

RESOLUTION NO. 73644

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AFFIRMING THE CITY OF SAN JOSE'S LAND USE REQUIREMENTS, POLICIES AND PRACTICES ARE CONSISTENT WITH THE SANTA CLARA VALLEY WATER RESOURCES PROTECTION COLLABORATIVE GUIDELINES AND STANDARDS FOR LAND USE NEAR STREAMS

WHEREAS, in 2003 the City of San José joined Santa Clara County, 14 other cities in the County, the Santa Clara Valley Water District, and other public and non-governmental organizations to form the Santa Clara Valley Water Resources Protection Collaborative, with the goals of:

1. Identifying and addressing typical issues associated with development next to streams;
2. Developing clear, consistent guidance to property owners and developers about how to design and construct streamside development projects in a way that protects streams and streamside resources;
3. Clarifying and streamlining the permitting process for streamside property owners throughout the County; and
4. Developing Guidelines and Standards for streamside developments that focus on local control of the permitting process for these lands; and

WHEREAS, in August 2005, the *Guidelines & Standards for Land Use Near Streams*, was published the Santa Clara Valley Water Resources Protection Collaborative as the product of the Collaborative effort to identify the best practices to protect stream resources in the context of land use and development approvals ("*Guidelines and Standards*"); and

WHEREAS, as part of the Collaborative, each jurisdiction within the County agreed to determine the appropriate application of the *Guidelines and Standards* in their land use approval processes by February 28, 2007; and

WHEREAS, City staff have reviewed existing City of San José land use requirements, policies and practices to assess whether changes would be needed to implement the *Guidelines and Standards*; and

WHEREAS, the following City of San José General Plan policies provide the foundation for preservation and protection of stream resources in the City:

- Scenic Routes Policy #2
- Trails and Pathways Policy #3
- Riparian Corridors and Upland Wetlands Policy #1-8
- Bay and Baylands Policy #5
- Species of Concern Policy #1 and 2
- Urban Forest Policy #2 and 8
- Water Resources Policy #1 and 3-6
- Soils and Geologic Conditions Policies #4 and 7
- Earthquake Policy #7
- Flooding Policies #1-8; and

WHEREAS, in December 2006, the San José City Council approved additions and clarifications to the General Plan to reinforce the City's on-going commitment to preservation and protection of water resources, as recommended by City staff and the Santa Clara Valley Water District; and

WHEREAS, City of San José Zoning, Grading and Special Flood Hazard Area Ordinances and design guidelines include provisions for riparian corridor protection; and further guidance for development in or near streams is provided in the *Riparian Corridor Policy Study* approved by Council on May 17, 1994 (revised March 1999); and

WHEREAS, as recommended by the *Guidelines and Standards*, San Jose Planning staff is in the process of supplementing CEQA guidance to include further discussion of topics related to water quality and stream stability, and the City's development services team will continue the process of early project coordination and collaboration with the Santa Clara Valley Water District. Staff will also continue to refer projects to other regulatory agencies (e.g., Department of Fish and Game, Regional Water Quality Control Board) as appropriate;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT this Council finds that existing City of San Jose requirements, policies and practices are consistent with the Santa Clara Valley Water Resources Protection Collaborative *Guidelines and Standards for Land Use Near Streams*.

ADOPTED this 13th day of February, 2007, by the following vote:

AYES:	CAMPOS, CHIRCO, CORTESE, LICCARDO, NGUYEN, PYLE, WILLIAMS; REED
NOES:	NONE
ABSENT:	CONSTANT
DISQUALIFIED:	NONE
VACANT:	DISTRICT 4, DISTRICT 6

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

