

# County of Santa Clara

Department of Planning and Development  
Planning Office

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STAFF REPORT  
PLANNING COMMISSION  
August 2, 2012  
**Item #7**

**File: 2145-11P-11A-11G-11EA (Cordoba Center)**

**South County Partners, LLC / Gary Carnes**

Use Permit, Architecture and Site Approval with Design Review, and Grading to establish a religious institution and cemetery (Cordoba Center).

Staff Recommendation: Approval

Owner / Applicant: South County Partners, LLC / Gary Carnes  
Location: West side of Monterey Rd., between Middle Ave. and California Avenue, San Martin, CA  
Address: 14045 Monterey Rd., San Martin  
APN: 779-06-022

General Plan Designation: Rural Residential;  
San Martin Industrial Use Permit Area

Zoning District: RR-5Ac-d1, A1-5Ac-d1

Property Size: 15.77 ac

Present Land use: vacant

Supervisorial District: 1

Williamson Act: No

Prepared by: Colleen Oda, Planner III *CO*

Reviewed by: Rob Eastwood, Principal Planner *RE*

Bill Shoe, Principal Planner *BS*

Approved by: Kirk Girard, Planning Manager *K. Girard*

## PROJECT DESCRIPTION

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Use Permit, Architecture and Site Approval with Design Review, and Grading Approval to establish a religious institution and cemetery (the Cordoba Center) on Monterey Road in San Martin. Proposed facilities to be constructed include a 5,000 sq. ft. prayer hall building, a 2,800 sq. ft. multipurpose hall building, outdoor play area and fields (including 2 patio picnic grounds) and 2 outdoor restrooms (450 sq. ft. of structures), approximately 2 acres of cemetery grounds and parking lot to accommodate 59 parking spaces with access driveway.

### Religious Institution

Operating hours for the proposed religious institution are 6 a.m. to 11 p.m. daily. The facility is proposed to operate with a maximum attendance capacity of 80 persons, with the exception of three proposed special events, which would have up to 150 persons in attendance. Per the Summary Use Chart updated on July 6, 2012 (See Exhibit K), the functions and events are proposed as follows:

#### Normal functions:

- 1) Friday afternoon prayer services from 1:30 to 2:30 p.m. with up to 50 occupants attending.
- 2) Daily services from 9:30 p.m. to 11 p.m. during one month of the year (Ramadan) for up to 30 persons.
- 3) Two Sunday school classrooms to operate on Sundays from 11 a.m. to 1 p.m, excluding summer school break, for 30 persons maximum.
- 4) Monthly dinners in the multipurpose building between 7 to 10 p.m. for up to 50 persons. During one month of the year (Ramadan) weekly dinners on Saturday and Sunday would occur 6 to 8 p.m. for up to 70 persons.

#### Special events are proposed to operate as follows:

- 1) Religious Services (i.e. weddings, funerals, baptisms) – up to 6 times per year – between 1 and 6 p.m on weekday or weekends for up to 80 attendees.
- 2) Two annual festivals (in association with Ramadan) to occur between 8 a.m. to 11 a.m (prayer service and banquet) for up to 150 attendees.
- 3) Community Soup Kitchen to operate on one Sunday quarterly (four times per year) between 5:30 to 7:30 p.m for up to 80 attendees.
- 4) One annual open house to operate between 5 and 9:30 p.m. on a Saturday or Sunday for up to 150 attendees.
- 5) Other social and/or educational events – up to 6 times per year – between 1 to 6 p.m. on a Saturday or Sunday for up to 80 attendees.
- 6) Outdoor youth retreats (1 day events) – between 9 a.m. to 6 p.m. for up to 80 attendees – up to two times per month during the month of June to August on weekends (Saturday, Sunday), and up to four days between September to May.

Grading for the improvements would include approximately 4,179 cubic yards of cut, and 3,466 cubic yards of fill for building pads for the new structures and construction of the parking lot areas, and access driveways and picnic grounds patio space. No grading is required to establish the cemetery grounds.

## **Cemetery**

Plots would be individually placed using the existing topography within the designated 2 acres cemetery area. Graves are proposed to be placed 5 to 6 feet below ground level with tombstones. Gravel pathways would provide pedestrian access; no vehicles would be allowed on the premises of the cemetery grounds. An access driveway adjacent to the cemetery would be used for vehicles transporting the deceased within coffins for internment. The cemetery is required to obtain a cemetery permit in accordance with County Ordinance Code B6 prior to operation and establishment of the cemetery.

Domestic and fire suppression water would be provided by connection to West San Martin Works, or an alternate water system approved by County Fire Marshal and Dept. of Environmental Health. A septic system would be installed on-site in accordance with Dept. of Environmental Health requirements.

## **RECOMMENDED ACTIONS**

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### **Actions Concerning Environmental Determinations and Findings**

Adopt the proposed Mitigated Negative Declaration (Exhibit C) with the Mitigation Monitoring Report Program / MMRP (Exhibit D).

### **Actions Concerning the Project Proposal**

Approve the Use Permit, Architecture and Site Approval with Design Review and Grading subject to conditions (Exhibit A & B).

## **REASONS FOR RECOMMENDATION**

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### **I. Reasons for Recommended Actions Concerning Environmental Determination**

This project has been reviewed in accordance with the California Environmental Quality Act (CEQA). Staff has determined that:

1. The project as mitigated will not have a significant effect on the environment.
2. The Mitigated Negative Declaration was prepared in accordance with law and reflects the County's independent judgment and analysis; and the Planning Commission shall consider the Mitigated Negative Declaration (Exhibit C) and all comments received during the comment period (Exhibit E).

The public review period began on June 6, 2012 and ended on July 6, 2012. Forty (40) comment letters have been submitted within the public review period. Public comment letters are in Exhibit E and discussion of issues raised are included within this staff report on

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pages 17 to 22. None of the issues raised in the comment letter necessitates a modification or recirculation of the Mitigated Negative Declaration.

## II. Reasons for Recommended Actions Concerning Proposal

The proposed project is for a religious institution and cemetery. Religious Institution is defined in Section 2.10.040 of the County Zoning Ordinance as follows:

“Facilities for religious worship and incidental accessory uses. This classification includes churches, synagogues, mosques, temples and similar places of worship.”

Cemetery is defined in Section 2.10.040 of the County Zoning Ordinance as follows:

“Grounds or facilities for the burial or other internment of deceased humans or animals. Uses include cemeteries, columbaries, and mausoleums, and limited associated facilities such as offices and chapels.”

Reasons for the recommended action on the proposed project are further explained in the following six areas: (A) Use Permit Findings (Section 5.65.030), (B) Architecture and Site Approval Findings (Section 5.40.040), (C) Grading Findings (Grading Ordinance – County Ordinance Code C12-427), (D) San Martin Integrated Design Guidelines, and (E) South County Joint Area Plan.

### (A) Use Permit Findings

All Use Permits are subject to the findings per Section 5.65.030 of the Santa Clara County Zoning Ordinance (underlined). An explanation how this project meets the required findings are presented in italics

- A. The proposed use conforms with the general plan, with the zoning ordinance, and with all other standards and guidelines applicable to the proposed use that have been adopted by the planning commission or board of supervisors;

*The proposed uses, religious institution, and cemetery are allowed uses that conform to both the County General Plan and the Zoning Ordinance, subject to obtaining a Use Permit. The project will conform with both the County General Plan and Zoning Ordinance and comply with conditions as stipulated through the Use Permit, Architecture and Site Approval, and Grading Approval. As discussed under Section (D) below, the project also is consistent with the San Martin Integrated Design Guidelines because submitted elevations, and preliminary landscape plans comply with the design criteria of the San Martin Integrated Design Guidelines.*

The subject property is zoned "RR-5Ac-d1" (Rural Residential), and "A1-5Ac-d1" (General Use), and is designated Rural Residential in the County General Plan. In discussing allowed uses in the Rural Residential districts, General Plan Policy R-LU 57 states:

*"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."*

Similarly, for Rural Residential zones, Zoning Ordinance Code Section 2.20.010(D) states:

*"Commercial industrial and institutional uses may be established only where they serve the needs of the resident rural population and result in a net overall reduction in travel demand for rural residents."*

*These qualifications are intended to limit the size, scale and use intensity of non-residential uses in rural areas, consistent with County growth management and land use policies, the lack of available public services, and other related policy considerations. General Plan Policy R-LU 57 and Zoning Ordinance Code Section 2.20.010(D) can not be implemented for this project in a manner that limits the ability of the applicant to exercise religion, such as dictating residency requirements of patrons using the facility. Thus, as stated above, General Plan Policy R-LU 57 and Zoning Ordinance Code Section 2.20.010(D) is used to evaluate the size, scale and intensity of a proposed religious facility to determine if it is consistent with broader County growth management policies. If in the case of religious institutions or other types of institutional uses, a proposal is consistent with the scale of similar established uses in the rural area, and are generally low intensity, it has been historically considered an allowable use consistent with the purpose and intent of these policies.*

*The project meets the intent of General Plan policies R-LU 57 to minimize use intensity. Facility is appropriately sized to a limited maximum occupancy of 80 people including the 3 staff members, and allowed occupancy up to 150 people including the 3 staff members during special scheduled events three (3) times a year as described in the project description and Use Permit conditions. This scale is commensurate with the scale of religious institutions found in rural settings and consequently has the potential to reduce travel demand in the rural areas depending upon the local demand for religious services.*

*The prayer hall and multipurpose hall buildings have been sized consistent with Building Code occupancy standards. Building Code standards require 15 net sq. ft. per person. The assembly area of 2,200 sq. ft. in the prayer hall will accommodate 147 people. The assembly area of 1822. sq. ft. in the multipurpose hall will accommodate 122 people. Other "non-assembly" space in the buildings includes storage space, office, bathrooms, and kitchen.*

*A case example of a similar religious institution approved within San Martin that is of similar size, scale and intensity is the Vo Uu Buddhist Meditation Center. This facility located at 1300 Church Avenue in San Martin was approved by the Planning Commission on May 7, 2009 and is approximately 5,000 sq. ft. in size. The Planning Commission determined that the Use Permit conditioned at maximum occupancy of 50 patrons and 8 caretakers, with 6 single-day special events per year to accommodate a maximum of 100 people was consistent with the General Plan and Zoning Ordinance – See Exhibit L (Use Permit).*

- B. The site is adequate for the proposed use, including but not limited to being of adequate size and shape to accommodate all facilities and development features to integrate the use into the surrounding area and to provide any necessary or appropriate buffers between the use and the surrounding area;

*The subject parcel is surrounded by residences, vacant land, and commercial businesses. The proposed project includes a 5,000 sq. ft. prayer hall, 2,800 sq. ft. multi-purpose hall with ancillary parking lot and access driveway, paved picnic patios with 2 outdoor restrooms (450 sq. ft. in size) and approximately 2 acres of cemetery grounds. The 15.77 acre site is an adequate size to support the proposed uses. The proposed improvements will encompass less than 30 percent (4.7 acres) of the site as follows – cemetery is 12% of site (1.89 acres), religious institution buildings are 2% of site (0.31 acres), parking lot is 4% of site (0.63 acres), patio grounds is 4% of site (0.63 acres), and septic system is 4% of site. Proposed improvements include landscaping buffers to mitigate visual impacts of the new structures, cemetery and parking lot.*

- C. The proposed use, by its nature, scale, intensity or design, will not impair the integrity and character of the zoning district or neighborhood, and will not be significantly detrimental to any important and distinctive features of the site's natural setting;

*The proposed religious facility will accommodate a maximum of 80 patrons on a regular basis and will not impair the integrity of the zoning district or neighborhood.*

*The project is located within the (-d1) Santa Clara Viewshed zone that requires Design Review. Design Review requirements are incorporated into the project conditions including final approval of landscaping, and architectural design, massing and color of structures prior to final permits issuance.*

*The proposed project was evaluated by the County Roads Department to determine if it could result in significant traffic impacts, such as congestion. As the operation of the site would not create more than 100 new vehicle trips during the weekday peak traffic period, a traffic study evaluating congestion*

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*impacts was not required, consistent with adopted regional standards. A traffic study was conducted that focused on traffic safety impacts from ingress/egress to the facility, and per this study mitigation is required including the installation of a two way left turn lane off the center of Monterey Rd. and right turn only sign for cars exiting the project site along Monterey Road. The traffic study also evaluated parking demand and determined that the proposed 59 parking spaces is sufficient to accommodate all parking on-site. In conclusion, operation of the facility will not result in significant traffic congestion and proposed improvements to Monterey Road will ensure that no traffic safety hazards occur.*

*The proposed development of the religious institution and cemetery use will not be significantly detrimental to the site's natural setting. The proposed buildings are located towards the base of the existing hillside on the property, avoiding extensive grading or ridgeline development. The improvements are located several hundred feet away from Llagas Creek and its riparian corridor. There are several large mature oak trees on the property that are proposed to be preserved and maintained per the proposed project improvements.*

*Additionally new landscaping is proposed surrounding the new structures, cemetery, parking lot, and along the frontage of the site to meet County Design Review and San Martin Integrated Design Plan requirements for visual screening of the facility from surrounding properties, Monterey Rd., and the surrounding hillside.*

D. The proposed use will not be detrimental to the public health, safety or general welfare. In this respect the Planning Commission shall further find, without limitation, that;

i. Adequate off-street parking, loading and unloading areas (if applicable), and handicapped access will be provided;

*A total of 41 parking spaces, including three ADA-compliant spaces are required, to accommodate the proposed uses. Section 4.30.040, Table 4.30-2, of the County Zoning Ordinance requires all religious institutions to provide one (1) space for every four (4) people per occupancy limit in addition to one (1) per every staff. For the normal functions of the facility accommodating 80 persons, 23 parking spaces are required ( $80/4 + 3 \text{ staff} = 23$ ). For the three special events, a total maximum of 150 attendees / 4 spaces ( $38 + 3 \text{ staff} = 41$ ) parking spaces are required. The proposed parking lot accommodates 59 parking spaces, above the minimum parking requirements. A main parking area of 16 paved parking spaces, and overflow area of 43 gravel parking spaces are proposed. Gravel parking spaces are allowed if they meet the County Fire Marshal loading requirement of 65,000 pound gross vehicle weight.*

*Several loading/unloading areas are provided as shown on site plans. An access driveway adjacent to the cemetery shall be used for vehicles that are transporting the deceased bodies with coffins. The prayer hall and multi-*

*purpose hall are separated by a driveway for passenger drop-offs and deliveries.*

- ii. Appropriately designed site access will be provided, including safe and adequate access for fire and emergency vehicles (including secondary access where deemed necessary by the fire marshal);

*The subject site will be served by one 20 feet wide access driveway off Monterey Rd. leading to the parking lot. County Roads Dept. requires an encroachment permit for the improvements on the right-of-way of Monterey Rd. The Fire Marshal's Office has reviewed the proposed driveway and determined that it meets access standards.*

- iii. The use will not adversely affect water quality. Adequate wastewater treatment, disposal and sanitation facilities will be provided and will satisfy all applicable local, state and federal requirements;

*Water usage and sewage disposal, (ie. septic system), for the proposed use have been reviewed by Department of Environmental Health and Central Coast Regional Water Quality Control Board and will be installed in accordance with applicable regulations. A septic system designed to accommodate 80 persons in approved location as reviewed by Dept. of Environmental Health on submitted site plan per approved percolation tests shall be installed (See attached site plan – Exhibit F). Domestic water supply shall be provided by connection to West San Martin Works or alternate water system approved by Dept. of Environmental Health prior to building permits issuance.*

*The proposed use will not adversely affect water quality. A groundwater study was prepared by Geoconsultants (two reports dated August 27, 2007 and April 10, 2012, included as Attachment H) in order to evaluate if the proposed cemetery or septic system would adversely impact groundwater quality. The study evaluated groundwater levels on the project site and determined that groundwater depth ranges from 17 to 25 below ground depending on the topographic elevation. The proposed cemetery will result in the interment of bodies approximately 5 feet below ground and the septic system / leachfield would be installed at a shallower depth. The study concluded that due to the adequate separation between the graves / septic system and groundwater, the onsite soil types, and distance to closest groundwater well, the installation of the cemetery and septic system would not have an adverse effect on groundwater quality.*

*Both the Department of Environmental Health and the Central Coast Regional Water Quality Control Board (CCRWCB) have reviewed the Geo-Consultants study and determined that the project will not adversely impact groundwater quality. The Central Coast Regional Water Quality Control Board (CCRWQCB) has determined the cemetery project does not pose a threat to water quality and is exempt from a RWQCB waste water*

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discharge permit. Groundwater data, and CCRWQCB modeling data confirm no groundwater contamination or water quality issues associated with the cemetery proposal (See attached water quality evaluation by CCRWQCB in Attachment G, and groundwater studies in Attachment H).

Central Coast Regional Water Quality Control Boards findings were as follows:

- 1) Chemical leaching and potential pollution of chemicals is not an issue. No chemicals or additives are involved in process of preparing the bodies for burial. Preparation of bodies is done at an off-site licensed morgue.
- 2) A minimum 5-foot separation shall be maintained between highest anticipated groundwater level of 17 ft. and bottom of the grave sites and septic system leachfield trenches containing the discharge piping. Graves at 6 feet below groundwater exceed the 5 feet separation requirement.
- 3) Distance between septic system leachfields and cemetery plots given proposed design flow rates is not a water quality issue.
- 4) Soil underneath the cemetery has similar characteristics to septic system with slower percolation rates as demonstrated in soil and hydrogeological reports prepared.
- 5) Groundwater mounding from the proposed discharge to the septic system is minimal with worst case scenario of potential rise in groundwater elevation of 1/3 a foot over a 1 year period when utilizing constant flow rate of 2,500 gallons per day per CCRWQCB calculations of hydraulic numerous modeling.
- 6) Unused well on site shall be properly abandoned, and is a Santa Clara Valley Water District condition of approval. Supplemental water may be provided by West San Martin Water Works.
- 7) Distance to nearest operational well is greater than 100 feet. Per RWQCB regulations (Central Coast Region Basin Plan), for protection of groundwater supply wells and septic systems, 100 feet is minimum distance required to the cemetery graves.
- 8) Nearest operational well is sealed from the ground survey to 50 feet below ground surface, with protective barrier (i.e. sanitary seal) for groundwater.
- 9) Septic system and cemetery are located outside flood zone.
- 10) Waste discharges are underground and located approximately 150 feet away from Llagas Creek – greater than required setback of 100 feet.

11) *Septic system and cemetery is in an area where stormwater flow is separated from Llagas Creek by a ridge (higher elevation) along the northern property boundary. Site topography handles runoff away from Llagas Creek.*

12) *A minimum separation of 5 ft. is required. Permeability of soils is low which was also evaluated by Dept. of Environ. Health and CCRWQCB.*

- iv. The use will not be detrimental to the adjacent area because of excessive noise, odor, dust or bright lights;

Noise

*Amplified music and broadcasting is not proposed. No over-night events and accommodations are proposed. The closest residence is 250 feet west of the property and noise exposure to nearest residences from operation of the facility will not be significant. The project shall comply with County Noise Ordinance regulations.*

Odor

*Food may be prepared in the kitchen within the multi-purpose hall and provided to attendees. Food preparation is not anticipated to create significant odor problems.*

Dust

*In order to address dust impacts during construction, Bay Area Air Quality Management District dust control measures are incorporated into conditions of approval and shall be implemented on final construction plans. Best Management Practices shall occur during operation of the facility.*

Lights

*Per the conditions of approval, all outdoor lighting shall use full cut-off lighting fixtures directed downwards to minimize spillover lighting and visibility. A lighting plan is required prior to final permits issuance.*

- v. The use will not substantially worsen traffic congestion affecting the surrounding area;

*Normal usage of the site includes a maximum attendance of 80 persons and includes prayer services, Sunday school class rooms and dinners, and related events. The project proposes up to 3 events annually that may accommodate up to 150 attendees. This would temporarily increase the traffic levels on local roads for 3 days per year.*

*A traffic report was submitted by Rick Engineering Company dated December 1, 2011. As the project would generate less than 100 peak hour trips, traffic congestion impacts were determined to be minimal. In addition, as discussed in the report, there is sufficient parking on-site for*

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*the project to meet peak demands year round. The report indicates that mitigation measures for traffic road improvements for safety are recommended. These mitigation measures are incorporated into the conditions of approval and described below, #1-3. The traffic consultant evaluated the access driveway and identified left turn and right turn improvements for the flow of traffic entering and exiting the project site for vehicle access safety. The traffic study concludes that the proposed project would not create any significant traffic impacts or hazards with implementation of the following, which are included in the conditions of approval:*

1. Existing median striping on the center of Monterey Road south of the project driveway shall be modified to provide a two-way left turn lane for approximately 150' northbound approach for vehicles access.
  2. Existing median striping on Monterey Road south of the project driveway shall include a Right Turn Only sign for traffic exiting the project site.
  3. No Parking Any Time signs shall be installed along the west side of Monterey Road (adjacent to the project site).
- vi. Erosion will be adequately controlled; and

*The project will be subject to Santa Clara County's Policies and Standards Pertaining to Grading and Erosion Control. Conditions of approval addressing erosion control are included in the Santa Clara County Land Development Engineering requirements.*

- vii. Adequate storm drainage management exists or will be provided and will comply with all applicable local, state and federal requirements.

*Submitted plans indicate that storm drainage will be adequately managed through the installation of drainage facilities onsite, including a proposed drainage retention pond with drainage inlets from the access driveway and parking lot and grassy swales surrounding the proposed structures. Final engineering plans with proposed storm drainage facilities will be submitted to County Land Development Engineering (LDE) for approval prior to final grading permit issuance, in accordance with the County Drainage Manual.*

#### **(B) Architecture and Site Approval Findings**

All Architecture and Site Approvals are subject to the findings per Section 5.40.040 of the Santa Clara County Zoning Ordinance (underlined). An explanation how this project meets the required findings are presented in italics.

- A. Adequate traffic safety, on-site circulation, parking and loading areas, and insignificant effect of the development on traffic movement in the area;

*Adequate onsite circulation, parking, loading will be provided as shown on submitted site plans and as fully evaluated in the traffic report prepared by Rick Engineering Company, dated December 1, 2011. Conditions of approval will be stipulated in the architecture and site approval and conditioned to provide adequate traffic safety, including the installation of re-striping of traffic lanes on the Monterey Road frontage to allow for safe entrance and exit to the site.*

- B. Appearance of proposed site development and structures, including signs, will not be detrimental to the character of the surrounding neighborhood or zoning district;

*No new signs are proposed at this time with the exception of the required air quality signs during construction, and parking lot signs to identify main and overflow parking area, and signs prohibiting parking along Monterey Rd. The proposed use and structures will not be detrimental to the character of the surrounding neighborhood because the design of the buildings and landscaping and other improvements shall comply with the Design Review conditions of the Architecture and Site Approval, and comply with San Martin Integrated Design Plan Guidelines, and Landscape Ordinance.*

- C. Appearance and continued maintenance of proposed landscaping will not be detrimental to the character of the surrounding neighborhood or zoning district;

*Preliminary landscape plans have been submitted with the proposed improvement plans. A variety of landscape trees are shown surrounding proposed structures, cemetery, and parking lot to provide visual screening of views into the site from Monterey Road and surrounding areas. Final landscape plans shall be approved prior to final grading permit issuance in compliance with the conditions of approval and County Landscape Ordinance, and San Martin Integrated Design Plan requirements.*

*Per the San Martin Integrated Design Guidelines – landscape plans for the properties along Monterey Road shall incorporate landscaping strips along the front, rear and side of the properties with a recommended 20' wide park strip. Wider landscape strips and/or additional landscaping may be required to mitigate aesthetic impacts, or to enhance the visual character of the site. Parking areas shall be designed to incorporate islands of landscaping to break up large block of parking spaces. Proposed landscaping and parking for the project is consistent with these guidelines.*

*The appearance of the prayer hall and multi-purpose hall buildings are designed to compliment the rural character of subject property (in compliance with San Martin Integrated Design Guidelines) and will not be detrimental to the character of the neighborhood.*

- D. No significant, unmitigated adverse public health, safety and environmental effects of proposed development;

*An Initial Study was prepared for the project that evaluated the potential environmental impacts that would result from construction and operation of the facility. As documented in the Mitigated Negative Declaration published on June 6, 2012, this environmental analysis determined that no significant unmitigated adverse effects will result from by the proposed project.*

- E. No adverse effect of the development on flood control, storm drainage, and surface water drainage;

*Erosion control, storm drainage and surface water discharge designs are required to meet County Land Development Engineering standards as stipulated in the ASA conditions. All site improvements are outside of FEMA flood zone.*

- F. Adequate existing and proposed fire protection improvements to serve the development;

*The proposed project has been evaluated by the County Fire Marshal's Office who has determined that fire protection water supply as well as fire emergency access meet the applicable standards and shall be installed as stipulated in the ASA conditions.*

- G. No significant increase in noise levels;

*The proposed project is required to adhere to the County Noise Ordinance as required in the Use Permit conditions and as described under the Use Permit findings. No amplified music or broadcasting is proposed.*

- H. Conformance with zoning standards. Standards applicable to non-residential uses may be varied by the ASA committee to promote excellence of development, provided that the deviation from standards will better accomplish the purposes of this chapter.

*The proposed use is in conformance with the development standards stipulated in the County Zoning Ordinance where all structures / buildings are required to adhere the 30-foot setback from all property lines and a maximum height of 35-feet.*

*A total of 41 parking spaces to support the proposed use are required.*

- I. Conformance with the general plan and any applicable specific plan; and

*As discussed in further detail under the Use Permit findings, the proposed project is in conformance with the County General Plan and San Martin Integrated Design Guidelines.*

- J. Substantial conformance with the adopted "Guidelines for Architecture and Site Approval" and other applicable guidelines adopted by the County, or by the appropriate city for land within the city's urban service area.

*The proposed project is in conformance with Guidelines for Architecture and Site Approval per the proposed ASA Conditions (Exhibit B). The project is not within any city's urban service area.*

(C) **Grading Findings (Grading Ordinance Section C12-427)**

- A. The proposed grading is related to a use presently permitted by law on the property.

*The proposed grading is related to the proposed religious facility and cemetery that is permitted per the County Zoning Ordinance, including the establishment of building pads for the prayer hall, multi-purpose hall and outdoor restrooms, and patio picnic areas, new parking lot, and access driveway.*

- B. The grading is necessary for establishment or maintenance of the use.

*The grading is necessary to establish the proposed uses. Grading for the facility improvement include approximately 4,179 cubic yards of cut, and 3,466 cubic yards of fill for building pads for the new structures and construction of the parking lot areas, and access driveways and picnic grounds patio space.*

*No grading is proposed to establish the cemetery grounds. Plots would be individually placed on using the existing topography within the cemetery area.*

- C. The design, scope and location of the grading is appropriate for the use and causes minimum disturbance to the terrain and natural features of the land.

*The design, scope and location of the grading is appropriate for the uses and causes minimum disturbance to the site. The property contains a hillside and the proposed improvements at the base of this hillside, within a flatter area, avoiding the need for extensive grading into the hillside. In addition, the improvements are more than 150 ft. away from Llagas Creek and riparian vegetation. The necessary grading is required to establish building pads for the structures, parking lot, and an access driveway towards the frontage of the site off Monterey Rd.*

## (D) San Martin Integrated Design Plan

The project is located within the community of San Martin and thus is subject to compliance with the San Martin Integrated Design Plan, which contains design guidelines for new development.

### A. Flood Control & Drainage Guidelines

*The design guidelines focus on drainage improvements, recognizing the flooding problems which exist in San Martin. The guidelines acknowledge that Llagas Creek and its tributaries provide drainage for the San Martin Area and flood protection measures to protect Llagas Creek and other waterways. Natural riparian areas should be restored and protection and project shall provide adequate on-site drainage.*

*The project meets the design guidelines for flood control and drainage. There are no impacts to Llagas Creek and surrounding riparian vegetation. Improvements (structures, driveways, cemetery grounds and other improvements are 150 ft. or more feet away from the top bank of creek. Drainage improvements in compliance with County requirements include a drainage retention pond, with drainage inlets and grassy swales and ripraps surrounding proposed structures and improvements.*

### B. Landscaping Guidelines

*As discussed earlier in the staff report, the design guidelines indicate that landscape plans for the properties along Monterey Road shall incorporate landscaping strips of at least 20' wide along the front, rear and side of the property. Wider landscape strips and/or additional landscaping may be required to mitigate aesthetic impacts, or to enhance the visual character of the site. Parking areas shall be designed to incorporate islands of landscaping to break up large block of parking spaces.*

*The project meets the design guidelines for landscaping. A variety of landscape trees are shown surrounding proposed structures, cemetery, and parking lot to provide visual screening and along Monterey Rd. Final landscape plans shall be approved prior to final grading permit issuance in compliance with the conditions of approval and County Landscape Ordinance, and San Martin Integrated Design Plan requirements.*

### C. Architecture Guidelines

*The design guidelines encourage rural architectural styles to promote the rural character of San Martin. Materials and colors shall be appropriately designed to fit in with the natural setting including natural looking materials such as adobe, wood, stone and other materials. Earthtone, or otherwise subdued colors are acceptable.*

*The project meets the design guidelines for architecture. Submitted elevations show a one story ranch style building of rural characteristics. Building materials and colors shall be approved prior to final building permits issuance.*

**(E) South County Joint Area Plan**

The project is located within the community of San Martin and per the County General Plan is subject to compliance with policies related to the South County Joint Area Plan, which addresses rural and urban development within Morgan Hill, Gilroy, the unincorporated community of San Martin, and the surrounding rural areas.

Applicable San Martin policies

18.10 – For the current period San Martin should remain an unincorporated, predominantly rural-residential community governed by the County Board of supervisors. Issues of its future level of development and form of governance should be resolved by community residents, the County, the Cities, and affected special districts.

18.14 – The existing County General Plan policies regarding development densities and the location of commercial and industrial uses in San Martin should remain in effect.

*These San Martin policies of the South County Joint Area Plan reinforce the existing policies of the General Plan that emphasize that San Martin should remain a predominately rural residential community with no significant change in densities and related policies governing development. The Cordoba Center proposal is consistent with these policies because of its scale and staff has not identified any policy conflicts with the San Martin section of the South County Joint Area Plan.*

Applicable Rural/Urban Land Use policies

SC 17.6 – If it is determined that a use proposed for the unincorporated area is needed in the South County, but would be more appropriately located in a city, then 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.

SC 17.7 – The three jurisdictions should work together to assure that appropriately located sites are available for land uses which primarily service the urban population but have difficulty finding urban sites for various reasons.

SC17.8 – The three jurisdictions should agree on the infrastructure and public services needed for future urban development, their location and timing, and how the costs and revenues associated with planned development should apportioned among the three jurisdictions.

*Similarly, with regards to the Rural/Urban Land Use Policies of the South County Joint Area Plan, the size, scale and use intensity of the current proposal is consistent with Rural Residential land use policies. The project is of a small density (80 persons capacity, with 3 special events to accommodate up to 150 people)*



*The cities of Morgan Hill and Gilroy have been informed of this proposal and County staff has not received any comments regarding perceived inconsistency with these policies.*

#### **RESPONSE TO PUBLIC COMMENTS:**

This section of the staff report provides responses to public comment letters submitted regarding the Mitigated Negative Declaration. Following publication of the Mitigated Negative Declaration on June 6, 2012, the County Planning Dept. received forty (40) public comments letters during the 30 day comment period (See Exhibit E). Additional comment letters were submitted after the public review period ended, which are also included in Exhibit E. Per the California Environmental Quality Act (CEQA), the Planning Commission must consider all public comment letters received prior to adopting the Mitigated Negative Declaration. Although the County is not required to respond to each comment letter, the discussion below is intended to address issues raised in the comment letters. Items are addressed by topic area as follows:

Environmental impact related comments -

##### (a). Water Quality (Groundwater, permeability of soil, wells)

Comment letters question the validity of groundwater and well reports, and raise concerns regarding potential groundwater contamination from the cemetery and express concerns regarding the potential groundwater contamination.

*The Central Coast Regional Water Quality Control Board evaluated the proposed cemetery and determined that it would have not have any significant groundwater impacts. The letter dated May 16, 2012 from Thea Tryon of the Regional Board states " Based on the information submitted to date, Central Coast Water Board staff has determined that the proposed cemetery and wastewater disposal system for the Cordoba Center project does not pose a threat to water quality if properly installed and operated."*

*This determination by the Regional Board was made subsequent to preparation of a groundwater study (Geoconsultants Inc., dated April 10, 2012) that confirmed low permeability of soils within the proposed cemetery area (-0.06 to 0.20 inches per hr). The County General Plan defines high permeability rate at 6 inches per hour. Also as discussed in the study, groundwater depth is anticipated at 17 to 37 feet below ground level, and depth of the graves at 6 ft. deep meets State Regional Water Quality Control Board standards exceeding 5 ft. separation to groundwater.*

*The submitted comment letters did not provide any additional reports or technical studies demonstrating that the water quality data prepared to date is incorrect.*

Public comments also reference a historic agricultural well reported near the southwest corner property line of the site that was not considered in the groundwater study and Regional Water Quality Control Board water quality analysis.

*This well is not used for drinking water. Dept. of Environmental Health staff conducted an inspection of this well on June 5, 2012 and determined the depth of the well is*

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*approximately 80 to 100 ft. deep with 106 ft. setback from the cemetery. This meets the minimum 100 foot setback for wells to the cemetery (Central Coast Region Basin Plan – RWQCB regulations). This well was not in Santa Clara Valley Water District’s active records since the well is no longer functioning.*

**(b) Septic System (percolation tests, monitoring of usage)**

Comment letters question the percolation tests approved by Dept. of Environmental Health stating that all percolation tests have failed.

*A previous proposal for a 3 lot subdivision in 2006 on the subject property (which was subsequently withdrawn) resulted in failed percolation tests in the area where new homes and leachfields were proposed to be built (for Lots 1, 2, and 3).*

*Subsequently, on November 8, 2006, additional percolation tests were conducted in another location on proposed Lot 2 (further up the existing hillside) and approved by DEH. This area is the same location as where the septic system is now proposed to be located for the proposed project. (see attached percolation tests – Exhibit M).*

*Per approved septic plan, DEH has determined the November 2006 percolation tests are valid data which meets the standards for a septic system for the current project.*

*Dept. of Environmental Health’s standards for waste water usage is 3 gallons of water per day per person for the prayer hall, 7 gallons per person per day for the multi-purpose hall, and 5 gallons per person per day for restroom use. For a proposed maximum occupancy of 80 persons, this calculates out to approximately 15 gallons allotted per person per day – with leachline capability of 1200 gallons of water per day with 1500 linear feet of leachlines for the 80 person capacity.*

*The Central Coast Regional Water Quality Control Board calculated a requirement of 900 gallons per day, less conservative than the Dept. of Environmental Health standard. Septic system as shown on plans meets DEH’s standard to accommodate 1200 gallons of water per day.*

*Dept. of Environmental Health conditions requires that portable toilets be installed on site for the three events that will occur annually with capacity of over 80 people. A temporary events permit from Dept. of Environmental Health is required for those events.*

**(c) Llagas Creek**

Comment letters indicate Llagas Creek and associated wildlife will significantly be impacted by the project.

*The County General Plan policy requires a minimum 150 ft. setback from top of bank of creeks. All structures and improvements are proposed to exceed 150 foot setback. Initial Study discussed the following setback for the proposed improvements:*

- *400 ft. setback from cemetery, 250 ft. setback from prayer hall and multipurpose hall, 420 ft. away from septic system, and 480 ft. away from parking lot.*

- *The improvements are proposed towards the front of the site and are separated from Llagas Creek by a hillside between the proposed facility and the creek. As such, all surface drainage from the improvements will drain towards Llagas Creek.*

A comment letter asked whether there any restrictive fencing that would interfere with wildlife moving on-site.

*Project plans do not show any proposed fencing for approval.*

**(d) Flooding**

Comment letters indicate the project would create flooding impacts to neighboring parcels.

*Per proposed plans, and Land Development Engineering conditions, drainage is required to be maintained on-site. Site plans show proposed drainage retention pond with drainage inlets from the access driveway and parking to be constructed along with ripraps and grassy swales surrounding the proposed structures to retain surface runoff. Final drainage plans are required for Land Development Engineering's approval prior to final grading permit issuance detailing drainage calculations and other drainage requirements per the County Drainage Ordinance.*

**(e) Traffic from Parking Overflow**

Comment letters raises concern that special events may cause parking overflow to nearby neighborhoods causing potential pedestrian accidents. Commenters are especially concerned since no parking is allowed on the frontage of the property.

*Per the conditions of approval, the size of the parking lot is adequate to accommodate the 80 person occupants for normal usage, and special events 3 times a year for 150 persons. County Parking Requirements require a minimum of 41 parking spaces. The proposed site plan shows 59 parking spaces.*

**(f) General Plan conformance – local serving**

Comment letters indicate that the project is not a local-serving use. One comment letter indicates the project would create an occupancy of up to 1,036 persons.

*In response to the comments regarding local serving and notwithstanding potential conflicts with federal law relating to the requirement that the project be local-serving; in discussing allowed uses in the Rural Residential district, General Plan Policy R-LU157 states:*

*“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.*

Similarly, for Rural Residential zones, Zoning Ordinance Code Section 2.20.010(D) states:

*“Commercial, industrial and institutional uses may be established only where they serve the needs of the resident rural population and result in a net overall reduction in travel demand for rural residents.”*

*These qualifications are intended to limit the size, scale and use intensity of non-residential uses in rural areas, consistent with County growth management and land use policies, the lack of available public services, and other related policy considerations. General Plan Policy R-LU 57 and Zoning Ordinance Code Section 2.20.010(D) can not be implemented for this project in a manner that limits the ability of the applicant to exercise religion, such as dictating residency requirements of patrons using the facility. Thus, as stated above, General Plan Policy R-LU 57 and Zoning Ordinance Code Section 2.20.010(D) is used to evaluate the size, scale and intensity of a proposed religious facility to determine if it is consistent with broader County growth management policies. If in the case of a religious institution or other type of institutional uses, a proposal is consistent with the scale of similar established uses in the rural area, and are generally low intensity, it has been historically considered an allowable use consistent with the purpose and intent of these policies.*

*The project meets the intent of General Plan policies R-LU 57 to minimize use intensity. Facility is appropriately sized to a limited maximum occupancy of 80 people including the 3 staff members, and allowed occupancy up to 150 people including the 3 staff members during special scheduled events three (3) times a year as described in the project description and Use Permit conditions. This scale is commensurate with the scale of religious institutions found in rural settings and consequently has the potential to reduce travel demand in the rural areas depending upon the local demand for religious services.*

*In addition, the size and scale is similar to another religious institution established in San Martin approved by the Planning Commission. On May 7, 2009 the Planning Commission approved the Vo UU Buddhist Meditation Center located at 1300 Church Avenue in San Martin with a limited occupancy of 50 persons, and special events six (6) times a year to accommodate a maximum of 100 persons – See Exhibit L (Vo UU Use Permit)*

*In response to the comments regarding the project accommodating occupancy of up to 1,036 persons, per the building code and Fire Marshal’s office standards, the buildings will not allow an occupancy of this size. Plans show approximately 2,200 sq. ft. of assembly space in the prayer hall, and 1,822.25 sq. ft. of assembly space in the multi-purpose hall. A portion of the multi-purpose hall and prayer hall is storage space, bathrooms, and kitchen area, and there is 1 main banquet room, and conference room proposed in the multi-purpose hall, and one main assembling area in the prayer hall for prayer and services and Sunday School classrooms. Per Building Code standards of 15 net sq. ft. per person, the prayer hall can accommodate up to 147 people in the assembly area, and up to 122 people in the multi-purpose hall.*

**(g) San Martin Integrated Design Guidelines conformance**

Comment letters indicate that the project does not comply with San Martin Integrated Design Guidelines.

*The preliminary elevation drawings comply with the San Martin Integrated Design Guidelines showing proposed 1 story ranch style buildings with rural characteristics. Rural designs such as ranch, California and other styles are encouraged in the San Martin Design Guidelines.*

*As noted in the conditions, building materials must be approved by Planning prior to building permit issuance to demonstrate compliance with San Martin's Design Guidelines showing natural looking materials (i.e. adobe, wood, stone, brick smooth stucco or timber) as noted in the guidelines. A final landscape plan will also be approved prior to final permits issuance in compliance with the County Landscape Ordinance and San Martin Guidelines for landscaping.*

**(h) Geology report maps**

Comment letters point out that the original geologic report has erroneously shown a larger area than the proposed project area up to 50 acres in size.

*The geologic consultant submitted an addendum report which corrects the maps to the subject 15 acres lot. See attached addendum geologic report deemed adequate by County Geologist See (Exhibit J).*

**(i) Agriculture**

A comment letter indicated that the project would have a significant impact to agricultural land.

*Per the California Environmental Quality Act, the Environmental Assessment evaluated the potential for agriculture impacts including loss of agriculture land. The threshold for significant agricultural lands loss used by the County is the conversion of 10 acres or more of prime farmland. The project only impacts 2.84 acres of Prime Farmland on the frontage of the site, –smaller than the 10 acre threshold. Additionally there are no active agricultural operations on the site*

**(j) Archaeological Resources – Native American burial grounds**

A comment letter indicated the project would impact Native American burial ground – archaeological resources.

*The California Historical Resources Northwest Information Center indicated that the proposed project area has a low possibility of containing unrecorded archaeological sites. Additionally several archaeological studies were submitted prepared by qualified archaeologists. These reports confirm there are no recorded archaeological sites on-site, and surface inspection could not find any cultural resources. The State Native American Heritage Commission was given a copy of the environmental assessment to review and no comments were submitted.*

**(k) San Martin Airport**

A comment letter asked why aviation easement for San Martin Airport was not discussed in Initial Study.

*As a condition of approval, the County Roads and Airports requires a dedicated aviation easement for the San Martin – South County Airport which is included in the ASA conditions of approval. This is a standard condition of approval placed on applicable projects in proximity to the airport. The property is not located in any safety or noise contour zones for the San Martin Airport.*

**(l) General questions on Zoning designations**

Comment letters question why a church and cemetery are allowed in an industrial use permit zone.

*The property is partially located within the San Martin Industrial Use Permit Area. This area within San Martin allows industrial type uses (manufacturing etc.) in addition to uses allowed within the base zoning district for the property which is Rural Residential and General Use. The base zoning districts are RR-5Ac-d1 (Rural Residential with 5 acre minimum lot size and Santa Clara Valley Viewshed), and A1-5Ac-d1 (General Use with 5 acre minimum lot size and Santa Clara Valley Viewshed). In both the RR and A1 districts, religious institutions and cemeteries are allowed subject to obtaining a Use Permit and Architecture and Site Approval.*

**(m) Other project on same property**

Comment letters indicate that permits were denied to establish a church for Shadow Mountain Baptist Church on the same property.

*County staff has searched the County records, and there have been no applications received for other religious institutions on the subject site (APN: 779-06-002 – 14065 Monterey Rd.). The Baptist Church referenced owns multiple parcels within the City of Morgan Hill 4 miles north of the site at 17810 Monterey Road, 280 Llagas Road and 255 Del Monte Circle. Permits for these sites are obtained through the City of Morgan Hill Planning Dept.*

*Planning's records show that a pre-application was submitted by the Central Coast Baptist Association for a different property in San Martin at 13620 Llagas Rd in October 2007. The application was to demolish existing church facility and replace it with a new religious institution with ancillary retreat conference center and day care center. The Pre-Application letter issued by the County provides information pertaining to Use Permit and ASA requirements. No Use Permit or other permits were filed for the project.*

**(n) Other Development on Property**

Comment letters indicate the environmental analysis did not analyze a proposed high school, hospital, and convalescent home for the subject property.

*The application does not include any such improvements, therefore it was not included as part of any cumulative impacts analysis. If the applicant wants to build any of these*

*uses, the plans must be submitted to staff for review, and the improvements will be included in the permits required for the project, including filing for modification of the Use Permit, Architecture and Site Approval, and Grading Permit.*

**(o) City of Morgan Hill designation on location map of Environ. Assessment**

Comment letter questions why City of Morgan Hill is shown on location vicinity map of the Mitigated Negative Declaration.

*An adjacent parcel to the north is within the City of Morgan Hill's jurisdiction; however it is under ownership of the Santa Clara County Parks and Recreation Dept. City of Morgan Hill was referred the Mitigated Negative Declaration to review. No comments were submitted.*

**BACKGROUND:**

The subject property is approximately 15.77 acres in size. It is located at 14065 Monterey Road, adjacent to the City of Morgan Hill in an unincorporated area of Santa Clara County within the San Martin Planning Area and San Martin Industrial Use Permit Area. The parcel is owned by South County Partners, LLC and currently is vacant.

The property owner proposes to establish a religious institution and cemetery for the South Valley Islamic Center – reference in application submittal materials as the “Cordoba Center.” Project description and details were discussed earlier in this staff report.

A proposal for a 3-lot subdivision with religious institution and cemetery was previously submitted on July 20, 2007. This project was deemed incomplete on August 20, 2007. Applicant subsequently withdrew application.

Proposal for the current project –proposed religious institution and cemetery was submitted on April 25, 2011, and deemed complete on January 3, 2012. The Environmental Assessment was circulated for public review on June 6, 2012, with public review ending date of July 6, 2012. All the public comment letters are in Exhibit E.

South County Joint Planning Advisory Committee Meeting is scheduled to review the project on August 1, 2012 and San Martin Planning Advisory Committee Meeting is scheduled on July 31, 2012, both advisory committees to the Planning Commission. Staff shall present both these committees’ recommendations to the Planning Commission at the Planning Commission hearing.