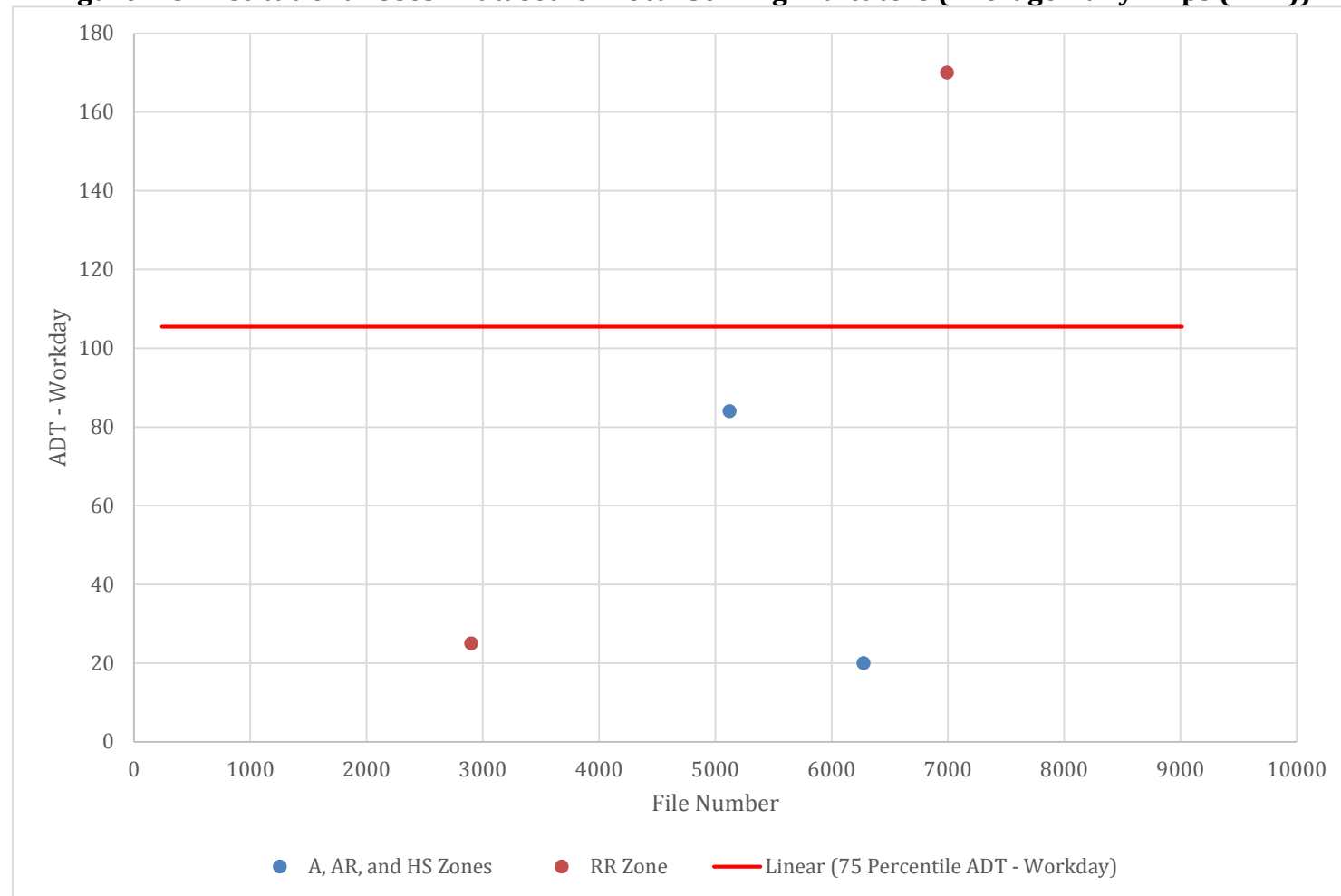


(Data Last Updated January 2014)

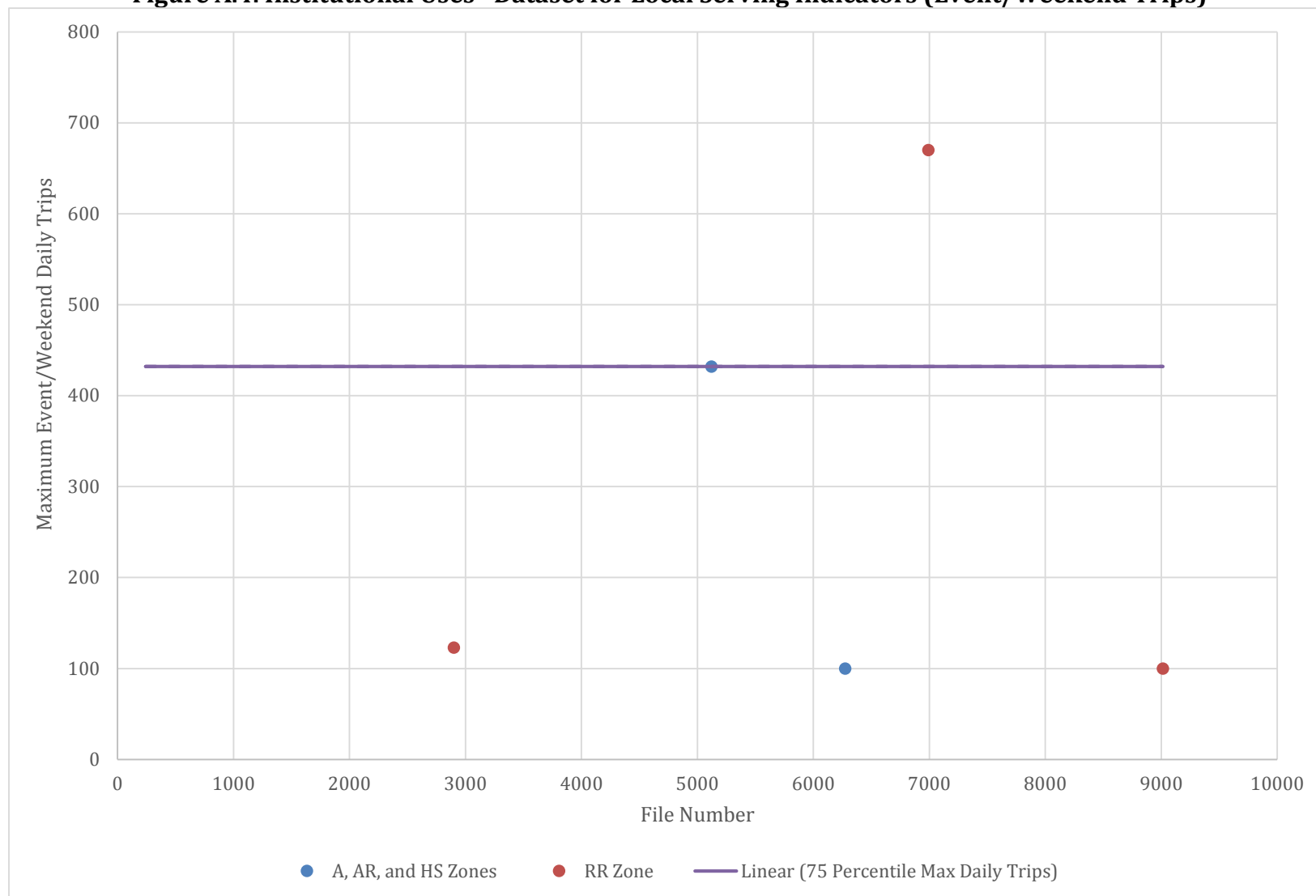
**Figure A.2. Institutional Uses – Dataset for Local Serving Indicators (Special Events)**



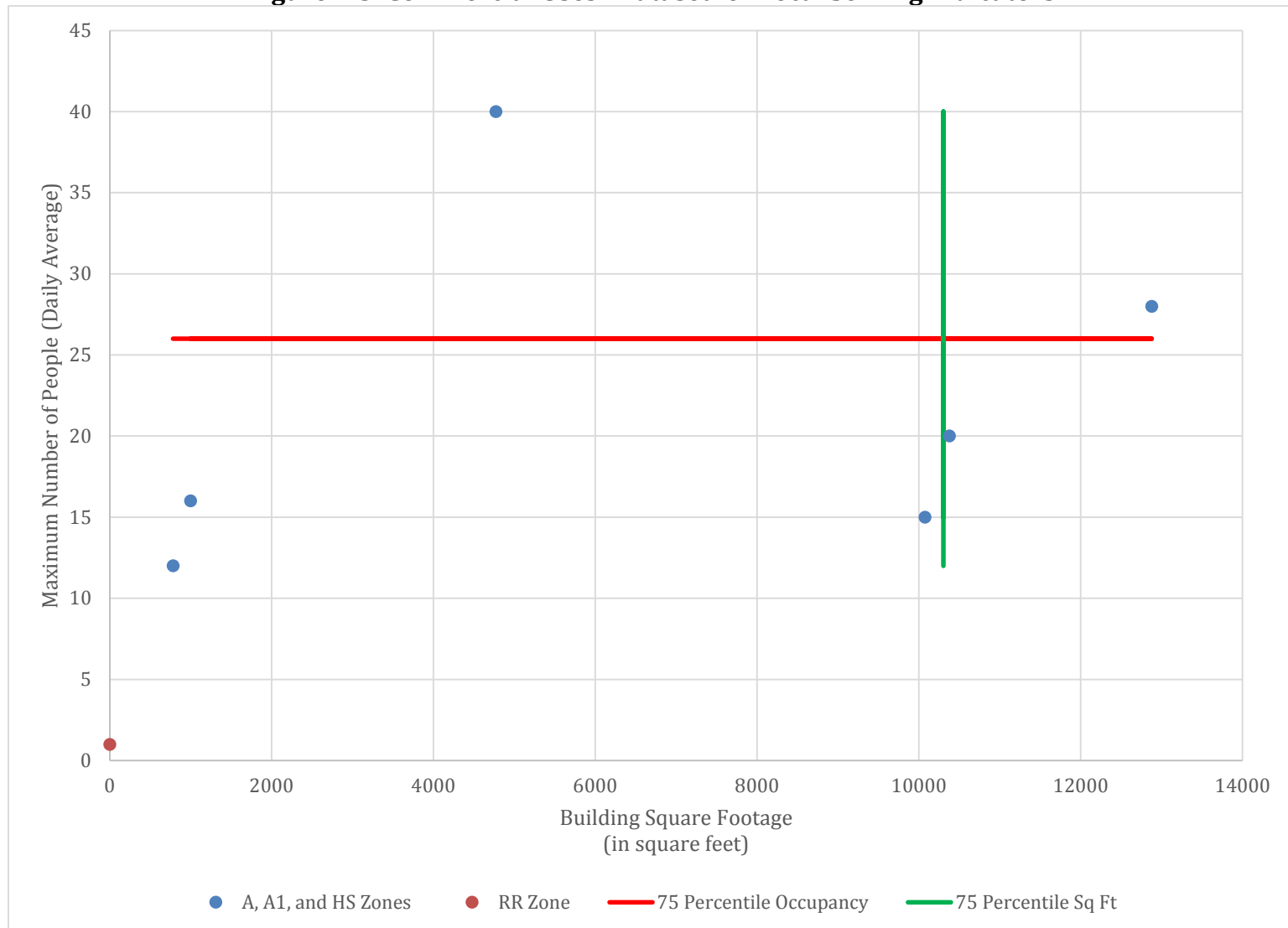
**Figure A.3. Institutional Uses –Dataset for Local Serving Indicators (Average Daily Trips (ADT))**



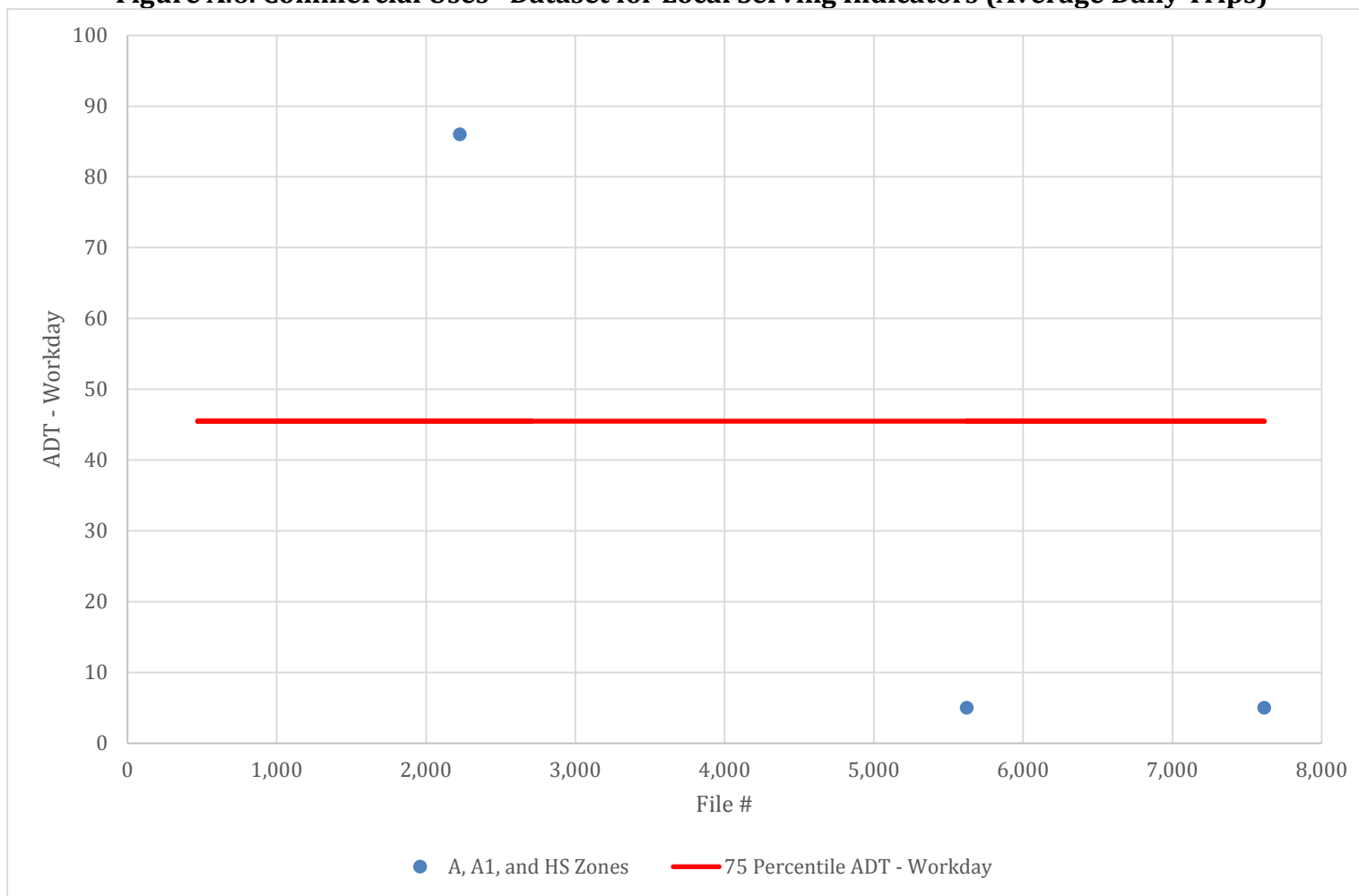
**Figure A.4. Institutional Uses –Dataset for Local Serving Indicators (Event/Weekend Trips)**



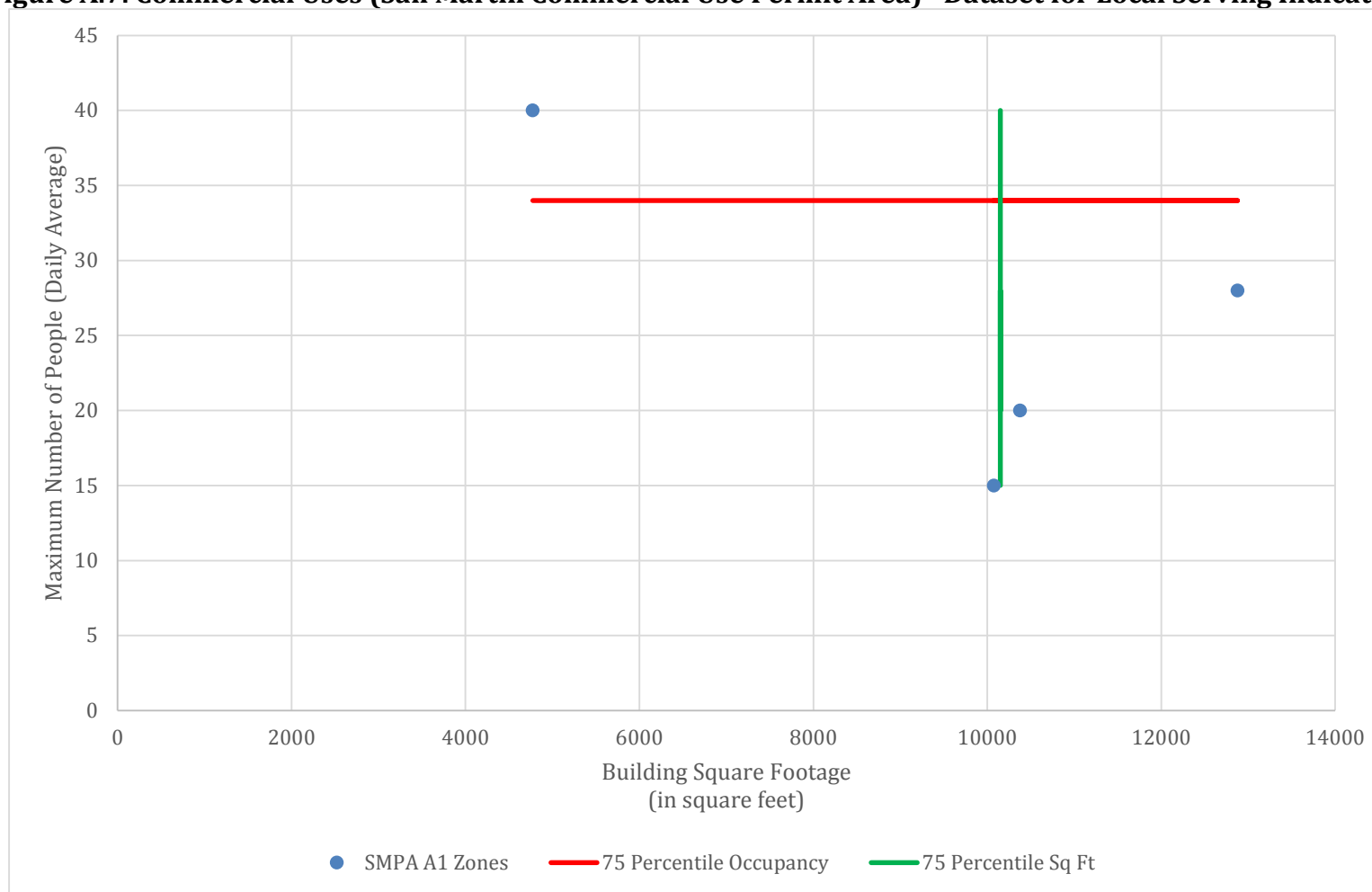
**Figure A.5. Commercial Uses –Dataset for Local Serving Indicators**



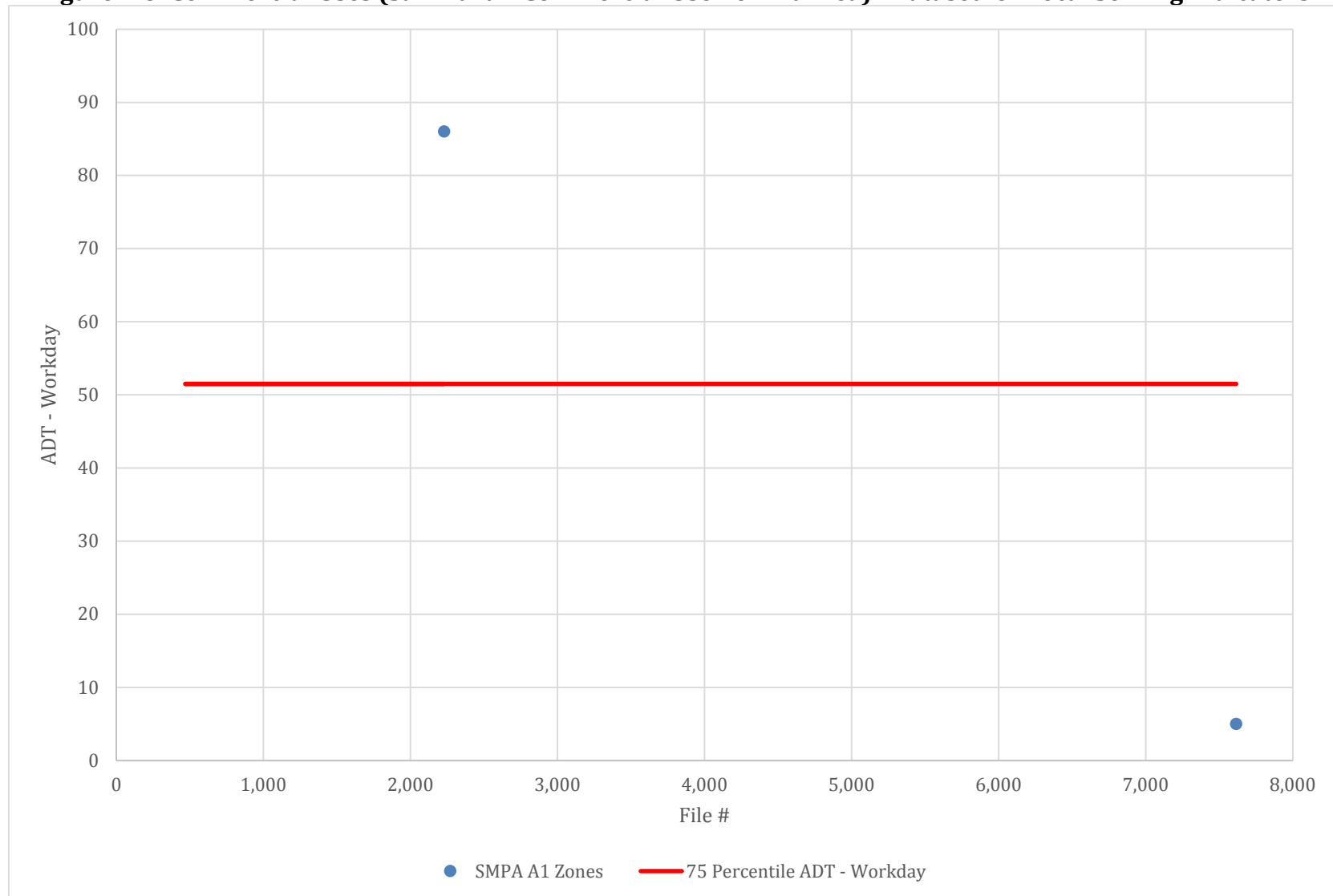
**Figure A.6. Commercial Uses -Dataset for Local Serving Indicators (Average Daily Trips)**



**Figure A.7. Commercial Uses (San Martin Commercial Use Permit Area) –Dataset for Local Serving Indicators**



**Figure A.8. Commercial Uses (San Martin Commercial Use Permit Area) –Dataset for Local Serving Indicators**



**Exhibit D**

**Local Serving General Plan and Zoning Ordinance Amendments**

**Addendum to General Plan EIR**

# County of Santa Clara

## Department of Planning and Development

County Government Center, East Wing, 7<sup>th</sup> Floor  
70 West Hedding Street  
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## ADDENDUM GENERAL PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT (EIR)

Pursuant to Section 15164 of the CEQA Guidelines, the County of Santa Clara has determined that the project described below constitutes a change or addition to an Environmental Impact Report which has been previously certified and does not involve new significant impacts beyond those analyzed in the previous Environmental Impact Report per Section 15162 of the CEQA Guidelines.

File Number	Project Type	Date
10571-14CP	County-Initiated	5/20/2015
Project Name	Project Proponent / Lead Agency	
General Plan and Zoning Updates regarding Local-Serving Uses in Rural Districts	County of Santa Clara	
Project Description		
The Santa Clara County Planning and Development Department is proposing to amend rural “local serving” policies within the General Plan and Zoning Ordinance to provide greater clarity and practical implementation tools for these types of uses, consistent with foundational goals and policies of the General Plan (see additional description below).		
Background and Summary of Findings		
<p>Per the California Environmental Quality Act (CEQA) of 1970 (as amended), all development permits processed by the County Planning Office which require discretionary approval are subject to environmental review. Per section 15164 of the CEQA guidelines, an Addendum to an Environmental Impact Report (EIR) can be prepared when a project results in some changes or additions to the previously certified EIR and no new significant environmental impacts would result from the project. Specifically, all potentially significant environmental impacts from the project have been evaluated within the certified EIR and (a) no substantial changes are proposed in the project which will result in new significant environmental effects, (b) no substantial changes have occurred with respect to the circumstances under which the project was undertaken which will result in the identification of new significant impacts, or (c) no new information is available which shows that the project will have new significant impacts or mitigation measures and alternatives which were previously found to be infeasible would now in fact be feasible (CEQA Guidelines 15162).</p> <p>The Planning Office evaluated the proposed General Plan and Zoning Ordinance amendments and has determined that the project would result in some changes or additions; however, none of the circumstances exist which would require additional environmental review.</p> <p>As such, the County has determined that environmental clearance for the project can be provided through an Addendum to the Environmental Impact Report adopted by the Board of Supervisors on December 20, 1994 for the project entitled “Santa Clara County General Plan Environmental Impact Report” and that no further environmental review is required under the California Environmental Quality Act.</p>		

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The Planning Office evaluated the project described above and has determined that none of the circumstances exist which would require additional environmental review. As such the environmental impacts of the project have been adequately evaluated in the Environmental Impact Report adopted by the Board of Supervisors on December 20, 1994 for the project entitled "Santa Clara County General Plan" and that no further environmental review is required under the California Environmental Quality Act.

**Prepared by:**  
David M. Rader, Planner III

*David M. Rader*  
Signature

*5/20/15*  
Date

**Approved by:**  
Rob Eastwood, Interim  
Planning Manager, AICP

*[Signature]*  
Signature

*5/20/15*  
Date

## Project Description

The Santa Clara County Planning and Development Department is proposing General Plan and Zoning Ordinance amendments to provisions addressing "local serving" uses in the rural areas. Specifically, the proposed amendments include a General Plan Amendment to land use policy R-LU 57, which relates to allowable uses in Rural Residential land use designations, as well as related minor modifications within Book B of the General Plan to reflect policy intent and provide for implementation consistent with past practices. The specific modifications to the General Plan are as follows:

- In the Growth and Development chapter, text would be added to Strategy #1 (Preserve the Resources and Character of Rural Lands - Low Density, Non-Urban Land Use), to clarify that uses allowed should be directly associated with preservation of open space, resources, and agricultural found in rural areas, or that they be "local serving" in nature by providing goods and services to the rural residential community.
- In Policy R-LU 57 (Land Use Policies chapter, Rural Residential Areas section), the following text would be deleted: "serve the needs of the resident population and do not cause traffic impacts to the community." That text would be replaced by the phrase "sized to be local-serving in nature."
- In Policy R-LU 127 (San Martin Planning Area - Commercial Use Permit Area), the following text would be deleted: "satisfy the local day to day" and "and do not result in significant additional traffic from outside the community." It would be replaced with "are sized to be local-serving in nature."

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The proposed change to R-LU 57 is designed to clarify the original intent of the policy, which was to ensure that the development of these allowable uses would be of a size, scale, and intensity that would be consistent with use by the local community as opposed to development that is more regional or urban in scale. To ensure that proposed development is consistent with this amended policy, the County proposes to add a new section to the Zoning Ordinance (§ 2.20.090 Local Serving Uses) to define size, scale, and intensity in terms of standard development parameters, such as building square footage and maximum number of people. The proposed new section would reference a separate document, *Local Serving Uses in Rural Districts Data Repository*, which contains size, scale, and intensity indicators for “local-serving” commercial and institutional uses in rural districts that are drawn from historic commercial and institutional use permit approvals. The proposed standard in the zoning ordinance is that proposed projects that are at or below the 75<sup>th</sup> percentile of “Thresholds for Local-Serving Indicators” would be deemed of a size scale and intensity that is local serving in nature. This standard would represent the vast majority of commercial and institutional projects that have been approved under the current General Plan policies for Rural Residential areas.

### Evaluation under 1994 General Plan EIR

The Santa Clara County Board of Supervisors adopted the Santa Clara County General Plan, 1995-2010 along with the Final Environmental Impact Report (EIR) (State Clearinghouse No. 94023004) on December 20, 1994. The General Plan provides goals, strategies, policies, and implementation measures intended to guide growth and resource protection within the Santa Clara County planning area. Among other things, the General Plan EIR evaluated the environmental impacts of policies that govern land use and development within the Rural Unincorporated Areas, including land use policy R-LU 57 and allowable uses in Rural Residential land use designations.

In accordance with CEQA Guidelines 15162, the County has evaluated the proposed policy changes in terms of whether:

- a) the General Plan EIR adequately addresses all the possible environmental impacts of the proposed project;
- b) the proposed project constitutes substantial changes compared to when the General Plan was originally adopted which will result in the identification of new significant impacts;
- c) there is no new information which shows that the project will have new significant impacts or mitigation measures and alternatives which were previously found to be infeasible would now in fact be feasible.

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### **A. The General Plan EIR Adequately Addresses All Possible Environmental Impacts Of The Proposed Project.**

The General Plan EIR evaluated the following impact areas:

- Land Use
- Biotic Resources
- Transportation
- Agricultural/Mineral
- Housing
- Geology
- Noise
- Climate and Air Quality
- Visual/Aesthetic
- Flood Hazards
- Public Services
- Hazardous Substances
- Water Supply and Wastewater
- Aviation Hazards
- Cultural and Historic Resources
- Energy Conservation

The proposed modification of R-LU 57 and related changes that are part of the General Plan amendment and Zoning Code amendments are designed to clarify the original intent of these “local-serving” policies, which was to ensure that the development of “local serving” commercial and institutional uses would be of a size, scale, and intensity consistent with use by the local community as opposed to a development of a more regional scale. The proposed amendments would not change the uses allowed in rural areas, nor would the amendments change the size, scale, and intensity of commercial and institutional projects that would be approved going forward compared to developments that have been previously approved under the current policies (see discussion below under B. – “Evaluating the Proposed Project Against Baseline Conditions”). Therefore, the impacts of development under the proposed General Plan amendment and Zoning Code amendments, such as noise, transportation, air quality, and visual/aesthetic, would be the same as those evaluated in the General Plan EIR.

In addition, because the proposed project would not change land use designations or density, land division regulations, allowable uses, or the size, scale, and intensity of commercial and institutional projects, it would not change the assumptions used to project growth under the 1994 General Plan. Therefore, implementation of the proposed General Plan and Zoning Code amendment would not constitute a change from baseline conditions, and the General Plan EIR adequately addresses all the possible environmental impacts of the proposed project.

The General Plan EIR did not evaluate the Zoning Code at the time the General Plan was adopted in 1994. However, because the Zoning Code amendments that are part of the proposed project are designed to implement the General Plan amendments with development standards designed to define “sized to be local-serving in nature,” and are consistent with

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these policy changes, they are part of the policy framework of the General Plan and are therefore addressed under the General Plan EIR.

### **B. No Substantial Changes Have Occurred with Respect to the Circumstances Under Which the Project Was Undertaken Which Will Result in the Identification of New Significant Impacts.**

For purposes of evaluating whether the proposed General Plan amendments would have significant impacts that were not adequately address in the General Plan EIR, the County has determined that the baseline is the size, scale, and intensity of projects that have been approved under the current policies of the General Plan since adoption of the General Plan up until May 1, 2015, when environmental analysis commenced. These project approvals are represented by the data sample of commercial and institutional use permits, as contained in the *Local Serving Uses in Rural Districts Data Repository*.

#### ***Evaluating the Proposed Project Against Baseline Conditions***

The proposed development standards in the zoning ordinance would be used by County Planning Office staff to evaluate whether projects are consistent with Policy R-LU 57, as amended by this proposed project. Per development standards proposed to be added to the Zoning Ordinance (§ 2.20.090 Local Serving Uses), projects that are at or below the 75<sup>th</sup> percentile of the “Thresholds for Local-Serving Indicators” table in the *Local Serving Uses In Rural Districts Data Repository* would be considered to be “sized to be local-serving in nature,” which is the standard in Policy R-LU 57. Projects that exceed these thresholds may be approved, subject to additional study and findings, as described under “Local Serving, Enhanced Review” (§ 2.20.090(2.) of the Zoning Ordinance, as amended. This development standard would represent the vast majority of commercial and institutional projects that have been approved under the current General Plan policies for Rural Residential areas. Therefore, projects approved under the proposed General Plan amendment would be similar in size, scale, and intensity to projects that have been approved under existing conditions. On that basis, the proposed project would not constitute substantial policy changes compared to when the General Plan was originally adopted, and no new significant impacts would result from its implementation.

The proposed General Plan amendment would modify Policy R-LU 127 (San Martin Planning Area - Commercial Use Permit Area), by deleting the text, “satisfy the local day to day” and “and do not result in significant additional traffic from outside the community.” However, as noted above, projects approved under the proposed General Plan amendment would be consistent in size, scale, and intensity to projects that have been approved under the current policies. In addition, projects that exceeded the 75<sup>th</sup> percentile of the “Thresholds for

# County of Santa Clara

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Local-Serving Indicators” would have to be found in compliance with § 2.20.090(2)(c) of the Zoning Ordinance, as amended: “The use shall not generate substantial new traffic that creates a safety hazard or impairs local rural roads. New traffic associated with the use should not increase traffic levels significantly above baseline conditions.” Therefore, the amended Policy R-LU 127 would not constitute a substantial policy change compared to when the General Plan was originally adopted, and no new significant impacts would result from its implementation.

### **C. There Is No New Information Which Shows That The Project Will Have New Significant Impacts Or Mitigation Measures and Alternatives Which Were Previously Found To Be Infeasible Would Now In Fact Be Feasible.**

Under SB 97, which was enacted by the State Legislature in 2007, the Office of Planning and Research was required to develop, and the Natural Resources Agency to adopt, amendments to the CEQA Guidelines addressing the analysis and mitigation of greenhouse gas emissions. Those CEQA Guidelines amendments clarified several points, including the following:

- Lead agencies must analyze the greenhouse gas emissions of proposed projects, and must reach a conclusion regarding the significance of those emissions. (See CEQA Guidelines § 15064.4.)
- When a project’s greenhouse gas emissions may be significant, lead agencies must consider a range of potential mitigation measures to reduce those emissions. (See CEQA Guidelines § 15126.4(c).)
- Lead agencies must analyze potentially significant impacts associated with placing projects in hazardous locations, including locations potentially affected by climate change. (See CEQA Guidelines § 15126.2(a).)
- Lead agencies may significantly streamline the analysis of greenhouse gases on a project level by using a programmatic greenhouse gas emissions reduction plan meeting certain criteria. (See CEQA Guidelines § 15183.5(b).)
- CEQA mandates analysis of a proposed project’s potential energy use (including transportation-related energy), sources of energy supply, and ways to reduce energy demand, including through the use of efficient transportation alternatives. (See CEQA Guidelines, Appendix F.)

The 1994 General Plan EIR did not evaluate greenhouse gas emissions, such as from increased usage of motor vehicles or increased usage of gas and electricity for new homes and businesses that would be the result from population growth under General Plan policies. The potential environmental impact of greenhouse gas emissions was known in 1994, at the time the General Plan EIR was prepared, as shown by the following developments:

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- Congress had enacted the National Global Change Research Act of 1990 requiring research into global warming and related issues;
- The Intergovernmental Panel on Climate Change supplementary report of 1992 was published to contribute to the debate on the United Nations Framework Convention on Climate Change at the 1992 Earth Summit, held in Rio de Janeiro; and
- The United Nations Framework Convention on Climate Change, an international environmental treaty, was negotiated at the United Nations Conference on Environment and Development in Rio de Janeiro in June 1992.

However, because the CEQA Guidelines did not then require analysis of greenhouse gas emissions, this topic does not constitute new information that could not have been known at the time.

## **Exhibit E**

### **Public Comments and Staff Responses**

## Sandhir, Manira

---

**From:** Rick Spohn <raspohn@gmail.com>  
**Sent:** Sunday, February 22, 2015 10:22 PM  
**To:** Sandhir, Manira  
**Subject:** Proposed changes to LU 57 and LU 127

Hi Manira. I live in San Martin and would like to know why the changes are being proposed for LU 57 and 127? Some of the language is very subjective such as what is being proposed in LU 57: Commercial, industrial and institutional uses may be established only where they are [comparable in size, scale, and intensity to local-serving uses in rural residential areas](#). What exactly does this mean? Thanks.

### RURAL RESIDENTIAL AREAS - Allowable Uses Policy R-LU 57

**Existing** - Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they serve the needs of the resident population and result in a net overall reduction of travel demand.

**Proposed** - Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they are comparable in size, scale, and intensity to local-serving uses in rural residential areas.

### SAN MARTIN PLANNING AREA - Commercial Use Permit Area Policy R-LU 127

**Existing** - New commercial land uses within the commercial or industrial use permit areas shall be of a local-serving nature, with the exception of properties immediately adjacent to the San Martin Avenue / Highway 101 freeway interchange that are east of Murphy Avenue, where uses may be allowed which are not necessarily of a local-serving nature. Local-serving uses shall be defined as only those uses which provide support services for agriculture or satisfy the local day-to-day commercial needs of the residents of San Martin and do not result in significant additional traffic from outside the community. [Amended Dec. 5, 1995; File #: 6009-00-00- 95GP; Mar. 9, 1999; File# 7200-00-00-98GP]

**Proposed** - New commercial land uses within the commercial or industrial use permit areas shall be of a local-serving nature, with the exception of properties immediately adjacent to the San Martin Avenue / Highway 101 freeway interchange that are east of Murphy Avenue, where uses may be allowed which are not necessarily of a local-serving nature. Local-serving uses shall be defined as only those uses which provide support services for agriculture or satisfy the local day-to-day commercial needs of the residents of San Martin.

--

Rick

## Sandhir, Manira

---

**From:** Sandhir, Manira  
**Sent:** Monday, February 23, 2015 11:59 AM  
**To:** 'Rick Spohn'  
**Cc:** Eastwood, Rob; Colleen Tsuchimoto (Colleen.Tsuchimoto@pln.sccgov.org)  
**Subject:** RE: Proposed changes to LU 57 and LU 127

Rick:

As currently written, these policies have practical challenges for implementation of the current traffic standards language as end users and their origin are nearly impossible to determine. The proposed changes are staff's approach to try and create a practicable method to measure rural size, scale and intensity of commercial, industrial, and institutional uses.

The policy language modifications would attain a two-fold purpose: to represent the intent of the policies, which is to regulate such uses so they are scaled to suit the rural character, and to document the County's review approach, which is to compare the proposed size, scale and intensity of the use with existing uses.

The [proposed guidelines](#) provide the necessary implementation tools by documenting the existing approved size, scale and intensity of commercial, industrial, and institutional uses in terms of building sizes, maximum occupancy, and rate of special events. These guidelines would help stakeholders determine appropriate size, scale and intensity for proposed projects.

I hope my response provides the answers you were seeking. If you would like to discuss further, please feel free to give me a call or join us at one of the [two outreach meetings](#) this week. We welcome your suggestions and input.

Best regards,

**Manira Sandhir, AICP**

Planner II  
County of Santa Clara - Department of Planning and Development  
70 W. Hedding Street, 7<sup>th</sup> Floor, East Wing  
San Jose, CA 95110  
Phone: (408) 299-5787  
[manira.sandhir@pln.sccgov.org](mailto:manira.sandhir@pln.sccgov.org)

**From:** Rick Spohn [mailto:raspohn@gmail.com]  
**Sent:** Sunday, February 22, 2015 10:22 PM  
**To:** Sandhir, Manira  
**Subject:** Proposed changes to LU 57 and LU 127

Hi Manira. I live in San Martin and would like to know why the changes are being proposed for LU 57 and 127? Some of the language is very subjective such as what is being proposed in LU 57: Commercial, industrial and institutional uses may be established only where they are [comparable in size, scale, and intensity to local-serving uses in rural residential areas](#). What exactly does this mean? Thanks.

RURAL RESIDENTIAL AREAS - Allowable Uses Policy R-LU 57

**Existing** - Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they serve the needs of the resident population and result in a net overall reduction of travel demand.

**Proposed** - Residential, agricultural and open space uses are the primary uses. Commercial, industrial and institutional uses may be established only where they are comparable in size, scale, and intensity to local-serving uses in rural residential areas.

#### SAN MARTIN PLANNING AREA - Commercial Use Permit Area Policy R-LU 127

**Existing** - New commercial land uses within the commercial or industrial use permit areas shall be of a local-serving nature, with the exception of properties immediately adjacent to the San Martin Avenue / Highway 101 freeway interchange that are east of Murphy Avenue, where uses may be allowed which are not necessarily of a local-serving nature. Local-serving uses shall be defined as only those uses which provide support services for agriculture or satisfy the local day-to-day commercial needs of the residents of San Martin and do not result in significant additional traffic from outside the community. [Amended Dec. 5, 1995; File #: 6009-00-00- 95GP; Mar. 9, 1999; File# 7200-00-00-98GP]

**Proposed** - New commercial land uses within the commercial or industrial use permit areas shall be of a local-serving nature, with the exception of properties immediately adjacent to the San Martin Avenue / Highway 101 freeway interchange that are east of Murphy Avenue, where uses may be allowed which are not necessarily of a local-serving nature. Local-serving uses shall be defined as only those uses which provide support services for agriculture or satisfy the local day-to-day commercial needs of the residents of San Martin.

--

Rick

## Sandhir, Manira

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**From:** Rick Spohn <raspohn@gmail.com>  
**Sent:** Thursday, February 26, 2015 9:10 AM  
**To:** Sandhir, Manira  
**Subject:** Re: Proposed changes to LU 57 and LU 127

Thanks for getting back to me. One of my concerns is the striking of the language to limit traffic. Every day you read in the paper how bad traffic is in the Bay Area. It's gotten worse in the Morgan Hill area too. I'd like to see them keep that language in so our rural community doesn't become another San Jose!

On Mon, Feb 23, 2015 at 11:58 AM, Sandhir, Manira <[Manira.Sandhir@pln.sccgov.org](mailto:Manira.Sandhir@pln.sccgov.org)> wrote:

Rick:

As currently written, these policies have practical challenges for implementation of the current traffic standards language as end users and their origin are nearly impossible to determine. The proposed changes are staff's approach to try and create a practicable method to measure rural size, scale and intensity of commercial, industrial, and institutional uses.

The policy language modifications would attain a two-fold purpose: to represent the intent of the policies, which is to regulate such uses so they are scaled to suit the rural character, and to document the County's review approach, which is to compare the proposed size, scale and intensity of the use with existing uses.

The [proposed guidelines](#) provide the necessary implementation tools by documenting the existing approved size, scale and intensity of commercial, industrial, and institutional uses in terms of building sizes, maximum occupancy, and rate of special events. These guidelines would help stakeholders determine appropriate size, scale and intensity for proposed projects.

I hope my response provides the answers you were seeking. If you would like to discuss further, please feel free to give me a call or join us at one of the [two outreach meetings](#) this week. We welcome your suggestions and input.

Best regards,

**Manira Sandhir, AICP**

Planner II

## Sandhir, Manira

---

**From:** Fawn Vinh <FVinh@ortc.com>  
**Sent:** Monday, February 23, 2015 11:49 AM  
**To:** Sandhir, Manira  
**Subject:** FW: Notice of Community Meetings - General Plan and Zoning Ordinance Updates for Local Serving Uses in Rural Districts

Attn: Manira Sandhir,

As a taxpayer, we are not happy with the proposed ordinance below. It's limiting. It's controlling. It's not allowing us to exercise our constitutional rights that our forefathers worked so hard to obtain. We, the people, should have the freedom to expand our horizon and seek the services wherever it suits us most...

Fawn Vinh  
408-693-8076

In response to the inquiries of this morning asking for the weblink to the proposed ordinance updates – see below weblink for further information.

<http://www.sccgov.org/sites/planning/PlanningStudies/LU57/Pages/LocalServingUses.aspx>

You can also find a direct link to this page from the Santa Clara County Planning Office home page at [www.sccplanning.org](http://www.sccplanning.org).

For further information, you may contact Manira Sandhir at (408) 299-5787, [Manira.Sandhir@pln.sccgov.org](mailto:Manira.Sandhir@pln.sccgov.org)

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**From:** Tsuchimoto, Colleen

**Sent:** Friday, February 13, 2015 11:40 AM

**To:** Sandhir, Manira

**Subject:** Notice of Community Meetings - General Plan and Zoning Ordinance Updates for Local Serving Uses in Rural Districts

See attached notice regarding upcoming Feb. 25th and 26th Community Meetings. If you receive duplicative emails we do apologize. This notice is being sent to all interested parties from a number of different projects, and groups that expressed interest in this subject matter. For further information on the upcoming meetings, you may contact Manira Sandhir at (408) 299-5787, [Manira.Sandhir@pln.sccgov.org](mailto:Manira.Sandhir@pln.sccgov.org)

## Sandhir, Manira

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**From:** Tulan <tulandalat2003@yahoo.com>  
**Sent:** Monday, February 23, 2015 1:01 PM  
**To:** Sandhir, Manira  
**Subject:** Notice of Community Meetings - General Plan and Zoning Ordinance Updates for Local Serving Uses in Rural Districts

**Subject:** Notice of Community Meetings - General Plan and Zoning Ordinance Updates for Local Serving Uses in Rural Districts

Dear Manira Sandhir,

How are you doing? I hope you are always doing well and successful in your career. I would to introduce myself to you. My name is Tulan Luong. I am working for the State of California as an auditor. I have been serving the Santa Clara county taxpayers for 8 years right after I graduated from San Jose State University. My job is very intensive and stressful because I have to deal with many different kinds of taxpayers. Some of them are very nice, but some others are very hard to deal with. I tried my best to serve the taxpayer well thanks to the Buddhism and many temples where I have been joining with. They teach me how to release my stress from work and how to listen to help others.

I practice meditation every day and always follow the Buddha teachings so that I have patience, loving-kindness and compassionate enough to help my taxpayers to solve their situations.

I am a Buddhist and also a Santa Clara resident, I don't think it is right to limit our religion boundary. We are working and paid tax to the county, we need the religious institutions everywhere in the county, to server everyone in the county. People have a right to go any church, temples and the land of the county, not only serve for rural resident. We left the original country and came to the United States. We are proud of being an America because we have right of freedom, right of free religion and the right of speech....The United States country are different from other countries in the world due to these freedoms. So please don't limit our spiritual life of practicing our religion.

I am writing this letter to against the proposal of the zoning **Ordinance Updates for Local Serving Uses in Rural Districts**.

Thank you very much for your understanding and considerations.  
Best regards,  
Tulan Luong

\*\*\*\*\***Nam Mô A Di Đà Phật**\*\*\*\*\*

Trăm năm trước thì ta chưa gặp  
Trăm năm sau biết có gặp nhau không?

Cuộc đời sắc sắc không không  
Thôi thì hãy sống hết lòng với nhau!!!

\*\*\*\*\*

**Nam Mô Hoan Hỷ Tạng Bồ Tát Ma Ha Tát**

\*\*\*\*\*

**TúLan**

**[\(408\) 891-3267](tel:(408)891-3267)**

## Sandhir, Manira

---

**From:** Bart Hechtman <bgh@matteoni.com>  
**Sent:** Tuesday, February 24, 2015 11:48 AM  
**To:** Sandhir, Manira  
**Subject:** "local serving" regulations

Hi Manira,

I want to send in a comment letter on the proposed revisions to the "local serving" regulations. Would I send that to your attention? What is the timing to take the issue to the Planning Commission?

Thanks,

Bart



BARTON G. HECHTMAN  
**Matteoni, O'Laughlin & Hechtman**  
848 The Alameda  
San Jose, California 95126  
T: (408) 293-4300  
F: (408) 293-4004

**CONFIDENTIALITY NOTICE:** This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. Section 2510, and its disclosure is strictly limited to the recipient intended by the sender of this message. This transmission, and any attachments, may contain confidential attorney-client privileged information and attorney work product. If you are not the intended recipient, any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is **STRICTLY PROHIBITED**. Please contact us immediately by return e-mail or at (408) 293-4300, and destroy the original transmission and its attachments without reading or saving in any matter.

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## Sandhir, Manira

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**From:** Sandhir, Manira  
**Sent:** Tuesday, February 24, 2015 11:58 AM  
**To:** 'Bart Hechtman'  
**Cc:** Eastwood, Rob; Colleen Tsuchimoto (Colleen.Tsuchimoto@pln.sccgov.org)  
**Subject:** RE: "local serving" regulations

Hi Bart:

Thank you for your interest in the topic. You may send the comment letter to my attention, or email me a copy.

We also have two [community meetings](#) scheduled for this week to solicit community input. Subsequently we'll be taking the proposal in a public hearing format before the San Martin Planning Advisory Committee (3/25), South County Joint Planning Advisory Committee (March or April), and the Planning Commission (3/26<sup>th</sup>) to provide recommendations to the Board of Supervisors. All these meetings will be duly noticed by the usual County process.

Please feel free to call or email me if you have further questions.

Best regards,

**Manira Sandhir, AICP**

Planner II

County of Santa Clara - Department of Planning and Development

70 W. Hedding Street, 7<sup>th</sup> Floor, East Wing

San Jose, CA 95110

Phone: (408) 299-5787

[manira.sandhir@pln.sccgov.org](mailto:manira.sandhir@pln.sccgov.org)

---

**From:** Bart Hechtman [mailto:bgh@matteoni.com]  
**Sent:** Tuesday, February 24, 2015 11:48 AM  
**To:** Sandhir, Manira  
**Subject:** "local serving" regulations

Hi Manira,

I want to send in a comment letter on the proposed revisions to the "local serving" regulations. Would I send that to your attention? What is the timing to take the issue to the Planning Commission?

Thanks,

Bart



BARTON G. HECHTMAN

**Matteoni, O'Laughlin & Hechtman**

848 The Alameda

San Jose, California 95126

## Sandhir, Manira

---

**From:** Zachary Alexander <zalexander@openspace.org>  
**Sent:** Wednesday, February 25, 2015 3:39 PM  
**To:** Sandhir, Manira  
**Subject:** MROSD Inquiry: GP & Zoning Updates for Rural Districts

Hello Manira,

My name is Zachary Alexander and I am a Planner II with the Midpeninsula Regional Open Space District. A community meeting notice for minor modifications to some GP and Zoning Ordinance standards in rural areas just came across my desk, and I was hoping you could provide me with some additional information on what changes are being proposed. I am wanting to determine if the proposed changes will have an effect on District owned property in Santa Clara County.

Thank you,  
Zach



Zachary Alexander  
Planner II  
[zalexander@openspace.org](mailto:zalexander@openspace.org)  
Midpeninsula Regional Open Space District  
330 Distel Circle, Los Altos, CA 94022  
P: (650) 691-1200 - F: (650) 691-0485

## Sandhir, Manira

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**From:** Sandhir, Manira  
**Sent:** Thursday, February 26, 2015 11:27 AM  
**To:** Zachary Alexander  
**Cc:** Eastwood, Rob; Colleen Tsuchimoto (Colleen.Tsuchimoto@pln.sccgov.org)  
**Subject:** RE: MROSD Inquiry: GP & Zoning Updates for Rural Districts

Zach:

It includes local-serving uses so schools are covered in that definition. Also, commercial, industrial, institutional uses that provide support services for rural residents – tax services, retail stores, vet clinics, hospitals, religious institutions, community-care facilities, etc., are also covered. What the proposed guidelines do not cover are primary uses within the rural areas, which includes ag-related uses, wineries, quarries, open spaces, residential uses, and recreational uses.

As currently written, these policies have practical challenges for implementation of the current traffic standards language as end users and their origin are nearly impossible to determine. The proposed changes are staff's approach to try and create a practicable method to measure rural size, scale and intensity of commercial, industrial, and institutional uses.

The policy language modifications would attain a two-fold purpose: to represent the intent of the policies, which is to regulate such uses so they are scaled to suit the rural character, and to document the County's review approach, which is to compare the proposed size, scale and intensity of the use with existing uses. The [proposed guidelines](#) provide the necessary implementation tools by documenting the existing approved size, scale and intensity of commercial, industrial, and institutional uses in terms of building sizes, maximum occupancy, and rate of special events. These guidelines would help stakeholders determine appropriate size, scale and intensity for proposed projects.

Given that our effort is to accurately represent the policy intent and implementation approach, we do not foresee any impacts to these uses. They would still have to comply with all County requirements and the other zoning standards for use permits.

I hope my response answers your question. If you have further questions or would like to submit any comments on behalf of the Mid-Pen District, please feel free to join us at the public outreach meeting tonight at the Hillview Branch Library at 6pm, or email/call me.

Best regards,

Manira Sandhir, AICP  
Planner II, Santa Clara County  
(408) 299-5787

---

**From:** Zachary Alexander [mailto:zalexander@openspace.org]  
**Sent:** Thursday, February 26, 2015 10:45 AM  
**To:** Sandhir, Manira  
**Subject:** RE: MROSD Inquiry: GP & Zoning Updates for Rural Districts

Hi Manira,

Thank you for getting back to me so quickly.

When you say commercial, institutional, and industrial uses, would that include quarries, dumps, farms, telecommunications installations, and schools? We have a number of these types of uses that neighbor our properties, and I would like to know if these modifications would have any impact on these types of uses, and through that, a potential impact on our properties or users of our properties.

Thank you,  
Zach

---

**From:** Sandhir, Manira [<mailto:Manira.Sandhir@pln.sccgov.org>]  
**Sent:** Wednesday, February 25, 2015 3:58 PM  
**To:** Zachary Alexander  
**Subject:** RE: MROSD Inquiry: GP & Zoning Updates for Rural Districts

Hi Zach:

Quick response as I have to run to the meeting:

These amendments are focused on local serving commercial, institutional, and industrial uses so should not apply to any recreational public facilities.

Manira Sandhir, AICP  
Planner II, Santa Clara County  
(408) 299-5787

---

**From:** Zachary Alexander [<mailto:zalexander@openspace.org>]  
**Sent:** Wednesday, February 25, 2015 3:39 PM  
**To:** Sandhir, Manira  
**Subject:** MROSD Inquiry: GP & Zoning Updates for Rural Districts

Hello Manira,

My name is Zachary Alexander and I am a Planner II with the Midpeninsula Regional Open Space District. A community meeting notice for minor modifications to some GP and Zoning Ordinance standards in rural areas just came across my desk, and I was hoping you could provide me with some additional information on what changes are being proposed. I am wanting to determine if the proposed changes will have an effect on District owned property in Santa Clara County.

Thank you,  
Zach



Zachary Alexander  
Planner II  
[zalexander@openspace.org](mailto:zalexander@openspace.org)  
Midpeninsula Regional Open Space District  
330 Distel Circle, Los Altos, CA 94022  
P: (650) 691-1200 - F: (650) 691-0485

TUAN HOANG NGUYEN D.D.S INC.

**TM NORTH VALLEY DENTAL CARE**

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February 25, 2015

The County of Santa Clara  
Attn: Manira Sandhir

Ref: General Plan and Zoning Ordinance Updates for Local Serving Uses in Rural Districts

Dear Ms. Sandhir ,

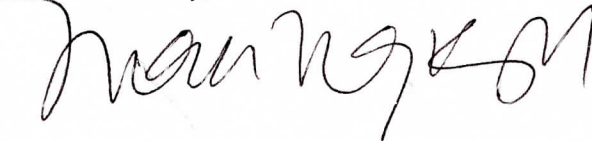
We have heard recently that the County of Santa Clara has proposed the Ordinance Updates for Local Serving Uses in Rural Districts to limit the people in the county to travel out of city for religious worship. The proposed ordinance also limits the land space for the building of the religious institution.

We think this is not the right decision of the county as we the people have our right to go anywhere to worship. We pay tax to the government in order to receive in return the support to our belief.

Please take this matter into concern and do thing right for the people of our county so that we can go to any church and temple to nurture our religion. The land of the county is not only to serve the rural residents.

Thank you for your understanding and support.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Tuan H. Nguyen', with a long horizontal line extending to the left.

Tuan H. Nguyen D.D.S

## Sandhir, Manira

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**From:** Kamila Kraba <kkraba.svic@gmail.com>  
**Sent:** Thursday, February 26, 2015 10:50 AM  
**To:** Sandhir, Manira; Tsuchimoto, Colleen  
**Cc:** Kamila Kraba  
**Subject:** County Process to Change Local Serving Uses in Rural Districts

Hi Manira, Colleen,

Thanks for organizing the community outreach meetings on the [General Plan and Zoning Ordinance Modifications](#).

Can you please clarify what are all the ways we can provide comments on the proposed changes for the Local Serving Uses in Rural Districts?

Also, can you please clarify how you will be managing these comments? What is the deadline to submit comments? when will you make them public? When are the subsequent meetings scheduled?

Thanks for your help!

Kamila

## Sandhir, Manira

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**From:** Sandhir, Manira  
**Sent:** Thursday, February 26, 2015 11:05 AM  
**To:** 'Kamila Kraba'; Tsuchimoto, Colleen  
**Cc:** Eastwood, Rob  
**Subject:** RE: County Process to Change Local Serving Uses in Rural Districts

Hi Kamila:

You are welcome to provide your comments in any of the following formats:

- Via email – to this email address
- Letter addressed to me
- Verbally at a Community Outreach Meeting (we have one scheduled for tonight at 6 pm in the Hillview Branch Library Community Room)
- Verbal comments at a Public Hearing – we anticipate a number of them:
  - South County Joint Planning Advisory Committee (Tentatively on March 19<sup>th</sup>)
  - San Martin Planning Advisory Committee (Tentatively on March 25<sup>th</sup>)
  - Planning Commission (Tentatively on March 26<sup>th</sup>)
  - Board of Supervisor's (Tentatively on April 21<sup>st</sup>)

### Comments' Management

All comments received will be consolidated and presented before each hearing body in the staff report (which will be posted online). We are keeping PDFs of all email comments and letters received, and will summarize verbal comments received during the public hearings (or include meeting minutes of the public hearings).

### Deadline for Comment Submittal

Currently, there is no deadline for submitting comments. Of course, if you have any input that will help the decision makers, please provide it at your earliest convenience.

All of the information regarding meeting dates and times, and the staff reports as they become available, will be posted on the County website for public review at the following link.

<http://www.sccgov.org/sites/planning/PlanningStudies/LU57/Pages/LocalServingUses.aspx>

If you have further questions, please feel free to email me or give me a call.

Best regards,

### **Manira Sandhir, AICP**

Planner II

County of Santa Clara - Department of Planning and Development

70 W. Hedding Street, 7<sup>th</sup> Floor, East Wing

San Jose, CA 95110

Phone: (408) 299-5787

[manira.sandhir@pln.sccgov.org](mailto:manira.sandhir@pln.sccgov.org)

**From:** Kamila Kraba [mailto:kkkraba.svic@gmail.com]

**Sent:** Thursday, February 26, 2015 10:50 AM

**To:** Sandhir, Manira; Tsuchimoto, Colleen

# REQUEST TO SPEAK

General Plan and Zoning Ordinance Amendments  
for

Local Serving Uses in Rural Districts  
PUBLIC OUTREACH MEETING  
February 25<sup>th</sup> and 26<sup>th</sup>, 2015

Print Name: JOHN ENGLISH

Organization: SMNA

Written comments for the record (additional space on the back):

AGAINST RELAXATION OF LOCAL SERVING

Mailing address and / or email address (If you want your name added to mailing list):

# REQUEST TO SPEAK

General Plan and Zoning Ordinance Amendments  
for

Local Serving Uses in Rural Districts

PUBLIC OUTREACH MEETING

February 25<sup>th</sup> and 26<sup>th</sup>, 2015

Print Name: Trina Hineser

Organization: Resident

Written comments for the record (additional space on the back):

This mtg. should have been held in San Martin where  
majority of those effected could have attended.

Mailing address and / or email address (If you want your name added to mailing list):

840 Maple Ave., San Martin, CA 95046

# REQUEST TO SPEAK

General Plan and Zoning Ordinance Amendments  
for

Local Serving Uses in Rural Districts

PUBLIC OUTREACH MEETING

February 25<sup>th</sup> and 26<sup>th</sup>, 2015

Print Name: KAREN HARLEY

Organization: \_\_\_\_\_

Written comments for the record (additional space on the back):

traffic + local serving concerns  
\_\_\_\_\_  
\_\_\_\_\_

Mailing address and / or email address (If you want your name added to mailing list):

kharley@sbcglobal.net - I think I may  
be lost

# REQUEST TO SPEAK

General Plan and Zoning Ordinance Amendments  
for

Local Serving Uses in Rural Districts

PUBLIC OUTREACH MEETING

February 25<sup>th</sup> and 26<sup>th</sup>, 2015

Print Name: VICTOR LOESCHE

Organization: HOME OWNER

Written comments for the record (additional space on the back):

OPPORTUNITY TO SPEAK IF COMMENTS WARRANT

Mailing address and / or email address (If you want your name added to mailing list):

VICTOR LOESCHE@YAKOO.COM

# REQUEST TO SPEAK

General Plan and Zoning Ordinance Amendments  
for

Local Serving Uses in Rural Districts

PUBLIC OUTREACH MEETING

February 25<sup>th</sup> and 26<sup>th</sup>, 2015

Print Name: DONALD HARLEY

Organization: RESIDENT

Written comments for the record (additional space on the back):

IT DOES NOT APPEAR THAT PROPOSED CHANGES ARE CONSISTENT  
WITH ENVIRONMENTAL CONCERNS (COMPACT DEVELOPMENT)

Mailing address and / or email address (If you want your name added to mailing list):

PO BOX 24, SAN MARTIN, CA 95046

# REQUEST TO SPEAK

General Plan and Zoning Ordinance Amendments  
for

Local Serving Uses in Rural Districts

PUBLIC OUTREACH MEETING

February 25<sup>th</sup> and 26<sup>th</sup>, 2015

Print Name: CONNIE LUDWIG

Organization: \_\_\_\_\_

Written comments for the record (additional space on the back):

Policy changes & water contamination  
\_\_\_\_\_  
\_\_\_\_\_

Mailing address and / or email address (If you want your name added to mailing list):

cludewigs2@sbcglobal.net.

## Sandhir, Manira

---

**From:** MICHAEL DIEGNAN (TC) /6153 <michael.diegnan@omnicell.com>  
**Sent:** Wednesday, March 04, 2015 8:33 AM  
**To:** Sandhir, Manira  
**Subject:** RLU57

Hello Manira,

I was at the 2/25/15 meeting at the Gilroy Library and did not voice my comments then but want to do so now.

I heard over and over from the participants at the meeting about the "Local Serving" issue of RLU57 in regards to the "Cordoba Project" that it would not be local serving. What these folks must not realize or are blind to is that Muslims are a part of the local current population. There is a Mosque in San Martin now.

Also, with all the new homes and condo's going up in Gilroy, San Martin and Morgan Hill (must be in thousands) that this population will continue to grow. I am for the proposed changes the County is considering. Thanks

Regards,

Michael Diegnan  
Morgan Hill Resident

## Sandhir, Manira

---

**From:** Eastwood, Rob  
**Sent:** Friday, March 20, 2015 1:49 PM  
**To:** Andrew Gillham  
**Cc:** Sandhir, Manira  
**Subject:** RE: Local serving question.

Hi Andrew -

Thanks for the feedback / questions and sorry you weren't able to speak. Realize that this difference has not well explained in the materials we've published so far.

If you look at the draft Guidelines we prepared and distributed, the first paragraph describes this difference in broad terms. Here's the link to the webpage where we posted this:

<http://www.sccgov.org/sites/planning/PlanningStudies/LU57/Pages/LocalServingUses.aspx>

However, going forward, I believe we'll need to be more clear demarcating what types of uses are subject to "local serving" requirements and which aren't.

From the three you listed below - the religious institutions would be subject to local serving requirements while golf courses and wineries would not.

However please stay tuned for modifications to the documents, we'll put more clarity here.

I'm cc'ing Manira Sandhir who's working closely on the project and the revisions we discussed in the meeting, feel free to follow up with her further also.

-Rob

Rob Eastwood, AICP  
Principal Planner, County of Santa Clara  
(408) 299-5792  
[rob.eastwood@pln.sccgov.org](mailto:rob.eastwood@pln.sccgov.org)

-----Original Message-----

From: Andrew Gillham [<mailto:gillham@roadsign.com>]  
Sent: Thursday, March 19, 2015 7:04 PM  
To: Eastwood, Rob  
Subject: Local serving question.

Hello Rob,

I am currently attending the committee meetings by in Morgan Hill. After reading the draft and guidelines I was under the impression that this local serving term was applicable to all use. This was my misunderstanding apparently.

I am concerned that the public portion was closed prior to our finding out that a number of uses didn't apply as they were separate. Could you point me to documents that would clarify those uses that do not fall under these proposed changes?

My support, or lack thereof, is influenced by the scope of this local-serving term. If it doesn't apply to religious institutions or wineries or golf courses as you mentioned a few minutes ago I think differently about it.

Thank you.

-Andrew

# REQUEST TO SPEAK

Santa Clara County  
Public Meeting

Print Name: Trina Hineser

Organization: SMWA

Date: 4-22-15

Public Meeting and Topic: Local Serving

Written comments for the record (additional space on the back):

There are a few areas where ~~there~~  
limiting traffic has been removed.

Mailing address and / or email address (If you want your name added to mailing list):

thineser@e-~~ecolab~~ecosound.com

## Sandhir, Manira

---

**From:** Jennifer Savage <jsavage@losgatosca.gov>  
**Sent:** Thursday, April 23, 2015 8:06 AM  
**To:** Tsuchimoto, Colleen; Sandhir, Manira  
**Subject:** Comments for File 10571-14CP

Hi Colleen and Manira,

We reviewed the staff report and exhibits to ensure our hillside areas would not be negatively impacted. Referring to Exhibit A:

1. Strategy #1 – Please keep the first paragraph: “Under the “joint urban development policies,” . . . the County to allow only nonurban, low density uses.”
2. Strategy #1 – The new (underlined) paragraph refers to unique and specialized land uses in Strategy #3 but unique and specialized land uses are discussed in Strategy #1.
3. Policy R-LU 57 – It seems like industrial uses are inherently not local serving. Maybe there is other language you can use?

Please let me know if you have any questions.

Sincerely,

*Jennifer L. Savage, AICP*  
Senior Planner  
Town of Los Gatos Community Development Department  
phone: 408.399.5702  
website: [www.losgatosca.gov/planning](http://www.losgatosca.gov/planning)

Public Counter Hours: Monday through Friday, 8:00 am to 1:00 pm.

**Please note the upcoming Town closures:**  
Monday, May 25<sup>th</sup> – Holiday

## Sandhir, Manira

---

**From:** Sandhir, Manira  
**Sent:** Tuesday, April 28, 2015 2:06 PM  
**To:** 'Georgine'; Tsuchimoto, Colleen  
**Cc:** Shoe, Bill; Girard, Kirk  
**Subject:** RE: Questions re Gen Plan and Zoning Proposals for Local Serving Uses

Dear Ms. Scott-Codiga:

Please see our responses below for each of your numbered queries:

1. The practice of evaluating size, scale and intensity of proposed uses is a method that the County has used to implement the "Local Serving" County policies in the absence of defined standards. This approach is not memorialized in County codes but has been used by Planning Staff in reviewing past projects for conformance with the "Local Serving" policies, such as the previously proposed South Valley Islamic Center.

2. The intent of the proposed Local-Serving General Plan Amendments is an attempt to provide clarity and direction regarding the intent of these policies. Currently, there are no measurable standards and the policy language provides no feasible means of measuring standards. We are proposing modifications to the policy language (maintaining its intent) through very minimal changes that allow practical implementation standards that makes it easier to review future projects.

3. As indicated in the excerpt from the staff report below, RLUIPA addresses the adoption of codes and policies that could burden the practice of religion. The current text the "Local Serving" General Plan Policies implies that patrons of "Local Serving" uses must live in the rural or San Martin area. As such, this language may impose a burden on the practice of religion for uses that are subject to the "Local Serving" policies. The intent of the proposed modifications is to use practicable and measurable criteria to define "Local Serving" uses without specifying the origin of patrons of "local serving" uses, to ensure better consistency with RLUIPA and the County's current practices. While other institutional uses such as Schools may not be protected by RLUIPA, staff believes that adoption of the new criteria will provide overall consistency in addressing all "Local Serving" uses.

"Compliance with the Religious Land Use and Institutionalized Person's Act: Federal regulations, specifically the 2000 Religious Land Use and Institutionalized Persons Act (RLUIPA) restricts the kind of land use regulations that local jurisdictions may impose on religious institutions. Policies based on an analysis of a project's compatibility with surrounding uses rather than origin of patrons will help ensure that the policies are consistent with the requirements of RLUIPA."

4. Please see my response #3 above. The link to the specific section is also on the project webpage:  
<https://www.law.cornell.edu/uscode/text/42/2000cc>

5. The Rural Resource Impact Report is a tool that staff is proposing to evaluate impacts of commercial, institutional and industrial projects in rural areas. We hope to have more information on its contents at the next public hearing for this project, likely to be at the end of May. Please refer to the project website for information, which will be updated as it becomes available.

6. The environmental review for this project is covered under the prior Environmental Impact Report for the General Plan when last updated. Since this project maintains the status quo of the general plan intent, there are no additional environmental impacts associated with the project.

Separately, individual use permit applications in the rural districts would still be required to go through their environmental review process. That is mandated by the California Environmental Quality Act.

Also received your voicemail regarding environmental review, we hope number 6 above answers your questions for existing environmental studies. Thanks for following up with your email!

Best regards,

Manira Sandhir, AICP  
Planner II  
County of Santa Clara - Department of Planning and Development  
70 W. Hedding Street, 7th Floor, East Wing  
San Jose, CA 95110  
Phone: (408) 299-5787  
manira.sandhir@pln.sccgov.org

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**From:** Georgine [mailto:gvscott@garlic.com]  
**Sent:** Tuesday, April 28, 2015 1:50 PM  
**To:** Sandhir, Manira; Tsuchimoto, Colleen  
**Cc:** Shoe, Bill; Girard, Kirk  
**Subject:** Fw: Questions re Gen Plan and Zoning Proposals for Local Serving Uses

Good Afternoon:

I am following up on an email request (below) that I sent last Friday regarding the proposed changes to the General Plan re Local Serving Uses. I would appreciate it if you could email me back confirming you received either of these email requests. If you require more time in responding to my questions, please advise, but I would like to request an immediate response to my voice mail messages that I left yesterday and today regarding question number 6 - What environmental studies and/or other studies the County has conducted to support the changes proposed to the local land use and zoning ordinances and How I can get a copy of them. I would like time to review these documents before the next meeting.

Thank you,  
Georgine Scott- Codiga

----- Original Message -----

From: "Georgine" <[gvscott@garlic.com](mailto:gvscott@garlic.com)>  
To: <[colleen.tsuchimoto@pln.sccgov.org](mailto:colleen.tsuchimoto@pln.sccgov.org)>; <[manira.sandhir@pln.sccgov.org](mailto:manira.sandhir@pln.sccgov.org)>  
Sent: Friday, April 24, 2015 3:34 PM  
Subject: Fw: Questions re Gen Plan and Zoning Proposals for Local Serving Uses

>  
> Manira Sandhir and Coleen Tsuchimoto:  
>  
> I attended the SMPAC meeting on 4-22-15 and would like further clarification  
> on the proposed changes. Would you please respond to my following  
> questions:  
>

> 1. County packet states: "However, the existing practice of evaluating  
> projects based on size, scale, and intensity is not fully reflected in the  
> current policies and ordinances language." When I spoke with Bill Shoe the  
> other day I asked "from what document or other means did you derive your  
> existing practice of evaluating projects based on size, scale, and  
> intensity, especially if they don't support the current policies and  
> ordinance language?" His response was for me to ask Manira. I also asked  
> this question at the SMPAC but didn't receive an answer. Could you please  
> respond where they were derived from?  
>

> 2. If your existing practice of evaluating projects based on the above  
> criteria don't reflect what the current policies & ordinances require, why  
> aren't you changing your current practices instead of attempting to change  
> current policies and ordinances?  
>

> 3. I have read RLUIPA which was enacted to keep governments via land use  
> regulations from imposing additional burdens on a "religious"  
> person/organization. The current San Martin Land Use and Zoning ordinance  
> language was designed for ALL new projects seeking to build in San Martin.  
> Please indicate what additional burdens the language "local serving" places  
> on all religious persons/organizations as opposed to any other non-religious  
> person/organizations or a specific religious person/organization?  
>

> 4. Please cite the exact language and where it is located in the Religious  
> Land Use and Institutionalized Persons Act that the County indicates is  
> inconsistent with existing language of "local serving" in the existing  
> ordinances?  
>

> 5. What is a rural resource impact report and where did this report  
> originate? Where is it currently used and by whom? Where can I view a  
> copy of a rural impact report?  
>

> 6. What environmental studies or any other studies has the County conducted  
> to support the changes proposed to the local land use and zoning ordinances?  
> How can I get a copy of them?  
>

> Thank you in advance for your prompt response.  
>

> Georgine Scott-Codiga  
> Santa Clara Co. Resident  
>  
>  
>  
>  
>

## Sandhir, Manira

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**From:** Tsuchimoto, Colleen  
**Sent:** Thursday, May 14, 2015 3:49 PM  
**To:** Georgine  
**Cc:** Sandhir, Manira  
**Subject:** RE: SCC Planning Commission - Notice of Public Hearing on May 28, 2015 at 1 PM / File 10571-14CP

Georgine,

This email is written in response to your inquiry. The proposed amendments to the General Plan and Zoning Ordinance were in draft form and subject to further revisions based on input from the community. Now that staff is recommending actions/recommendations from the Planning Commission, the Addendum has been prepared as part of the recommendations to the Planning Commission.

Colleen

Colleen A. Tsuchimoto  
Planner III  
Santa Clara County Planning Office

70 W. Hedding St., E. Wing, 7<sup>th</sup> Floor  
San Jose, CA 95110  
Phone: (408) 299-5797  
Fax: (408) 288-9198  
Email: Colleen.Tsuchimoto@pln.sccgov.org

Please consider the environment before printing this email.

**Please Note:**

*We are undergoing a Floor Remodel Project with upgrades to the 7<sup>th</sup> Floor Front Counter and customer service areas. Please bear with us during the ongoing construction between April 27 to June 30, 2015. There will be limited counter access between June 15 and June 17, 2015.*

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**From:** Georgine [mailto:gvscott@garlic.com]  
**Sent:** Thursday, May 14, 2015 11:30 AM  
**To:** Tsuchimoto, Colleen  
**Cc:** Sandhir, Manira  
**Subject:** Re: SCC Planning Commission - Notice of Public Hearing on May 28, 2015 at 1 PM / File 10571-14CP

Colleen,

Thank you for your quick response. Unfortunately you seem to be giving me nonresponsive answers to many of my questions. If you don't understand what I am asking I am happy to clarify my questions for you. I would appreciate a direct response to my my previous question:

Why are we just now - halfway through the process - hearing about an addendum to the 1994 General Plan EIR?

Why wasn't this addendum proposed or made public at the time of the proposed changes?

I appreciate your direct answers to my questions,

Thanks,  
Georgine Scott-Codiga

----- Original Message -----

**From:** [Tsuchimoto, Colleen](#)

**To:** [Georgine](#)

**Cc:** [Sandhir, Manira](#)

**Sent:** Wednesday, May 13, 2015 1:15 PM

**Subject:** RE: SCC Planning Commission - Notice of Public Hearing on May 28, 2015 at 1 PM / File 10571-14CP

Georgine,

The Addendum to the EIR will be within the Planning Commission staff report currently being prepared by staff. When the staff report is posted online we will be sending email notification to the interested parties list including you.

Thanks for the inquiry.

Colleen

Colleen A. Tsuchimoto  
Planner III  
Santa Clara County Planning Office

70 W. Hedding St., E. Wing, 7<sup>th</sup> Floor  
San Jose, CA 95110  
Phone: (408) 299-5797  
Fax: (408) 288-9198  
Email: [Colleen.Tsuchimoto@pln.sccgov.org](mailto:Colleen.Tsuchimoto@pln.sccgov.org)

Please consider the environment before printing this email.

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**From:** Georgine [<mailto:gvscoff@garlic.com>]

**Sent:** Wednesday, May 13, 2015 9:21 AM

**To:** Sandhir, Manira; Tsuchimoto, Colleen

**Subject:** Re: SCC Planning Commission - Notice of Public Hearing on May 28, 2015 at 1 PM / File 10571-14CP

Thank you for the update. Can you please advise if the documents re: "Environmental Determination: Addendum to the 1994 General Plan Program Environmental Impact Report (EIR)" are currently available to review and if so how can I obtain a copy? If not, when will they be available to review?

Why are we just now hearing about an addendum to the 1994 General Plan EIR and not when the original proposal with changes to the General Plan local land use ordinance was made?

Thank you  
Georgine Scott-Codiga

----- Original Message -----

**From:** [Tsuchimoto, Colleen](#)

**To:** [Sandhir, Manira](#)

**Sent:** Monday, May 11, 2015 3:20 PM

**Subject:** FW: SCC Planning Commission - Notice of Public Hearing on May 28, 2015 at 1 PM / File 10571-14CP

Dear Interested Parties for File 10571-14CP/ Local serving policy provisions for the rural unincorporated areas of the County and proposed set of guidelines.

On Thurs. May 28, 2015 at 1:00 PM, the County of Santa Clara Planning Commission and Board of Zoning Adjustments will hold a public hearing to consider:

Public hearing to consider amendments to the Santa Clara County General Plan and Zoning Ordinance addressing local serving policy provisions for the rural unincorporated areas of the County and proposed set of guidelines - "Guidelines for Local Serving Industrial, Commercial, and Institutional Uses in Rural Areas."

Environmental Determination: Addendum to the 1994 General Plan Program Environmental Impact Report (EIR).  
Project Planners: Colleen Tsuchimoto (408) 299-5797, [colleen.tsuchimoto@pln.sccgov.org](mailto:colleen.tsuchimoto@pln.sccgov.org) and Manira Sandhir (408) 299-5787, [Manira.Sandhir@pln.sccgov.org](mailto:Manira.Sandhir@pln.sccgov.org)

The Planning Commission agenda is posted to the internet and can be accessed at:  
<http://www.sccgov.org/sites/planning/MeetingAgendas/PCAgenda/Pages/PCAgenda.aspx>

The Notice of Public Hearing is an attachment to this email.

Related materials for the item can be accessed at the agenda link above after 5 p.m. on Friday, May 22, 2015.

Please note: If you are unable to access as a link, please copy and paste the URL into your web browser "go-to" address window.

If you are having difficulty accessing these documents, please contact this office at the number below for assistance.

Thank you.

Michele Napier, Planning Clerk  
Department of Planning and Development

(408) 299-6714



**Please Note:**

*We are undergoing a Floor Remodel Project with upgrades to the 7<sup>th</sup> Floor Front Counter and customer service areas. Please bear with us during the ongoing construction between April 27 to June 30, 2015. There will be limited counter access between June 15 and June 17, 2015.*

Please note that the San Martin Planning Advisory Committee hearing will be scheduled for Wed. May 27<sup>th</sup> at 7 p.m. Agenda notice will be distributed later in the week.

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**Exhibit F**  
**Public Meeting Minutes**

**MEETING MINUTES**

**Topic:**           **Community Outreach Meeting for General Plan and Zoning Ordinance Updates for Local Serving Uses in Rural Districts**

**Date:**             **Wednesday, February 25, 2015**

**Location:**       **Gilroy Library Community Meeting Room**

**Attendees:**       **Planning Department staff – Planners Colleen Tsuchimoto and Manira Sandhir, AICP; Acting Planning and Development Department Director Kirk Girard; District 1 Land Use Aide Roland Velasco; Community Members (Estimated 30)**

- Concern of traffic counting along metering lights along Hwy 101. This creates further traffic congestion to the rural neighborhoods of San Martin.
- Urban scale development is avoided by keeping the net reduction of traffic standard in the policies.
- Without the language “local community”, the policies are more generalized and subject to interpretation and vague.
- Striking out language of net reduction of traffic will result in significant additional traffic outside of the San Martin community.
- Public input is not being heard
- The statistics should not be an equation of the guidelines. This is overdevelopment of the rural neighborhoods of San Martin.
- What is viable commercially – how it is defined in County code?
- Non-profit organizations cannot compete with the local restrictive policies.
- Removing traffic standards is suspicious.
- The new local serving standards do not protect the interest of the farming community.
- Donald – San Jose built density was the origin of the net reduction standard back in 1980. In favor of keeping the same language in place. Environmental concerns are preserved. Compact development is supported, assess the rural character of projects, meeting the size and scale of projects.
- Karen Harley – the existing language takes the heart of San Martin community; avoiding traffic congestion cumulative impacts. Water, traffic, and roads are all impacted by all the new development. Septic tanks and wells cannot be supported by all the new development. Take into the consideration of the community.
- Businesses outside of the community does not fit into San Martin needs.
- Hindu temple meeting in San Martin – a travel analysis was presented that showed how it meets the existing local serving policies.
- It should be obvious what isn’t local serving (example – Gold’s gym serving 5,000 or more patrons) is beyond local serving.
- Suggest putting in language that is separate for religious institutional uses versus other types of land uses. Local serving is defined differently based on the type of businesses.

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

- RLUIPA – provide further information. We don't understand what it means. Which paragraphs /sections of RLUIPA relate to the County General Plan and Zoning Ordinance policies that are being changed.
- These changes solely impact San Martin residents; not anywhere else.
- How have other states and cities approached the RLUIPA problem? And why aren't they changing their codes and policies?
- Doing a headcount is important for septic design.
- Stripping the language away reduction of traffic will lead to traffic congestion problems.
- Dhruv Khanna explained an unincorporated project in Milpitas – temple going through the same issues with the impacts of the local serving policies and agrees with County staff's approach to presenting local serving – based on on size, scale and intensity of use.
- If you don't live in San Martin, you don't understand the needs of San Martin residents and how local serving should be defined.
- The intent of the policies are not clearly defined.
- Roland Velasco was requested to speak – Question of residents of San Martin – Why does Board need to change the policies? Roland indicated that County Counsel identified the problem with not meeting federal law – RLUIPA, and to protect the County from being sued this needs to be addressed.
- Dhruv pointed out that size, intensity of use, location, and traffic should be evaluated to be compatible with the rural area.
- Kristy Abrahams pointed out that the SCJPAC will be meeting to discuss the General Plan/Zoning Ordinance changes.
- Roland discussed the upcoming tentative schedule for SCJPAC, SMPAC, PC and Board of Supervisors meetings. The intent of the changes is to find a balance between local interests and protect the County at large from a lawsuit for inconsistency with RLUIPA.
- Baptist church was denied by SMPAC, and required to develop a City property. The San Martin community defines local serving as those uses that San Martin needs and uses. If we don't like a uses, it shouldn't be approved at all.

**Other issues brought up not related to the proposal**

- Why is there massive grading along Monterey Hwy? Staff responded that the project was approved for an auction salvage yard – Copart – approved by the Planning Commission. There are conditions pertaining to grading and drainage to meet erosion control and all County policies.
- San Martin wells are contaminated and need fixing.
- Foothill widening – Expressway Highway widening project of Roads Dept. did not have opportunity for public input; and does not meet the local needs of San Martin.
- Code enforcement of approved projects is not meeting the local needs of San Martin residents.
- What happens after a code violation is reported?
- Why did it take so long to obtain a building permit for a reroof of a shed; requiring unnecessary roadway improvements from Roads Dept?
- Object to 1200 sq. ft. standard for restaurants

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

- Not able to turn left into the San Martin post office; too much traffic congestion at the intersection with Roads installation of a stop sign.
- Contamination of PCBs due to cemetery
- Why are all the SMPAC meetings being cancelled? And why is SMPAC always the night before Planning Commission meeting. This does not give enough notice for the public to review San Martin projects that impact the community. There should be changes to noticing procedures to allow for more advance time for SMPAC to review the projects.
- Trust of San Martin community is low due to past mistakes of approved projects that should not belong in San Martin – e.g. Copart and Cordoba Center
- Traffic and water issues are not adequately addressed within the Use Permit approval process.
- Why are roads full of drainage problems and flooding? Why can't the County fix our County roads properly?

**MEETING MINUTES**

**Topic:**           **Community Outreach Meeting for General Plan and Zoning Ordinance Updates for Local Serving Uses in Rural Districts**

**Date:**           **Thursday, February 26, 2015**

**Location:**       **Hillview-Reid Library Community Meeting Room**

**Attendees:**      **Planning Department staff – Planners Colleen Tsuchimoto, Kim Rook, and Manira Sandhir, AICP; Interim Planning Manager Rob Eastwood; (Estimated 20)**

- The County interpretation of “local serving” has evolved and not been consistently applied over time.
- The County is interpreting “local serving” to mean number of people (building size/occupant load), but it isn’t defined that way.
- “Local Serving” should be clearly defined (it appears this is the primary issue).
- “Local Serving” is not in conformance with Ca League of Cities (interpretation hazy).
- Impacts to infrastructure (specifically, San Martin traffic/parking, hydrology, & septic) of the proposed changes should be considered/addressed.
- Purpose (who/why) of the proposed text change is not clear.
- They do not want the language to change; the proposed deleted language will take away everything they have to preserve rural area.
- “Local serving” means they do not have to leave San Martin to obtain a service.

San Martin specific comments included:

- If proposed use is not right size, San Martin infrastructure can’t support the growth.
- The County is not listening to the residents of San Martin and the residents do not have a consistent avenue to bring issues to the attention of the County (i.e. SMPAC: meetings cancelled; staffed by Co employees). Process requires resident to attend SMPAC meeting to place issue on future agenda; if meetings are cancelled due to lack of business, they do not have a way to place a new discussion item on future agenda.

**SOUTH COUNTY JOINT PLANNING ADVISORY COMMITTEE**  
**Draft Meeting Minutes**

**Date:** Wednesday, March. 19, 2015

**Location:** Morgan Hill City Council Chambers

**Roll Call:**

Chairperson Mike Wasserman (Board of Supervisors District 1)  
Dennis Delisle (Public-at-large)  
Jim Divittorio (Public-at-large)  
Terry Aulman (Gilroy City Council Member)  
Robert Cerruti (San Martin Planning Advisory Committee)  
Marc Rauser (Santa Clara County Planning Commissioner)  
Joseph Mueller – (Morgan Hill Planning Commissioner)  
Gordon Siebert (Morgan Hill City Council Member)  
One other gentleman

**Staff Attendees:**

Colleen Tsuchimoto (SCC Planner III)  
Manira Sandhir, AICP (SCC Planner II)  
Rob Eastwood, AICP (SCC Interim Planning Manager)  
Kirk Girard (SCC Interim Director – Department of Planning and Development)  
Roland Velasco (District 1 Land Use Aide)  
Andrew Crabtree (Morgan Hill Community Development Director)

**General Public:** Approximately 40 people

**Open Public Hearing Comments:**

Doug Muir – Morgan Hill resident expressed interest in Priority Conservation Areas

Second speaker (Solani??) - Expressed concerns about fracking and water quality impacts related to that.

3<sup>rd</sup> Speaker – Was concerned about Marijuana Dispensaries.

4<sup>th</sup> Speaker (Bob ??) also spoke about water quality impacts related to fracking.

Jerman Garcia – Had concerns about habitat impacts to fish species due to lack of water in creeks.

**Agenda Item Number 5:** General Plan and Zoning Ordinance Amendments addressing “Local Serving” policy provisions for the rural unincorporated areas of the County.

***Public hearing comments***

Dhruv Khanna – concerned that historic wineries should be preserved and not limited to local residents. Restaurant regulations of 1200 sq. ft. is too restrictive. CEQA covers all the traffic and noise impacts. The proposed code updates should be presented to the farm community.

Trina Hineser – The definition of local serving is misconstrued - it does not constitute “exclusion of others”. The current definition is designed to protect San Martin residents. No standard practice exists, opposition is usually ignored, giving planners more discretion on how to proceed. Agree that specific guidelines are needed for protecting local serving definition. Residents should have the opportunity to define what local serving means.

Jeannin Croft – Water well, septic, and drainage should be added to the list for more criteria to research for ordinance. Equestrian community should be exempt from ordinance. Local serving means no new traffic. Projects with water and drainage impacts due to runoff from hills should not be considered, and water quality concerns should be directed in the ordinance. San Martin is an equestrian community and doesn’t want retail stores, additional traffic. Stop sign and road improvements have been a nuisance

There should be rules on where cemeteries can be established.

Donnie Croft – It’s not about xenophobia, but about water resources and keeping what you have.

Michael Deegan – New residents in area - population is growing over time. There are not enough data points to create a threshold. Policies should be less restrictive. EIR standards should be incorporated into the findings on a project by project basis instead. Water experts should be consulted on graveyard impacts to water quality.

Linda – Standards should not be changed. The local serving standards are suited for the San Martin community and prevent big box development. A 1,200 sq. ft. restaurant standard meets the local serving definition.

Gary McDowen – There are people sell real estate without regard to zoning that creates conflict. Zoning should not allow for inappropriate uses in the community. Realtors do not disclose all the proper regulations and disrupt harmony of local serving standards.

Michael Brookman (SMNA President) – Ordinance should comply with all federal and state regulations. Due process is important. SMPAC meeting should have been held before the public outreach meetings. Adjusting the ordinance is faulty and will lead to abuse by applicants who find weaknesses in the language of the new ordinance. Traffic, and urbanization are not rural characteristics. Key questions: “what is “local-serving?” - a block/a neighborhood/ entire unincorporated county.”

John Durham – Advised coming to San Martin to provide pictures for future presentations. Asked for clarification on RLUIPA sections relevant to policies please clarify. Asked why there is a lag of 15 years for an ordinance update to comply with the 2000 RLUIPA.

Suzanne M – Percolation pond testing is inadequate. More strict water quality standards are needed for new development. There should be no bias and/or prejudice in the decision-making process, all requirements should be fulfilled.

***SCJPAC committee comments:***

Key pointers:

1. There appears to be a disconnection between median square footage and median occupancy for institutional uses - too many people in too little space.
2. Can Morgan Hill growth boundary be expanded to accommodate larger development?  
Chairperson clarified no.
3. Institutional uses are of benefit to communities and RLUIPA also provides protections to them.
4. How will future growth opportunities and expansions be considered for businesses and institutional uses to allow them to thrive?
5. Provide more clarification on which land uses it does and doesn't apply to, for instance equestrian uses. Provide clarity on what exactly is being proposed. Anything not included in local-serving should not be in the data.
6. Please specify what the range and the median is for uses only within San Martin.
7. Add a link to RLUIPA on website.
8. Exclude only religious institutions from local-serving requirement.
9. 10,000 square foot limit also seems incompliant with RLUIPA; not the "least restrictive" requirement.
10. Bring to SMPAC early enough for feedback.
11. Identify limits on occupancy related to septic system requirements and wells based on property size.
12. Standards for cemeteries not included.

***Other issues not related to the proposal***

- Perchlorate contamination at Sgt. Ranch
- Intersection of Harding/California Avenue has flooding/runoff problems.
- Cemeteries should be approved in the County only at specific locations to prevent water quality contamination
- San Martin Ave. stop sign is a nuisance.
- Why are SMPAC meetings constantly being cancelled? Community wants monthly meetings.
- Future SCJPAC meeting should cover water concerns for South County with presentation from SCVWD.

**SAN MARTIN PLANNING ADVISORY COMMITTEE**  
**Draft Meeting Minutes**

**Date:** Wednesday, April 22, 2015

**Location:** Morgan Hill Community Center, El Toro Room

**Roll Call:**

Chairperson Marc Rauser (Planning Commission)  
Bob Cerutti  
Ed Stricker  
Drake Fenn  
Dianne Dean

**Staff Attendees:**

Colleen Tsuchimoto (SCC Planner III)  
Manira Sandhir, AICP (SCC Planner II)  
Kirk Girard (SCC Acting Director – Department of Planning and Development)  
Roland Velasco (District 1 Land Use Aide)

**General Public:** Approximately 10 people

**Review and approval of Meeting Summary:**

SMPAC indicated that the November minutes were not available. Deferred review to next SMPAC meeting.

SMPAC also asked Staff to follow-up with Bill Shoe on updating the current SMPAC roster.

**Public Presentations**

Bob Cerutti inquired of the County doing a future presentation regarding Solar City project which may impact San Martin. Kirk Girard responded that this is a County Fleets & Facilities project. Staff will forward the request to Fleets & Facilities.

**Action Items:** Review of proposed amendments to the Santa Clara County General Plan and Zoning Ordinance addressing local serving policy provisions for the rural unincorporated areas of the County and a proposed set of guidelines “Size, Scale and Intensity Guidelines: Industrial, Commercial, and Institutional Uses in Rural Areas.”

Staff provided a presentation. Presenters were Kirk Girard, Colleen Tsuchimoto, and Manira Sandhir.

**SMPAC Commissioners Comments and Discussion:**

1. How will code enforcement follow through with tracking the size of development and number of users?

- Staff responded that tracking occurs through mitigation, monitoring and reporting to meet all use permit requirements and conditions. Applicants are required to provide status reports to confirm compliance with conditions and is an appropriate tracking tool.*
2. How are mixed use development projects reviewed? Example – Cordevalle Golf course with restaurant and hotel. Golf course is a primary open space recreational use; but restaurants and hotels are commercial uses.  
*Staff is evaluating how to address this issue.*
  3. Why are wineries exempt from the local serving regulations? Provide a more defined explanation of which type of land uses are exempt from these policies.  
*Staff responded that wineries are primary agricultural uses.*
  4. How are legal non-conforming uses addressed? When an expansion is proposed to a legal non-conforming use – how are local serving regulations applied?  
*Staff responded that modified and expanded projects must meet the current local serving regulations.*
  5. When will staff bring back the finalized version for SMPAC to review? More time to review the staff report is appreciated. The standard review time of 1 week prior to the Planning Commission hearing is inadequate.  
*Kirk responded that staff will provide staff report 10 days prior to the Planning Commission hearing.*
  6. Comments should be submitted to Planning Department for any concerns of the amendments, examples of land uses that have questions on local serving criteria, and examples of legal non-conforming projects that would have problems with expansion to meet the local serving regulations.

**Public comments and input:**

1. The proposed changes to the ordinance are diluting the standards – changing the original intent of local serving for needs of San Martin residents. Instead of changing policy to be consistent with approach, why is the approach not being changed to be consistent with policy?  
*Staff responded that the current policy as written is impractical to implement. Discretion has been used by staff and the Board to implement this policy. The current project will establish measurable standards and reconcile the policy with the approach.*
2. When will the draft Guidelines be available?  
*10 days prior to next Planning Commission hearing on the item.*
3. Why aren't Visual Resources, Drainage and Flooding being quantified in guidelines?  
*Staff responded that these are difficult to establish quantifiable standards for.*
4. Use only rural residential as the basis for establishing standards in rural residential areas, not all rural districts.  
*Staff responded that this limits the number of data points, however staff is still working on the data.*
5. The process of obtaining early community outreach before SMPAC and Planning Commission review has been very helpful.

6. With removal of the significant traffic standard in the language; how will the significant increase of travel demands be addressed to protect the community?  
*The guidelines will have thresholds for median trips generated etc. Staff is working on the analysis which will be finalized.*
7. Are there any changes to zoning Ordinance Chapter 4.10 section b and c? *No*
8. What are the components of a Rural Impact Study, and how will staff determine a rural impact study is adequate? How different is it from CEQA analysis?  
*Staff is working on addressing this issue.*

County of Santa Clara Planning Commission and Board of Zoning Adjustment  
DRAFT MINUTES  
April 23, 2015

7. File 10571-14CP Owner/Applicant: County of Santa Clara  
Project Planners: Colleen Tsuchimoto (408) 299-5797, [Colleen.Tsuchimoto@pln.sccgov.org](mailto:Colleen.Tsuchimoto@pln.sccgov.org); and Manira Sandhir (408) 299-5787, [Manira.Sandhir@pln.sccgov.org](mailto:Manira.Sandhir@pln.sccgov.org)

Public hearing to consider amendments to the Santa Clara County General Plan and Zoning Ordinance addressing local serving policy provisions for the rural unincorporated areas of the County, and proposed set of guidelines "Size, Scale and Intensity Guidelines: Industrial, Commercial, and Institutional Uses in Rural Areas." The purpose of this hearing is to introduce the item for discussion and consideration by the Planning Commission and to receive comments from the public and interested parties. No action will be taken by the Planning Commission at this hearing.

Property Location: County-wide

Zoning: RR, A, HS, AR    General Plan: Rural Residential, Agriculture, Hillsides, Agricultural Ranchlands

Colleen Tsuchimoto, Associate Planner, narrated a PowerPoint presentation and led the discussion regarding the Santa Clara County General Plan and Zoning Ordinance addressing local serving policy provisions for the rural unincorporated areas of the County.

Chairperson Schmidt opened the public input portion of the hearing. Hearing no one, she closed the public input portion of the hearing.

Commissioner Lefaver suggested that the floor area ratio (FAR) not be used as a local serving criterion since it is a more urban measure of development.

Commissioner Cauble suggested that the local serving criteria should be rural compatible.

Chairperson Schmidt suggested that documentation to be considered by the Commission in May should clearly identify existing and specific changes.