TO:     HONORABLE CITY COUNCIL

FROM:   CITY MANAGER

DEPARTMENT: PUBLIC WORKS
           PLANNING AND
           COMMUNITY ENVIRONMENT

DATE:   JULY 18, 2005

CMR:321:05

SUBJECT: APPROVAL OF A RESOLUTION IN SUPPORT OF GUIDELINES AND
         STANDARDS FOR LAND USES NEAR STREAMS AND THE 2005-06
         IMPLEMENTATION PROGRAM OF THE SANTA CLARA VALLEY
         WATER RESOURCES PROTECTION COLLABORATIVE

RECOMMENDATION
Staff recommends that Council adopt the attached resolution in support of the Guidelines and
Standards for Land Uses Near Streams and the 2005-06 Implementation Program of the Santa
Clara Valley Water Resources Protection Collaborative.

BACKGROUND
The Santa Clara Valley Water Resources Protection Collaborative (Collaborative) was convened
in February 2003 as an ad hoc working group to address issues related to land use near streams.
The Collaborative consists of representatives from 15 municipalities (including the City of Palo
Alto), the County of Santa Clara, the Santa Clara Valley Water District (District) and other
community and environmental group stakeholders. In September 2003, Council approved a
resolution in support of the Collaborative’s mission to develop and implement watershed
resource protection guidelines and standards (CMR:431:03).

The origins of the Collaborative trace back to the District’s effort to extend its permitting
authority beyond its traditional jurisdictional boundary of 50 feet from District streams and
facilities within Santa Clara County. Representatives from the cities in Santa Clara County and
the County of Santa Clara, while supportive of the District’s goals of stream and riparian corridor
protection, preservation of surface and groundwater quality, and flood protection, were
concerned about the potential conflicts between the District’s permit requirements and local
agencies’ land use and zoning regulations. The Collaborative was formed as a consensus-based
forum in which the local agencies, the District, and other interested parties could jointly develop
1) a set of guidelines and standards for land uses near streams consistent with their mutual stream
protection goals, and 2) an implementation program which clearly delineates the roles of the
District and the local agencies in land use permitting and regulation for properties near streams.

Staff from the local agencies, District representatives, and stakeholders from community and
environmental groups, assisted by a professional facilitator, have met monthly for the past two
and a half years as members of the Collaborative. Public Works Director Glenn Roberts and
Advance Planning Manager Julie Caporgno have been representing the City of Palo Alto in the Collaborative process. The Collaborative has recently achieved a major milestone by reaching consensus on a number of key policy issues and guidance documents. The attached resolution is being submitted to Council for approval in order to formalize the consensus points agreed to by staff.

**DISCUSSION**

Members of the Collaborative and their support staff have jointly developed the following documents:

- Guidelines and Standards for Land Uses Near Streams
- Implementing Tools for the Guidelines and Standards for Land Uses Near Streams
- Adaptive Management Plan and Process for the Guidelines and Standards for Land Uses Near Streams
- Work Plan for Outreach for the Guidelines and Standards for Land Uses Near Streams
- Work Plan for Early Consultation Program for Review of Land Uses Near Streams
- Work Program for the District’s Comprehensive Plan

The Guidelines and Standards for Land Uses Near Streams (G&S) cover a wide range of issues affecting land development near and in local streams. The G&S address issues such as building setbacks, riparian corridor buffers, creek bank stabilization techniques, vegetation management (e.g., preservation of native riparian vegetation and prohibitions against planting of non-native, invasive species, etc.), bridge and storm drain outfall design, and floodplain management. Adoption of these G&S as ordinances and/or policies by the District and each of the local agencies within Santa Clara County will ensure that stream and riparian corridor protection measures are applied uniformly throughout the County. The local agency members of the Collaborative have agreed to ask their governing bodies to adopt a resolution of support that commits their agency to a number of actions related to the G&S in the coming years, as described below:

1. A commitment to make best efforts to incorporate the G&S and associated implementation tools into appropriate land use review processes no later than February 2007.

   Planning staff intends to modify the Individual Review Guidelines in the fall of 2006 to incorporate the G&S and other appropriate implementation tools for single-family residential development. Only single-family development subject to discretionary review through the Individual Review process will be regulated through the G&S and implementing tools. Incorporating the G&S and associated implementation tools within appropriate zoning districts for multi-family residential and commercial development will be addressed when these districts are revised through the Zoning Ordinance Update in 2006.

2. A commitment for appropriate levels of staff participation in the monitoring, assessment, and adaptive management processes.
Planning staff will modify the City’s development review tracking system to monitor streamside permit activity within the City. Planning and Public Works will prepare quarterly reports which will be submitted to the Collaborative Work Team. These reports will assess the effectiveness of the application of the G&S process in Palo Alto.

3. A commitment for participation in a process of early consultation with the District for projects near streams, as appropriate.

As an interim measure, Public Works and Planning staff have already begun working with District staff on an early consultation process for land development projects near streams. The goal of this process is to make permit applicants aware at an early stage that special requirements apply to parcels near streams, and to allow District staff to provide site-specific input to applicants during preliminary project design. The early consultation process consists of two primary mechanisms. Land parcels adjacent to streams have been mapped into the City’s Geographic Information System (GIS). When permit applicants initiate discussions regarding a proposed project with Planning and/or Building Inspection counter staff at the Development Center, staff uses GIS to determine whether the project site is adjacent to a stream. If so, the applicant is given a brochure explaining the District’s permitting process and directed to the District staff for design guidance. The second early consultation mechanism is the Design Review Committee (DRC). The DRC is a weekly forum for concurrent review of major development projects by staff from various City departments. During the DRC meetings, which are often attended by the project proponents, City representatives provide early review comments and begin an active dialogue with applicants. City staff will invite District representatives to DRC meetings for projects near streams. This early consultation process will provide an effective mechanism to convey water resource protection guidance to applicants prior to the City’s formal adoption of the G&S.

4. A commitment for continued attendance by staff members at quarterly Collaborative meetings through February 2007.

Glenn Roberts and Julie Caporgno will continue to represent the City of Palo Alto at quarterly Collaborative meetings through February 2007.

RESOURCE IMPACT
The implementation program identified above will have no impact on the City’s budget. There will be impacts on City resources since additional staff effort will be required to implement this program, but it is staff’s intent to absorb this workload within existing staffing levels. Including this program within the development review process could delay project processing in general because of these added work requirements.

POLICY IMPLICATIONS
Council adoption of the attached resolution is consistent with the following Comprehensive Plan policies and programs:
• **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.

• **Program N-7**: Adopt a setback along natural creeks that prohibits the siting of buildings and other structures, impervious surfaces, outdoor activity areas, and ornamental landscaped areas within 100 feet of the top of a creek bank. Allow passive or intermittent outdoor activities and pedestrian, equestrian, and bicycle pathways where there are adequate setbacks to protect the natural riparian environment. Within the setback area, provide a border of native riparian vegetation at least 25 feet along the creek bank.

• **Program N-8**: Develop and adopt a creek ordinance that establishes new development regulations for properties abutting creeks, establishes an exception process, and provides incentives to achieve maximum creek setbacks, such as reduced front yard setbacks and reduced on-site parking requirements.

• **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.

• **Program N-13**: Establish public education programs regarding the conservation of creeks and riparian areas.

**TIMELINE**
Implementation of the G&S and associated implementation tools will be accomplished through revisions to the Individual Review process in 2006 and through the Zoning Ordinance Update in 2006. Modifications to the City’s development review tracking system will be completed in 2006.

**ENVIRONMENTAL REVIEW**
Council adoption of the attached resolution is not considered a project under the California Environmental Quality Act (CEQA). Environmental review will be required prior to incorporation of the Collaborative’s Guidelines and Standards for Land Uses Near Streams into the City’s land use review process.

**ATTACHMENT**
Attachment A: Resolution

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cc: Stan Williams, Santa Clara Valley Water District  
John Gamman, CONCUR