

3.8 Land Use and Planning

3.8.1 Introduction

This section presents the regulatory setting, environmental setting, and potential impacts of the Proposed Project related to land use and planning. Resources consulted included:

- the General Plans for the cities of Campbell (2001), Cupertino (2005), Gilroy (2002), Los Altos (2002), Milpitas (2002), Monte Sereno (2008), Morgan Hill (2001), Mountain View (1992), San Jose (2009), Santa Clara (2002), Sunnyvale (2009); the town of Los Gatos (2000); and Santa Clara County (1994);
- the General Plan Update for the City of Saratoga (2007) and Town of Los Altos Hills (2007); and
- the Palo Alto Comprehensive Plan (2007).

3.8.2 Regulatory Setting

Federal Plans, Policies, Regulations, and Laws

No federal plans, policies, regulations, or laws related to land use and planning are applicable to the Proposed Project.

State Plans, Policies, Regulations, and Laws

No state plans, policies, regulations, or laws related to land use and planning are applicable to the Proposed Project.

Regional and Local Plans, Policies, Regulations, and Ordinances

The following discussion and Appendix D describe the policies and regulations that are relevant to the analysis of potential land use impacts of the Proposed Project, with a particular focus on those policies and regulations that have been updated since the SMP EIR was certified in 2002.

Governance Policies of the Board (Ends Policies, as of May 2011)

The SCVWD Board of Directors has adopted policies (Ends Policies) to provide goals and other guidance to direct the activities of SCVWD. Those goals most relevant to the Proposed Project are listed in Chapter 2, *Project Description*, and they are summarized briefly below:

Public Review Draft

Flood Protection Goal 3.1: Natural flood protection for residents, businesses, and visitors

- Balance environmental quality and protection from flooding in a cost effective manner.
- Preserve flood conveyance capacity.

Flood Protection Goal 3.2: Reduced potential for flood damages

- Reduce risk of flood damages in flood prone areas.
- Avoid the creation of expanded flood prone areas.

Water Resources Stewardship Goal 4.1: Healthy creek and bay ecosystems

- Balance water supply, natural flood protection and water resources stewardship functions.
- Improve watersheds, streams, and natural resources.
- Promote awareness of creek and bay ecosystem functions.

Water Resources Stewardship Goal 4.2: Clean, safe water in creeks and bay

- Preserve or improve surface and ground water quality for beneficial uses.
- Promote awareness of water quality and stream stewardship.

Water Resources Stewardship Goal 4.3: Improved quality of life in Santa Clara County through trails, open space and water resources management

- Support additional trails, parks and open space along creeks and in the watersheds when reasonable and appropriate.
- Reduce greenhouse gas emissions when reasonable and appropriate.

3.8.3 Environmental Setting

Most of the creek lengths within SCVWD jurisdiction are within unincorporated Santa Clara County, the City of Gilroy, and the City of San Jose. Within the Project Area, approximately 38 percent of the total creek miles flow through urban (residential, commercial, and industrial) areas, and the remainder flow through non-urban areas. Channels flowing through urban areas are surrounded by residential, commercial, industrial, or institutional (hospitals, schools) development. Outside of urban areas, channels traverse less developed land uses, including rural residential, agricultural and grazing lands, parks, and open space. Although some relatively undeveloped areas are located within urban areas (e.g., urban parks), most of these areas are immediately upstream or downstream of the core urban areas. Because of the additional maintenance requirements in engineered, rather than natural channels, the majority of projected maintenance work is anticipated to occur within

Public Review Draft

the boundaries of incorporated cities. SCVWD does not have any authority to control land uses under the jurisdiction of cities or Santa Clara County.

Channel maintenance activities in residential areas may be more likely to create impacts because of the higher number of people near work sites. Conversely, channel maintenance activities in streams adjacent to open space, agricultural, and recreational areas may be less likely to create impacts because fewer people would be near work sites and less potential would exist for property damage caused by flooding.

3.8.4 Impact Analysis

Methodology

The analysis of land use and planning was generally qualitative and consisted of an evaluation of applicable land use policies, plans, and programs in the context of the Proposed Project, to identify potential inconsistencies.

Criteria for Determining Significance

For the purposes of this analysis, the Proposed Project would result in a significant impact on land use and planning if it would:

- A. physically divide an established community;
- B. create substantial conflicts or incompatibility with existing and planned future land uses within or adjacent to the project study area; or
- C. conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.

Conflicts between the Proposed Project and applicable local or regional policies or ordinances protecting biological resources, such as tree preservation ordinances, habitat conservation plans, or other land conservation plans, are discussed in Section 3.3, *Biological Resources*.

Environmental Impacts

Impact LU-1: Division of Existing Neighborhoods or Communities (Significance Criterion A; Less than Significant)

Proposed Project activities would be restricted to channel areas and easements that would provide access to channel areas. The SMP Update would not permanently affect access to any of the surrounding land uses, nor create any new permanent, physical barriers between developed areas. However, any Proposed Project maintenance activities or staging for these activities could cause temporary disruptions to existing roadways or recreational trails connecting existing communities, as described next.

Public Review Draft

Vegetation Maintenance

Use of mechanical equipment for vegetation removal, vegetation pruning, herbicide application, mowing, discing, flaming, and/or grazing could require temporary access restrictions of the surrounding trails and roadways. These potential disturbances are addressed in Section 3.11, *Recreation* and Section 3.12, *Traffic and Transportation*. As detailed in these sections, these temporary maintenance-related disturbances would be less than significant. Once vegetation maintenance activities were completed, Proposed Project-related access disruptions to existing neighborhoods would cease.

Other Maintenance Activities

Implementation and staging for the remainder of SMP Update activities (sediment removal, bank stabilization, management of animal conflicts, minor maintenance, and canal maintenance) would potentially result in similar disturbances as those described above for vegetation maintenance activities.

Applicable Best Management Practices

The following BMPs would be implemented to prevent maintenance activities from substantially disrupting existing roadways or recreational trails connecting existing communities and to inform the public of any temporary disruptions. Descriptions of each BMP are provided in Chapter 2, *Project Description*.

- BMP GEN-4: Minimize the Area of Disturbance
- BMP GEN-36: Public Outreach
- BMP GEN-37: Implement Public Safety Measures
- BMP GEN-39: Planning for Pedestrians, Traffic Flow, and Safety Measures

Conclusion

Because maintenance related to the Proposed Project would be a short-term activity and access disruptions would be temporary, this impact would be less than significant and no mitigation would be required.

Mitigation Measures: No mitigation is required.

Impact LU-2: Incompatibility with Adjacent Land Uses (Significance Criterion B; Less than Significant)

The proposed maintenance activities are not considered “new development” and no new permanent habitable structures would be created. In addition, no project areas would be permanently altered from their ongoing use. In fact, the flood protection services maintained by the Proposed Project would help protect adjacent land uses in many cases. However, as described previously, construction work or staging could temporarily disrupt existing adjacent land uses.

Public Review Draft

Vegetation Management

Vegetation management activities could result in potential direct and indirect construction impacts on surrounding land uses, which would be substantially similar for all locations and may include traffic delays, trail access disruption, or public safety hazards. Air emissions also could be generated through vehicle use. Vegetation management activities could generate noise emissions from use of mechanized hand tools, mowers, or other equipment. Although these potential impacts are addressed in the relevant resources sections throughout Chapter 3, *Environmental Setting and Impact Analysis* of this document, they have been considered here for their indirect impacts on adjacent land uses. In general, all are considered to be less than significant. Once maintenance activities were completed, Proposed Project-related disturbances to adjacent land uses would cease.

Other Maintenance Activities

Maintenance activities for the remainder of SMP Update activities (sediment removal, bank stabilization, management of animal conflicts, minor maintenance, and canal maintenance) would potentially result in similar disturbances as those described above for vegetation maintenance activities. All of the other SMP activities could require the use of heavy equipment, which also could contribute to noise and air emissions, public safety hazards, traffic delays, and trail access disruption.

Applicable Best Management Practices

The following BMPs would be implemented to prevent maintenance activities from resulting in substantial direct or indirect impacts on the surrounding land uses. Descriptions of each BMP are provided in Chapter 2, *Project Description*.

BMP GEN-4: Minimize the Area of Disturbance

BMP GEN-19: Work Site Housekeeping

BMP GEN-36: Public Outreach

BMP GEN-37: Implement Public Safety Measures

BMP GEN-39: Planning for Pedestrians, Traffic Flow, and Safety Measures

Conclusion

Although temporary impacts would be associated with the proposed activities, the longer-term implementation of the Proposed Project would not alter any existing land uses. Because the construction would be a short-term activity and disruptions to adjacent land uses would be temporary, this impact would be less than significant and no mitigation would be required.

Mitigation Measures: No mitigation is required.

Public Review Draft

Impact LU-3: Compatibility with Land Uses Plans and Policies (Significance Criterion C; Less than Significant)

Applicable land use plans and policies are described in Appendix D. Although a large number of plans and applicable policies exist, they can be summarized as follows:

- promote shared usage of and access to public agency/utility-owned areas for public recreation;
- protect and maintain natural resources (wildlife, habitats, cultural);
- implement effective mitigation, including preservation and restoration of native vegetation habitat types, and trees;
- encourage multi-jurisdictional partnerships/coordination for countywide improvements and resource protection;
- protect public health and safety;
- minimize risk of injury and property damage caused by flooding;
- provide for safe and environmentally-sensitive land development (enforcement of buffer zones, land use restrictions, pollution/run-off prevention, grading measures);
- protect regional water quality and minimize pesticide application;
- guide effective management and adequate functioning of public facilities (stormwater, canals, parks); or
- conduct flood protection practices in an environmentally sensitive manner (habitat restoration, remove invasive species, remove concrete-lined channels).

As described in Impact LU-2, no work would be conducted that would result in permanent changes to existing land uses. Instead, the implementation of all Proposed Project activities would support the general land use goals and policies of Santa Clara County and its incorporated jurisdictions by providing adequate channel capacities, reducing risk of flooding, and providing enhanced riparian habitat within the Project Area.

Applicable Best Management Practices

All of the BMPs described in Chapter 2, *Project Description* would be applicable and would each meet at least one of the land use plan and policy categories described above.

Conclusion

The Proposed Project would provide for natural resource enhancement and protection, which would support existing land use plans and would not result in incompatibilities with existing and adjacent land uses. Therefore, this impact would be less than significant and no mitigation would be required.

Mitigation Measures: No mitigation is required.