



## *Memorandum*

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** November 20, 2006

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**COUNCIL DISTRICT:** Citywide  
**SNI:** NONE

**SUBJECT:** GP06-T-05. General Plan Text Amendment request to make additions, revisions and clarifications to the Natural Resources, Water Resources and Level of Service goals and policies to clarify and strengthen the City's commitment to the preservation and protection of water resources.

### **RECOMMENDATION**

The Planning Commission voted 6-0-1 (Commissioner Pham, absent) to recommend to the City Council approval of the proposed General Plan text amendment to make additions, revisions and clarifications to the Natural Resources, Water Resources and Level of Service goals and policies of the General Plan to clarify and strengthen the City's commitment to preservation and protection of water resources.

### **BACKGROUND**

On November 13, 2006, the Planning Commission held a public hearing to consider a staff- initiated General Plan text amendment to make additions, revisions and clarifications to the General Plan to clarify and strengthen the City's commitment to preservation and protection of water resources.

### **OUTCOME**

City Council approval of the proposed General Plan text amendment will reflect the City's commitment to preservation and protection of water resources.

### **ANALYSIS**

In response to a question from Commissioner Zito, Planning staff stated that the proposed change to Water Resources Policy No. 1 is intended to recognize the current thinking that

the entire City, including hillsides, baylands and urban areas, comprise the watershed that must be effectively managed.

### PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater.  
**(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City.  
**(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach.  
**(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed City Council Policy 6-30: Public Outreach Policy. Notice of the proposed General Plan amendments was published in the San Jose Post Record and posted on the Planning Division's web page. The Department web site contains information regarding the General Plan process, amendments, staff reports, and hearing schedules. This web site is available to any member of the public and contains the most current information regarding the status of the amendments. In addition, multiple meetings were held with staff from the Environmental Services Department and the Santa Clara Valley Water District. Staff received an e-mail inquiry from the Chair of the Winchester Strong Neighborhoods Initiative Neighborhood Advisory Committee (attached to the staff report) asking for clarification on the intent of the text amendment. Staff responded to the inquiry.

### COORDINATION

Review of this General Plan amendment was coordinated with the Department of Environmental Services and the City Attorney's Office.

### CEQA

The San Jose 2020 General Plan Final Environmental Impact Report, certified by the City Council on August 16, 1994, Resolution # 65459.

  
for Joseph Horwedel,  
Secretary, Planning Commission



Department of Planning, Building and Code Enforcement  
200 E. Santa Clara Street  
San José, California 95113-1905

Hearing Date/Agenda Number:  
P.C. 11/13/06 Item: **6A**  
C.C. 12/12/06 Item.

File Number:  
GP06-T-05

Council District and SNI Area:  
Citywide

Major Thoroughfares Map Number:  
N/A

Assessor's Parcel Number(s):  
N/A

Project Manager:  
Stan Ketchum

## GENERAL PLAN REPORT 2006 Fall Hearing

**TEXT REFERENCE:**

Description

Amend Chapter IV. Goals and Policies, Natural Resources and Level of Service, goals and policies, pages 90, 91, 112, 119, and 120.

**PROJECT DESCRIPTION:**

Amend the *San Jose 2020 General Plan* text to make additions, revisions and clarifications to Natural Resources, Water Resources and Level of Service goals and policies to clarify and strengthen the City's commitment to preservation and protection of water resources.

**LOCATION:**  
Citywide

**ACREAGE:** N/A

**APPLICANT/OWNER:**

Staff / City of San Jose

**ENVIRONMENTAL REVIEW STATUS:**

Reuse of the San Jose 2020 General Plan Final Environmental Impact Report, certified by the City Council on August 16, 1994, Resolution No. 65459.

**PLANNING STAFF RECOMMENDATION:**

Adopt the proposed text amendment

APPROVED BY:

DATE:

*Stanley Ketchum*  
Nov. 8, 2006

**PLANNING COMMISSION RECOMMENDATION:**

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**CITY COUNCIL ACTION:**

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**CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:**

- Staff from the Environmental Services Department and the Santa Clara County Valley Water District participated in the development and review of the proposed text.
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**GENERAL CORRESPONDENCE:**

- See attached.
- 

**ANALYSIS AND RECOMMENDATIONS:**

**PROJECT DESCRIPTION**

This is a staff initiated text amendment to the *San Jose 2020 General Plan* to make additions, revisions and clarifications to Natural Resources, Water Resources and Level of Service goals and policies to clarify and update the City's commitment to preservation and protection of water resources.

**BACKGROUND**

Based on discussions with staff from the Environmental Services Department and the Santa Clara Valley Water District, a number of minor additions, minor revisions and clarifications are proposed to the General Plan Natural Resources, Water Resources and Level of Service goals and policies. The changes are intended to clarify and update the City's commitment to water resources preservation and protection.

**ANALYSIS**

The following is an analysis of each of the proposed changes.

1. Amend Chapter IV. Goals and Policies, Natural Resources, page 112

**Natural Resources**

Add new Goal:

Natural Resources Goal: The City should balance resource conservation and urban development to maximize achievement of environmental, economic and social objectives.

The proposed language is included in the introductory narrative text of the Natural Resources section. The proposed change would establish that language as a goal for the Natural Resources

section, reflecting the City's on-going commitment to maintain focus on both resource conservation objectives and continued urban development. In doing so the City strives to maximize achievement of environmental, economic and social objectives.

### **Water Resources**

2. Amend Chapter IV. Goals and Policies, Natural Resources, Water Resources Policy No. 1, page 119, as follows:

1. The City, in cooperation with the Santa Clara Valley Water District and other public agencies, should restrict, or carefully regulate, public and private development ~~in watershed areas, especially in those areas necessary for effective stream flow and for the prevention of excessive siltation.~~

These revisions are intended to clarify that the City regularly works with other public agencies, in addition to the Santa Clara Valley Water District, e.g., the San Francisco Bay Regional Water Quality Control Board, Santa Clara Valley Urban Runoff Pollution Protection Program, etc. in both establishing and implementing the extensive and complex new regulations and standards addressing water resources protection. In addition, this change recognizes the current thinking that the entire City, including hillsides, baylands, and urban areas, comprise the watershed that must be effectively managed.

3. Amend Chapter IV. Goals and Policies, Natural Resources, Water Resources Policy No. 2, page 119, as follows:

2. 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, ~~and efforts to conserve and reclaim water supplies, both local and imported, should be encouraged.~~

The added language comes from existing text in the General Plan, not previously included as part of a policy. The City and the Santa Clara Valley Water District have worked for several decades to halt and reverse the historic overdrafting of the groundwater basin, especially in North San Jose, both to prevent land subsidence and protect the valuable underground water resources that comprise a major source of the Valley's drinking water. The deleted portion of the policy has been incorporated into a new Water Resources Policy No. 13 (see below).

4. Amend Chapter IV. Goals and Policies, Natural Resources, Water Resources Policy No. 3, page 119, as follows:

3. The City should ~~encourage~~ work with the Santa Clara Valley Water District to ~~restrict~~ establish appropriate public access and recreational uses on land adjacent to rivers, wetlands, and other significant water courses when water quality ~~could be degraded~~ will be preserved.

This change reflects the stronger coordination and collaboration between the City and the Santa Clara Valley Water District and the new approach, particularly by the District, to plan for and support implementation of public access and recreational uses along water courses when water quality is protected.

5. Amend Chapter IV. Goals and Policies, Natural Resources, Water Resources Policy No. 11, page 119, as follows:

11. The City should promote the use of reclaimed water when feasible and appropriate, particularly ~~for industrial users, for irrigation and in groundwater recharge.~~

This change removes the language in the policy focusing the use of reclaimed water around industrial, irrigation and groundwater recharge uses and emphasizes the City's existing policy to encourage the use of reclaimed water where feasible and appropriate.

6. Amend Chapter IV. Goals and Policies, Natural Resources, Water Resources Policies, page 120, as follows:

Add new Policy:

13. Efforts to conserve and reclaim water supplies, both local and imported, should be encouraged.

This new policy replaces the language deleted from the revised version of Water Resources Policy No. 2, above.

### **Level of Service**

7. Amend Chapter IV. Goals and Policies, Level of Service Policies, Sewage Treatment Policy No. 9, page 90, as follows:

The City should continue to encourage water conservation and other programs which result in reduced demand for sewage treatment capacity.

This change recognizes the contributions of other programs, e.g., Green Business, the Save the Flow Campaign and other financial incentive programs, in addition to water conservation, that contribute to reduction in sewage treatment capacity.

8. Amend Chapter IV. Goals and Policies, Level of Service Policies, Other Services, page 91, as follows:

After Libraries, add:

• For water supply, prior to the approval of major new development, available water supply should be ensured and documented by the water suppliers.

This proposed new policy is intended to acknowledge the important new role water supply assessments play in the review of major new development proposals. This is also consistent with SB610, recent legislation that requires a water supply assessment be prepared by local water retailers for certain large development proposals.

### **ENVIRONMENTAL REVIEW**

The proposed text amendment is covered by Reuse of the San Jose 2020 General Plan Final Environmental Impact Report, certified by the City Council on August 16, 1994, Resolution No. 65459.

### **PUBLIC OUTREACH**

Notice of the proposed General Plan amendments was published in the San Jose Post Record and posted on the Planning Division's General Plan webpage. In addition, multiple meetings were held with staff from the Environmental Services Department and the Santa Clara Valley Water District. District staff responded with an e-mail supporting the proposed text amendments and a memo (see attached) stating that they had no additional comments. Staff received an e-mail inquiry from the Chair of the Winchester Strong Neighborhoods Initiative Neighborhood Advisory Committee (see attached) asking for clarification on the intent of the text amendment. Staff responded to the inquiry.

### **RECOMMENDATION**

Adopt the proposed text amendment.

Attachment

PBCE002/GP\_Team/002/GP06-T-05/staff report.doc

# PROPOSED TEXT AMENDMENT

## GP06-T-05

General Plan text amendment to Amend Chapter IV. Goals and Policies, Natural Resources and Level of Service, pages 90, 91, 112, 119, and 120. Language added is underlined and language to be deleted is shown with ~~strikethrough~~.

1. Amend Chapter IV. Goals and Policies, Natural Resources, page 112

### Natural Resources

Add new Goal:

Natural Resources Goal: The City should balance resource conservation and urban development to maximize achievement of environmental, economic and social objectives.

### Water Resources

2. Amend Chapter IV. Goals and Policies, Natural Resources, Water Resources Policy No. 1, page 119, as follows:
  1. The City, in cooperation with the Santa Clara Valley Water District and other public agencies, should restrict, or carefully regulate, public and private development ~~in watershed areas, especially in those areas necessary for effective stream flow, and for the prevention of excessive siltation.~~
3. Amend Chapter IV. Goals and Policies, Natural Resources, Water Resources Policy No. 2, page 119, as follows:
  2. 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, ~~and efforts to conserve and reclaim water supplies, both local and imported, should be encouraged.~~
4. Amend Chapter IV. Goals and Policies, Natural Resources, Water Resources Policy No. 3, page 119, as follows:
  3. The City should ~~encourage work with~~ the Santa Clara Valley Water District to ~~restrict~~ establish appropriate public access and recreational uses on land adjacent to rivers, wetlands, and other significant water courses when water quality could be degraded will be preserved.
5. Amend Chapter IV. Goals and Policies, Natural Resources, Water Resources Policy No. 11, page 119, as follows:
  11. The City should promote the use of reclaimed water when feasible and appropriate, particularly for industrial users, ~~for irrigation and in groundwater recharge.~~

## Nusbaum, Jenny

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**From:** Charles Lauer [c.lauer@sbcglobal.net]  
**Sent:** Monday, November 06, 2006 6:36 PM  
**To:** Nusbaum, Jenny; Ketchum, Stan  
**Subject:** RE: Planning Department

Thank you. That answers the question  
Charles

At 06:54 PM 11/3/2006, Nusbaum, Jenny wrote:

>Are referring to File No. GP06-T-05, General Plan Text Amendment  
>request to make minor revisions and clarifications to the Natural  
>Resources and Level of Service sections to ensure consistency between  
>the General Plan and the City Council Water Policy? If so, this is a  
>proposed text amendment to ensure that City Council policy documents  
>are consistent with the San Jose 2020 General Plan regarding language  
>supporting sustainable practices for water conservation and watershed  
>protection. The project manager for this text amendment is actually my  
>supervisor, Stan Ketchum, who is the Principal Planner for the General  
>Plan team. I have forwarded your question to him for a more detailed response.

>

>-----Original Message-----

>From: charles lauer [mailto:c.lauer@sbcglobal.net]  
>Sent: Thursday, October 26, 2006 7:49 PM  
>To: jenny.nusbaum@sanjoseca.gov  
>Subject: Planning Department

>

>Public Comments

>Folder Number: 2006 030882 AO

>Project Manager: Jenny Nusbaum

>

>Dear Ms. Nusbaum:

>My name is Charles Lauer, Chair of the Winchester NAC. Can you explain  
>to me what this means and what the intention is to bring the language inline?

>

>

>Name: charles lauer

>Email: c.lauer@sbcglobal.net

>Telephone Number: 650.580.0396

>

>Web Server: www.sjpermits.org

>Client Information: Mozilla/5.0 (Windows; U; Windows NT 5.0; en-US;

>rv:1.8.0.7) Gecko/20060909 Firefox/1.5.0.7