

## Appendix D GENERAL PLAN POLICIES AND ORDINANCES

This appendix provides general plan policies and regulations, and public agency ordinances related to Santa Clara County and jurisdictions in the Project Area.

### Management of Open Space and Habitats

The following resource management entities in Santa Clara County help govern the protection of open space and the habitats and species that occupy them:

- The **Guadalupe-Coyote Resource Conservation District (GCRCD)** is a public agency established by the state legislature and partially funded by property taxes collected within the agency's jurisdiction. The purpose of the GCRCD is to conserve resources by promoting sustainable agriculture including rangeland management practices for the preservation of species diversity and proper watershed management of wetlands and riparian corridors.
- The **Midpeninsula Regional Open Space District (MPROSD)** is an independent special district that works to form a continuous greenbelt of permanently preserved open space by linking its lands with other public parklands and establishing regional trail systems.
- The **Santa Clara County Open Space Authority** is an independent special district, whose jurisdiction is all of Santa Clara County with the exception of lands and communities within the boundaries of MPROSD and the City of Gilroy.
- The **Santa Clara Valley Habitat Plan** is a combination of a habitat conservation plan required under federal law and a natural community conservation plan required under state law. The purpose of the Habitat Plan is to obtain, for a 50-year period, permits from state and federal wildlife agencies for impacts to listed and potentially listed endangered species. More information also see Section 3.3, *Biological Resources*.

## Public Review Draft

### General Plans

General Plans are long-range comprehensive plans developed for cities and counties that govern growth and development (see Chapter 7, *References*, for all general plans, under Section 3.8 Land Use and Planning. The Project Area is located in Santa Clara County. Although Santa Clara County includes many cities and towns, this analysis focuses on those municipalities directly affected by Proposed Project activities. The following section reviews key land use policies in the General Plans of Santa Clara County as well as the cities of Campbell, Cupertino, Gilroy, Los Altos, Town of Los Altos Hills, Town of Los Gatos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale, all of which are relevant to the SMP Update.

#### Santa Clara County (1994)

##### Cultural Resources

##### *Definition of Heritage Resources*

Heritage resources are those particular types of resources, both natural and man-made, which due to their vulnerability or irreplaceable nature deserve special protection if they are to be preserved for current and future generations.

The types of resources addressed as heritage resources include:

- historical sites, structures, and areas;
- archeological and paleontological sites and artifacts; and
- historical and specimen trees.

##### Policies

C-RC 49	Cultural heritage resources within Santa Clara County should be preserved, restored wherever possible, and commemorated as appropriate for their scientific, cultural, historic and place values.
C-RC 50	Countywide, the general approach to heritage resource protection should include the following strategies: <ol style="list-style-type: none"> <li>1. Inventory and evaluate heritage resources.</li> <li>2. Prevent or minimize adverse impacts on heritage resources.</li> <li>3. Restore, enhance, and commemorate resources as appropriate.</li> </ol>
C-RC 51	Inventories of heritage resources should be maintained as the basis for local decision-making regarding such resources.
C-RC 52	Prevention of unnecessary losses to heritage resources should be ensured as much as possible through adequate ordinances, regulations, and standard review procedures. Mitigation efforts, such as relocation of the resource, should be employed where feasible when projects will have significant adverse impact upon heritage resources.

##### Implementation Recommendations

C-RC(i)24	Update inventories and evaluations of heritage resources. Survey resources as necessary to augment existing inventories.
-----------	--

## Public Review Draft

### *Rural Unincorporated Area Policies*

- R-RC 1 Natural and heritage resources shall be protected and conserved for their ecological, functional, economic, aesthetic, and recreational values.
- R-RC 2. Heritage resources shall be preserved to the maximum extent possible for their scientific, cultural, and “sense of place” values.
- R-RC 81 Heritage resources within the rural unincorporated areas of Santa Clara County shall be preserved, restored wherever possible, and commemorated as appropriate for their scientific, cultural, historic and place values.
- R-RC 85 No heritage resource shall knowingly be allowed to be destroyed or lost through a discretionary action (zoning, subdivision site approval, grading permit, building permit, etc.) of the County of Santa Clara unless:
- a. the site or resource has been reviewed by experts and the County Historic Heritage Commission and has been found to be of insignificant value; or
  - b. there is an overriding public benefit from the project and compensating mitigation to offset the loss is made part of the project.
- R-RC 86 Projects in areas found to have heritage resources shall be conditioned and designed to avoid loss or degradation of the resources. Where conflict with the resource is unavoidable, mitigation measures that offset the impact may be imposed.
- R-RC 90 Heritage and old growth trees, particularly redwoods, should not be cut, except in instances where public safety is jeopardized.

### *Parks and Recreation Chapter*

#### Trails and Pathways

##### Strategy #4: Adequately Operate and Maintain Trails

- C-PR 30 Trails shall be temporarily closed when conditions become unsafe or environmental resources are severely impacted. Such conditions could include soil erosion, flooding, fire hazard, environmental damage, or failure to follow the specific trail management plan (see Countywide Trails Master Plan - Design and Management Guidelines).

##### Strategy #6: Facilitate Inter-Jurisdictional Coordination

- C-PR 33.5 Public improvement projects, such as road widenings, bridge construction, and flood control projects that may impact existing or proposed trails should be designed to facilitate provision of shared use.

#### Scenic Highways

##### Strategy #2: Protect Scenic Highway Corridors

- C-PR 37 The natural scenery along many of Santa Clara County’s highways should be protected from land uses and other activities which would diminish its aesthetic beauty.

### *Resource Conservation Chapter*

#### Overall Resource Management Strategies:

- Strategy #1: Improve and update current knowledge of resources
- Strategy #2: Emphasize pro-active, preventive measures
- Strategy #3: Minimize or compensate for adverse human impacts
- Strategy #4: Restore resources where possible.

## Public Review Draft

### Water Quality and Watershed Management

#### Strategy #1: Reduce Non-Point Source Pollution

- C-RC 18 Water quality countywide should be maintained and improved where necessary to ensure the safety of water supply resources for the population and the preservation of important water environments and habitat areas.
- C-RC 19 The strategies for maintaining and improving water quality on a countywide basis, in addition to ongoing point source regulation, should include:
- b. restoration of wetlands, riparian areas, and other habitats which serve to improve Bay water quality; and
  - c. comprehensive Watershed Management Plans and “best management practices” (BMPs).
- C-RC 20 Adequate safeguards for water resources and habitats should be developed and enforced to avoid or minimize water pollution of various kinds, including:
- a. erosion and sedimentation;
  - b. organic matter and wastes;
  - c. pesticides and herbicides;
  - g. industrial wastewater discharges;
  - h. hazardous wastes; and
- C-RC 21 Multi-jurisdictional, countywide programs and regulatory efforts to address water pollution problems should have the full support and participation of each jurisdiction within Santa Clara County, including cities, special districts, state and federal agencies, and County government.
- C-RC 22 Countywide, compliance should be achieved with the requirements of the National Pollution Discharge Elimination System (NPDES) permit for discharges into S.F. Bay, and to that end, the Countywide Nonpoint Source Pollution Control Program should receive the full support and participation of each member jurisdiction.

#### Strategy #2: Restore Wetlands, Riparian Areas, and Other Habitats That Improve Bay Water Quality

- C-RC 25 Wetlands restoration for the purpose of enhancing municipal wastewater treatment processes, improving habitat and passive recreational opportunities should be encouraged and developed where cost-effective and practical.

### Habitat and Biodiversity

#### Strategy #1: Improve Current Knowledge and Awareness of Habitats and Natural Areas

- C-RC 27 Habitat types and biodiversity within Santa Clara County and the region should be maintained and enhanced for their ecological, functional, aesthetic, and recreational importance.
- C-RC 28 The general approach to preserving and enhancing habitat and biodiversity countywide should include the following strategies:
1. Improve current knowledge and awareness of habitats and natural areas.
  2. Protect the biological integrity of critical habitat areas.
  3. Encourage habitat restoration.

## Public Review Draft

### 4. Evaluate the effectiveness of environmental mitigations.

#### Strategy #2: Protect the Biological Integrity of Critical Habitat Areas

C-RC 31 Areas of habitat richest in biodiversity and necessary for preserving threatened or endangered species should be formally designated to receive greatest priority for preservation, including baylands and riparian areas, serpentine areas, and other habitat types of major significance.

#### Strategy #3: Encourage Habitat Restoration

C-RC 34 Restoration of habitats should be encouraged and utilized where feasible, especially in cases where habitat preservation and flood control, water quality, or other objectives can be successfully combined.

#### Strategy #4: Evaluate Effectiveness of Environmental Mitigations

C-RC 36 Specific project mitigations for the purpose of preserving habitat should be monitored for a period of time to assure the likelihood of their effectiveness.

#### Scenic Resources

C-RC 57 The scenic and aesthetic qualities of both the natural and built environments should be preserved and enhanced for their importance to the overall quality of life for Santa Clara County.

C-RC 58 The general approach to scenic resource preservation on a countywide basis should include the following strategy:  
c. maintaining and enhancing scenic urban settings, such as parks and open space, civic places, and major public commons areas.

#### Strategy #2: Minimize Development Impacts on Significant Scenic Resources

C-RC 61 Public and private development and infrastructure located in areas of special scenic significance should not create major, lasting adverse visual impacts.

#### Strategy #3: Maintain and Enhance the Scenic Values of Urban Settings

C-RC 62 Urban parks and open spaces, civic places, and public commons areas should be designed, developed and maintained such that the aesthetic qualities of urban settings are preserved and urban livability is enhanced. Natural resource features and functions within the urban environment should also be enhanced.

#### Solids Waste Management

C-RC 64 Countywide solid waste management efforts shall be guided by the hierarchy of strategies outlined below, emphasizing resource recovery in accordance with state law:  
a. Source reduction and reuse,  
b. Recycling and composting,  
c. Transformation, and  
d. Landfilling as final option.

## Public Review Draft

### *Health and Safety Chapter*

#### Hazardous Materials

##### Strategy #1: Manage Hazardous Materials Safely and Efficiently

C-HS 14 All feasible measures to safely and effectively manage hazardous materials and site hazardous materials treatment facilities should be used, including complying with all federal and state mandates.

#### Emergency Preparedness

##### Strategy #1: Plan for Immediate Disaster Response

C-HS 19 The County and cities should comply with federal and state hazardous materials regulations and planning activities, including, the Countywide Hazardous Waste Management Plan, the Hazardous Materials Area Plan, and the Operations Section of the County Emergency Plan regarding a hazardous materials incident.

#### Natural Hazards

##### Strategy #4: Reduce the Magnitude of the Hazard, If Feasible

C-HS 34 Flood control measures should be considered part of an overall community improvement program and advance the following goals, in addition to flood control:

- a. resource conservation;
- b. preservation of riparian vegetation and habitat;
- c. recreation; and
- d. scenic preservation of the County's streams and creeks

The Rural Unincorporated Areas Chapter of the County's General Plan – Book B (County of Santa Clara 1994) provides policies to preserve resources in the rural unincorporated areas of the county. Policies to preserve these resources that would be relevant to the Proposed Project include:

### *Parks and Recreation Chapter*

#### Parks and Public Open Space Lands

##### Strategy #1: Develop Parks and Public Open Space Lands

NR-PR 5 Water resource facilities, utility corridors, abandoned railroad tracks, and reclaimed solid waste disposal sites should be used for compatible recreational uses, where feasible.

##### Strategy #4: Adequately Operate and Maintain Trails

R-PR 32 Trails shall be temporarily closed when conditions become unsafe or environmental resources are severely impacted. Such conditions could include soil erosion, flooding, fire hazard, environmental damage, or failure to follow the specific trail management plan (see Countywide Trails Master Plan - Design and Management Guidelines).

## Public Review Draft

### *Resource Conservation Chapter*

#### Water Supply, Quality, & Watershed Management

##### Strategy #2: Reduce Water Quality Impacts of Rural Land Use and Development

- R-RC 11 Areas with prime percolation capabilities shall be protected to the maximum extent possible, and placement of significant pollution sources within such areas shall be avoided.
- R-RC 14 Use and disposal of agricultural chemicals, such as fertilizers, pesticides and herbicides, shall be managed to minimize the threat of water pollution.

#### Habitat & Biodiversity

##### Strategy #1: Improve Current Knowledge and Awareness of Habitats and Natural Areas

- R-RC 19 Habitat types and biodiversity within Santa Clara County and the region should be maintained and enhanced for their ecological, functional, aesthetic, educational, medicinal, and recreational importance.

##### Strategy #2: Protect the Biological Integrity of Critical Habitat Areas

- R-RC 25 Wetlands habitats of San Francisco Bay shall be preserved and enhanced.
- R-RC 31 Natural streams, riparian areas, and freshwater marshes shall be left in their natural state providing for percolation and water quality, fisheries, wildlife habitat, aesthetic relief, and educational or recreational uses that are environmentally compatible. Streams which may still provide spawning areas for anadromous fish species should be protected from pollution and development impacts which would degrade the quality of the stream environment.
- R-RC 32 Riparian and freshwater habitats shall be protected through the following general means:
- b. regulation of tree and vegetation removal;
  - c. reducing or eliminating use of herbicides, pesticides, and fertilizers by public agencies;
  - e. protection of endemic, native vegetation.
- R-RC 35 Flood control modifications to be made in streams that have substantial existing natural areas should employ flood control designs which enhance riparian resources and avoid to the maximum extent possible significant alteration of the stream, its hydrology, and its environs.
- R-RC 37 Lands near creeks, streams, and freshwater marshes shall be considered to be in a protected buffer area, consisting of the following:
1. 150 feet from the top bank on both sides where the creek or stream is predominantly in its natural state;
  2. 100 feet from the top bank on both sides of the waterway where the creek or stream has had major alterations; and
  3. In the case that neither (1) nor (2) are applicable, an area sufficient to protect the stream environment from adverse impacts of adjacent development, including impacts upon habitat, from sedimentation, biochemical, thermal and aesthetic impacts.

## Public Review Draft

R-RC 38 Within the aforementioned buffer areas, the following restrictions and requirements shall apply to public projects, residential subdivisions, and other private non-residential development:

a. No building, structure or parking lots are allowed, exceptions being those minor structures required as part of flood control projects.

b. No despoiling or polluting actions shall be allowed, including grubbing, clearing, unrestricted grazing, tree cutting, grading, or debris or organic waste disposal, except for actions such as those necessary for fire suppression, maintenance of flood control channels, or removal of dead or diseased vegetation, so long as it will not adversely impact habitat value.

c. Endangered plant and animal species shall be protected within the area.

### Strategy #3: Encourage Habitat Restoration Wherever Possible

R-RC 53 Restoration of habitats should be encouraged and utilized wherever feasible, especially in cases where habitat preservation and flood control, water quality, or other objectives can be successfully combined.

R-RC 54 Restoration of stream channels and riparian areas should be encouraged wherever feasible. Multiple uses, such as for recreational trails, should be considered so long as habitat and other ecological values are preserved.

### Scenic Resources

R-RC 95 The scenic and aesthetic qualities of both the natural and built environments should be preserved and enhanced for their importance to the overall quality of life for Santa Clara County.

R-RC 97 Scenic qualities of the rural areas of Santa Clara County shall be maintained and enhanced through existing land use and development policies. Development compatible with scenic resource conservation should be encouraged.

R-RC 98 Hillsides, ridgelines, scenic transportation corridors, major county entryways, stream environments, and other areas designated as being of special scenic significance should receive utmost consideration and protection due to their prominence, visibility, and overall contribution to the quality of life in Santa Clara County.

### *Health and Safety Chapter*

#### Geologic and Seismic Hazards

R-HS 19 In areas of high potential for activation of landslides, there shall be no avoidable alteration of the land or hydrology which is likely to increase the hazard potential, including:

a. saturation due to drainage or septic systems;

b. removal of vegetative cover; and

c. steepening of slopes or undercutting the base of a slope.

## Public Review Draft

### *Land Use Policies Chapter*

#### Resource Conservation Areas

- R-LU 3 The general intent of each ‘Resource Conservation Area’ designation is to encourage land uses and densities appropriate to the rural unincorporated areas that also:
- a. help preserve rural character;
  - b. conserve natural, scenic, and cultural resources;
  - c. protect public health and safety from natural and man-made hazards;
  - d. preserve agriculture and prime agricultural soils;
  - e. protect watersheds and water quality;
  - f. enhance air quality; and
  - g. minimize the demand for and cost of public services and facilities.
- R-LU 5 The edges of the San Francisco Bay shall be preserved and restored as open space. Allowable uses shall include:
- a. bay waters and sloughs;
  - b. marshes, wetlands and wetlands restoration;
  - c. salt extraction;
  - d. wildlife habitat;
  - e. open space preserves;
  - f. small piers and walkways;
  - g. wildlife observation; and
  - h. recreational uses, such as walking, horseback riding, bicycling, fishing, boating, education, swimming, limited hunting, aquaculture, and marinas.
- R-LU 125 In vicinity of Llagas Creek, particularly in the areas of highly permeable soils, commercial uses should be situated and designed to prevent any form of harmful waste discharge in the creek. The value of the riparian habitat and the beauty of the creek should be maintained and enhanced.

### **South County Joint Area Plan (1994)**

The South County Joint Area Plan – Book B (County of Santa Clara 1994) provides policies to preserve resources in the southern portion of the county. Policies to preserve these resources that would be relevant to the SMP Update include:

- SC 12.9 Careful consideration should be given to the cumulative effects of development which would drain into the upper reaches of Llagas Creek and other creeks in order to avoid the need for channelization and consequent destruction of its riparian vegetation and natural habitat.
- SC 13.1 Since County maintenance is limited to maintaining local storm drainage facilities which may affect County roads, any additional storm drain-related maintenance beyond that which is currently provided will require additional funding from residents and/or developers.

## Public Review Draft

- SC 15.8 Natural streamside and riparian areas should be left in their natural state, in order to preserve their value as percolation and recharge areas, natural habitat, scenic resources, recreation corridors and for bank stabilization. If flood control projects needed to protect presently existing development make this infeasible, disruption should be minimized, maintaining slow flow and stable banks through design and other appropriate mitigation measures.
- SC 15.9 Wildlife, rare and endangered plants and animals, and heritage resources should be identified and protected from loss and destruction.

### City of Campbell (2001)

#### *Open Space, Parks, and Public Facilities Element:*

- Strategy OSP-1.1a: Santa Clara County Parks and Trails: Work with Santa Clara County and the Santa Clara Valley Water District to renovate and improve access to the Los Gatos Creek Trail and Los Gatos County Park
- Strategy OSP-1.1b: Santa Clara Valley Water District: Work with the Santa Clara Valley Water District to provide public access and improvements to the Groundwater Recharge Facilities in the City and explore the possibility of a multiple-use recreational trail along San Tomas Aquino Creek.
- Policy OSP-1.3: Facilities Improvement, Maintenance and Use Agreements with Regional Agencies: Utilize a variety of techniques to increase, preserve or maintain regional open space facilities such as facilities improvement, joint maintenance or use agreements.
- Strategy OSP-1.3a: Facilities Improvement, Maintenance and Use Agreements: Enter into facilities improvement, maintenance and use agreements with the County of Santa Clara, the Santa Clara Valley Water District and other public agencies to improve, maintain and increase access to these open space, park lands and facilities.
- Goal OSP-2: Provide and maintain attractive, safe, clean and comfortable open space, park land and recreational facilities and programs for maximum community use, benefit and enjoyment.*
- Policy OSP-9.1: Drainage Facilities: Ensure that drainage facilities convey storm runoff without polluting local watercourses.
- Strategy OSP-9.1b: Regional Storm Drainage Facilities: Cooperate with surrounding jurisdictions and Santa Clara County to provide adequate regional storm drainage facilities.
- Strategy OSP-9.1c: Urban Runoff Management Plan: Implement Urban Runoff Management Plan standards and programs to ensure to the maximum extent practicable that receiving waters and ground water recharge basins are not polluted.
- Strategy OSP-9.1d: New Construction: Require new construction to utilize site preparation, grading and foundation designs that provide erosion control to prevent sedimentation and contamination of streams.
- Strategy OSP-9.1e: Post-construction Pollution Control Measures: Require new construction projects to include post-construction pollution control measures in site designs to prevent pollution.

## Public Review Draft

*Conservation and Natural Resources Element:*

Strategy CNR-1.1b: Archaeological Resources: In accordance with CEQA and the State Public Resources Code, require the discontinuation of all work in the immediate vicinity and the preparation of a resource mitigation plan and monitoring program by a licensed archaeologist if archaeological resources are found on any sites within the City.

*Goal CNR-3: Protect and maintain animal and plant species and supporting habitats within Campbell.*

Policy CNR-3.1: Riparian Corridor Preservation: Preserve the aesthetic and habitat value of riparian corridors.

Strategy CNR-3.1b: Santa Clara Valley Water District Activities: Work with Santa Clara Valley Water District to restrict future fencing, piping and channelization of creeks when flood control and public safety can be achieved through measures that preserve the natural environmental and habitat of riparian corridors.

Strategy CNR-3.1c: Native Species Planting: Encourage the Santa Clara Valley Water District, County Parks Department, City, developers and private property owners to plant and maintain native trees and plants and replace invasive, non-native species with native ones along creek corridors.

Strategy CNR-3.1d: Removal of Invasive Species: Institute an on-going program to remove invasive plant species and harmful insects from ecologically sensitive areas, primarily by means other than application of herbicides and pesticides.

Strategy CNR-3.1e: Concrete-lined Channels: Coordinate efforts with the Water District to revert some existing concrete-lined channels to more natural alternatives such as levees.

Strategy CNR-3.1f: Grading Ordinance: Develop and implement a Grading Ordinance that requires the use of erosion and sediment control measures and minimizes grading and vegetation removal near creeks to ensure that the creeks are protected from reduction in bank stability, erosion, downstream sedimentation and flooding.

Strategy CNR-5.1d: Sediment Removal from Creeks: Work with Santa Clara Valley Water District on sediment management for the creeks.

Strategy CNR-5.1e: Dumping into Waterways: Work with the Santa Clara Valley Water District to protect surface water quality by prohibiting the dumping of toxic chemical substances, debris and refuse in and near water ways and storm drains and adding signs with this information near these areas.

Strategy CNR-11.2d: Construction Dust Control: Require dust control measures, including those included in the Santa Clara Valley Non-point Pollution Control Program, during construction.

Strategy CNR-11.3b: Environmental Documents: Assess the adequacy of environmental documents for projects proposed in the City utilizing the thresholds established in the BAAQMD guidelines.

## Public Review Draft

### City of Cupertino (2005)

#### *Cultural Resources Element*

*Policy 2-63 Archaeologically Sensitive Areas. Protect archaeologically sensitive areas.*

**Strategy** Development Investigation. Require an investigation for development proposed in areas likely to be archaeologically sensitive, such as along stream courses and in oak groves, to determine if significant archaeological resources may be affected by the project. Also require appropriate mitigation measures in the project design.

*Policy 2-64 Native American Burials. Protect Native American burial sites.*

**Strategy** Upon discovery of such burials during construction, take action prescribed by State law, including stoppage of work in surrounding area, notification of appropriate authorities and reburial of remains in an appropriate manner.

*Policy 2-65 Heritage Trees. Protect and maintain heritage trees in a healthy state.*

**Strategy** Heritage Tree List. Establish and periodically revise a heritage tree list that includes trees of importance to the community.

#### *Environmental Resources/Sustainability Element*

**Policy 5-4:** Air Pollution Effects of New Development. Minimize the air quality impacts of new development projects and the impacts affecting new development.

**Strategies:**

1. Toxic Air Contaminants. Review projects for potential generation of toxic air contaminants at the time of approval and confer with BAAQMD on controls needed if impacts are uncertain.
2. Dust Control. Require water application to non-polluting dust control measures during demolition and the duration of the construction period.
3. Planning Decisions. Assess the potential for air pollution effects of future land use and transportation planning, and ensure that planning decisions support regional goals of improving air quality.
4. Environmental Review. Evaluate the relationship of sensitive receptors, such as convalescent hospitals and residential uses, to pollution sources through the environmental assessment of new development.

**Policy 5-19:** Natural Water Bodies and Drainage Systems. Require that site design respect the natural topography and drainages to the extent practicable to reduce the amount of grading necessary and limit disturbance to natural water bodies and natural drainage systems caused by development including roads, highways, and bridges.

**Policy 5-27:** Natural Water Courses. Retain and restore creek beds, riparian corridors, watercourses and associated vegetation in their natural state to protect wildlife habitat and recreation potential and assist groundwater percolation. Encourage land acquisition or dedication of such areas.

**Strategy:** Work with the Santa Clara Valley Water District and other relevant regional agencies to enhance riparian corridors and provide adequate flood control by use of flow increase mitigation measures.

## Public Review Draft

- Policy 5-32: Urban Runoff Pollution Prevention Program. Support and participate in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) in order to work cooperatively with other cities to improve the quality of storm water runoff discharge into San Francisco Bay.
- Policy 5-33: Illicit Discharge into Storm Drains and Waterways. Prohibit the discharge of pollutants and the illicit dumping of wastes into the storm drains, creeks and waterways.
- Policy 5-34: Storm Water Runoff. Encourage the reduction of impervious surface areas and investigate opportunities to retain or detain storm runoff on new development.

### *Health and Safety Element*

- Policy 6-47: Dwellings in Natural Flood Plain. Regulate closely all types of habitable development in natural flood plains. This includes prohibiting fill materials and obstructions that may increase flood potential downstream or modify the natural riparian corridors.
- Policy 6-48: Hillside Grading. Restrict the extent and timing of hillside grading operation to April through October. Require performance bonds during the remaining time to guarantee the repair of any erosion damage. All graded slopes must be planted as soon as practical after grading is complete.
- Policy 6-28: Hazardous Materials Storage and Disposal. Require the proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fire or the release of harmful fumes.

## City of Gilroy (2002)

### *Preservation*

*Goal: A strong sense of connection to Gilroy's past through historical, archeological, and paleontological resources that are preserved, protected, enhanced, and commemorated for the benefit of current and future generations.*

- Policy 5.01 Historic Preservation. Encourage public and private efforts for the preservation of historic and architecturally significant buildings, archeological sites, and other landmarks that give residents a tie with the past.
- Policy 5.07 Archeological Resources. If archeological resources or human remains are discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.
- Action 5.I Archeological Assessments. Require an archeological assessment for all CEQA projects (i.e., projects requiring an environmental assessment) in potentially sensitive archeological areas (as indicated on the City's Historic and Cultural Resources Map). The assessment shall consist of a preliminary survey and, if evidence of sites is found, a test-level investigation.

## Public Review Draft

### *Cultural Resources Mitigation Measure*

MM 4.14-A In areas identified as archaeologically sensitive: A comprehensive cultural resource evaluation would be required at the time specific development projects are proposed. Unsurveyed areas would require a thorough field inspection to identify potential historic and prehistoric resources. After specific cultural surveys have been conducted, appropriate plans for evaluation and mitigation of impacted resources would be completed as necessary. The City shall exercise discretion in requiring project applicants to perform one or all of the following:

- Planning construction to avoid archaeological sites.
- "Capping" or covering the archaeological site with a layer of soil prior to construction. Capping may be used where serious soil compaction will not occur; the covering materials are not chemically active; and the site has been recorded.
- Deeding the archaeological sites into permanent conservation easements.

### *Community Design and Development Element*

Policy 5.07 Archeological Resources. If archeological resources or human remains are discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

GOAL: Designation of Hecker Pass Highway, Santa Teresa Boulevard, and Pacheco Pass Highway as scenic highways, and long-term protection of their scenic qualities.

Policy 6.01 Scenic Highways. Support the designation of Hecker Pass Highway, Santa Teresa Boulevard, and Pacheco Pass Highway as official State Scenic Highways, and establish appropriate development controls to ensure long-term protection of their scenic qualities. Controls should establish appropriate setbacks, sign controls, and other development regulations in keeping with State guidelines for the protection of scenic highway corridors.

Policy 6.02 Other Scenic Roadways. Recognize and protect important scenic qualities and natural features on other roadways in the Planning Area, including Uvas Park Drive and Miller Avenue from First Street to Mesa Road.

### *Community Resources and Potential Hazards Element*

GOAL: Preservation, protection, and maintenance of Gilroy's natural open space resources (including creeks, meadows, hills, woodlands, and vistas) for their watershed protection, habitat preservation, recreation, and aesthetic value, ensuring that they retain their natural qualities and beauty in perpetuity.

*Policy 20.01 Open Space Areas.* Preserve and protect the following open space areas:

- a) Natural resource and wildlife habitat areas, such as the Uvas Creek and Llagas Creek riparian communities; the heavily vegetated portions of the Santa Cruz mountains; steep hillsides and significant hillside features (such as serpentinite barrens); and natural features of high community value (e.g., the stands of trees along Miller Avenue and cedar trees bordering Hecker Pass).
- b) Hazardous areas, such as fault zones, areas subject to strong groundshaking during earthquakes, and floodways.

## Public Review Draft

- c) Lands around reservoirs.
- d) Lands which provide greenbelts for the South County cities.
- e) Recreational lands, including community, neighborhood, and linear parks; expanded linear parks along Uvas and Llagas Creek; and the Gilroy Municipal Golf Course.

*Policy 20.02 Creek Protection.* Protect the ecological, aesthetic and recreational value of the creeks that flow through the Gilroy Planning Area from urban encroachment and degradation. Ensure that new development preserves the function of natural drainages, including small canyons and seasonal creeks. The easements and setbacks adjacent to these creeks shall be maintained in open space. Access to creeks should be of sufficient width to accommodate trails, flood control access, and protection of riparian habitat.

*Policy 20.03 Plant and Wildlife Habitats.* Preserve important plant and wildlife habitats, including riparian communities, heavily vegetated hillside areas, unique hillside ecosystems (e.g., serpentinite barrens), creeks, and sensitive nesting sites. Loss of these habitats should be fully offset through creation of habitat of equal value, with the compensation rate for habitat creation determined by a qualified biologist.

*Policy 20.04 Rare and Endangered Species.* Limit development in areas that support the California Tiger Salamander and other rare or endangered species. If development of these areas must occur, any loss of habitat should be fully compensated onsite. If off-site mitigation is necessary, it should occur within the Gilroy Planning Area whenever possible, and must be accompanied by plans and a monitoring program prepared by a qualified biologist.

*Policy 20.05 Greenbelts.* Designate protected open space areas in conjunction with agricultural lands to create significant natural buffers, or “greenbelts,” between Gilroy and surrounding communities, helping to retain the city’s semi-rural, small town quality. Land uses within a greenbelt should be determined by joint planning activities of the South County cities and the County, but might include very low density residential development; public parks and recreation areas; privately operated recreation areas; and agriculture. Of special concern is the area separating the northern part of the Gilroy Planning Area from the community of San Martin. If an adequate greenbelt cannot be established in the area north of Masten and Fitzgerald Roads, then the Gilroy General Plan Land Use Map should be amended to include a greenbelt strip in the northern part of the Planning Area.

*Policy 20.06 Open Space Access and Management.* Manage and maintain public open space areas and encourage the management and maintenance of private open space areas in a manner that ensures habitat protection, provides for public access, addresses public safety concerns, and meets low-impact recreation needs.

*Policy 21.02 Landscaping to Reduce Pollutants.* Promote the use of trees and plants in landscaping to reduce air pollutant levels.

## Public Review Draft

**GOAL:** Protection of groundwater in the Llagas subbasin from contamination and a clean and healthy supply of potable water in compliance with State and Federal water quality standards.

*Policy 22.01 Inter-Agency Coordination.* Maintain close coordination with the agencies and organizations that share jurisdiction and interest relative to South County's water supply and water quality, including: the Regional Water Quality Control Board; Santa Clara Valley Water District; County Health Department; County Executive's Office; County Planning Office; Morgan Hill Planning Department; and the San Martin Planning Committee.

*Policy 22.02 Compatible Ordinances, Standards, and Enforcement Procedures.* Ensure compatible ordinances, standards, and enforcement procedures regarding water quality in all South County jurisdictions so that there is no advantage for a company to locate in an area with lower standards. Also, encourage the two Regional Water Quality Control Boards that have jurisdiction in South County to agree on compatible water quality standards for South County and consistent approaches to implementing the State Board's non-degradation policy.

*Policy 22.03 Land Use Controls.* Prohibit development of waste facilities, septic systems, and industries using toxic chemicals in areas where polluting substances may come in contact with groundwater, floodwaters, creeks, or reservoir waters. Within the Gilroy Planning Area, identify land uses that may contribute to the degradation of groundwater quality and ensure adequate monitoring, controls and enforcement to protect groundwater quality.

*Policy 25.17 Flood Control Coordination.* Work closely with the Santa Clara Valley Water District to alleviate flooding and drainage problems in the Planning Area, ensuring that new flood control measures are designed and implemented in accordance "Best Management Practices (BMPs) and in keeping with the goals and policies of the General Plan.

*Policy 25.19 Floodway Use.* Discourage the construction of expensive flood prevention facilities by leaving high-risk floodways in agricultural and recreational uses.

*Policy 25.20 Flood Control Costs and Impacts.* Minimize the long-term public costs of flood control improvements and mitigate potential adverse environmental impacts. Also ensure that measures to reduce flood damage to individual properties do not increase erosion and/or flood hazards on other properties.

*Policy 25.21 Multiple Use of Flood Control Projects.* Design flood control measures and drainage channel improvements as part of an overall community improvement program with provision for multiple use, including recreational open space, trails, bikeways, groundwater recharge, protection and restoration of riparian vegetation and wildlife habitats, and enhancement of scenic qualities.

*Policy 25.22 Drainage Channel Design.* Design new drainage channels with gently sloping and curving banks to maximize safety, ease of maintenance, and natural appearance. To the greatest extent feasible, use riparian vegetation to stabilize the banks and to landscape the channels in a manner that is natural in character and easy to maintain, creating a scenic asset for the enjoyment of City residents.

## Public Review Draft

*Policy 25.23 Green Areas and Permeable Surfaces for Runoff Reduction and Absorption.* Require new development to include green areas for reducing runoff and increasing runoff absorption capacities. Similarly, encourage the removal of pavement that is not directly serve traffic parking needs; maintain unpaved parkways between sidewalks and streets; encourage the use of permeable paving materials; and require the use of landscaped strips and islands to break-up large paved areas.

*Policy 25.24 Flood Control Issues in Hillside Areas.* Require new developments in hillside areas to retain and protect areas of native vegetation to help reduce erosion and slow the speed of rainfall runoff, thereby retaining the hillside areas' natural flood control characteristics. Ensure that retention and protection of vegetated areas is also in keeping with fire hazard management goals.

*Policy 27.01 Hazardous Materials Inspections and Monitoring.* Continue to provide inspections and monitoring to ensure compliance with local, state, and federal regulations and to reduce the risks associated with the use and handling of hazardous materials and wastes.

*Policy 27.02 Hazardous Waste Reduction.* Minimize the potential hazards posed by the storage and transport of hazardous materials and waste by encouraging source reduction, waste minimization, and on-site pretreatment.

*Policy 27.04 Potential Hazardous Soils Conditions.* Evaluate new development on sites that may have involved hazardous materials, to ensure there is no public health danger prior to granting development approvals.

### City of Los Altos (2002)

#### *Cultural Resources Element*

*Goal 6 Preserve and enhance selected historic and cultural structures and resources within the community.*

Policy 6.4 Preserve archaeological artifacts and sites found in Los Altos or mitigate disturbances to them, consistent with their intrinsic value.

Policy 6.5 Require an archaeological survey prior to the approval of significant development projects near creeksides or identified archaeological sites.

#### Implementation Strategies

CDHR 13 Protect Significant Archaeological Resources. Assess development proposals for potential impacts to significant archaeological resources pursuant to Section 15064.5 of the CEQA Guidelines. Require a study conducted by a professional archaeologist for projects located near creeks or identified archaeological sites to determine if significant archaeological resources are potentially present and if the project will significantly impact the resources. If significant impacts are identified, either require the project to be modified to avoid the impacts, or require measures to mitigate the impacts. Mitigation may involve archeological investigation or recovery.

#### *Open Space, Conservation & Community Facilities Element*

*Goal 2: Preserve and protect and provide for public enjoyment of natural areas (natural creek channels, topography, and vegetation), which are valuable natural resources.*

Policy 2.3: Protect creeks, creekside areas and riparian habitat in their natural state while ensuring public safety and preserving a valuable natural resource.

## Public Review Draft

- Policy 2.4: Take an active role in promoting the adoption of a regional stream management plan.
- Policy 2.5: Enforce local, state, and federal regulations addressing water quality and stormwater quality management.
- Policy 2.6: Adopt land use controls that prevent incompatible uses for parcels adjacent to existing open space lands and recreation areas.
- Policy 2.7: Establish buffers from adjoining land uses to protect the natural state of all creekside areas.
- Policy 2.8: Encourage access and improvements along the creeks on public property.

### *Natural Environment and Hazards Element*

*Goal 2: Reduce the potential for flooding along creeks that traverse Los Altos.*

- Policy 2.1: Work with other jurisdictions to regulate land uses in flood-prone areas and allow development in those areas only with appropriate mitigation.
- Policy 2.2: Identify and seek sources of funding to be used toward the prevention of flooding.
- Policy 2.3: Continue to discourage concrete lining of creek beds, and encourage the Santa Clara Valley Water District to use environmentally sensitive solutions to control local erosion problems.

*Goal 3: Protect the community's health, safety, welfare, natural resources, and property through regulation of use, storage, transport, and disposal of hazardous materials.*

- Policy 3.1: Cooperate with and participate in development of the policies and future programs of the Santa Clara County Health Department and the California Legislature.
- Policy 3.2: Support the management of hazardous materials contamination and abatement by public and private agencies.

### *Infrastructure & Waste Disposal Element*

*Goal 3: Abate non-point source water pollution.*

- Policy 3.1: Control surface runoff water discharges into the storm water system to comply with the National Pollutant Discharge Elimination System Permit and the receiving water limitations assigned by the California Regional Water Quality Control Board.
- Policy 3.2: Establish non-point source pollution control measures and programs to attempt to reduce and control the discharge of pollutants into the City's storm drains and local creeks.
- Policy 3.5: Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands, and buffer zones.
- Policy 3.6: Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways, and bridges.
- Policy 3.7: Avoid development of areas that are particularly susceptible to erosion and sediment loss; or establish development guidance that identifies these areas and protects them from erosion and sediment loss.

## Public Review Draft

The City of Los Altos has established a Watercourse Protection Ordinance to protect its watercourses by requiring the maintenance of waterways to keep them free of debris, excessive vegetation and other obstacles that have the potential to pollute, contaminate, or significantly retard water flow.

Los Altos also implements a tree removal permit program to retain as many trees within the city as possible. Trees that require a permit before being removed include:

- All trees with a circumference of 48 inches or greater measured at 48 inches above the ground.
- Any tree located within the public right-of-way.
- Any Canary Island Palm trees located on Rinconada Court. The Historical Commission has designated these particular trees as landmark trees.
- Any tree which was required to be saved or planted in conjunction with a development review application.

### Town of Los Altos Hills (2007)

#### *Cultural Resources Element*

*GOAL 10 Encourage both public and private efforts to preserve and enhance historic resources.*

- Policy 10.1 Preserve, protect and enhance the historic resources of the planning area because they are unique and valuable assets for the community and region.

#### *Conservation Element*

*GOAL 1: Conserve creeks and riparian areas as open space amenities and natural habitat areas.*

- Policy 1.1 Avoid fencing, piping, and channelization of creeks when flood control and public safety can be achieved through measures that preserve the natural environment and habitat of the creek.
- Policy 1.2 Work with the Santa Clara Valley Water District and other relevant regional agencies to enhance riparian corridors and provide adequate flood control by use of low impact restoration strategies.
- Policy 1.3 Preserve the integrity of riparian corridors as unique and environmentally sensitive resources.

*GOAL 2: Protect native and naturalized trees and plants.*

- Policy 2.1 Minimize disturbance of the natural terrain and vegetation.
- Policy 2.2 Preserve and protect native and naturalized plants, with special attention to preservation of unique, rare or endangered species and plant communities such as oak woodlands.
- Policy 2.3 Preserve and protect Heritage Trees, including native oaks and other significant trees, on public and private property.

## Public Review Draft

- Policy 2.4 Encourage the planting of native trees and shrubs to provide a substantial buffer between the roadways and adjoining properties in harmony with the general character of the Town.
- Policy 2.5 Encourage the removal and prevention of the spreading of aggressive exotics such as Italian thistle, stinkweed, pampas grass, acacia, yellow star thistle, French broom, Scotch broom and eucalyptus.
- Policy 2.6 Encourage the removal of poison oak where allowed by law.
- Policy 2.7 Avoid the development of environmentally sensitive areas that are rich in wildlife or of a fragile ecological nature, such as areas of rare or endangered species of plants, or riparian areas.

*GOAL 3: Maintain and enhance the integrity of wildlife habitat.*

- Policy 3.1 Maintain and protect creeks and riparian corridors for wildlife that use this resource for food, shelter, migration and breeding.

*GOAL 5: Protect and conserve water resources.*

- Policy 5.1 Keep or restore major drainage courses in their natural condition insofar as possible because of their importance in supplying major vegetation, land forms and wildlife habitat, and storm drainage.
- Policy 5.2 Protect the Town’s groundwater from the adverse impacts of urban uses.
- Policy 5.3 Encourage the conservation and efficient use of water in new and existing residences.
- Policy 5.5 Reduce non-point source pollution in urban runoff.

*GOAL 6: Protect and conserve soil resources.*

- Policy 6.1 Encourage soil stabilization measures that mitigate soil erosion and sedimentation.
- Policy 6.2 Ensure the proper use, storage and disposal of toxic chemicals to prevent soil contamination.
- Policy 6.3 Minimize the removal of vegetation and require replanting to maintain soil stability, prevent erosion, and retain the aesthetic quality of the community.

*GOAL 11: Promote and enhance the integrity of the natural environment.*

- Policy 11.1 Develop and implement programs by which the natural environmental features of the planning area can be conserved to the maximum extent feasible and by which areas already unduly disturbed by man can be returned to a more natural condition.
- Policy 11.2 Ensure that in the planning, development and use of land, environmental impact is not overlooked, conservation actions are considered, and such evaluations and actions are sufficiently comprehensive and consistent with established guidelines.
- Policy 11.3 Conserve the natural character of the planning area in any land development project.
- Policy 11.4 Ensure that the scale of building, the siting of development, the design and the materials of construction are harmonious with the natural setting.

## Public Review Draft

- Policy 11.5 Ensure that development projects are designed to conserve the natural slope, preserve existing native vegetation, limit invasive species, and conserve natural drainage channels and swales.
- Policy 11.6 Participate in and support the conservation efforts of other jurisdictions, agencies or organizations that are of mutual benefit to the Town.
- Policy 11.7 Support conservation education programs in the local schools and, when necessary to respond to local problems, initiate and implement specific educational programs or campaigns.

### *Safety Element*

*GOAL 1: Protect the public from risk of personal injury and property damage due to natural safety hazards.*

- Policy 1.2 Unstable terrain, active fault traces, water channels, flood plains, excessively steep slopes and other areas determined hazardous to public welfare and safety shall not be developed unless unobtrusive corrective measures can assure public safety. Minimize the risk of personal injury and property damage due to flooding.
- Policy 3.1 Leave natural channels and flood plains in a natural state, unencumbered by development to the maximum extent feasible. Exceptions shall be made only in situations where it is essential to protect established property values or for public safety.

### *Open Space and Recreation Element*

*GOAL 1: Protect and preserve open space lands for future generations.*

- Policy 1.2 Protect and maintain those areas necessary to the integrity of natural resources and processes, with special emphasis on, but not limited to, the groundwater recharge and drainage system, open spaces vital for wildlife habitat, open spaces suitable for agriculture, and other areas of major or unique ecological significance.
- Policy 1.3 Provide open space for outdoor recreational needs and for the preservation of sites of historical and cultural significance.
- Policy 1.4 Preserve the natural beauty and minimize disturbance of the natural terrain and vegetation.
- Policy 1.5 Preserve the important vistas, such as Monte Bello, Kaiser, Neary and Ewing Hill Ridges, and the hillsides leading to these ridges.
- Policy 1.6 Preserve open space where necessary for the protection of public health and safety.
- Policy 1.7 To the extent possible, link open spaces together visually and physically to form a system of open spaces.
- Policy 1.8 Ensure that land uses and structures are compatible with the general open space quality of the planning area.
- Policy 1.11 Encourage the use of Murietta Ridge Preserve as a conservation area, rather than a recreation area, in order to protect the existing vegetation and wildlife habitat.

## Public Review Draft

- Policy 1.12 Ensure that open space lands achieve the following objectives:
- Preserve visually and environmentally significant open space resources; and
  - Provide for recreation activities compatible with the enjoyment and preservation of each site's natural resources, with pathway linkages to adjacent and nearby parks and open space preserves.

### Town of Los Gatos (2010)

#### *Cultural Resources Element*

*Goal OSP-8* To protect Los Gatos's archaeological and cultural resources to maintain and enhance a unique sense of place.

#### Policies

- OSP-8.1 Evaluate archaeological and/or cultural resources early in the development review process through consultation with interested parties and the use of contemporary professional techniques in archaeology, ethnography and architectural history.
- OSP-8.2 Ensure the preservation, restoration and appropriate use of archaeological and/or culturally significant structures and sites.
- OSP-8.3 Treat with respect and dignity any human remains discovered during implementation of public and private projects within the Town and fully comply with California laws that address the identification and treatment of human remains.
- OSP-8.4 Require that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

#### Actions

- OSP-8.1 Develop guidelines for project review to ensure that potential impacts to archaeological and/or cultural resources are minimized.

*Goal CD-12* To preserve significant historic and architectural features within the Town.

#### Policies

- CD-12.7 All projects shall consider any adverse effect to historic landmarks and features on or in the vicinity of the proposed project.
- CD-12.8 Require any development having potential adverse impacts on historical sites and/or features on or in the vicinity of the site to:
- a. Accommodate the historical structure or feature; or
  - b. Mitigate potential adverse impacts to a level acceptable to the Town; or
  - c. Relocate the historical feature to an appropriate site.

## Public Review Draft

### *Open Space Element*

*Goal O.G.1.1: To acquire open space areas within the Town of Los Gatos, particularly lands which provide recreational uses and will protect the public health, welfare, and safety of residents and visitors (e.g.: lands in flood plains, watershed lands, or lands subject to fire or geologic hazards).*

Policy O.P.1.5 Promote a system of Town parks and trails and maximize the use of public utility easements, flood control channels, school grounds, and other quasi-public areas for recreational uses and playfields.

### *Conservation Element*

*Goal C.G.2.2: To protect and preserve watersheds.*

*Goal C.G.2.3: To minimize the amount of storm water runoff, as well as to protect and improve the quality of runoff.*

*Goal C.G.2.5: To insure an adequate water supply for the Town's plant and animal wildlife as well as human populations.*

*Goal C.G.2.6: To protect riparian corridors including intermittent and ephemeral streams.*

Policy C.P.2.1 Apply land use regulations, scenic easements, or other appropriate measures to keep a maximum of the watershed and lands immediately contiguous to reservoirs and stream channels in an open, natural state.

Policy C.P.2.3 Consider the single and cumulative impacts on water drainage (runoff) and contamination (water quality) in the environmental review process of development in all areas but particularly in or adjacent to hillsides, riparian lands or important undeveloped watershed areas.

Policy C.P.2.4 Establish natural open space and recreation as the priority land use designation for lands immediately adjacent to reservoirs and streams.

Policy C.P.2.5 Delineate and adopt designated floodways for all major streams utilizing the full flood plain concept as a first priority and the modified flood plain concept as a second priority for flood plain development.

Policy C.P.2.7 Promote non-point source pollution control programs to reduce and control the discharge of non-point source pollutants into the storm drain system.

Policy C.P.2.9 Cooperate with the Santa Clara Valley Water District and their agencies to protect watersheds and riparian habitats from degradation.

Policy C.P.2.10 Retain creek beds, riparian corridors, water courses and associated vegetation in their natural state to assist groundwater percolation and prevent erosion and downstream sedimentation.

*Goal C.G.3.1: To conserve the air resources of the Town.*

*Goal C.G.3.2: To maintain and improve acceptable air quality in Los Gatos.*

Policy C.P.3.4 Encourage reduction of air pollution by encouraging the use of the Route 85 corridor for cross-town circulation.

## Public Review Draft

- Policy C.P.3.5 Pursue reduction of individual auto use by requiring a plan for alternatives to auto use whenever the traffic generated by any development would result in an adverse increase in air and noise pollution.
- Policy C.P.3.7 Maintain street trees, plant additional street trees and encourage preservation and planting of trees on private property.

*Goal C.G.4.1: To conserve and augment the plant life of the Town.*

*Goal C.G.4.2: To prevent damage to plant life in the hillsides, watershed and riparian areas.*

- Policy C.P.4.1 Use existing ordinances and enact any necessary others to preserve trees on public and private property.
- Policy C.P.4.2 Preserve heritage trees and specimen.
- Policy C.P.4.3 Preserve the habitat of species that are native, have special value to the Town or are threatened/endangered.
- Policy C.P.4.4 Preserve riparian corridors.
- Policy C.P.4.5 Preserve wetlands.
- Policy C.P.4.6 Preserve nesting sites.
- Policy C.P.4.7 Promote public and private projects that protect native plant species.
- Policy C.P.4.8 Prevent development that significantly depletes, damages or alters existing plant life, wildlife habitat or landscape vistas.
- Policy C.P.4.11 Encourage preservation and use of native plant species in hillside areas.

*Goal C.G.5.1: To conserve the wildlife populations.*

- Policy C.P.5.1 Minimize, and where feasible, eliminate the use of herbicides and slowly bio-degrading pesticides to minimize potential damage to native plants, birds, and other wildlife.
- Policy C.P.5.3 Maintain open space and native plant communities that provide habitat and migration corridors for native and viable introduced species.
- Policy C.P.5.4 Establish sound land management practices that will improve wildlife habitats.
- Policy C.P.5.5 Identify and protect areas where there is a high degree of diversity in the types of habitat available for wildlife.
- Policy C.P.5.6 Promote the design of public and private projects that provide the maximum protection of wildlife populations.
- Policy C.P.5.7 Limit public access in areas where significant wildlife populations exist.

### *Safety Element*

*Goal S.G.1.1: To reduce the potential for injuries, damage to property, economic and social displacement, and loss of life resulting from earthquakes, and other various forms of geologic failures including mud flows and landslides.*

*Goal S.G.1.2: To minimum exposure to geologic hazards, including slope instability, subsidence, and expansive soils, and to seismic hazards including groundshaking, fault rupture, liquefaction and landsliding.*

## Public Review Draft

Policy S.P.1.1 Ensure that reliable evaluations are made of the geologic conditions existing at all sites proposed for development, especially where conditions indicate the possibility of weak supporting soils or geologic structures.

*Goal S.G.3.1: To reduce the potential for injuries, damage to property, economic and social displacement, and loss of life resulting from flood hazards.*

Policy S.P.3.1 Limit the intensity of land use in flood plain areas.

Policy S.P.3.2 Require site planning and building design to address identified flood and inundation hazards.

Policy S.P.3.3 Insure federal standards are met for development in designated flood plains along Los Gatos Creek and other creeks in the Planning Area.

*Goal S.G.5.1: To reduce the potential for injuries, damage to property, economic and social displacement, and loss of life resulting from hazards related to hazardous materials.*

Policy S.P.5.1 Work with public agencies and private organizations to prevent introduction of hazardous materials into the water and air supply.

### City of Milpitas (2002)

#### *Cultural Resources Element*

#### *Chapter 4 of Code City's Zoning, Planning and Annexation Code*

XI-4-9.00 Permits. It is unlawful for any person to tear down, demolish, construct, alter, remove, or relocate any improvement, or any portion thereof, which has been designated a cultural resource or cultural resource site pursuant to the provisions of this Chapter, or which lies within an historic district so designated pursuant to the provisions of this Chapter, or to alter in any manner any exterior architectural feature of such a cultural resource, cultural resource site or improvement within such an historic district, or to place, erect, alter or relocate any sign within such an historic district or on such a cultural resource or cultural resource site, without first obtaining a permit to do so in the manner provided in this Chapter, nor shall the Building Department or Planning Commission grant any permit to carry out such work on a cultural resource or cultural resource site or within an historic district, except in conformity to the provisions of this Chapter.

#### *Open Space & Environmental Conservation Element*

Guiding Principle 4.a-G-2	Develop a diversified trail system along streamsides and other public rights of way to provide recreational opportunities and link facilities.
Guiding Principle 4.a-G-3	Cooperate with other agencies, such as the County and MUSD, to provide recreational opportunities to residents.
Implementing Policy 4.a-I-3	Provide a system of hiking and riding trails and pathways connecting the Valley Floor Area to Ed Levin Park.
Implementing Policy 4.a-I-4	Explore the feasibility of a trail in the Hillside Area within the crestline zone of protection connecting Ed Levin County Park to Alum Rock Park.

## Public Review Draft

- Implementing Policy 4.a-I-5 Provide an extensive visually stimulating system of "people paths" by developing park chains along Coyote River and the Hetch Hetchy right-of-way.
- Implementing Policy 4.a-I-6 Develop the Coyote River area in cooperation with the County Park and Recreation Commission in a linear park chain which would connect with the Coyote Park Chain in San Jose and provide a safe mechanism for undertaking flood-control measures. The trails along Coyote Creek should be part of the San Francisco Bay Trail, a regional network of trails used by hikers and bicyclists.
- Guiding Principle 4.b-G-1 Protect and conserve open spaces which are necessary for wildlife habitats and unique ecological patterns.
- Guiding Principle 4.b-G-2 Preserve and protect populations and supporting habitat of special status species within the Planning Area, including species that are state or federally-listed as Rare, Threatened, or Endangered, all federal "candidate" species for listing and other species proposed for listing, and all California Species of Special Concern.
- Implementing Policy 4.b-I-1 Strictly enforce grading regulations controlling removal of vegetative cover from hillside areas.
- Implementing Policy 4.b-I-2 Preserve remaining stands of trees.
- Implementing Policy 4.b-I-3 Recreation use of essentially virgin areas should be centered around activities which have a minimally disruptive effect on natural vegetation
- Implementing Policy 4.b-I-4 Require a biological assessment of any project site where sensitive species are present, or where habitats that support known sensitive species are present.
- Implementing Policy 4.b-I-5 Utilize sensitive species information acquired through biological assessments, project land use, planning and design.
- Guiding Principle 4.d-G-1 Protect and enhance the quality of water resources in the Planning Area.
- Guiding Principle 4.f-G-1 Preserve existing historical and cultural resources, especially those sites where an Historical Park may prove feasible.
- Guiding Principle 4.g-G-1 Preserve and enhance the natural beauty of the Milpitas area.
- Guiding Principle 4.g-G-2 Establish a network of continuous and varied Scenic Routes that provide views of Scenic Resources and access from urban areas and the regular transportation network to parks, open spaces and cultural attractions.
- Guiding Principle 4.g-G-3 Enhance the visual impact of the gateways to Milpitas.
- Guiding Principle 4.g-G-4 Encourage a variety of recreational uses along Scenic Routes consistent with the concept of protecting visual resources.
- Guiding Principle 4.g-G-5 Provide for the inclusion of facilities and improvements (vista points, picnic areas, etc.) along Scenic Routes where appropriate.

## Public Review Draft

- Guiding Principle 4.g-G-6 Design and site Scenic Routes to have a minimal adverse impact on the environment.
- Guiding Principle 4.g-G-7 Exempt all lands within the Valley Floor Planning Area from Scenic Corridor restrictions.
- Implementing Policy 4.g-I-13 Develop the section of Berryessa Creek which runs through the Town Center into a scenic as well as a recreation resource for the Town Center.

### *Seismic and Safety Element*

- Guiding Principle 5.b-G-1 Minimize threat to life and property from flooding and dam inundation.
- Implementing Policy 5.b-I-5 Seek construction of flood control channels to withstand 100-year floods along Coyote, Penitencia, Berryessa, Scott, Calera, and Los Coches creeks.

## City of Monte Sereno (2008)

### *Cultural Resources Element*

*Goal OSC-9 Preserve cultural resources in Monte Sereno.*

#### Policies

- OSC-9.2 Continue to enforce the City's Historic Preservation Ordinance.

### *Open Space and Conservation Element*

*Goal OSC-4 Preserve and protect valuable biological resources.*

- Policy OSC-4.1 Preserve and rehabilitate natural habitat areas that support wildlife, particularly large contiguous areas of open space and riparian habitat along creeks.
- Policy OSC-4.2 Preserve and protect rare, endangered and other sensitive species.
- Policy OSC-4.4 Require mitigation of potential impacts to special status plant and animal species based on a policy of no-net-loss of habitat value. Mitigation measures shall incorporate, as the City deems appropriate, the guidelines and recommendations of the US Fish and Wildlife Service and the California Department of Fish and Game.
- Policy OSC-4.5 To the extent possible, encourage the retention and reestablishment of native vegetation in all private development projects and public facility construction projects.
- Policy OSC-4.6 Use native plants for landscaping of all public projects to the extent possible.
- Goal OSC-5 Preserve and enhance the city's urban tree canopy.*
- Policy OSC-5.1 Continue to require that development proposals minimize the disturbance to or removal of existing trees to the extent possible.
- Policy OSC-5.2 Require that removed trees be replaced with at least a one-to-one ratio, unless prohibited by good forestry practices

## Public Review Draft

- Policy OSC-5.3 Encourage the replacement of non-native trees with California native tree species.
- Policy OSC-5.4 Continue to preserve and protect California native trees while recognizing the need to allow for the gradual replacement of trees to provide for on-going natural renewal.
- Policy OSC-5.5 Continue to enforce the Tree Removal Ordinance and require development proposals to provide adequate information to City staff to assess the project's impact on existing trees.
- Policy OSC-5.6 Continue to preserve the quality of trees in public and private open space areas.

*Goal OSC-6 Maintain a high level of water quality.*

- Policy OSC-6.1 Encourage the preservation of riparian habitat in a natural state by not allowing the culverting of existing creeks and requiring appropriate setbacks from creekbeds.
- Policy OSC-6.2 Require development projects to reduce, to the extent feasible, sediment discharge and erosion during construction and post-construction. Require projects to incorporate mitigation measures, such as Best Management Practices (BMPs) to address these water quality issues.
- Policy OSC-6.3 Reduce surface run-off by minimizing impervious surfaces associated with motor vehicles, as well as requiring projects to include site designs that minimize impervious surfaces and maximize on-site filtration.
- Policy OSC-6.4 Require property owners to work with the natural topography and drainage to the extent possible when designing development projects to reduce the amount of grading and limit disturbances to natural drainage systems.

*Health and Safety Element*

*Goal HS-3 Minimize risk to lives, property and public liability due to landslides, soil erosion and flood.*

- Policy HS-3.4 Require re-vegetation where feasible to mitigate the appearance of engineered slopes and to control erosion contour grading.
- Policy HS-3.5 Cooperate with County Flood Control to maintain a natural creek setting to the extent possible while providing for adequate drainage capacity.
- Policy HS-3.6 Require, as appropriate, construction of storm drainage improvements prevent flooding during periods of heavy rainfall.

## Public Review Draft

### City of Morgan Hill (2001, updated through February 2010)

#### *Cultural Resources Element*

*Goal 8. Preservation of the city's historic identity*

Action 8.2 Identify and protect heritage resources from loss and destruction.

#### *Community Development Element*

*Goal 18. Useful, accessible and high-quality park, recreation and trail facilities and programs*

Policy 18k Encourage the development of trails along creeks and drainage channels, connecting parks, regional trails, schools, library, and other community facilities. 18l. Coordinate trails, parks, and recreation facilities with a citywide bikeways system to include bicycle paths, lanes and routes.

Policy 18u Trails and linear parkways along creeks and drainage ways shall be coordinated with development to ensure protection and restoration of natural resources.

Action 18.5 Work in partnership with the Santa Clara Valley Water District to establish easements and develop trails and linear parks along creeks and drainage channels.

*Goal 21. Effective management of water resources*

Policy 21a Manage the supply and use of water more efficiently through appropriate means, such as watershed protection, percolation, conservation and reclamation. (SCJAP 7.00)

Policy 21d Encourage the Santa Clara Valley Water District to continue developing programs to assure effective management of water resources, such as well monitoring, percolation of imported water, reclamation and conservation. (SCJAP 7.07)

Policy 21f Protect streambeds and other appropriate percolation areas from encroachment by urban development. (SCJAP 7.05)

#### *Open Space and Conservation Element*

*Goal 5. Preservation and reclamation of streams and riparian areas as open space*

Policy 5a Encourage reclamation of degraded streams and riparian areas.

Policy 5b Maintain riparian systems, stream banks and floodways in open space or related open space uses such as wildlife habitat, recreation or agriculture. (SCJAP 16.10)

Policy 5c A proposed streamside park along West Little Llagas Creek should be actively implemented and connected to the County trail system. (SCJAP 16.10 & 16.12)

Policy 5d Retain natural streamside and riparian areas in their natural state in order to preserve their value as percolation and recharge areas, natural habitat, scenic resources, recreation corridors and for bank stabilization. (SCJAP 15.08)

## Public Review Draft

Policy 5e Where flood control projects are needed to protect existing development, minimize disruption of streams and riparian systems, maintaining slow flow and stable banks through design and other appropriate mitigation measures. (SCJAP 15.08)

*Goal 6. Protection of native plants and animals Policies*

Policy 6a Preserve all fish and wildlife habitats in their natural state whenever possible. Consider development impacts upon wildlife and utilize actions to mitigate those environmental impacts.

Policy 6b Minimize impacts upon wildlife when considering extending annexations, urban service areas, and other governmental actions that permit urban development of previously undeveloped property.

Policy 6c Preserve outstanding natural features, such as the skyline of a prominent hill, rock outcroppings, and native and/or historically significant trees.

Policy 6d Development shall be designed to conserve soil and avoid erosion. (SCJAP 13.06)

Policy 6e Identify and protect wildlife, rare and endangered plants and animals and heritage resources from loss and destruction. (SCJAP 15.09)

Policy 6f Access to creeks should be of sufficient width to accommodate trails, flood control access, and protection of riparian habitat. (SCJAP 16.11)

Policy 6g Encourage use of native plants, especially drought-resistant species, in landscaping to the extent possible.

*Goal 4. The least possible damage to persons and property from flooding*

Policy 4b Prohibit development in floodways and regulate in floodplains to minimize flood damage and be consistent with the federal flood insurance program and Santa Clara Valley Water District regulations. (SCJAP 15.05)

Policy 4e Natural streamside and riparian areas should be left in their natural state in order to preserve their value as percolation and recharge areas, natural habitat, scenic resources, recreation corridors and for bank stabilization. (SCJAP 15.08)

Policy 4f Minimize disruption of natural riparian areas by flood control projects needed to protect presently existing development by maintaining slow flow and stable banks through design and other appropriate mitigation measures. (SCJAP 15.08)

Policy 4p Require careful consideration of the cumulative effects of development which would drain into the upper reaches of Llagas Creek and other creeks, in order to avoid the need for channelization and consequent destruction of its riparian vegetation and natural habitat. (SCJAP 12.09)

*Goal 5. Protection of water quality from contamination associated with urbanization*

Policy 5a Protect water quality from contamination, and monitor it to assure that present policies and regulations are adequate. Prohibit such uses as waste facilities, septic systems and industries using toxic chemicals where polluting substances may come in contact with groundwater, floodwaters, and creeks or reservoir waters. (SCJAP 8.00)

## Public Review Draft

Policy 5f Encourage enhancement of sensitive wetlands as part of future development.

### *Goal 6. Cooperative efforts to ensure regional water quality*

Policy 6a Maintain close coordination with the following agencies and organizations which share jurisdiction and interest relative to South County's water supply and water quality: the Regional Water Quality Control Boards, Santa Clara Valley Water District, County Health Department, County Executive's Office, County Planning Office, Gilroy Planning Department, and San Martin Planning Committee. (SCJAP 10.02)

Policy 6b Encourage the two Regional Water Quality Control Boards which have jurisdiction in South County to agree upon compatible water quality standards and consistent approaches to implementing the State Board's non-degradation policy, so as not to confuse developers and jurisdictions which must carry out the Board's regulations. (SCJAP 10.01)

Policy 6e Where appropriate, the Regional Water Quality Boards, Cities, County and other local agencies should adopt compatible ordinances (i.e., HMSOs), standards (i.e., septic tank and alternative treatment and disposal methods), and enforcement procedures (i.e., implementing AB 2185, California Health and Safety Code Chapter 6.95, Division 20, Section 25500 et seq.) regarding water quality so that there is no advantage for a company to locate in an area with lower standards. (SCJAP 10.03)

Policy 6f Require the protection and/or replacement of essential habitat for rare, threatened, or endangered species and species of special concern as required by state and federal law.

Policy 6g Encourage the protection, restoration, and enhancement of remaining native grasslands, oak woodlands, marshlands and riparian habitat.

Policy 6h Preserve and protect mature, healthy trees whenever feasible, particularly native trees and other trees which are of significant size or of significant aesthetic value to immediate vicinity or to the community as a whole.

## City of Mountain View (1992)

### *Community Development Chapter*

Policy 8 Promote the visibility of and safe physical access to San Francisco Bay, the baylands, Stevens Creek, and other natural resources in the city.

### *Environmental Management and Community Development Chapter*

Policy 3 Develop a system of urban trails in Mountain View

Policy 14 Improve and expand the city's urban forest

Policy 15 Encourage activities that maintain and improve drinking water quality

Policy 16 Establish pollution control measures that keep pollutants from entering Mountain View's storm drain system to protect the city's surface water resources

Policy 22 Encourage soil stabilization measures that prevent soil erosion and sedimentation

## Public Review Draft

- Policy 23      Ensure the proper use, storage, and disposal of toxic chemicals to prevent soil contamination
- Policy 25      Protect and restore plant and wildlife habitats
- Policy 26      Protect wildlife from the hazards of urbanization
- Policy 32      Protect residents and their property from flood hazards
- Policy 37      Prevent injuries and environmental contamination due to the uncontrolled release of hazardous materials

*Goal J            Identify and preserve the city's archaeological resources*

- Action 27.b    Developed standard practices or contingency plans for preserving archaeological materials that are unearthed during construction.

## City of Palo Alto (Comprehensive Plan 2007)

### *Cultural Resources Chapter*

- Policy L-51    Encourage public and private upkeep and preservation of resources that have historic merit, including residences listed in the Historic Inventory.
- Policy L-60    Protect Palo Alto's archaeological resources. The Palo Alto area is known to have been inhabited by indigenous people for many centuries prior to the arrival of the first Europeans. Discoveries of the "Stanford Man" skeletons near San Francisquito Creek at Stanford indicate human presence as early as 7,600 years ago. Over 50 archaeological surveys have been conducted in Palo Alto in association with specific projects but no systematic citywide survey aimed at locating all sites has been undertaken. There may still be undiscovered archaeological resources in many parts of the City. Such resources are most likely to occur near the original locations of streams and springs and northeast of El Camino Real near old tidelands.
- Program L-67    Using the archaeological sensitivity map in the Comprehensive Plan as a guide, continue to assess the need for archaeological surveys and mitigation plans on a project by project basis, consistent with the California Environmental Quality Act and the National Historic Preservation Act.

### *Natural Environment Chapter*

- Policy N-2:    Support regional and sub-regional efforts to acquire, develop, operate, and maintain an open space system extending from Skyline Ridge to San Francisco Bay.
- Policy N-3:    Protect sensitive plant species resources from the impacts of development.
- Policy N-4:    Preserve the foothill area as predominantly open space.
- Policy N-8:    Preserve and protect the Bay, marshlands, salt ponds, sloughs, creeks, and other natural water or wetland areas as open space.

*GOAL N-2: Conservation of Creeks and Riparian Areas as Open Space Amenities, Natural Habitat Areas, and Elements of Community Design.*

- Policy N-9:    Avoid fencing, piping, and channelization of creeks when flood control and public safety can be achieved through measures that preserve the natural environment and habitat of the creek.

## Public Review Draft

- Policy N-10: Work with the Santa Clara Valley Water District and other relevant regional agencies to enhance riparian corridors and provide adequate flood control by use of low impact restoration strategies.
- Policy N-11: Preserve the integrity of riparian corridors.
- Policy N-12: Preserve the habitat value of creek corridors through the preservation of native plants and the replacement of invasive, non-native plants with native plants.
- Policy N-13: Discourage creek bank instability, erosion, downstream sedimentation, and flooding by minimizing site disturbance and vegetation removal on or near creeks and carefully reviewing grading and drainage plans for development near creeks and elsewhere in the watersheds of creeks.
- GOAL N-4: Water Resources that are Prudently Managed to Sustain Plant and Animal Life, Support Urban Activities, and Protect Public Health and Safety.*
- Policy N-18: Protect Palo Alto's groundwater from the adverse impacts of urban uses.
- Policy N-21: Reduce non-point source pollution in urban runoff from residential, commercial, industrial, municipal, and transportation land uses and activities.
- GOAL N-6: An Environment Free of the Damaging Effects of Biological and Chemical Hazardous Materials.*
- Policy N-30: Minimize the use of toxic and hazardous materials. Encourage the use of alternative materials and practices that are environmentally benign.
- GOAL N-7: Reduced Volumes of Solid Waste; Solid Waste Disposed in an Environmentally Safe, Efficient, Manner.*
- Policy N-34: Reduce the amount of solid waste disposed in the City's landfill by reducing the amount of waste generated and promoting the cost-effective reuse of materials that would otherwise be placed in a landfill.
- Policy N-35: Reduce solid waste generation through salvage and reuse of building materials, including architecturally and historically significant materials.

### City of San Jose (2010)

*Historic, Archaeological and Cultural Resources Goal:*

*Preservation of historically and archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity and to enhance the quality of urban living.*

- Policy 1. Because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.
- Policy 2. The City should use the Area of Historic Sensitivity overlay and the landmark designation process of the Historical Preservation Ordinance to promote and enhance the preservation of historically or architecturally significant sites and structures.

## Public Review Draft

- Policy 9. Recognizing that Native American burials may be encountered at unexpected locations, the City should impose a requirement on all development permits and tentative subdivision maps that upon discovery of such burials during construction, development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.
- Policy 10. Heritage trees should be maintained and protected in a healthy state. The heritage tree list, identifying trees of special significance to the community, should be periodically updated.

*Services and Facilities – Storm Drainage and Flood Protection Policies:*

13. In designing improvements to creeks and rivers, adjacent properties should be protected from flooding consistent with the best available information and standards from the Federal Emergency Management Agency (FEMA) and the California Department of Water Resources (DWR).
14. The "modified floodplain design" is the preferred design for future flood protection facilities. The "widen-one-bank" and "trapezoidal channel" designs should only be used when funding or right-of-way limitations make the use of the modified floodplain design impractical. Future development should consider factors such as flooding risks, proximity to waterways, and the potential for implementing flood protection measures.
15. The City should continue to cooperate with other public and private jurisdictions and agencies to coordinate emergency response and relief efforts in case of flooding.
16. The City should encourage the use of flood protection guidelines in development, such as those recommended by the SCVWD, FEMA, and DWR.

*Aesthetic, Cultural, and Recreational Resources - Parks and Recreation Policies:*

6. In the design and maintenance of parks, consideration should be given to impacts on wildlife. In particular, it should be recognized that native plant species may be best suited for providing wildlife cover and food sources and that herbicides, pesticides and fungicides may be damaging to native plants and wildlife.
7. The City encourages the Santa Clara Valley Water District, school districts, the Pacific Gas and Electric Company and other public agencies and utilities to provide for appropriate recreational uses of their respective properties and rights-of-way. Consideration should be given to cooperative efforts between these entities and the City to develop parks, pedestrian and bicycle trails, other open space areas, and recreational facilities and programs.
14. Bikeways, hiking trails, equestrian trails, rest areas and picnicking accommodations should be provided, wherever feasible, within parks and trails corridors designated on the Scenic Routes and Trails Diagram, to access the hillsides, ridgelines, baylands, significant waterways, and other scenic areas.

*Scenic Routes Policies:*

2. The natural character of Rural Scenic Corridors should be preserved by incorporating mature stands of trees, rock outcroppings, streams, lakes and reservoirs and other such natural features into project designs.

## Public Review Draft

### *Natural Resources – Riparian Corridors and Upland Wetlands Policies:*

1. Creeks and natural riparian corridors and upland wetlands should be preserved whenever possible.
5. When disturbances to riparian corridors and upland wetlands cannot be avoided, appropriate measures should be required to restore, or compensate for damage to, the creeks or riparian corridors
6. The City encourages appropriate native plant restoration projects along riparian corridors, upland wetlands, and in adjacent upland areas.
7. The City should consider the preparation of a Riparian Restoration Action Plan to assess riparian conditions and identify potential riparian restoration programs and priorities.
8. Natural riparian corridors outside the Urban Service Area should be protected from disturbance associated with development (such as structures, roadways, sewage disposal facilities and overhead utility lines, except those required for flood control or bridging) by a minimum 150 foot setback from the top bank line, wherever feasible.

### *Species of Concern Policies:*

1. Consideration should be given to setting aside conservation areas in the Bay and baylands, along riparian corridors, upland wetlands, and hillside areas to protect habitats of unique, threatened and endangered species of plants and animals, and to provide areas for educational and research purposes.
2. Habitat areas that support Species of Concern should be retained to the greatest extent feasible.
3. Recreational uses in wildlife refuges, nature preserves and wilderness areas in parks should be limited to those activities which have minimal impact on sensitive habitats.
4. New development on undeveloped properties throughout the City contributes to the regional loss of Burrowing Owl habitat. To offset this loss of habitat, the City should require either habitat preservation on or off site or other appropriate measures for habitat acquisition, habitat enhancement and maintenance of local habitat bank.

### *Water Resources Policies:*

1. The City, in consultation with the Santa Clara Valley Water District, other public agencies and the SCVWD's Water Resources Protection Guidelines and Standards (2006 or as amended), should restrict or carefully regulate public and private development in streamside areas so as to protect and preserve the health, functions and stability of streams and stream corridors.
2. The City, in consultation with SCVWD, should restrict or carefully regulate public and private development in upland areas to prevent uncontrolled runoff that could impact the health and stability of streams.
3. Water resources should be utilized in a manner which does not deplete the supply of surface or groundwater or cause overdrafting of the underground water basin.

## Public Review Draft

4. The City should work with the Santa Clara Valley Water District to establish appropriate public access and recreational uses on land adjacent to rivers, creeks, wetlands, and other significant water courses when water quality will be preserved.
6. The City should protect groundwater recharge areas, particularly creeks and riparian corridors.
7. When new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities, the potential for surface water and groundwater contamination should be assessed and appropriate preventative measures should be recommended.
8. The City shall require the proper construction and monitoring of facilities storing hazardous materials in order to prevent contamination of the surface water, groundwater and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or saltwater flooding.
9. The City should establish policies, programs and guidelines to adequately control the discharge of urban runoff and other pollutants into the City's storm drains.
10. The City should take a proactive role in the implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program.

### *Soils and Geologic Conditions Policies:*

1. The City should require soils and geologic review of development proposals to assess such hazards as potential seismic hazards, surface ruptures, liquefaction, landholdings, mudsliding, erosion and sedimentation in order to determine if these hazards can be adequately mitigated.
2. The City should not locate public improvements and utilities in areas with identified soils and/or geologic hazards to avoid any extraordinary maintenance and operating expenses. When the location of public improvements and utilities in such areas cannot be avoided, effective mitigation measures should be implemented.
3. In areas susceptible to erosion, appropriate control measures should be required in conjunction with proposed development.
4. In order to prevent undue erosion of creek banks, the City should seek to retain creek channels in their natural state, where appropriate.
5. The Development Review process should consider the potential for any extraordinary expenditures of public resources to provide emergency services in the event of a man-made or natural disaster.
6. Development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.
7. The City should cooperate with the Santa Clara Valley Water District's efforts to prevent the recurrence of land subsidence.

## Public Review Draft

### *Flooding Policies:*

4. The City and the Santa Clara Valley Water District should cooperate to develop flood control facilities to protect areas from the occurrence of the "1%" or "100-year" flood or less frequent flood events when required by the State.
8. The City should cooperate with the Santa Clara Valley Water District to develop additional flood control retention facilities in areas where existing facilities are nearing capacity.

### *Fire Hazards Policies:*

1. "Controlled burning" programs, agricultural uses such as grazing and special planting, and maintenance programs to reduce potential fire hazards in the hills and wilderness areas should be encouraged where appropriate.

### *Hazardous Materials Policies:*

1. The City should require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.

### *Hazardous Waste Management Policies:*

6. Transportation of hazardous waste from the point of origin to the appropriate hazardous waste management facility shall be by the most direct legal route, utilizing state or interstate highways whenever feasible, and shall minimize distances along residential and other non-industrial frontages to the fullest extent feasible.
9. Proper storage and disposal of hazardous wastes shall be required to prevent leaks, explosions, fires, or the escape of harmful gases, and to prevent materials from combining to form hazardous substances and wastes.

## **City of Santa Clara (2010)**

The City of Santa Clara has prepared a Draft General Plan Update which covers the period from 2010 through 2035. As of the date of this document, the City's Planning Commission has not adopted the General Plan update. Therefore, relevant policies from the existing 2000-2010 General Plan (City of Santa Clara 2002) are presented below.

### *Archaeological and Cultural Resources Goals*

- |          |  |
|----------|--|
| 5.6.3-G1 | Protection and preservation of cultural resources, as well as archaeological and paleontological sites.  |
| 5.6.3-G2 | Appropriate mitigation in the event that human remains, archaeological resources or paleontological resources are discovered during construction activities. |

## Public Review Draft

### *Archaeological and Cultural Resources Policies*

- 5.6.3-P1 Require that new development avoid or reduce potential impacts to archaeological, paleontological and cultural resources.
- 5.6.3-P2 Encourage salvage and preservation of scientifically valuable paleontological or archaeological materials.
- 5.6.3-P3 Consult with California Native American tribes prior to considering amendments to the City's General Plan.
- 5.6.3-P4 Require that a qualified paleontologist/archaeologist monitor all grading and/or excavation if there is a potential to affect archeological or paleontological resources, including sites within 500 feet of natural water courses and in the Old Quad neighborhood.
- 5.6.3-P5 In the event that archaeological/paleontological resources are discovered, require that work be suspended until the significance of the find and recommended actions are determined by a qualified archaeologist/paleontologist.
- 5.6.3-P6 In the event that human remains are discovered, work with the appropriate Native American representative and follow the procedures set forth in State law.

### *Environmental Element*

#### Soils and Geology Policies

1. Continue efforts to conserve natural resources and lessen the dependency on sanitary landfill by maximizing reclamation and reuses of materials and energy.
2. Support land reclamation in areas where erosion, landfill activities, hazardous materials storage or disposal, have occurred.

#### Hazardous Materials Policies

4. Regulate hazardous materials use, storage, disposal and clean-up to protect the health of humans and the environment within the City of Santa Clara.

#### Flora and Fauna Policies

6. Support programs for the protection of fish and wildlife and their habitats, including rare and endangered species.
7. Support conservation of riparian vegetation and habitat.

#### Water Resources Policies

8. Provide a reliable, safe supply of potable water adequate to meet present and future needs. Support efforts by the Santa Clara Valley Water District to reduce subsidence.
9. Promote conservation of water, water importation measures, and recharge of the aquifers, so to ensure an adequate water supply and remain within the allowable quantity of withdrawal or "safe yield" of the groundwater, so not to cause further compaction of aquifers and subsidence of land.
13. Support flood control improvements that will reduce serious flood hazards in the City, through coordination with the Santa Clara Valley Water District.
14. Regulate the type, location and intensity of land uses within flood-prone areas.

## Public Review Draft

- 15. Identify and construct specific local storm drain facilities needed to accommodate a storm flow having a 10-year frequency.
- 16. Participate on a regional basis in a Non-Point-Source Control Program in order to reduce pollutants in storm water runoff.
- 17. Maximize water retention and reduce the quantity of water runoff.
- 18. Encourage programs to improve the quality of storm water runoff.

### Air Quality Policies

- 19. Protect the air quality of the City of Santa Clara and its sphere of influence. Promote land use and transportation policies which maintain air quality.

### *Public Facilities and Services Element*

### Stormwater Policies

- 9. Maintain the integrity and capacity of the City's stormwater drain facilities.

## City of Saratoga (2007)

### *Cultural Resources Element*

*Goal OSC 14 Through coordination with and implementation of other related General Plan Policies, encourage preservation of the City's heritage by providing for the protection of irreplaceable historic and cultural resources representing significant elements of City and regional history.*

*Goal LU 12 Recognize the heritage of the City by seeking to protect historic and cultural resources, where feasible.*

Policy LU 12.9 Conduct reconnaissance level analyses of new development projects to ensure that no significant archeological, prehistoric, paleontological Native American resources would be disturbed. If such resources are found, appropriate steps shall be taken, consistent with CEQA requirements to protect these resources.

### *Open Space and Conservation Element*

### Watershed Protection and Water Quality:

*Goal OSC 9: Protect existing watercourses in the community and enhance water quality in surface and subsurface water sources.*

Policy OSC 9.1: Retain surface watercourses in their natural condition to the greatest extent possible.

Policy OSC 9.2: Concentrate development in those portions of the community least susceptible to soil erosion and minimize grading and the introduction of impervious surfaces. Where appropriate, consider the use of on-site detention or retention basins to minimize stormwater runoff from sites.

Policy OSC 9.3: Implement land use controls to protect watershed lands on the upper elevations of hillsides.

## Public Review Draft

*Goal OSC 11: Protect and enhance sensitive vegetative and wildlife habitat in the Saratoga Planning area.*

Policy OSC 11.1: Minimize development that would encroach into important wildlife habitats, limit or restrict normal range areas, or restrict access to water food or shelter. This includes limitations on the installation of barrier fencing in hillside areas.

Policy OSC 11.5: Mature vegetation shall be preserved wherever possible.

### Arbor Resources:

*Goal OSC 12: Support appropriate management for sustaining the health and increasing the extent of arbor resources in the City. The specific vision is to increase overall tree cover, tree health and consequent tree benefits in an equitable, cost beneficial and sustainable manner.*

Policy OSC 12.1: Development projects should include the preservation of protected trees and other significant trees. Any adverse affect on the health and longevity of native oak trees, protected or other significant trees should be avoided through appropriate design measures and construction practices. When tree preservation is not feasible, individual development projects shall include appropriate tree replacement as approved by the City.

Policy OSC 12.2: Trees used for new or replacement plantings should be selected primarily for low water use characteristics.

Policy OSC 12.4: It is the City's policy that forested lands in the City's Sphere of Influence shall be managed to maximize environmental protection and to discourage logging to the maximum extent possible, consistent with proper fire protection standards and practices.

### *Air Quality*

*Goal OSC 15: Improve local and regional air quality by ensuring that all development projects incorporate all feasible measures to reduce air pollutants.*

Policy OSC 15.1: Require development projects to comply with Bay Area Air Quality Management District (BAAQMD) measures to reduce dust emissions due to grading and construction activities.

### *Safety Element*

*Goal 3.0: To reduce the damage to public and private property resulting from flooding and flood induced hazards.*

Policy 3.1 The City shall continue to enforce its existing flood control regulations, and will cooperate with the Santa Clara Valley Water District when proposed projects will affect floodways in the City in order to prevent development activities from aggravating or causing potential flood problems.

## Public Review Draft

### City of Sunnyvale (2009)

#### *Cultural Resources Sub-Element*

*Goal 6.3B To enhance, preserve and protect Sunnyvale's heritage including natural features, the built environment, and significant artifacts.*

Policy 6.3B.1 Preserve existing landmarks and cultural resources and their environmental settings.

*Policy 6.3B.10 Archeological resources should be preserved whenever possible.*

#### Action Statements

6.3B.10a Whenever construction is proposed in an area which may contain archeological resources, a condition of approval for the project should provide that construction should cease and a qualified archeologist be called in the event that evidence of archeological resource is found.

#### *Open Space and Recreation Sub-Element*

Policy A2 Flood Hazards. Take measures to protect life and property from the effects of a 1% (100 year) flood.

#### Key Incentives:

A.2.1 Encourage the Santa Clara Valley Water District to reevaluate the capacity of Stevens Creek, Calabazas Creek, Sunnyvale East, West and El Camino Flood Control Channels in relation to a 1% (100 year) flood.

A.2.2 Encourage and monitor the work of the Santa Clara Valley Water District (SCVWD) in maintaining all creeks and channels in Sunnyvale free of flow inhibiting vegetation, debris and silt.

A.2.3 Encourage SCVWD to maintain their dikes and levees at least 3 feet above the 1% flood level and to provide continued inspection and repair from damage caused by burrowing animals.

A.2.4 Maintain the flood plain management practices as outlined by the Federal Emergency Management Agency and the Army Corps of Engineers.

#### *Surface Runoff Sub-Element*

*GOAL A: Assure the reasonable protection of Beneficial Uses of creeks and San Francisco Bay, established in the Regional Board's Basin Plan, and protect environmentally sensitive areas.*

Policy A.1. Continue to support the identification and development of BMPs suitable for use in the City through participation in the SCV NPS Control Program, American Public Works Association's Stormwater Quality Task Force, the Bay Area Stormwater Management Agencies Association, and similar organizations.

Policy A.2 Comply with regulatory requirements and participate in processes which may result in modifications to regulatory requirements.

Policy A.5 Prevent accelerated soil erosion.

*GOAL B: Maintain storm drain system to prevent flooding*

Policy B.1 Maintain and operate the storm drain system so that storm waters are drained from 95% of the streets within one hour after a storm stops.

## Public Review Draft

### *GOAL C: Ensure that flood hazards are recognized*

- |            |   |
|------------|---|
| Policy C.1 | Operate and maintain the storm drainage system at a level to minimize damages and ensure public safety. |
| Policy C.2 | Prevent flooding to protect life and property.  |
| Policy C.3 | Monitor and plan for hydraulic changes due to global warming, earthquakes and/or subsidence.            |

## Ordinances

### **Water Resources Protection Ordinance 06-1**

SCVWD manages water resources under Water Resource Protection Ordinance 06-1. This ordinance protects water resources managed by SCVWD by regulating modifications, entry, use or access to SCVWD facilities and/or SCVWD easements. The ordinance clarifies the governance of lands along and adjacent to streams, provides model Guidelines and Standards for management of these lands, and reinforces the role of local jurisdictions in regulating land use, but encouraging consultation with SCVWD regarding lands they manage.

In an effort to clarify and streamline local permitting for streamside activities, representatives from SCVWD, cities, the County, and business, agriculture, streamside property owner, and environmental interests created a partnership known as the Water Resources Protection Collaborative. Together the collaborative developed a manual of model guideline and standards for land-use near streams.

### **Santa Clara County Historic Preservation Ordinance**

The County adopted a Historic Preservation Ordinance, Ordinance NS-1100.96, in October, 2006. Basic components included in the Historic Preservation Ordinance are: 1) purpose and intent; 2) definitions; 3) commission powers and duties (revision of Chapter 5, Division A6-60 through 65); 4) landmark designation criteria and process (including a requirement for owner consent for designation); 5) landmark design review process and findings; 6) appeals; 7) economic hardship; 8) maintenance; and 9) enforcement.

## Public Review Draft

### Santa Clara County Noise Ordinance

The Santa Clara County Noise Ordinance (Santa Clara County Ordinance Code Section B11-150-158) contains the following restrictions on construction noise levels.

Section B11-154 (6) contains the following construction and demolition prohibitions:

(a) Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition work between weekdays and Saturday hours of 7:00 p.m. and 7:00 a.m., or at any time on Sundays or holidays, such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public service utilities or by variance. This section shall not apply to the use of domestic power tools as specified in section B11-154 (11).

(b) Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum noise levels at affected properties will not exceed those listed in the following schedule:

(i) Mobile equipment. Maximum noise levels for nonscheduled, intermittent, short-term operation (less than 10 days) of mobile equipment:

	Single- and Two-Family Dwelling Residential Area	Multi-Family Dwelling Residential Area	Commercial Area
Daily, except Sundays and legal holidays 7:00 a.m. – 7:00 p.m.	75 dBA	80 dBA	85 dBA
Daily, 7:00 p.m. to 7:00 a.m. and all day Sunday and legal holidays	50 dBA	55 dBA	60 dBA

(ii) Stationary equipment. Maximum noise levels for repetitively scheduled and relatively long-term operation (periods of 10 days or more) of stationary equipment:

	Single- and Two-Family Dwelling Residential Area	Multi-Family Dwelling Residential Area	Commercial Area
Daily, except Sundays and legal holidays 7:00 a.m. – 7:00 p.m.	60 dBA	65 dBA	70 dBA
Daily, 7:00 p.m. to 7:00 a.m. and all day Sunday and legal holidays	50 dBA	55 dBA	60 dBA

## Public Review Draft

### City of Campbell

The City of Campbell has a Historic Preservation Board that oversees the provisions of the Historic Preservation Ordinance and recommends measures to implement historic preservation to the City Council and City commissions.

*Goal LUT-8 Preservation of historic buildings, districts and cultural resources.*

Policy LUT-8.1 Historic Buildings, Landmarks and Districts and Cultural Resources: Preserve, rehabilitate or restore the City’s historic buildings, landmarks, districts and cultural resources and retain the architectural integrity of established building patterns within historic residential neighborhoods to preserve the cultural heritage of the community.

Strategies

LUT-8.1i Altering or Demolishing Historic Resources: Establish procedures, including identifying alternatives, for proposals that significantly alter or demolish historic resources.

*Goal CNR-1 A high level of community participation in historic preservation efforts to build a strong sense of community identity.*

Policy CNR-1.1 Historic Resource Preservation: Ensure that the City and its citizens preserve historic resources as much as possible.

Strategies

CNR-1.1b Archaeological Resources: In accordance with CEQA and the State Public Resources Code, require the discontinuation of all work in the immediate vicinity and the preparation of a resource mitigation plan and monitoring program by a licensed archaeologist if archaeological resources are found on any sites within the City.

The city’s municipal code contains the following relevant noise ordinances:

- 21.16.070(G)(7): Powered equipment. Powered equipment shall be limited to the hours of eight a.m. and seven p.m. Monday through Friday, and between the hours of nine a.m. and six p.m. Saturday, Sunday and nationally recognized holidays.
- 21.16.070(G)(8): City projects and activities. Noise from construction of public works projects and maintenance activities, or city-sponsored events, may be exempted from the provisions of the noise ordinance by the city manager or his designee should the public benefit of alternative work hours and or noise levels require such modification.

## Public Review Draft

### City of Cupertino

The city's municipal code contains the following relevant noise ordinances:

*10.48.031: Special Exceptions.*

- A) The NCO [noise control officer] shall have the authority, consistent with this section, to grant special exceptions which may be requested.
- B) Any person seeking a special exception pursuant to this section shall file an application with the NCO. The application shall contain information which demonstrates that bringing the source of sound, or activity for which the special exception is sought, into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. Prior to issuance of an exception, the NCO shall notify owners and/or occupants of nearby properties which may be affected by such exceptions. Any individual who claims to be adversely affected by allowance of the special exceptions may file a statement with the NCO containing any information to support his claim. If the NCO finds that a sufficient controversy exists regarding an application, a public hearing may be held.
- C) In determining whether to grant or deny the application, the NCO shall balance the hardship to the applicant, the community, and other persons of not granting the special exception against the adverse impact on the health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the special exception. Applicants for special exceptions and persons contesting special exceptions may be required to submit any information the NCO may reasonably require. In granting or denying an application, the NCO shall place on public file a copy of the decision and the reasons for denying or granting the special exception.
- D) Special exceptions shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special exception shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special exception shall terminate it and subject the person holding it to those provisions of this chapter regulating the source of sound or activity for which the special exception was granted.
- E) Application for extension of time limits specified in special exceptions or for modification of other substantial conditions shall be treated like applications for initial special exceptions under subsection B of this section.

*10.48.053: Grading, Construction and Demolition.*

- A) Grading, construction and demolition activities shall be allowed to exceed the noise limits of Section 10.48.040 [Daytime maximum defined as 60 dBA for residential and 65 dBA for non-residential; and nighttime maximum defined as 50 dBA for residential and 55 dBA for non-residential areas] during daytime hours; provided, that the equipment utilized has high-quality noise muffler and abatement devices installed and in good condition, and the activity meets one of the following two criteria:
  1. No individual device produced a noise level more than eighty-seven dBA at a distance of twenty-five feet (7.5 meters); or
  2. The noise level on any nearby property does not exceed eighty dBA.

## Public Review Draft

- B) Notwithstanding Section 10.48.053A, it is a violation of this chapter to engage in any grading, street construction demolition or underground utility work within seven hundred fifty feet of a residential area on Saturdays, Sundays, and holidays, and during the nighttime period [weekdays eight p.m. to seven a.m., and weekends from six p.m. to nine a.m.], except as provided in Section 10.48.030.
- C) Construction, other than street construction, is prohibited on holidays, except as provided in Sections 10.48.029 and 10.48.030.
- D) Construction, other than street construction, is prohibited during nighttime periods unless it meets the nighttime standards of Section 10.48.040 [levels not exceeding 50 dBA for residential, 55 dBA for nonresidential areas].

### City of Gilroy

*GOAL: Protection of Gilroy residents from exposure to excessive noise and its effects through appropriate mitigation measures and responsive land use planning, especially in regard to noise-sensitive land uses such as schools, hospitals, and housing for seniors.*

The city's municipal code contains the following relevant noise ordinances:

*16.38: Hours of Construction.*

- (a) Unless otherwise provided for in a validly issued permit or approval, construction activities shall be limited to the hours of seven (7) a.m. and seven (7) p.m., Monday through Friday and nine (9) a.m. to seven (7) p.m. on Saturday. Construction activities shall not occur on Sundays or city holidays, which include: New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas. "Construction activities" are defined as including but not limited to, excavation, grading, paving, demolitions, construction, alteration or repair of any building, site, street or highway, delivery or removal of construction material to a site, or movement of construction materials on a site.
- (b) In the event the chief building official or his or her designee determines that the public health and safety will not be impaired by the construction activities between the hours of seven (7) p.m. and seven (7) a.m., and that loss or inconvenience would result to any party in interest, the chief building official may grant permission for such work to be done between the hours of seven (7) p.m. and seven (7) a.m. upon an application being made at the time the permit for the work is issued or during the progress of the work.
- (d) No third person, including but not limited to, landowners, construction company owners, contractors, subcontractors, or employers, shall permit or allow any person working on construction activities, which are under their ownership, control or direction to violate this provision. The provisions prescribed herein may be enforced by the chief building official or his or her designee or the police department. Violation of this section shall be a misdemeanor and each day such violation is committed or permitted to continue constitutes a separate offense and shall be punishable as such.

## Public Review Draft

### City of Los Altos

*Goal 7: Minimize the amount of noise to which the community is exposed and the amount of noise created by future development and urban activities.*

Policy 7.9: Minimize stationary noise sources and noise emanating from construction activities.

The city’s municipal code contains the following relevant noise ordinances:

**6.16.070(B)(6): Construction and demolition.**

- a). i. Single-family zoning districts. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work on weekdays before 7:00 a.m. and after 5:30 p.m. and on Saturdays before 9:00 a.m. or after 3:00 p.m. or any time on Sundays or the city observed holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day, such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public utilities or by special exception. This section shall apply to operations on residentially zoned property only. This section shall not apply to the use of lawn or garden tools as specified in subsection (B)(11) of this section;
- ii. All other zoning districts. Operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration, or demolition work on weekdays before 7:00 a.m. and after 7:00 p.m. and Saturdays before 9:00 a.m. or after 6:00 p.m. or any time on Sundays or the city observed holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day, such that the sound therefrom creates a noise disturbance across a residential or commercial real property line, except for emergency work of public service utilities or by special exception. This section shall apply to operations on properties other than residentially zoned property. This section shall not apply to the use of lawn or garden tools as specified in subsection (B)(11) of this section;
- b. Where technically and economically feasible, construction activities shall be conducted in such a manner that the maximum noise levels at affected properties will not exceed those listed in the following schedules:
  - i. Mobile equipment. Maximum noise levels for the nonscheduled, intermittent, short-term operation (less than ten (10) days) of mobile equipment:

	All R1 Zoning Districts	All PCF and R3 Zoning Districts	All OA and C Zoning Districts
Daily, except Sundays and legal holidays 7:00 a.m.—7:00 p.m.	75 dBA	80 dBA	85 dBA
Daily, 7:00 p.m.—7:00 a.m. and all day Sundays and legal holidays	50 dBA	55 dBA	60 dBA

## Public Review Draft

- ii. Stationary equipment. Maximum noise levels for the respectively scheduled and relatively long-term operation (periods of ten (10) days or more) of stationary equipment [same as above.]
- c. Deliveries, start-up and closing down. The construction times above shall apply to deliveries of materials and equipment, and arrival of workers, start-up and closing down and departure activities on a job site.

### Town of Los Altos Hills

*GOAL 1: Minimize noise levels so that residents may enjoy the amenities of living in a quiet, semi-rural community.*

The town's municipal code contains the following relevant noise ordinances:

*5-6.02: Outside construction or repair work- when prohibited- Emergency work exception.*

It is unlawful for any person within a residential zone, or within a radius of five hundred (500) feet therefrom to do any of the following:

- (a) To operate equipment or perform any outside construction or repair work on any building, structure, project, or to use any pneumatic hammer, steam or electric hoist, backhoe, bulldozer or dump truck or other construction type device, between the hours of 5:30 p.m. of one day and 8:00 a.m. of the next succeeding day on any Monday through Saturday, or at any time on any Sunday, or at any time on any public holiday; or
- (b) To use any pneumatic hammer, steam or electric hoist, backhoe, bulldozer or dump truck or other construction type device, at any time on any Saturday, unless beforehand a permit therefore has been obtained in accordance with the provisions of this chapter.

Nothing contained in this chapter shall prohibit the operation of any equipment other than that prohibited in subsection (b) of this section, or the performance of any outside construction or repair work on any building, structure or project between the hours of 8:00 a.m. and 5:30 p.m. No permit shall be required to perform emergency work in the event of an emergency which imperils the public safety. This section shall not apply to the use of domestic power tools as specified in Section 5-6.03.

## Public Review Draft

### Town of Los Gatos

The town’s municipal code contains the following relevant noise ordinances:

*16.20.035: Construction.*

Notwithstanding any other provision of this chapter, between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities which are authorized by a valid Town permit or as otherwise allowed by Town permit, shall be allowed if they meet at least one of the following noise limitations:

- (1) No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible.
- (2) The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

*16.20.060: Powered Equipment.*

a) Miscellaneous nonstationary noise sources such as; electric or gasoline lawn mowers, leafblowers, edge trimmers, hedge trimmers and other similar moveable noise sources shall be operated only during the hours of 8:00 a.m. to 8:00 p.m. weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays in residential or noise sensitive zones. The use of powered equipment in commercial, industrial or public space shall not be time limited. Powered equipment shall be exempt from all other limitations and provisions of this chapter.

### City of Milpitas

- 6-G-1 Maintain land use compatibility with noise levels similar to those set by State guidelines.
- 6-G-2 Minimize unnecessary, annoying, or injurious noise.
- 6-I-13 Restrict the hours of operation, technique, and equipment used in all public and private construction activities to minimize noise impact. Include noise specifications in requests for bids and equipment information.

The city’s municipal code contains the following relevant noise ordinances:

*213-V-213-3: Unlawful to Create or Permit Disturbing Noise.*

a) Residential Zone Regulations.

- 3.01 It shall be unlawful for any person in any district zoned for residential use (under the provisions of Chapter 10, Title XI of the Milpitas Municipal Code) to make, continue or cause to be made or continued any disturbing noise between the hours of 10:00 p.m. in the evening to 7:00 a.m. in the morning.

## Public Review Draft

3.02 It shall be unlawful for any person owning, possessing or controlling any real property in any district zoned for residential use (under the provisions of Chapter 10, Title XI of the Milpitas Municipal Code) to permit or allow the making, continuing or causing to be made or continued any disturbing noise upon said real property between the hours of 10:00 p.m. in the evening to 7:00 a.m. in the morning.

3.03 The above prohibition against making, continuing or causing to be made or continued any disturbing noise in any district zoned for residential use shall not apply to the authorized collection of solid waste, recyclables, and/or yard trimmings by an authorized collector beginning at 6:00 a.m.

b) Site Construction Regulations.

No person shall engage or permit others to engage in construction of any building or related road or walkway, pool or landscape improvement or in the construction operations related thereto, including, delivery of construction materials, supplies, or improvements on or to a construction site except within the hours of 7:00 a.m. to 7:00 p.m. on weekdays and weekends.

No construction work shall be conducted or performed on the holidays indicated in Section V-213-2-2.05 of this chapter.

c) Exemption from Off-Site Construction Regulations.

Exempt from the Off-Site Construction Regulations of this article are:

- (1) Emergency construction and repair that is necessary for protection of life and property,
- (2) Operation preempted from local regulation by state law, such as construction of public school buildings,
- (3) Furnishing utility-type service including construction and maintenance of utility facilities,
- (4) Any work on an existing single-family or duplex (two-family) dwelling undertaken by the property owner,
- (5) Operation to construct and maintain facilities within the public right-of-way as deemed necessary by the Public Works Director, and
- (6) Any other circumstances where the City Manager deems that an exemption would be appropriate.

### City of Monte Sereno

<i>Goal HS-6</i>	<i>Reduce noise levels within neighborhoods resulting from vehicular traffic and construction activity.</i>
Policy HS-6.1	Reduce noise levels in residential areas shall restricting truck traffic to designated routes and monitoring speed of local traffic.
Policy HS-6.2	Encourage the use of the latest noise control technology to minimize noise in residential neighborhoods.
Policy HS-6.3	Continue to enforce local and State noise regulations to minimize noise impacts associated with construction and public and private activities.

## Public Review Draft

Policy HS-6.5 Cooperate with Santa Clara County, State and federal agencies, private businesses and individuals to control and maintain an acceptable noise environment in Monte Sereno.

The city's municipal code contains the following relevant noise ordinances:

*9.07.020: Outside construction or repair work-where prohibited, emergency work exception.*

It shall be unlawful for any person to operate equipment or perform any outside construction or repair work on any building, structure, project, or use any pneumatic hammer, steam or electric hoist, backhoe, bulldozer, or dump truck or other construction type device before the hour of 8:00 a.m. or after 8:00 p.m., on any Monday through Friday; or before the hours of 9:00 a.m. or after the hour of 5:00 p.m., on any Saturday; or at any time on any Sunday or public holiday. For the purposes of this Chapter, "public holiday" shall mean each day designated by resolution of the Monte Sereno City Council as an official holiday. If the City Manager finds evidence that an emergency exists that imperils the public safety, the City Manager may direct the construction or maintenance work to proceed during such hours as may be necessary for the duration of the emergency.

### City of Morgan Hill

The city's municipal code contains the following relevant noise ordinances:

*8.28.040: Enumeration of Unlawful Noises.*

- C. Blowers, Fans, and Combustion Engines. The operation of any noise-creating blower, power fan or internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device to deaden such noise;
- D.1. Construction activities as limited below. "Construction activities" are defined as including but not limited to excavation, grading, paving, demolition, construction, alteration or repair of any building, site, street or highway, delivery or removal of construction material to a site, or movement of construction materials on a site. Construction activities are prohibited other than between the hours of seven a.m. and eight p.m., Monday through Friday and between the hours of nine a.m. to six p.m. on Saturday. Construction activities may not occur on Sundays or federal holidays. No third person, including but not limited to landowners, construction company owners, contractors, subcontractors, or employers, shall permit or allow any person working on construction activities that are under their ownership, control or direction to violate this provision. Construction activities may occur in the following cases without violation of this provision:
  - a. In the event of urgent necessity in the interests of the public health and safety, and then only with a permit from the chief building official, which permit may be granted for a period of not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues.

## Public Review Draft

- b. If the chief building official determines that the public health and safety will not be impaired by the construction activities between the hours of eight p.m. and seven a.m., and that loss or inconvenience would result to any party in interest, the chief building official may grant permission for such work to be done between the hours of eight p.m. and seven a.m. upon an application being made at the time the permit for the work is issued or during the progress of the work.
- d. Public work projects are exempt from this section and the public works director shall determine the hours of construction for public works projects.

### City of Mountain View

The city's municipal code contains the following relevant noise ordinances:

*SEC. 8.23. - Construction noise.*

- a. Hours of construction. No construction activity shall commence prior to 7:00 a.m. nor continue later than 6:00 p.m., Monday through Friday, nor shall any work be permitted on Saturday or Sunday or holidays unless prior written approval is granted by the building official. The term "construction activity" shall include any physical activity on the construction site or in the staging area, including the delivery of materials. In approving modified hours, the building official may specifically designate and/or limit the activities permitted during the modified hours.
- b. Modification. At any time before commencement of or during construction activity, the building official may modify the permitted hours of construction upon twenty-four (24) hours written notice to the contractor, applicant, developer or owner. The building official can reduce the hours of construction activity below the 7:00 a.m. to 6:00 p.m. time frame or increase the allowable hours.
- c. Sign required. If the hours of construction activity are modified then the general contractor, applicant, developer or owner shall erect a sign at a prominent location on the construction site to advise subcontractors and material suppliers of the working hours. The contractor, owner or applicant shall immediately produce upon request any written order or permit from the building official pursuant to this section upon the request of any member of the public, the police or city staff.
- d. Violation. Violation of the allowed hours of construction activity, the building official's order, required signage or this section shall be a violation of this code.

## Public Review Draft

### City of Palo Alto

The city's municipal code contains the following relevant noise ordinances:

*Noise Ordinance (Chapter 9.10). Chapter 9.10 describes the allowable noise limits for established land uses. In general noise limits on residential property is restricted to no greater than 6 dB above ambient while commercial and industrial property noise levels may not exceed 8 dB above ambient. Noise levels on public property are restricted to no more than 15 dB above ambient at a distance of 25 ft. More specific provisions of the ordinance which are relevant to the Proposed Project include:*

*9.10.060 - Special provisions.*

- (a) General Daytime Exception. Any noise source which does not produce a noise level exceeding seventy dBA at a distance of twenty-five feet under its most noisy condition of use shall be exempt from the provisions of Sections 9.10.030(a)[Residential property noise limits], 9.10.040 [Commercial and industrial property noise limits] and 9.10.050(a)[Public property noise limits] between the hours of eight a.m. and eight p.m. Monday through Friday, nine a.m. and eight p.m. on Saturday, except Sundays and holidays, when the exemption herein shall apply between ten a.m. and six p.m.
- (b) Construction. Except for construction on residential property as described in subsection (c) of this section, construction, alteration and repair activities which are authorized by valid city building permit shall be prohibited on Sundays and holidays and shall be prohibited except between the hours of eight a.m. and six p.m. Monday through Friday, nine a.m. and six p.m. on Saturday provided that the construction, demolition or repair activities during those hours meet the following standards:
  - (1) No individual piece of equipment shall produce a noise level exceeding one hundred ten dBA at a distance of twenty-five feet. If the device is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close to twenty-five feet from the equipment as possible.
  - (2) The noise level at any point outside of the property plane of the project shall not exceed one hundred ten dBA.
  - (3) The holder of a valid construction permit for a construction project in a non-residential zone shall post a sign at all entrances to the construction site upon commencement of construction, for the purpose of informing all contractors and subcontractors, their employees, agents, materialmen and all other persons at the construction site, of the basic requirements of this chapter.
    - (A) Said sign(s) shall be posted at least five feet above ground level, and shall be of a white background, with black lettering, which lettering shall be a minimum of one and one-half inches in height.

## Public Review Draft

(B) said sign shall read as follows:

**CONSTRUCTION HOURS**  
**FOR NON-RESIDENTIAL PROPERTY**  
 (Includes Any and All Deliveries)  
 MONDAY - FRIDAY.....8:00 a.m. to 6:00 p.m.  
 SATURDAY.....9:00 a.m. to 6:00 p.m.  
 SUNDAY/HOLIDAYS.....Construction prohibited.  
 Violation of this Ordinance is a misdemeanor punishable  
 by a maximum of six months in jail, \$1,000 fine, or both.  
 Violators will be prosecuted.  
 P.A.M.C. §9.10.060(b).

- (d) Other Equipment. Equipment used by city employees, city contractors, or public utility companies or their contractors, not covered by subsections (b) and (c) of this section, shall be allowed during the same hours as the exception set forth in subsection (b) of this section, providing no piece of equipment shall produce a noise level which exceeds one hundred ten dBA, measured at a distance of twenty-five feet from the equipment.

### City of San Jose

#### *Noise Policies:*

- 1. The City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the San José International and Reid-Hillview airports, the Downtown Core Area, and along major roadways may not be achieved in the time frame of this Plan. To achieve the noise objectives, the City should require appropriate site and building design, building construction and noise attenuation techniques in new residential development.
- 9. Construction operations should use available noise suppression devices and techniques.

The city's municipal code identifies the legal hours of construction occurring within 500 feet of a residential unit as being limited to the hours of 7 a.m. and 7 p.m. on weekdays. Such hours' restriction is applicable only to construction activities requiring a development permit or other approval from the City's Planning Department.

## Public Review Draft

### City of Saratoga

The city's municipal code contains the following relevant noise ordinances:

*Noise Control Ordinance (Article 7-30) describes the allowable noise limits for established land uses. Specific provisions of the ordinance relevant to the Proposed Project are:*

7-30.050 - General noise restriction.

(a) No person shall cause, produce, or allow to be produced, in any residential zoning district, any single event noise more than six dBA above the ambient noise level at the location where the single event noise source is measured.

(b) No person shall cause, produce or allow to be produced, in any office or commercial district, any single event noise more than eight dBA above the ambient noise level at the location where the single event noise source is measured.

7-30.060 - Noise Control: Exceptions for specific activities.

Exceptions for specific activities, so long as the noise level at any point twenty-five feet from the source of noise does not exceed 83 dBA, shall be permitted to exceed the standards set forth in Section 7-30.050 under the following conditions:

a) Residential construction. Residential construction, alteration or repair activities which are authorized by a valid City permit, or do not require the issuance of a City permit, may be conducted between the hours of 7:30 A.M. and 6:00 P.M. Monday through Friday and between the hours of 9:00 A.M. and 5:00 P.M. on Saturday. Residential construction shall be prohibited on Sunday and weekday holidays, with the exception of the following:

- (1) Construction, alteration or repair activities that do not require a City permit may be conducted between the hours of 9:00 A.M. and 5:00 P.M. on Sunday and weekday holidays.
- (2) Construction, alteration or repair activities which are authorized by a valid City permit and which do not exceed fifty percent of the existing main or accessory structure may be conducted between the hours of 9:00 A.M. and 5:00 P.M. on Sunday and weekday holidays.
- (3) Temporary construction activities authorized by the Community Development Director upon his/her determination of an emergency.

A notice of applicable construction hour restrictions shall be posted conspicuously on site at all times for all exterior residential construction activity requiring a City permit.

- (b) Commercial construction. Construction, alteration or repair activities in Commercial and Professional and Administrative Office zoning districts which are authorized by a valid City permit, or do not require the issuance of a City permit, may be conducted between the hours of 7:30 A.M. and 6:00 P.M. Monday through Friday. Commercial construction shall be prohibited on Saturday, Sunday and other holidays. The Community Development Director may grant temporary exemptions upon his/her determination of an emergency.

## Public Review Draft

### City of Santa Clara

The city's municipal code contains the following relevant noise ordinances:

*Regulation of Noise and Vibration (Chapter 9.10) Specific provisions of the ordinance are:*

#### 9.10.230 Off-Street Regulation of Certain Construction Sites-Regulation.

No person shall engage or authorize others to engage in construction of any building or related road or walkway, pool or landscape improvement, or in construction operations related thereto, including delivery of construction materials, supplies, or improvements on or to a construction site within three hundred (300) feet of any residentially zoned property except within the hours of 7:00 A.M. to 6:00 P.M. following on weekdays other than holidays, Monday through Friday, inclusive; and within the hours of 9:00 A.M. to 6:00 P.M. following, inclusive, on any Saturday which is not a holiday. A holiday, for the purpose of this section, is each day or part thereof upon which any of the following holidays are observed pursuant to California law:

- (a) January 1st.
- (b) The third Monday in January (Martin Luther King, Jr., Day).
- (c) The third Monday in February.
- (d) The last Monday in May.
- (e) July 4th.
- (f) The first Monday in September.
- (g) The Thursday in November appointed as Thanksgiving Day and the day immediately following.
- (h) December 25th.

No such work is permitted on such holidays. (Ord. 1549 § 1, 7-15-86; Ord. 1556 § 1, 9-16-86. Formerly § 18-32.3).

#### 9.10.240- Exemption from regulation.

Exempt from the regulations of this chapter are:

- (a) Emergency construction and repair that is necessary for protection of life and property;
- (b) Operation preempted from local regulation by State law, such as construction of public school buildings;
- (c) Furnishing utility-type services including construction and maintenance of utility facilities;
- (d) Public inspections; and
- (e) Any work on an existing single-family or duplex (two-family) dwelling undertaken by the property owner.

## Public Review Draft

### City of Sunnyvale

The city's municipal code contains the following relevant noise ordinances

*Title 16 Buildings and construction*

16.08.030: Hours of construction-Time and noise limitations.

Construction activity shall be permitted between the hours of seven a.m. and six p.m. daily Mondays through Fridays. Saturday hours of operation shall be between eight a.m. and five p.m. There shall be no construction activity on Sundays or national holidays when city offices are closed.

Exceptions:

(b) As determined by the chief building official:

- (1) No loud environmentally disruptive noises, such as air compressors without mufflers, continuously running motors or generators, loud playing musical instruments, radios, etc., will be allowed where such noises may be a nuisance to adjacent properties.
- (2) Where emergency conditions exist, construction activity may be permitted at any hour or day of the week. Such emergencies shall be completed as rapidly as possible to prevent any disruption to other properties.
- (3) Where additional construction activity will not be a nuisance to surrounding properties, based on location and type of construction, a waiver may be granted to allow hours of construction other than as stated in this section.