

SANTA CLARA COUNTY PLANNING DEVELOPMENT APPLICATION

PROPERTY OWNER'S NAME: SOUTH COUNTY PARTNERS, LLC Phone: N/A Email: N/A Prefer correspondence: Email  Mail

Mailing Address: N/A City: N/A Zip: N/A

APPLICANT OR APPELLANT NAME: SYLVIA HAMILTON Phone: (408) 683-2667 Email: N/A Prefer correspondence: Email  Mail

Mailing Address: P.O. Box 886, SAN MARTIN City: SAN MARTIN Zip: 95046

ADDRESS OF SUBJECT PROPERTY: 14065 MONTEREY ROAD, SAN MARTIN APN: 779-06-002

EXISTING USE OF PROPERTY: VACANT ACCESS RESTRICTIONS (gate, dog, etc.):

The ACKNOWLEDGEMENTS AND AGREEMENTS FORM on the reverse side of this application must be completed and signed by the property owner(s).

FOR DEPARTMENT USE ONLY

FILE NUMBER: 2145 - IIP - IIA - IIG (APL)

PROJECT DESCRIPTION: Appeal of the PC decision for the Use Permit. ASA + Grading for the Cordoba Center

APPLICATION TYPES	FEE(S)	COMMENTS / SUBMITTAL MATERIALS
Architecture and Site Approval / ASX		
Building Site Approval / BA (Urban / Rural)		
Certificate of Compliance		
Design Review / DRX		
CEQA (EA / Cat Ex / Prior CEQA / EIR)		
Compatible Use Determination (WA / OSE)		
Geologic Report / Letter		
Grading Approval / Abatement		
Lot Line Adjustment / Lot Merger		
Pre-Screening		
Special Permit		
Subdivision		
Use Permit		
Variance		
X Other	1318	Appeal
<b>TOTAL FEES</b>	1318	

Application fees are not refundable.

Submittal reviewed and received by: *PAW*  
Date: *2/1/2012*

Map Coordinates: X *70* Y *32*  
Zoning: *RR-5ae-d1*  
General Plan: *RR*  
Parcel Size: *15.77ac*

USA / SOI: *—*  
WA / OSE:  
Supervisorial Dist: *1*  
Previous Files:

Attachment: Attachment B - Appeal of San Martin Neighborhood Alliance (64492 : Appeals of the Planning Commission decision granting

### ACKNOWLEDGEMENTS AND AGREEMENTS

FILE NUMBER: 245 - (IP-11A-119 CAP)

#### I. INDEMNITY

Applies to all Planning applications.

As it relates to the above referenced application, pursuant to County of Santa Clara Ordinance Code Section A33-6, except where otherwise expressly prohibited by state or federal law, I hereby agree to defend, indemnify and hold harmless the County and its officers, agents, employees, boards and commissions from any claim, action or proceeding brought by any person or entity other than the applicant ("third party") against the County or its officers, agents, employees, boards and commissions that arises from or is in any way related to the approval of this application, including but not limited to claims, actions or proceedings to attack, set aside, void or annul the approval. If a third party claim, action or proceeding is filed, the County will promptly notify the applicant of the claim, action or proceeding and will cooperate fully in the defense. Notwithstanding the above, the County has the right to participate in the defense of any claim, action or proceeding provided the County bears its own costs and attorney fees directly associated with such participation and defend the action in good faith. The applicant will not be required to pay or perform any settlement unless the applicant agrees to the settlement.

#### II. FEES

Applies to hourly billable application types. Refer to Department of Planning and Development fee schedule.

- a. I/We the Owner(s) of the subject property, understand that my/our application requires payment of a minimum non-refundable fee, plus additional funds when staff hours devoted to the application exhaust the initial payment. Staff hours are billed at the hourly rate in effect at the time the staff hours are accrued.
- b. Typical tasks charged to an application include, but are not limited to, the following: intake and distribution of application, staff review of plans and other relevant materials; correspondence; discussions/ meetings with owner, applicant and/or other interested parties; visits to the project site by authorized agency staff; file maintenance; environmental assessment; staff report preparation; agenda and meeting preparation; meeting attendance; presentations to boards, commissions, and community groups; contract administration.
- c. The minimum nonrefundable fees for development applications are based on staff billing rates and staff hours needed to process a typical application. Staff hours may exceed a base application fee (requiring additional billing) due to project complexity and public interest on a project. This could include the need to review technical reports, conduct several meetings with the owner / applicant, and respond to public inquiries.
- d. Invoiced fees are due within 30 days of the date on the billing letter. **Fees not paid within 30 days are considered late and are subject to collection at the expense of the Owner.** While such fees are outstanding, the Planning Office reserves the right to cease all work on a project until said fees are paid in full.
- e. Any fees not paid within 45 days of invoicing shall be subject to interest charged at a rate equal to that earned by the County Treasury investment pool for that period.
- f. The owner and applicant are encouraged to periodically check on the status of their projects and fees. Questions regarding the status of hours charged to an application may be addressed to the planner assigned to the project.
- g. For more information on Planning Office application fees and how they are calculated, visit the County Planning Office web site at [www.sccplanning.org](http://www.sccplanning.org).

#### III. APPLICATION AUTHORIZATION AND AGREEMENT TO PAY

I (We), the Owner(s) of the subject property, hereby authorize(s) the filing of this application and on-site visit by authorized staff. In addition I (We) acknowledge and understand the information above related to fees and agree to pay all application fees. I (We) certify and accept the terms and conditions as described above.

OWNER'S NAME(S) (Please Print)

OWNER'S SIGNATURE(S)



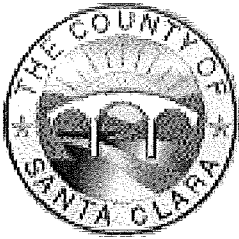
DATE

8/17/12

Revised 1/12/2012

Santa Clara County Planning Office

Attachment: Attachment B - Appeal of San Martin Neighborhood Alliance (64492 : Appeals of the Planning Commission decision granting



# Department of Planning and Development

70 West Hedding Street  
East Wing 7th floor  
San Jose, CA 95110

13.a.g

<b>Invoice #</b>
100212224
8/17/12
3:31:25 PM
<b>Reference #</b>
2145

Fee Description	Fee
<b>Appeals-All Others</b>	1,260.00
Planning Scan Fee	20.00
IT Fee Appeals-All Others	38.00

Payment Information	
	Subtotal <u>1,318.00</u>
	<u>0.00</u>
	IT Fee <u>0.00</u>
	<b>Total</b> <u>1,318.00</u>
Check # 2675	Check <u>1,318.00</u>
	<b>Balance</b> <u>0.00</u>

Attachment: Attachment B - Appeal of San Martin Neighborhood Alliance (64492 : Appeals of the Planning Commission decision granting



*San Martin Neighborhood Alliance*  
*"Together We Make A Difference"*

P.O. Box 886 • San Martin, CA 95046  
 info@smneighbor.org • www.smneighbor.org

August 17, 2012

RE: Protest Appeal -- File Number 2145-11P-11A-11G-11EA Cordoba Center Religious Institution and Cemetery Project

Supervisor George Shirakawa, President of the Board  
 Santa Clara County  
 70 West Hedding Street  
 San Jose, California 95110

Dear Supervisors:

This protest appeal is against the Santa Clara County Planning Commission's action approving the Cordoba Center Project (File Number 2145-11P-11A-11G-11EA) at their August 2, 2012 meeting. The San Martin Neighborhood Alliance (SMNA) is protesting this decision for several reasons including 1) Flawed County Processing of Project; 2) Failure to Follow County Plans, Policies and Regulations; and 3) Inadequate California Environmental Quality Act (CEQA) Environmental Documentation.

**1. Flawed County Processing of the Project**

The project was brought before the San Martin Planning Advisory Committee (SMPAC) meeting on July 31, 2012 as an action item to make a recommendation to the Planning Commission on August 2, 2012.

Rob Eastwood, Principal Planner with the County Planning Office announced, "*There has been a change in the staff recommendation on the project.*" Eastwood then introduced Kirk Girard, County Planning Manager, who went on to say, "*With a great deal of input over the last several days staff has been going over the record and evidence to make sure they can fully support the project. The potential affects to ground water need to be addressed and we have concluded that we will have to do additional testing on the leach fields*" Girard further said, "*Staff will recommend, at the Planning Commission meeting on August 2, 2012, that there is a continuation of this project.*"

The SMPAC on July 31 was then advised by County Planning staff that a recommendation from them was not necessary on July 31. However, due to public announcement of the meeting and space reserved, SMPAC could continue to discuss the project and allow public comment that evening. The same advice was also given by County staff to the South County Joint Planning Advisory Committee at their meeting on August 1, 2012. Contrary to this advice from the County Planning staff, on August 2, 2012 the Santa Clara County Planning Commission recommended that the project be approved.

- What did the County Planning Department staff say (as opposed to the staff report), if anything, to the Planning Commission regarding this item? The staff report to the Planning Commission said the SMPAC deliberated on the project at the SMPAC meeting. That is not correct as noted above. The staff

Supervisor George Shirakawa, President of the Board  
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report also says the minutes of the SMPAC meeting are attached. They were not attached to the staff report.

- At previous SMPAC meetings, when an item on the agenda was postponed, County Planning Staff advised that the item be discussed and a recommendation made regardless. This time County Planning Staff advised SMPAC that it was not necessary to vote on a recommendation at this time. Why was this time any different than others? Why was the SMPAC not advised to make a recommendation regardless?
- County Planning staff said the minutes from the August 2 Planning Commission meeting will not be available until after the August 17 deadline to file an appeal.
- Did County Planning staff mislead the SMPAC by saying the County Planning Commission decision would be postponed one to two months?

## **2. Failure to Follow County Plans, Policies and Regulations**

The proposed project fails to follow Santa Clara County policies and codes. It also conflicts with the applicable land use plan, policy or regulation of an agency (Santa Clara County) with jurisdiction over the project (including, but not limited to, the general plan, specific plan or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. This includes the Santa Clara County General Plan, County Zoning Ordinance, San Martin Integrated Design Plan and Guidelines, South County Joint Area Plan and County Code of Ordinances, Division B6-Cemeteries and Indian Burial Grounds as described in our July 6, 2012 comments on the Initial Study (copy attached).

The Santa Clara County General Plan Policy R-LU 57, Allowable Uses, states “Residential, agricultural and open space uses are the primary uses [in rural residential areas]. 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.”

Based on a review of available demographic data, the proposed project would serve very few residents of San Martin. Considerably fewer than the up to 150 to 200 users identified in the Initial Study would be from San Martin. The users would be primarily from other cities in the South County and elsewhere. Therefore:

- a. A project the size of the Cordoba Center project for only a small number of residents would not primarily serve the local rural unincorporated population; therefore, it would not be local-serving.
- b. This project will not result in a net overall reduction of travel. The estimated usage of the facility in the Initial Study clearly demonstrates that most of the users do not reside in San Martin. Therefore, it is not local-serving and does not result in a net overall reduction of travel.
- c. The proposed location for this project is the gateway into our community.
- d. The cemetery would negate any future options for this property.

Supervisor George Shirakawa, President of the Board  
 Santa Clara County  
 August 17, 2012  
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The overall travel demand will increase, rather than be reduced because the project will serve a larger area and not just the local San Martin community yet the Initial Study states that there is no impact.

The County Zoning Ordinance Section 2.20 Note 5 states that for religious institutions, "the use shall be limited in scale and shall primarily serve the local (rural) community." That is not the case with the proposed project as it is claimed to serve the South County which includes the non-local communities of Gilroy, Morgan Hill and Southern San Jose. The overall travel demand would be reduced if the project was located in one of these larger communities that the project is intended to service.

There are no existing cemeteries in San Martin and to claim that a new one would have no impact is incorrect. In addition, there are ample cemetery spaces available in these adjacent communities for use by diverse religious institutions.

In accordance with South County Joint Area Plan Policy SC17.6, Rural/Urban Land Use, "if it is determined that a use proposed for the unincorporated area is needed in South County, but would be more appropriately located in a city, the use should not be located in the unincorporated area but instead located in the city providing there is or could be sufficient and appropriately zoned land". There is sufficient land available in Morgan Hill and Gilroy where urban services are available.

The Initial Study says the project has no impact and does not conflict with special policies related to San Martin and/or South County. This is clearly not the case with regard to the County General Plan, County Zoning Ordinance and the San Martin Integrated Design Plan and Guidelines. The proposed project also conflicts with numerous other County policies and guidelines, including, but not limited to, the following:

Santa Clara County Zoning Code 4.10.080 [Cemeteries] may be allowed on ... lands if:

- B1 - "The property is deemed by the decision-maker to be of marginal quality for agricultural purposes...."
- B2 - "The proposed uses are intended, designed, and sized to primarily serve the local rural unincorporated population"

Santa Clara County General Plan Policies; San Martin Planning Area:

- R-LU 114 "San Martin is a rural unincorporated community ... 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 ... Care should be taken to prevent premature commitment of land for uses which would restrict or preclude future options ..."
- R-LU 114.1 "Policies, permit decision-making, and other matters subject to the discretion of the County... 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."
- 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."
- 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 ..."

Supervisor George Shirakawa, President of the Board  
 Santa Clara County  
 August 17, 2012  
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- R-LU 124 “The intent of the Commercial 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 ...”
- R-LU 126 “... Proposed uses which contribute to the enhancement of the commercial village core area shall be encouraged.”
- R-LU 127 “New ... land uses within the commercial or industrial use permit areas shall be 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 ...needs of the residents of San Martin and do not result in significant additional traffic from outside the community.”
- 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 upon the residential character and quality of life of the community.”

The County attempt to compare the size and scale of the proposed project with the Vo UU Buddhist Meditation Center is erroneous as the other facility does not include a cemetery and may also not have been an approved land use in San Martin. In addition, the County previously turned down the application of another religious group to build a religious facility without a cemetery on the same site as the currently-proposed project.

The County implies that denying the project because of General Plan Policy R-LU57 and Zoning Ordinance Code Section 2.20.010(D) "limits the ability of the applicant to exercise religion such as dictating residency requirements of patrons using the facility" which is incorrect. People are free to exercise their religion anywhere in the United States including at existing religious facilities, or other places of their choosing. Approving the facility would actually limit the ability of others of other faiths to exercise their own religion as they would not be allowed to use the proposed facility.

### **3. Inadequate CEQA Environmental Documentation**

The Initial study prepared for the project was incorrect, incomplete and inadequate in claiming that the project will not have a significant effect on the environment.

The Initial Study fails to address the potential significant hydrology and water quality impacts of the project and in particular of the proposed cemetery. County Planning staff acknowledged that additional work was needed in their comments at the July 31, 2012 SMPAC meeting. At the July 31, 2012 SMPAC meeting, a member of the SMPAC spoke about the water issues. He stated that the Water District's report, included in the Initial Study, came from wells about a mile away from the project. He had also spoken to three well owners in the area of the project. One said his well would artesian in the heavy winter rains. When asked if the County would do another percolation test in the wet weather, the answer was no which was not acceptable.

Supervisor George Shirakawa, President of the Board  
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During the public comment period of the SMPAC meeting, an engineer stated that he is a resident who lives close to the property. He claims that the water table calculations do not cover severe winters. In the late seventies and eighties there was severe flooding. Another long time resident stated that she has lived in the community 30 years and flooding in the past has caused her to not have access to her property on California Avenue. In addition, septic tanks for nearby residential properties back up/overflow during wet winters.

The proposed project does not meet the County land use policies and guidelines relevant to San Martin. These policies state that all changes (especially non-residential) must serve the needs of the resident population, be local-serving and result in a net overall reduction in traffic. This is not the case with the proposed project as documented in our July 6, 2012 comments on the Initial Study. The project will have a significant impact on land use in San Martin.

The Initial Study/Mitigated Negative Declaration (IS/MND) does not adequately address the potential environmental impacts, e.g., cemetery and hydrology/water quality issues and land use issues and an Environmental Impact Report (EIR) should be prepared because of the potential significant environmental impacts on San Martin.

### Summary

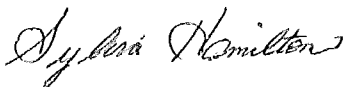
The proposed project fails to comply with the relevant County plans, policies and regulations regarding proposed development in San Martin and should not have been approved by the Planning Commission.

The Initial Study is incorrect, incomplete and inadequate to address the potential environmental impacts of the project. There are potentially significant environmental impacts on San Martin that cannot be addressed by building the project at the proposed location, and these should be addressed in a CEQA Environmental Impact Report.

In addition, the process followed by the County Planning Staff and Planning Commission was at best flawed and at worst intentionally misleading to the residents of San Martin.

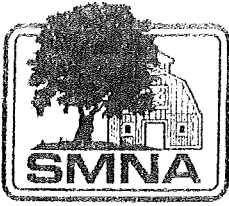
Thank you for your consideration of this protest appeal.

Sincerely,



Sylvia Hamilton, President  
 On Behalf of the SMNA Board of Directors





*San Martin Neighborhood Alliance*  
*"Together We Make A Difference"*

P.O. Box 886 • San Martin, CA 95046  
 info@smneighbor.org • www.smneighbor.org

TO: Colleen Oda  
 County of Santa Clara Planning Office  
 County Government Center  
 70 West Hedding Street, 7<sup>th</sup> Floor, East Wing  
 San Jose, CA 95110

FROM: San Martin Neighborhood Alliance, Inc (SMNA), Board of Directors and Committee Chairs

RE: Cordoba Center Religious Facility and Cemetery  
 (File Number 2145-11P-11A-11G-11EA)

We have reviewed the Initial Study (IS) and Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Cordoba Center project and have the following comments:

**A. AESTHETICS**

The Initial Study states that "Because the property is relatively flat in relation to the surrounding area, ... and is surrounded by similar properties, the property would not stand out ..." This is incorrect as the property is not surrounded by similar properties because:

1. This property is definitely not "relatively flat in relation to the surrounding area." In fact, the Initial Study states that the north side of the property has a 15 percent grade; this represents approximately half of the parcel.
2. There are no surrounding properties that are similar to this project. There are no religious facilities with a cemetery in San Martin.
3. The proposed land use is not in harmony with the surrounding area.

The document contradicts itself by saying "the project site slopes from north of south with an average slope of approximately 15 percent" in one paragraph and in a later paragraph says "the property is relatively flat".

**G. HAZARDS AND HAZARDOUS MATERIALS**

The project is located within the airport land use plan referral area, or Airport Influence Area. Therefore, the project will be required to dedicate an aviation easement to the County of Santa Clara in accordance with the 2008 South County Airport Comprehensive Land Use Plan. This is not discussed in the Initial Study.

**H. HYDROLOGY AND WATER QUALITY**

The project has the potential to impact the water quality of adjacent residential properties. The nearest water well used for residential purposes is about 110 feet from the nearest part of the proposed cemetery area and not greater than 200 feet as stated in the document.

There are concerns about the results and conclusions of the percolation testing done for this project versus percolation testing done for previous projects proposed on the same site that are not addressed.

Based on observations of persons knowledgeable of the project site for many years, the area proposed for the cemetery is subject to annual winter flooding. This is not addressed in the Initial Study. In addition, there are serious questions about the water table at the project site.

The World Health Organization (WHO), *The Impact of Cemeteries on the Environment and Public Health*, states that human or animal remains must not be buried within 250 meters (820 feet) of a well from which potable water supply is drawn. There are eight wells within 820 feet of the proposed cemetery site. There are serious issues with the proposed cemetery that are not addressed.

## I. LAND USE

The project would conflict with the applicable land use plan, policy or regulations of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. However, the Initial Study says there are no impacts.

The Santa Clara County General Plan Policy R-LU 57, Allowable Uses, states “Residential, agricultural and open space uses are the primary uses [in rural residential areas]. 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.”

We agree with this and many other County policies and guidelines relevant to San Martin. We strongly support the Board of Supervisors and County staff taking all of these policies very seriously and applying them consistently on all related land use issues. These policies clearly state that all changes (especially non-residential) must serve the needs of the resident population, be local-serving and result in a net overall reduction of travel. We do not agree that the proposed project meets the test of these policies as demonstrated by:

1. This 15.77 acre piece of property is one of the largest remaining in our community and as such decision-makers need to give very careful attention to how it is used and the final decision must not negate future options.
2. Based on a review of available demographic data, the proposed project would serve very few residents of San Martin. Considerably fewer than the up to 150 to 200 users identified in the Initial Study would be from San Martin. The users would be primarily from other cities in the South County and elsewhere. Therefore:
  - a. A project the size of the Cordoba Center project for only a small number of residents would not primarily serve the local rural unincorporated population; therefore, it would not be local-serving.
  - b. This project will not result in a net overall reduction of travel. The estimated usage of the facility in the Initial Study clearly demonstrates that most of the users do not reside in San Martin. Therefore, it is not local-serving and does not result in a net overall reduction of travel.

3. The proposed location for this project is the gateway into our community.
4. The cemetery would negate any future options for this property.

The overall travel demand will increase, rather than be reduced because the project will serve a larger area and not just the local San Martin community yet the Initial Study states that there is no impact.

The County Zoning Ordinance Section 2.20 Note 5 states that for religious institutions, "the use shall be limited in scale and shall primarily serve the local (rural) community." That is not the case with the proposed project as it is claimed to serve the South County which includes the non-local communities of Gilroy, Morgan Hill and Southern San Jose. The overall travel demand would be reduced if the project was located in one of these larger communities that the project is intended to service.

There are no existing cemeteries in San Martin and to claim that a new one would have no impact is incorrect. In addition, there are ample cemetery spaces available in these adjacent communities for use by diverse religious institutions.

The Initial Study does not address the data required within 1-1/2 miles of the property, as described in the County Code of Ordinances, Division B6 - Cemeteries and Indian Burial Grounds, for a cemetery application. The Initial Study does not address how the proposed cemetery location could jeopardize or adversely affect the health, safety, comfort or welfare of the public. The Initial Study does not address the public notifications required for a cemetery application.

It is a fact that the County rejected a permit to construct a religious institution on the same site, and without a cemetery, several years ago.

In accordance with South County Joint Area Plan Policy SC17.6, Rural/Urban Land Use, "if it is determined that a use proposed for the unincorporated area is needed in South County, but would be more appropriately located in a city, the use should not be located in the unincorporated area but instead located in the city providing there is or could be sufficient and appropriately zoned land". There is sufficient land available in Morgan Hill and Gilroy where urban services are available.

The Initial Study says the project has no impact and does not conflict with special policies related to San Martin and/or South County. This is clearly not the case with regard to the County General Plan, County Zoning Ordinance and the San Martin Integrated Design Plan and Guidelines.

The proposed project also conflicts with numerous other County policies and guidelines, including, but not limited to, the following:

Santa Clara County Zoning Code 4.10.080 [Cemeteries] may be allowed on ... lands if:

- B1 - "The property is deemed by the decision-maker to be of marginal quality for agricultural purposes...."
- B2 - "The proposed uses are intended, designed, and sized to primarily serve the local rural unincorporated population"

Santa Clara County General Plan Policies; San Martin Planning Area:

- R-LU 114 “San Martin is a rural unincorporated community ... 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 ... Care should be taken to prevent premature commitment of land for uses which would restrict or preclude future options ...”
- R-LU 114.1 “Policies, permit decision-making, and other matters subject to the discretion of the County... 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.”
- 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.”
- 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 ...”
- R-LU 124 “The intent of the Commercial 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 ...”
- R-LU 126 “... Proposed uses which contribute to the enhancement of the commercial village core area shall be encouraged.”
- R-LU 127 “New ... land uses within the commercial or industrial use permit areas shall be 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 ...needs of the residents of San Martin and do not result in significant additional traffic from outside the community.”
- R-LU 136 “Residential land use and development patterns shall remain the preferred and predominant use pattern in the 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 upon the residential character and quality of life of the community.”

**N. TRANSPORTATION/TRAFFIC**

The document says "No Parking" signs will be installed only along the west side of Monterey Road where there are safety concerns with the curve on Monterey Road. The document does not address the safety concerns of people parking on the east side of Monterey Highway and walking across the four-lane highway and median to the project site without a crosswalk.

The project will result in a net overall increase in travel demand, rather than a net overall reduction of travel demand, in conflict with R-LU 57 Allowable Uses, as noted earlier in our response.

The Initial Study says the project would have some, but less than significant, impacts on air traffic patterns that results in substantial safety risks. This impact on the San Martin Airport is not clear and is not discussed in this section.

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**FINDING**

There are potentially significant impacts on the environment that cannot be mitigated by building the project at the proposed location. The proposed use does not conform with the County General Plan, County Zoning Ordinance and San Martin Integrated Design Plan and Guidelines and other standards and guidelines applicable to the proposed use and location that have been adopted by the County. A Mitigated Negative Declaration should not be adopted, pursuant to CEQA, because it is incorrect for the County to claim that the project will not have a significant effect on the environment and because of the incorrect, incomplete and inadequacy of the Initial Study.