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**DATE:** June 22, 2017

**TO:** Planning Commission

**FROM:** Bill Shoe, Principal Planner

**SUBJECT:** San Martin Planning & Land Use Presentation

**RECOMMENDED ACTION**

Receive report and presentation regarding San Martin Planning and Land Use policies and history.

**PROJECT DESCRIPTION**

The project is a presentation to the Planning Commission regarding planning and land use history of the San Martin community.

**REASONS FOR RECOMMENDATION**

The workshop and presentation on San Martin planning and land use history is in response to a request from the Planning Commission to have an opportunity to discuss and better understand San Martin planning history and current issues. The presentation also will serve as the introduction to the need for the creation of a combining zoning district for the areas within the San Martin Commercial and Industrial Use Permit Areas.

**BACKGROUND**

San Martin lies between the cities of Morgan Hill and Gilroy in south Santa Clara County. The San Martin Planning Area is geographically defined by the General Plan. The northern and southern boundaries of the planning area are the Sphere-of-Influence boundaries for Morgan Hill and Gilroy, and the easterly and westerly boundaries extend to the lower foothills of the Diablo Range and Hayes Valley. The Planning Area is approximately 7,900 acres or 12 square miles in size. The population of the Census Designated Place (CDP) for San Martin in 2010 was approximately 7,000. The CDP is not coterminous with the San Martin Planning Area, but its boundaries are similar enough to provide a reasonable estimate of total population.

San Martin as a settlement inhabited by European immigrants has existed since the mid-1800s. It has evolved from a farming area to a small, unincorporated community that is generally defined by a relatively dense village or community core area of homes and businesses along Monterey Road that extends east and west of Monterey Road for

approximately one-quarter mile. The larger, less densely populated area of San Martin is characterized by farms and residential properties with lot sizes varying from less than one acre to over 20 acres. The average lot size in San Martin is approximately 3 acres, with the median being approximately 2 acres. There are approximately 2,200 parcels shown in the County's Geographic Information System (GIS) mapping, excluding the County-owned airport and other public lands.

The Land Use Chapter of the General Plan contains a set of Special Area Policies that augment the Land Use Plan map designations and associated policies that apply within the Planning Area. Since the adoption of the 1980 General Plan, San Martin and its planning area have been predominantly designated Rural Residential, with some peripheral areas designated Hillside, Agriculture, and Ranchlands. San Martin County Airport is located immediately west of Highway 101 between San Martin Avenue and Church Avenue.

### **STAFF REPORT REVIEW**

Project Planner: Bill Shoe, Principal Planner/Zoning Administrator; 408-299-5749;  
bill.shoe@pln.sccgov.org

Reviewed by: Rob Eastwood, Planning Manager

### **ATTACHMENTS:**

- SMPAC Memo re -sm Combining Zones 3-23-16 Mtg (PDF)
- SM Special Area Policies GP Book B (PDF)

# County of Santa Clara

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March 15, 2016

To: San Martin Planning Advisory Committee

From: Bill Shoe, Principal Planner/Zoning Administrator

**RE: Proposed Creation of a "-sm, San Martin Use Permit Areas" Combining Zoning District to Replace Use of Existing "A1, General Use" Base Zoning District in San Martin**

This memo is to introduce to the San Martin Planning Advisory Committee (SMPAC) a proposed change to the zoning districts applied to lands within the two Use Permit Areas defined in the County's General Plan for San Martin. The General Plan defines and describes two such areas, the Commercial Use Permit Area, and the Industrial Use Permit Area.

The concept of the Use Permit Areas dating to the early 1980s is to allow certain commercial and industrial uses in those two areas that are not otherwise allowed under the Rural Residential General Plan designation and RR, Rural Residential base zoning district. These policies were intended to recognize and allow for non-residential uses of benefit to the community, contribute to its identity as a unique rural community with a community core of various types of businesses, and to reflect the historical use patterns that evolved along Monterey Highway over many decades prior to the South Valley Freeway (101).

The best and most typical way to implement the General Plan in this regard would be to apply the standard Rural Residential (RR) base zoning applicable to most of San Martin, consistent with the Rural Residential GP designation, and also apply a combining zone to specifically address the purposes of the Use Permit Areas. Combining zones are often referred to as "overlay zones" to convey the understanding that they do not supplant the base zoning district, but add to the regulations of the base zone.

For various reasons, the County instead utilized the A1, General Use base zoning district for the Use Permit areas. The most likely reason is that the A1 once had much more widespread applicability in the rural areas, and it was a familiar tool in the "toolkit" for planners and decision-makers to utilize. Today, this base zone has applicability in fewer and fewer locations over the years, the most prominent being Stanford University's campus areas, which support a great variety of uses through the Stanford General Use Permit. For San Martin, the A1 zone is no longer appropriate, and it has been the cause of a number of problems over the years:

1. It conveys the appearance of much, much more liberal allowable use regulations than is actually the case. This often leads to misunderstandings among the public, property owners, buyers, staff and decision-makers.
2. Its use in this particular area is an anachronism, relating to the more widespread application of the A1 zoning district dating back many decades.
3. Its use requires knowledge of and reference to the specific policies of the Use Permit Areas, by means of the purpose statement of the zoning district, to know how the General Plan limits uses of land within these A1 zones. That makes it more difficult to implement and explain than should be the case.

Staff has for some time identified that a combining zone having provisions for each of the two Use Permit Areas, Commercial and Industrial, is the far more appropriate means by which to implement the General Plan and provide clearer zoning regulations for the benefit of all. Bringing the project to the SMPAC is one of the first key steps to inform the community of the purpose of the project, ensure the public is informed, and answer any questions about County zoning regulations for the affected properties.

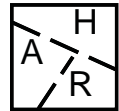
Please note that the creation of the “-sm, San Martin Combining Zoning District,” and its application by rezoning affected lands from A1-5ac. to RR-5ac.-sm will not have any substantive effect on allowable uses already prescribed by the General Plan.

Informational communications will be distributed to the public and property owners at an appropriate time in the near future as staff develops and reviews the text of the proposed “-sm” combining zone. There will also be multiple opportunities to make presentations about the proposal to the SMPAC, community organizations, Planning Commission, and others during the review process.

The purpose of the San Martin Commercial Use Permit Area will continue as defined in the General Plan without modification, to allow appropriate commercial uses within the defined boundaries of the area, as will the Industrial Use Permit Area, which provides for light industrial uses within those boundaries.

The introduction of the project to the SMPAC at its March 23, 2016 meeting will be followed by a future presentation in April or May to introduce and discuss the actual content of the proposed “-sm” combining zone, before its being introduced for final recommendation to the Planning Commission and Board of Supervisors.

If you have further questions or need of information, please contact Bill Shoe at 408-299-5749, or by email at [bill.shoe@pln.sccgov.org](mailto:bill.shoe@pln.sccgov.org).



### Los Gatos Hillside Specific Plan

#### ***R-LU 111***

The jointly adopted 'Los Gatos Hillside Specific Plan' shall serve to implement the provisions of the Land Use Element of the Santa Clara County General Plan for those lands included within the Study Area Boundary of the Specific Plan. Refer to the Specific Plan (not contained within the General Plan) for the allowable uses and densities permitted for each sub-area of the lands governed by the Specific Plan.

1. All policy provisions of the Specific Plan shall be deemed compatible with the County's General Plan.
2. For areas governed by the "20-160 acre variable slope density formula," development must fully conform to Hillsides policies concerning clustering of residential development and open space dedication.

#### ***R-LU 112***

Urban development shall not occur outside of city jurisdiction. Unincorporated land within the Urban Service Area of the Town of Los Gatos and which is suitable for urban development:

- a. should be annexed at a time consistent with the development schedule of the city; and
- b. shall conform to the city's General Plan.

### San Martin Planning Area

#### **Area Boundaries**

##### ***R-LU 113***

The San Martin Planning Area boundary encompasses the area between Maple Avenue on the North; Masten Avenue on the South; the East Foothills and West Foothills (excluding those areas annexed to Morgan Hill). It excludes that part of the current study area which lies west of Monterey Road and between the hill crest north and paralleling California Avenue and West Middle Avenue. [see map p. Q-21] [Amended Mar. 9, 1999; File#: 7200-98GP]

#### **General Policies**

##### ***R-LU 114***

San Martin is a rural unincorporated community governed by the County Board of Supervisors. Furthermore, San Martin should be viewed as a distinct geographic entity, unique within the rural unincorporated areas of Santa Clara County and having a unique rural identity and character within the South County area. Care should be taken to prevent premature commitment of land for uses which would restrict future options for the community. In order to best preserve future options for the San Martin community and environs, San Martin shall remain a rural community, predominantly nonurban and residential in nature.

[Amended Mar. 9, 1999; File#: 7200-98GP]

##### ***R-LU 114.1***

Policies, permit decision-making, and other matters subject to the discretion of the County and Board of Supervisors shall also take into consideration the desire and intent of the community to preserve and enhance the character, identity, and importance of the village core area of San Martin, being that area most central to the distinct identity of San Martin.

[Amended Mar. 9, 1999; File#: 7200-98GP]



### **R-LU 114.2**

In keeping with the general policies governing San Martin, no further introduction of Roadside Services land use designations within the San Martin Planning Area shall be permitted, unless through subsequent amendment to this policy or subsequent to and in conformance with the adoption of a master land use and infrastructure plan referred to in policy R-LU 117. Limited modification of the Industrial and/or Commercial Use Permit Area boundaries may be considered through the General Plan amendment process, if consistent with the following principles and criteria:

- a. Proposed modifications would not conflict with residential uses or be inconsistent with the primarily rural residential and agricultural land use patterns of San Martin;
- b. Proposed modifications to expand a Use Permit Area boundary would be limited to parcels immediately adjacent to the existing boundaries; and
- c. Proposed modifications would not likely cause significantly increased traffic from outside the community or other objectionable impacts to the area or surrounding properties.

[Amended Mar.9, 1999; File#: 7200-98GP; Mar. 20, 2007; File#: 1323-06GP]

### **R-LU 114.3**

The intent of policy R-LU 114.2 is to limit the extent of possible expansion of the Use Permit Area boundaries. Future expansion proposals, whether through successive incremental applications for General Plan amendments or through proposals for a significant number of boundary expansions in any given yearly application filing period, may indicate a need to re-evaluate policy enabling limited expansion through privately initiated applications. The County may at any time suspend acceptance of such applications, or require additional planning analysis and recommendations regarding the long term implications and cumulative impacts of such boundary modification proposals, or both. The County may refuse to accept for processing a privately-initiated application for a General Plan amendment not deemed substantially consistent with fundamental or applicable goals and policies of the General Plan, including those for

the San Martin Planning Area, and Policies R-LU 114.2 and R-LU 114.3, in particular.  
[Amended Mar. 20, 2007; File# 1323-72-32-06GP]

### **R-LU 115**

The density and location of future land divisions should reflect the recommendations of the San Martin Area Water Quality Study (1981) and take into consideration subsequent studies of ground water quality.

### **R-LU 116**

The County endorses the concept of community participation by residents and property owners in the decisions affecting San Martin. For that purpose, there shall be a San Martin Planning Advisory Committee whose members are appointed by the Board of Supervisors to represent the community and to advise the Planning Department, Planning Commission, and others in matters of interest to the community.

[Amended Mar. 9, 1999; File#: 7200-98GP]

### **Master Plan as a Prerequisite to Significant Land Use or Intensity Changes**

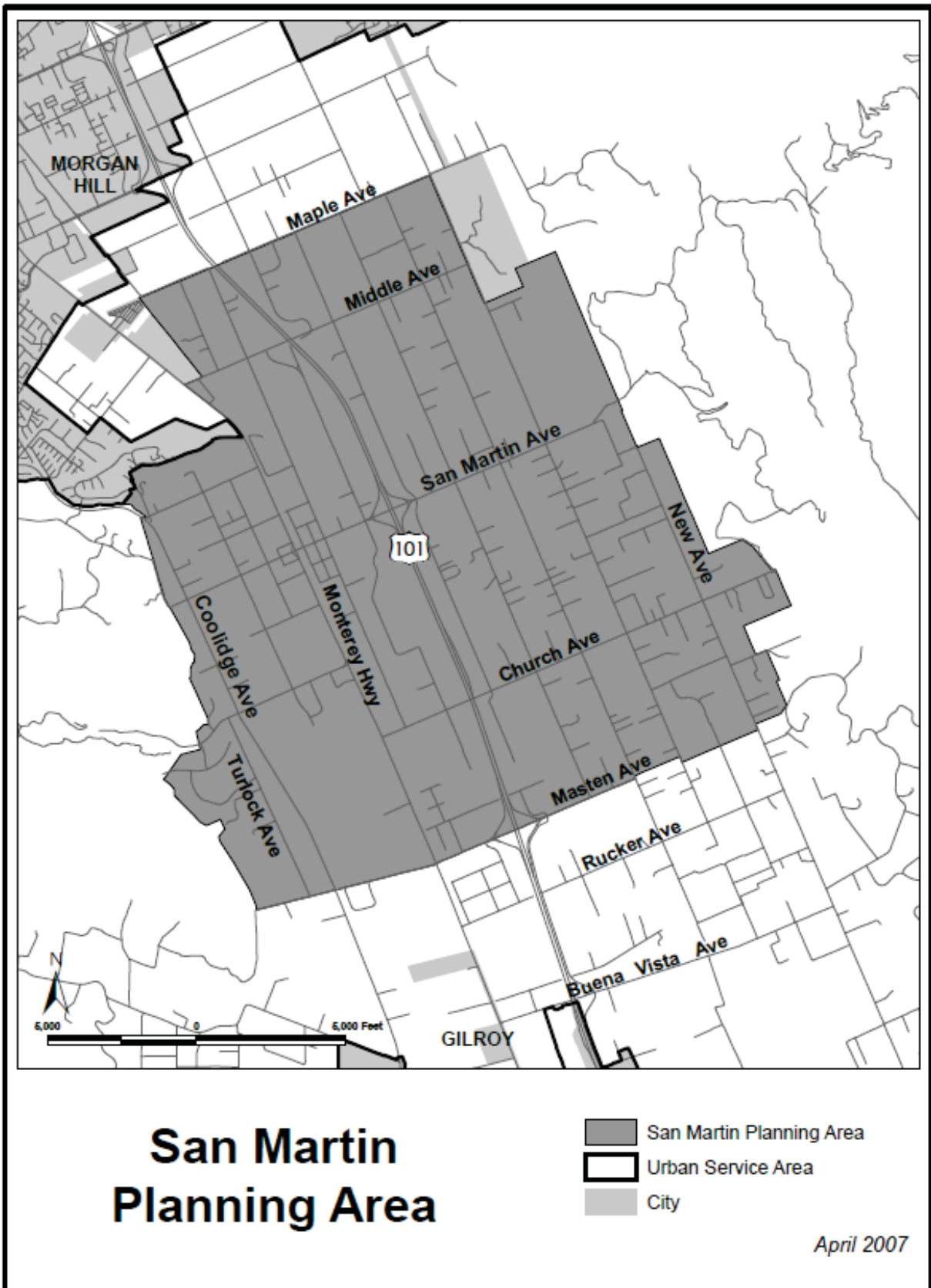
### **R-LU 117**

Prior to any significant increase in the types or densities of land use in the San Martin area, a master plan addressing both land use and infrastructure issues must be prepared and adopted by the Board of Supervisors. Projects considered "significant" would be those that

- a. involve changes to the minimum lot sizes allowed in the San Martin area or
- b. some expansion or intensification in the types of uses currently allowed in either the rural residential areas or those zoned for commercial and industrial uses.



The master utility/infrastructure component of this plan would include provision for fire protection, street improvements, a unified water distribution system, a wastewater management system (sewers), and area-wide drainage improvements. Methods of financing the master-planned improvements and designation of the government entities which would administer and operate certain of the improvements should be included in the adopted plan.





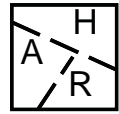


## San Martin Use Permit Areas

-  Industrial Use Permit Area
-  Commercial Use Permit Area

Amended on March 20, 2007  
File 1323-06GP



**R-LU 117.1**

Connections to sewers in the San Martin area will be subject to the following conditions:

- a. No sewer connections will be allowed for private projects in the San Martin area until such time as an area-wide plan for infrastructure has been approved by the Board of Supervisors.
- b. Public facilities and services operated by either a public or non-profit agency may be granted a sewer connection without being required to develop a master utility/infrastructure plan if it can be found that such a connection would not induce significant growth within the community.

[R-LU 117 amended and R-LU 117.1 adopted May 9, 1995; File # 5967-95GP]

**R-LU 118**

Any future development plan of San Martin should include street landscaping standards, setback and sign standards, historical resource policies, policies for undergrounding public utilities, and policies regarding other improvements.

**Non-Residential Design Guidelines****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 contained within the "San Martin Integrated Design Guidelines."

[Amended Nov. 19, 2015; File#: 10571-15GP]

**Industrial Use Permit Area****R-LU 120**

The intent of the Industrial Use Permit Area is to make provision for the maintenance and development of such light industrial uses as are of benefit to the community and environs through the appropriate discretionary permitting procedures. Such uses are allowed in addition to any of those uses which may be allowed within the applicable General Plan designation and zoning district.

- a. a. Light industrial uses may be located only within the Industrial Use Permit Area Boundary. [See map p. Q-22]

- b. New or significantly expanded uses may be established and conducted only upon issuance of a use permit and architecture and site approval.

- c. Heavy industrial uses shall not be allowed. [Amended Dec. 5, 1995; File #: 6009-95GP; Mar. 9, 1999; File#: 7200-98GP]

**R-LU 120.1**

In the vicinity of Llagas Creek, particularly in areas of highly permeable soils, industrial uses should be situated and designed to prevent any form of harmful waste discharges into the creek. These uses should be light industrial in character and have low water usage. The value of the riparian habitat and the beauty of the creek should be maintained and enhanced.

[Amended Mar. 9, 1999; File#: 7200-98GP]

**R-LU 121**

New or significantly expanded industries may be allowed on septic systems only if they can comply with the current regulations of the County Septic System Ordinance.

**R-LU 122**

New or significantly expanded industrial uses may be allowed only if served by hydrants and water supply in sufficient volume and pressure for fire suppression.

**R-LU 123**

New or significantly expanded industrial uses may be allowed only if they can be adequately drained by a storm drainage system. On-site surface coverage should be limited to a small percentage of the total lot area in order to not create significant volumes of runoff waters.



## Commercial Use Permit Area

### **R-LU 124**

The intent of the Commercial Use Permit Area is to make provision for the maintenance and development of such commercial uses as are of benefit to the community and environs through the appropriate discretionary permitting procedures. Such uses are allowed in addition to any of those uses which may be allowed within the applicable General Plan designation and zoning district. New or significantly expanded uses may be permitted only on property within the boundary of the San Martin Commercial Use Permit Area and upon issuance of a use permit and architecture and site approval. [See map p. Q-22]

[Amended Mar. 9, 1999; File#: 7200-98GP]

### **R-LU 125**

In vicinity of Llagas Creek, particularly in the areas of highly permeable soils, commercial uses should be situated and designed to prevent any form of harmful waste discharge in the creek. The value of the riparian habitat and the beauty of the creek should be maintained and enhanced.

[Amended Dec. 5, 1995; File #: 6009-95GP; Mar. 9, 1999; File# 7200-98GP]

### **R-LU 126**

Eligibility of certain properties for commercial development should be based on consideration of their location, traffic flow, and proximity to residential and other commercial uses, among other factors. Proposed uses which contribute to the enhancement of the commercial village core area shall be encouraged.

[Amended Mar. 9, 1999; File#: 7200-98GP]

### **R-LU 127**

New commercial land uses within the commercial or industrial use permit areas shall be sized to 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 commercial needs of the residents of San Martin.

[Amended Dec. 5, 1995; File #: 6009-95GP; Mar. 9, 1999; File#: 7200-98GP; Nov. 19, 2015; File#: 10571-15GP]

### **R-LU 128**

All development in freeway interchange areas shall rigorously comply with the San Martin Non-Residential Development and Design Guidelines, and shall be designed to enhance the scenic quality of Highway 101.

### **R-LU 129**

Those types of commercial uses which generate high volumes of sanitary waste waters, for example motels and restaurants, should not be allowed to develop on septic tanks, unless provision can be made for special treatment devices in conjunction with and compliance with County septic tank regulations and specific approval by the Regional Water Quality Control Board officials. No new septic systems should be developed in the highly permeable soils of Llagas Creek.

[Amended Dec. 5, 1995; File #: 6009-95GP]

### **R-LU 130**

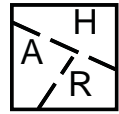
New or significantly expanded commercial uses may be allowed only if they can be served by an adequate storm drainage system.

### **R-LU 131**

Prior to establishment or expansion of a commercial use, an assured, dependable, and adequate water supply both in volume and pressure for fire suppression shall be demonstrated for the specific use.

### **R-LU 132**

Future extensive development of commercial land uses should only occur when the full range of service infrastructure has been provided. The standards and guidelines for the amount of commercial land use would be established in conjunction with an urban density land use and development plan for the area.

**R-LU 133**

Criteria should be established to allow cottage-type industry (defined as commercial type uses that are somewhat more intense than home-occupations and less intense than those generally requiring a use permit) outside of the Commercial and Industrial Use Permit areas designated herein.

**Public and Quasi-Public Uses****R-LU 134**

County expansion of or new County facilities in San Martin requiring either construction or relocation should be reviewed with local residents and property owners prior to being established in the community.

**R-LU 135**

Prior to changing any policies regarding the South County Airport, constructing new airport facilities, or modifying existing airport structures, the proposed changes should be reviewed with residents and property owners of the San Martin Area.  
[Amended Dec. 5, 1995; File #: 6009-95GP]

**Residential Land Uses****R-LU 136**

Residential land use and development patterns shall remain the preferred and predominant use pattern in the San Martin Planning Area. Establishment of allowed non-residential uses in areas of existing or planned rural residential land use should be allowed only with the utmost consideration for the potential adverse impact of such uses upon the residential character and quality of life of the community.  
[Amended Dec. 5, 1995; File #: 6009-95GP; Mar. 9, 1999; File#: 7200-98GP]

**R-LU 137**

Within the established commercial/industrial use permit areas a residential use may be continued or developed on the same parcel as an industrial or commercial use so long as there is adequate area for construction and maintenance of separate septic systems for each use on the parcel.

**Allowable Densities and Minimum Parcel Sizes****R-LU 138**

The density of development for lands designated 'Rural Residential' within the San Martin Area shall be as determined by the "5-20 acre variable slope density formula," unless such lands have been determined to be of less than 10% average slope and officially zoned "RR- 5Ac." accordingly.  
[Amended Mar. 9, 1999; File#: 7200-98GP]

**R-LU 139**

The density of development for lands designated other than 'Rural Residential' within the San Martin Planning Area shall be determined by the allowable densities of their base General Plan land use designation.

**R-LU 140**

Residential development within the Rural Residential Areas of San Martin shall be allowed to cluster, provided that the open space portions of the development are protected as permanent open space. The minimum parcel size within a rural residential cluster subdivision shall be no less than 1 acre.

**Agricultural Land Uses****R-LU 141**

Agricultural uses should be encouraged to continue.

**R-LU 142**

New development should be compatible with existing agricultural uses.

**R-LU 143**

New and expanded intensive agricultural uses which have the potential for generating significant volumes of organic waste discharges may be permitted subject to use permit (i.e. mushroom farms, dairies, animal feed lots, poultry farms).



## Areas of Special Environmental Concern

### **R-LU 144**

Within the San Martin area, certain areas are defined as being of particular concern for development activity. These include lands within federal floodways, within Special Flood Hazard Rate Zones, and lands with soils of high permeability. The following policies are intended to address land use and development within such areas of San Martin.

[Amended Dec. 5, 1995; File #: 6009-95GP]

### **R-LU 145**

In the areas of Federal Floodways and Soils of High Permeability activities permitted should be limited to those specific uses which: a. do not provide the potential for contamination of surface runoffs; b. will not require additional septic systems; and c. will not add potential for generating significant volumes of organic liquid wastes or nitrates to the ground water aquifers.

### **R-LU 146**

For the purposes of these policies, soils of high permeability are defined as those with permeability rates exceeding 6 inches per hour as delineated on the maps of Soils of Santa Clara County, 1968.

[Amended Dec. 5, 1995; File #: 6009-95GP]

### **R-LU 147**

In the area designated a Special Flood Hazard in the National Flood Insurance Program, any development shall comply with special regulations regarding the construction and improvement of structures, mobile homes, water and sewer systems adopted by the County Board of Supervisors in order to minimize flood damage and potential contamination of surface waters.

## Scenic Highway

### **R-LU 148**

The portion of Highway 101 (South Valley Freeway) in San Martin should be considered a scenic highway.

## Monterey Highway Use Permit Area

### Use Permit Area Boundaries

#### **R-LU 149**

The Monterey Highway Use Permit Area shall consist of properties with access to and fronting on Monterey Road from Metcalf Road south the county boundary, excluding the Urban Service Areas of the cities of San Jose, Morgan Hill, and Gilroy and lands within the San Martin Commercial and Industrial Use Permit Areas.

### Land Uses

#### **R-LU 150**

While the predominant land use in the rural unincorporated areas of South County is agriculture, the County recognizes that there are along Monterey Road, within the areas designated 'Agriculture' and 'Rural Residential,' established, non-agricultural land uses serving the South County community. It is the policy of the County that they continue within the 'Agriculture' and 'Rural Residential' land use designations so that the needs of the South County may be served, provided that their legal status is secured in conformance with the following policies.

#### **R-LU 151**

Legally established land uses fronting Monterey Highway, south of Metcalf Road, in areas designated 'Agriculture' and 'Rural Residential' shall continue as allowable uses by right or by use permit, depending on the regulations governing their original establishment. To protect the area from undesirable strip commercial development, additional service uses will not be extended along Monterey Road.