

- MS-10.6 Encourage mixed land use development near transit lines and provide retail and other types of service oriented uses within walking distance to minimize automobile dependent development.
- MS-10.7 Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.
- MS-10.8 Minimize vegetation removal required for fire prevention. Require alternatives to discing, such as mowing, to the extent feasible. Where vegetation removal is required for property maintenance purposes, encourage or require alternatives that limit the exposure of bare soil.
- MS-10.9 Foster educational programs about air pollution problems and their solutions.

**Actions – Air Pollutant Emission Reduction**

- MS-10.10 Continue to actively enforce the City’s ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in packaging and in building construction and remodeling to help reduce damage to the global atmospheric ozone layer. The City may consider adopting other policies or ordinances to reinforce this effort.
- MS-10.11 Continue to enforce the City’s wood-burning appliance ordinance to limit air pollutant emissions from residential and commercial buildings.
- MS-10.12 Continue to increase the City’s alternative fuel vehicle fleet with the co-benefit of reducing local air emissions and continue to implement the City’s Environmentally Preferable Procurement Policy (Council Policy 4-6) and Pollution Prevention Policy (Council Policy 4-5) in a manner that reduces air emissions from municipal operations. Continue to support policies that reduce vehicle use by City employees.
- MS-10.13 As a part of City of San José Sustainable City efforts, educate the public about air polluting household consumer products and activities that generate air pollution. Increase public awareness about the alternative products and activities that reduce air pollutant emissions.
- MS-10.14 Review the effectiveness of site design measures and transit incentives to evaluate and encourage those that most successfully reduce air pollutant emissions.

**Goal MS-11 – Toxic Air Contaminants**

Minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.

**Policies – Toxic Air Contaminants**

- MS-11.1 Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects

categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.

**Deleted:** or employ effective mitigation into project designs

MS-11.2 For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.

**Deleted:** Require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.

MS-11.3 Truck circulation routes will be reviewed for projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.

MS-11.4 Encourage the use of appropriate air filtration, to be installed at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.

MS-11.5 Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses, where appropriate and feasible.

### Actions – Toxic Air Contaminants

MS-11.6 Develop and adopt a comprehensive Community Risk Reduction Plan that includes: baseline inventory of toxic air contaminants (TACs) and particulate matter smaller than 2.5 microns (PM<sub>2.5</sub>) emissions from all sources, emissions reduction targets, and enforceable emission reduction strategies and performance measures. The Community Risk Reduction Plan will include enforcement and monitoring tools to ensure regular review of progress toward the emission reduction targets, progress reporting to the public and responsible agencies, and periodic updates of the plan, as appropriate.

MS-11.7 Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.

MS-11.8 Require signage at new projects that generate truck traffic, which reminds drivers that the State truck idling law limits truck idling to five minutes.

### Goal MS-12 – Objectionable Odors

Minimize and avoid exposure of residents to objectionable odors.

### Policies – Objectionable Odors

MS-12.1 For new, expanded, or modified facilities that are potential sources of objectionable odors (such as landfills, green waste and resource recovery facilities, wastewater

### **Goal MS-21 – Community Forest**

Preserve and protect existing trees and increase plantings of new trees within the City to create and maintain a thriving Community Forest that contributes to the City's quality of life, its sense of community and its economic and environmental well being.

#### **Policies – Community Forest**

- MS-21.1 Manage the Community Forest to achieve the City's environmental goals for water and energy conservation, wildlife habitat preservation, stormwater retention, heat reduction in urban areas, energy conservation, and the removal of carbon from the atmosphere.
- MS-21.2 Provide the appropriate resources to preserve, protect and expand the City's Community Forest.
- MS-21.3 Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to the city's Mediterranean climate, and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.
- MS-21.4 Encourage the maintenance of mature trees on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to effectively preserve the tree.
- MS-21.5 As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Any adverse affect on the health and longevity of protected or other significant trees should be avoided through appropriate design measures and construction practices. Special priority should be give to the preservation of native oaks. When tree preservation is not feasible, appropriate tree replacement should be included.
- MS-21.6 As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property.
- MS-21.7 Manage infrastructure to ensure that the placement and maintenance of street trees, streetlights, signs and other infrastructure assets are integrated. Give priority to tree placement in designing or modifying streets.
- MS-21.8 Encourage the selection of trees appropriate for a particular urban site. Tree type and placement should consider energy saving values, nearby power lines, and root characteristics.
- MS-21.9 Where appropriate, incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.

MS-21.10 Where urban development occurs adjacent to natural plant communities (e.g., oak woodland, riparian forest), landscape plantings ~~shall incorporate tree species native to the area and propagated from local sources (generally from within 5-10 miles and preferably from within the same watershed).~~

Deleted: should

MS-21.11 Encourage the planting of native oak trees and native sycamores in new development, where appropriate.

MS-21.12 Discourage the planting of invasive non-native trees and encourage removal of existing invasive non-native trees through the development review process or through capital improvement projects, where feasible.

~~MS-21.13 Prohibit London plane trees from being planted in the Coyote Planning Area, which is located near the most significant stands of sycamore alluvial woodland in the City. Planting of this species is discouraged elsewhere, particularly near riparian areas.~~

### Actions – Community Forest

MS-21.14 Create and maintain an inventory of the City’s street and park trees.

MS-21.15 Complete the development of a Community Forest Master Plan that provides a strategy to achieve the City’s Community Forest Goals; implement this Master Plan.

MS-21.16 Develop performance measures for tree planting and canopy coverage which measure the City’s success in achieving the Community Forest goals. These performance measures should inform tree planting goals for the years between 2022 (the horizon year for the Green Vision) and 2040.

MS-21.17 Secure adequate human and financial resources to oversee all City tree services, to implement policies and to address the deferred and on-going maintenance funding needs for the community forest.

MS-21.18 Expand the City’s existing partnership with Our City Forest, and develop new partnerships with other non-profits, businesses, other agencies and the community, to maximize available resources to maintain and expand the Community Forest.

MS-21.19 Collaborate with other government agencies – local, state and federal – to leverage resources to achieve the City’s Community Forest goal.

MS-21.20 Continue to support volunteer urban forestry programs that encourage the participation of citizens in tree planting and maintenance in neighborhoods and parks throughout the City.

MS-21.21 Continue to implement the Heritage Tree Ordinance to maintain and protect San José’s heritage trees.

- MS-21.22 Periodically update the heritage tree list, identifying trees of special significance to the community.
- MS-21.23 Explore development of a tree removal mitigation in-lieu fee and program, allowing development applicants to provide for planting of replacement trees through a city-managed in-lieu fee/tree planting program.

## **Environmental Resources**

San Jose boasts a plethora of environmental resources across its diverse landscape. San Jose celebrates its natural setting, including its hillsides, riparian corridors, lakes, the San Francisco Bay, and adjacent baylands. The goals and policies in this section protect San Jose's terrestrial and aquatic assets, as well as the flora and fauna these natural resources support. They also recognize the importance of San Jose's archaeological and extractive resources.

### ***Natural Communities and Wildlife Habitat***

The Natural Communities and Wildlife Habitat goals and policies provide guidance for the City on how to balance resource conservation and urban development, so as to maximize the mutual achievement of environmental, economic and social objectives.

San José also recognizes the need for multiple jurisdictions to cooperate in the management of natural communities and wildlife habitat. Recognizing this interdependence, San José will demonstrate environmental leadership through advocacy and cooperative efforts with other jurisdictions.

### **Goal ER-1 – Balanced Resource Conservation**

Balance resource conservation and urban development within the Greenline/Urban Growth Boundary to maximize achievement of environmental, economic and social objectives.

#### **Policy – Balanced Resource Conservation**

ER-1.1 Continue to maintain the Greenline/Urban Growth Boundary and focus development and redevelopment within the existing urban envelope of the City.

### **Grassland, Oak Woodlands, Chaparral and Coastal Scrub Habitats**

Oak woodlands, grasslands, chaparral and coastal scrub are the primary vegetative cover on the hillsides surrounding the Santa Clara Valley floor. In addition to providing grazing land, wildlife habitat, and rainwater capture, these areas also have direct scenic value.

### **Goal ER-2 – Grassland, Oak Woodlands, Chaparral and Coast Scrub**

Preserve, protect and restore the ecological integrity and scenic characteristics of grasslands, oak woodlands, chaparral and coastal scrub in hillside areas. (SJ2020 GP Updated)

**Policies – Grassland, Oak Woodlands, Chaparral and Coast Scrub**

- ER-2.1 The nature and amount of public access to wooded areas, scrublands, and grasslands, when allowed, shall be consistent with the environmental characteristics of these areas.
- ER-2.2 Prohibit the use of motorized off-road vehicles for recreation purposes in oak woodland, grassland, and hillside areas within the City to protect these limited resources.
- ER-2.3 Cooperate with other agencies in the preservation and management of native hillside vegetation.
- ER-2.4 Minimize the removal of ecologically valuable vegetation during development and grading for projects within the City.
- ER-2.5 Preserve and protect oak woodlands, and individual oak trees, to the greatest extent feasible. Any loss of oak woodland and/or native oak trees must be fully mitigated.
- ER-2.6 Discourage agricultural practices, other than managed grazing of grasslands, in hillside areas.
- ER-2.7 Preserve, protect, and manage serpentine grasslands and serpentine chaparral, particularly those supporting sensitive serpentine bunchgrass communities providing habitat for sensitive plant and animal species. Development will not be permitted on serpentine grasslands or chaparral supporting state or federal candidate or listed threatened or endangered plant or animal species. Appropriately managed grazing is encouraged on serpentine grasslands.
- ER-2.8 Prohibit planting of invasive non-native plant species in oak woodlands, grasslands, chaparral and coastal scrub habitats, and in hillside areas.

**Action – Grassland, Oak Woodlands, Chaparral and Coast Scrub**

- ER-2.9 Continue to work with Local Partners (the County of Santa Clara, Santa Clara Valley Transportation Authority, Santa Clara Valley Water District, and the Cities of Gilroy and Morgan Hill) and three Wildlife Agencies (the California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service (NMFS-NOAA Fisheries) on completion of the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) project. Once completed and adopted, implement an HCP/NCCP that that both mitigates for land and stream development impacts and provides additional conservation, restoration, and enhancement efforts. In the event an HCP/NCCP which includes measures to off-set indirect impacts to serpentine grassland habitats is not adopted by January 30, 2012, the City will independently setup a program for establishment of one or more serpentine grassland preserves within the County of Santa Clara. A Preserve Management Plan shall be prepared for each serpentine grassland preserve that focuses on alleviating potential effects of increased nitrogen deposition. The

preserve program shall be funded by fees on new development that results in a net increase in air emissions of nitrogen compounds (e.g., nitrogen oxides) in the air basin.

### **Riparian Corridors**

The streams and adjacent riparian lands within the City of San José are a vital natural resource supporting a diversity of habitats as well as providing open space resources and contributing to economic vitality.

### **Goal ER-3 – Riparian Corridors**

Preserve, protect, and restore the City’s riparian resources in an environmentally responsible manner to protect them for habitat value and recreational purposes.

### **Policies – Riparian Corridors**

- ER-3.1 Ensure that new public and private development adjacent to riparian corridors in San José are consistent with the provisions of the City’s Riparian Corridor Policy Study and the Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP).
- ER-3.2 Ensure that the 100-foot setback from riparian habitat is the standard to be achieved in all but a limited number of instances.
- ER-3.3 Require that new development seeking exception to the 100-foot setback be set back from the outside edge of riparian habitat (or top of bank, whichever is greater) a distance sufficient to buffer the impacts of adjacent human activities and provide avenues for wildlife dispersal.
- ER-3.4 Design new development to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.
- ER-3.5 When disturbances to riparian corridors cannot be avoided, implement appropriate measures to restore, and/or mitigate damage.
- ER-3.6 Restore riparian habitat through native plant restoration and removal of non-native/invasive plants along riparian corridors and adjacent areas.

### **Actions – Riparian Corridors**

- ER-3.7 Develop a City Council Policy based on the City’s Riparian Corridor Policy Study and HCP/NCCP to successfully implement the riparian goals and policies of the General Plan, which recognizes that the 100-foot setback is the standard to be achieved in all but a limited number of instances.
- ER-3.8 Partner with public, private, and non-profit agencies on public outreach and education on the importance of protecting our riparian corridor resources.

ER-3.9 Develop and require the use of a criteria checklist from the Riparian Corridor Policy Study to evaluate new developments that propose to use riparian setback exceptions.

### **Bay and Baylands**

The San Francisco Bay and the baylands are a vital biotic, cultural and recreational open space resource.

### **Goal ER-4 – Bay and Baylands**

Preserve and restore natural characteristics of the Bay and adjacent lands, and recognize the role of the Bay's vegetation and waters in maintaining a healthy regional ecosystem.

### **Policies – Bay and Baylands**

- ER-4.1 The baylands ecosystem shall be protected, preserved and restored in a manner consistent with the fragile environmental characteristics of this area and the interest of the citizens of San José in a healthful environment.
- ER-4.2 Cooperate with the County, U.S. Army Corps of Engineers, EPA, California Department of Fish and Game, Bay Conservation and Development Commission (BCDC), and other appropriate jurisdictions to prevent the degradation of baylands by discouraging new filling or dredging of Bay waters and baylands.
- ER-4.3 In cooperation and, where appropriate, in consultation with other interested agencies and with projects such as the South Bay Salt Ponds Restoration Project, encourage the restoration of diked historic wetlands, including salt ponds, to their natural state by opening them to tidal action.
- ER-4.4 Avoid new development which creates substantiated adverse impacts on the Don Edwards San Francisco Bay National Wildlife Refuge or results in a net loss of baylands habitat value.
- ER-4.5 Prohibit planting of invasive non-native plant species in or near baylands habitats.

### **Special-Status Plants and Animals**

Natural habitats and communities, including streams, oak woodlands, grassland, chaparral, riparian forest, salt marsh, freshwater wetlands, and others, harbor a number of species that are rare, declining, or particularly sensitive to human activities. These "special-status species" include plants and animals that are protected under State and Federal Endangered Species Acts, the Federal Migratory Bird Treaty Act, and the California Fish and Game Code, and other species listed by the California Department of Fish and Game and the California Native Plant Society. (See Table 1 Special-Status Animal Species)

### **Goal ER-5 – Special-Status Plants and Animals**

Preserve, manage, and restore habitat suitable for special-status species, including threatened and endangered species.

**Policies – Special Status Plants and Animals**

- ER-5.1 Preserve and restore, to the greatest extent feasible, habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist and mitigation is provided of equivalent value.
- ER-5.2 Limit recreational uses in wildlife refuges, nature preserves and wilderness areas in parks to those activities which have minimal impact on sensitive habitats.
- ER-5.3 Prohibit planting of invasive non-native plant species in natural habitats that support special-status species.
- ER-5.4 Require that development projects incorporate measures to avoid and minimize impacts to individuals of special-status species.

<b>Table 1: Special-status Species in San José’s Sphere of Influence</b>	
<b>Common Name</b>	<b>Scientific Name</b>
Tiburon Indian paintbrush	<i>Castilleja affinis ssp. neglecta</i>
Coyote ceanothus	<i>Ceanothus ferrisiae</i>
Santa Clara Valley dudleya	<i>Dudleya setchellii</i>
Metcalf Canyon jewel-flower	<i>Streptanthus albidus ssp. albidus</i>
Alkali milk-vetch	<i>Astragalus tener var. tener</i>
Big-scale balsamroot	<i>Balsamorhiza macrolepis var. macrolepis</i>
Congdon's tarplant	<i>Centromadia parryi ssp. congdonii</i>
Mt. Hamilton thistle	<i>Cirsium fontinale var. campylon</i>
Hoover's button-celery	<i>Eryngium aristulatum var. hooveri</i>
Fragrant fritillary	<i>Fritillaria liliacea</i>
Loma Prieta hoita	<i>Hoita strobilina</i>
Satan's goldenbush	<i>Isocoma menziesii var. diabolica</i>
Smooth lessingia	<i>Lessingia micradenia var. globrata</i>
Arcuate bush-mallow	<i>Malacothamnus arcuatus</i>
Mt. Diablo cottonweed	<i>Micropus amphibolus</i>
Robust monardella	<i>Monardella villosa ssp. globosa</i>
Most beautiful jewel-flower	<i>Streptanthus albidus ssp. peramoenus</i>
Bay checkerspot butterfly	<i>Euphydryas editha bayensis</i>
Pacific lamprey	<i>Lampetra tridentata</i>
Central Valley fall-run Chinook salmon	<i>Oncorhynchus tshawytscha</i>
Central California coast steelhead	<i>Oncorhynchus mykiss</i>
California tiger salamander	<i>Ambystoma californiense</i>
California red-legged frog	<i>Rana draytonii</i>
Foothill yellow-legged frog	<i>Rana boylei</i>
Western pond turtle	<i>Actinemys marmorata</i>
California brown pelican	<i>Pelecanus occidentalis</i>
Golden eagle	<i>Aquila chrysaetos</i>
White-tailed kite	<i>Elanus caeruleus</i>
Northern Harrier	<i>Circus cyaneus</i>
Bald eagle	<i>Haliaeetus leucocephalus</i>

American peregrine falcon	<i>Falco peregrinus anatum</i>
California clapper rail	<i>Rallus longirostris obsoletus</i>
Western snowy plover	<i>Charadrius alexandrinus nivosus</i>
California least tern	<i>Sterna antillarum browni</i>
Burrowing owl	<i>Athene cunicularia</i>
Vaux's swift	<i>Chaetura vauxi</i>
Loggerhead shrike	<i>Lanius ludovicianus</i>
Yellow warbler	<i>Dendroica petechia</i>
San Francisco common yellowthroat	<i>Geothlypis trichas sinuosa</i>
Alameda song sparrow	<i>Melospiza melodia pusillula</i>
Grasshopper sparrow	<i>Ammodramus savannarum</i>
Bryant's savannah sparrow	<i>Passerculus sandwichensis alaudinus</i>
Tricolored blackbird	<i>Agelaius tricolor</i>
Salt marsh harvest mouse	<i>Reithrodontomys raviventris</i>
Salt marsh wandering shrew	<i>Sorex vagrans halicoetes</i>
Pallid bat	<i>Antrozous pallidus</i>
Western red bat	<i>Lasiurus blossevillii</i>
San Francisco dusky-footed woodrat	<i>Neotoma fuscipes annexens</i>
American badger	<i>Taxidea taxus</i>

**Migratory Birds**

More than 350 species of birds have been recorded in the City of San José and vicinity. The diverse array of habitats provided by the City supports large numbers of species and individuals of birds.

**Goal ER-6 – Migratory Birds**

Protect migratory birds from injury or mortality.

**Policies – Migratory Birds**

- ER-6.1 Avoid implementing activities that result in the loss of active native birds’ nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
- ER-6.2 Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

**Goal ER-7 – Urban Natural Interface**

Minimize adverse effects of urbanization on natural lands surrounding the City’s developed areas.

**Policies – Urban Natural Interface**

- ER-7.1 Encourage fencing between residential areas and natural lands to minimize the encroachment of people, pets, and non-native vegetation into natural lands.

- ER-7.2 Design Development at the urban/natural community interface of the Greenline/Urban Growth Boundary (UGB) to minimize the length of the shared boundary between urban development and natural areas through clustering of development and locating development closest to existing development. Key areas where natural communities are found adjacent to the UGB include the Baylands in Alviso, the Santa Teresa Hills, Alum Rock Park, and Evergreen.
- ER-7.3 Lighting in developed areas adjacent to natural areas will consist of low-glare lighting. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.
- ER-7.4 Public facilities such as ballparks and fields that require high-intensity night lighting will be sited at least 0.5 mile from sensitive habitats to minimize light pollution, unless it can be demonstrated that lighting systems will not substantially increase lighting within natural areas (e.g., due to screening topography or vegetation).
- ER-7.5 Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
- ER-7.6 Encourage the use of native plants in the landscaping of developed areas adjacent to natural lands.
- ER-7.7 In areas where movement of wildlife through a developed area (i.e., between patches of natural habitat) is not ecologically desirable, barriers to movement of pets out of the developed area and **barriers to** movement of sensitive species into the developed area will be encouraged.
- ER-7.8 Design and construct development to avoid changes in drainage patterns across adjacent natural areas and for adjacent native trees, such as oaks.

**Action – Urban Natural Interface**

- ER-7.9 Work with landowners, landscapers, nurseries, and the multi-agency Santa Clara County Weed Management Area to remove and prevent the spread of highly invasive and noxious weeds. Invasive plants are those plants listed in the State’s Noxious Weed List, the California Invasive Plant Council’s list of “Exotic Pest Plants of Greatest Ecological Concern in California,” and other priority species identified by the agricultural commissioner and California Department of Agriculture.

**Wildlife Movement**

Wildlife movement within or in the vicinity of San José takes many forms, and is different for the various species associated with these lands. Bird and bat species move readily over the landscape, foraging over and within both natural lands and landscaped areas of the City. Fish species move along the stream corridors, some as year-round residents, some as anadromous species that live in salt water and spawn in fresh water. Mammals of different species move within their home ranges, but also disperse between patches of high-quality habitat.

Movement of animals between the vast expanses of natural lands in the Santa Cruz Mountains and the Diablo Range is constrained by development that has occurred on the Santa Clara Valley floor. Consequently, it is important that wildlife be able to move between these two mountain ranges in the few areas where such movement still occurs. Within the City's Sphere of Influence, the Coyote Valley still provides a landscape linkage between these two ranges.

### **Goal ER-8 – Wildlife Movement**

Minimize adverse effects of future development on wildlife movement and remove or reduce existing impediments to wildlife movement.

#### **Policies – Wildlife Movement**

- ER-8.1 In the area north of Highway 237 design and construct buildings and structures to reduce the potential for bird strikes for species associated with the baylands or the riparian habitats of lower Coyote Creek.
  
- ER-8.2 In areas important to terrestrial wildlife movement, design new or improved existing roads so that they allow wildlife to continue to move across the roads (e.g., either over the road surface or through undercrossings or overcrossings designed for the animals moving through the area). Enhance undercrossings used for wildlife movement (e.g., by enlargement) when roads are improved.
  
- ER-8.3 Where new road crossings of streams are constructed, or existing culverts are replaced or improved, design all culverts to allow movement of aquatic species present in any watercourse crossed by the road. Use clear-span bridges in place of culverts where feasible.

#### **Action – Wildlife Movement**

- ER-8.4 To facilitate the movement of wildlife across South Coyote Valley, work with the appropriate transportation agencies to replace at least portions of the median barrier on Monterey Road with a barrier that maintains human safety while being more permeable to wildlife movement.

### **Stormwater**

The City of San José is committed to responsible stormwater management to support healthy habitats, a healthy human population, and a healthy economy. To accomplish these goals, San José continues to implement policies and programs that manage its discharge into the City's storm drain system to enhance the quality of local waterways.

### **Goal ER-9 - Stormwater**

Minimize the adverse effects on ground and surface water quality and protect property and natural resources from stormwater runoff generated in the City of San José.

#### **Policies - Stormwater**

- ER-9.1 Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

## Goal ER-10 – Water

Protect water resources because they are vital to the ecological and economic health of the region and its residents.

### Policies – Water

- ER-10.1 In Consultation with the Santa Clara Valley Water District, other public agencies and the SCVWDs Water Resources Protection Guidelines and Standards (2006 or as amended), restrict or carefully regulate public and private development in streamside areas so as to protect and preserve the health, function and stability of streams and stream corridors.
- ER-10.2 In Consultation with the SCVWD restrict or carefully regulate public and private development in upland areas to prevent uncontrolled runoff that could impact the health and stability of streams.
- ER-10.3 Utilize water resources in a manner that does not deplete the supply of surface or groundwater or cause overdrafting of the underground water basin.
- ER-10.4 Work with the SCVWD 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.
- ER-10.5 Protect groundwater recharge areas, particularly creeks and riparian corridors.
- ER-10.6 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 tidal flooding.

### **Archaeology and Paleontology**

San José's long and colorful human and natural history provides a significant contribution to a sense of community identity. Native Americans represent a large part of that history, and artifacts from the Native American era and fossils of plants and animals have been discovered in various locations throughout San José. These artifacts provide an irreplaceable record of another civilization and the history of life on earth, so their protection is important.

### **Goal ER-11 – Archaeology and Paleontology**

Preserve and conserve archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity.

### **Policies – Archaeology and Paleontology**

- ER-11.1 For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological

information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

- ER-11.2 Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms that the burial is human. If the remains are determined to be Native American, applicable state laws shall be implemented.
- ER-11.3 Ensure that City, State, and Federal historic preservation laws, regulations, and codes are implemented, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

**Deleted:** the California Historical Building Code and State

### **Action – Archaeology and Paleontology**

- ER-11.4 The City will maintain a file of archaeological and paleontological survey reports by location to make the information retrievable for research purposes over time.

### **Extractive Resources**

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone, all of which have provided building materials to the construction industry. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century.

Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated: the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

### **Goal ER-12 – Extractive Resources**

Conserve and make prudent use of economically usable extractive resources.

### **Policies – Extractive Resources**

- ER-12.1 When urban development is proposed on lands which have been identified as containing economically usable extractive resources, consider the value of those resources.
- ER-12.2 Encourages the conservation and development of SMARA-designated mineral deposits wherever feasible.

- | LU-10.7 Encourage consolidation of parcels to promote mixed-use and high density development at locations identified in the Land use / Transportation Diagram.
- | LU-10.8 Encourage the location of schools, private community gathering facilities, and other public/quasi public uses within or adjacent to the Urban Villages and other growth areas and encourage these uses to be developed in an urban form and in a mixed-use configuration.

**Actions – Efficient Use of Residential & Mixed-Use Lands**

LU-10.10 Model the federal Interagency Partnership for Sustainable Communities (HUD-DOT-EPA) at the local level between Housing and other City Departments to facilitate the creation of smart growth communities.

**Performance Measures – Efficient Use of Residential & Mixed-Use Lands**

LU-10.11 Achieve 75% of residents who can access 25% of their retail/service needs within a 20-minute walk and 50% of residents who can access 50% of their retail/service needs within a 20-minute walk.

**Historic Preservation**

Historic sites and structures provide an educational link to San José’s past and foster a sense of place and community identity for San José. The preservation of appropriate remnants of a city’s past provides multiple benefits important to the health and progress of the city. Historical resources:

- Are instructive, telling the story of the community’s past;
- Provide a sense of civic identity and unique character;
- Are typically an interesting and pleasing aesthetic in the urban environment;
- Can generate economic advantage for a property or neighborhood;
- Give a community a sense of permanency. A place with a clear past can expect to also have a definite future;
- Once lost, cannot be recovered.

For purposes of this section in the Envision San José 2040 General Plan, the following definitions are applicable:

- “Landmark” means City Landmark structure, Contributing Structure in a City Landmark Historic District, structure listed on the National Register of Historic Places and/or the California Register of Historical Resources, a Contributing Structure in a National Register Historic District, or a structure that qualifies for any of the above (candidate), based on the applicable City, State, or National qualification criteria.
- A “Historic District” is a City Landmark or National Register Historic District.
- A “candidate” historic landmark or district is an area in which formal proceedings have begun to designate a structure or area as such or an area which has been surveyed by a qualified consultant and determined to be eligible as a historic landmark or district.

- A “Conservation Area” is a geographically definable area of urban or rural character with identifiable attributes embodied by: (1) architecture, urban design, development patterns, setting, or geography; and (2) history. Conservation Areas are identified by the City Council based upon criteria in the City’s Historic Preservation Ordinance.

**Goal LU-11 – Landmarks and Districts**

Preserve and enhance historic landmarks and districts in order to promote a greater sense of historic awareness and community identity and contribute toward a sense of place.

**Policies – Landmarks and Districts**

LU-11.1 Preserve the integrity and fabric of candidate or designated Historic Districts.

LU-11.2 Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.

**Deleted:** sites

**Deleted:** If atypical circumstances exist that preclude the aforementioned options

LU-11.3 For landmark structures located within new development areas, incorporate the landmark structures within the new development as a means to create a sense of place, contribute to a vibrant economy, provide a connection to the past, and make more attractive employment, shopping, and residential areas.

**Deleted:** including identified Villages and Corridors,

LU-11.4 As applicable, public and private development projects shall conform to the adopted City Council Policy on the Preservation of Historic Landmarks.

LU-11.5 Areas with a concentration of historically and/or architecturally significant buildings, structures, or sites should be evaluated and be preserved, through the creation of Historic Districts.

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LU-11.6 Modifications to candidate or designated landmark buildings or structures shall conform to the Secretary of the Interior’s Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

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LU-11.7 New development, alterations, and rehabilitation/remodels within a designated or candidate Historic District shall be designed to be compatible with the character of the Historic District and conform to the Secretary of the Interior’s Standards for the Treatment of Historic Properties, appropriate State of California requirements regarding historic buildings and/or structures (including the California Historic Building Code) and to applicable historic design guidelines adopted by the City Council.

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LU-11.8 New development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District should be designed to be sensitive to the character of the nearby Historic District or landmark.

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- LU-11.9 Promote the preservation, conservation, rehabilitation, restoration, reuse, and/or reconstruction, as appropriate, of contextual elements (e.g., structures, landscapes, street lamps, street trees, sidewalk design, signs) related to candidate and/or landmark buildings, structures, districts, or areas.

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- LU-11.10 The City's public works projects (street lights, street tree plantings, sidewalk design, etc.) shall promote, preserve, or enhance the historic character of Historic Districts.

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- LU-11.11 Maintain and update an inventory of historic resources in order to promote awareness of these community resources and as a tool to further their preservation. Give priority to identifying and establishing Historic Districts.

Deleted: In updating the inventory,
- LU-11.12 Develop and encourage public/public and public/private partnerships as a means to support, expand, and promote historic preservation.

Deleted: when any available or reasonably anticipated funds are sufficient for that purpose
- LU-11.13 Foster the rehabilitation of buildings, structures, areas, places, and districts of historic significance. Utilize incentives permitting flexibility as to the uses; transfer of development rights; tax relief for designated landmarks and districts; easements; alternative building code provisions for the reuse of historic structures; and financial incentives.

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- LU-11.14 Advocate for the continuation and appropriate expansion of Federal and State tax and/or other incentives for the rehabilitation and/or restoration of historically or architecturally significant buildings, structures, areas, and/or places.

Deleted: allowed to occupy structures of historic or architectural significance

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- LU-11.15 Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

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Deleted: as grants, loans, and/or loan guarantees to assist rehabilitation efforts
- LU-11.16 Alert property owners, land developers, and the building industry to historic preservation goals and policies and their implications early in the development process.

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Deleted: are implemented, including the California Historical Building Code and State laws,
- Actions – Landmarks and Districts**
- LU-11.17 Amend the City's Historic Preservation Ordinance to specify that a Contributing Structure to a City Historic District is eligible for consideration of a Mills Act contract and to require Historic Preservation Permits and/or Adjustments for modifications to buildings, structures, and/or sites in a National Register Historic District.

Deleted: Minimize potential impacts to historic and cultural resources by clearly conveying historic preservation goals and policies and by consulting with property owners, land developers, and the building industry early in the development review process.

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- LU-11.18 Explore establishing a grant program for historic preservation, potentially partnering with Preservation Action Council San José, History San José, or other organizations.

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- LU-11.19 Identify landmarks, landmark districts and Conservation Areas on the land use/transportation diagram as Areas of Historic Sensitivity.

Deleted: To highlight the importance of historic resources for the community,

LU-11.20 Explore funding options to conduct additional historic surveys and to maintain and update the City's Historic Resources Inventory. As funding permits, undertake comprehensive surveys of the City and identify potential Historic Districts and significant buildings and/or structures.

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LU-11.21 Implement strategic General Plan and zoning changes, as indicated by federal, state or municipal "historic" or "conservation area" designations, in order to maintain neighborhood vitality and character and to preserve the integrity of historic structures located within those neighborhoods. To preserve predominantly single-family historic neighborhoods, rezone residential structures located in these areas to a single-family zoning designation.

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LU-11.22 Require the submittal of historic reports and surveys prepared as part of the environmental review process. Materials shall be provided to the City in electronic form once they are considered complete and acceptable.

LU-11.23 The City will maintain a file of historic survey reports by location to make the information retrievable for research purposes over time.

### **Goal LU-12 – Historic Structures of Lesser Significance**

Preserve and enhance historic structures of lesser significance (i.e., Structures of Merit, Identified Structures, and particularly Historic Conservation Areas) as appropriate, so that they remain as a representation of San José's past and contribute to a positive identity for the City's future.

### **Policies – Historic Structures**

LU-12.1 Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character as a means to maintain a connection between the various structures in the area.

LU-12.2 New development, alterations, and rehabilitation/remodels in conservation areas should be designed to be compatible with the character of the Conservation Area. In particular, projects should respect character defining elements of the area, that give the area its identity. These defining characteristics could vary from area to area and could include density, scale, architectural consistency, architectural variety, landscape, etc.

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LU-12.3 Demolition of any building or structure listed on or eligible for the Historic Resources Inventory will be permitted only if rehabilitation, re-use on the subject site, and/or relocation of the resource is not feasible; demolition is necessary to protect the health, safety, and welfare of the public; or the public benefits outweigh the loss of the historical resource.

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LU-12.4 Continue enforcement programs, such as those addressing vacant buildings, to promote the maintenance, rehabilitation, and preservation of the city's historic and cultural resources.

LU-12.5 Preservation of Structures of Merit and Contributing Structures in Conservation Areas is a key consideration in the development review process. As development proposals are submitted, evaluate structures, list qualifying structures on the Historic Resources Inventory, and consider the feasibility of incorporating structures and fabric into the development proposal. If preservation is infeasible, offer said structures for relocation and salvage and complete a historic report and archival photo documentation.

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LU-12.6 The City’s public works projects (street lights, street tree planting, sidewalk design, etc.) should promote, preserve, or enhance the historic character of Conservation Areas.

LU-12.7 Modifications to the exterior of any building or structure located in a Conservation Area shall be performed in a manner consistent with any and all design guidelines approved or accepted by the City Council for the preservation of historic buildings or structures.

**Action – Historic Structures**

LU-12.8 Amend the applicable design guidelines and City policies to add flexibility in the development review process (for example, with regulations related to parking, independently accessible private open spaces, requirement for units to be attached, etc.) to encourage the preservation, conservation, rehabilitation, reuse, or relocation of historic resources consistent with the character and needs of the surrounding properties and uses.

**Goal LU-13 – Public Awareness**

Increase public awareness and understanding of the history of San José, historic preservation, and its importance to the economic and cultural vitality of the City.

**Policies – Public Awareness**

LU-13.1 Encourage widespread public participation in the identification and the designation of historically or culturally significant buildings, structures, sites, areas, and/or places to update and maintain the City’s Historic Resources Inventory.

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LU-13.2 Foster a community sense of stewardship and personal responsibility for all historic and cultural resources.

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LU-13.3 Encourage public accessibility and/or use of City Landmark, California Register, and National Register buildings, structures, areas, places, and sites, even if only for temporary or special events.

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LU-13.4 Educate/inform the public of the importance of San José’s strong historic connections to past industry. Preserve historical resources from agriculture to high-tech whenever possible, feasible, and appropriate to serve as a link between San José’s present and past.

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**Deleted:** , from agriculture to high-tech, and educate/inform the public of its importance in the City’s history

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**Actions – Public Awareness**

- LU-13.5 Work with neighborhood groups and historic preservation advocacy groups on events, materials, and efforts to educate the public on the positive benefits of historic preservation generally and in specific neighborhoods.
- LU-13.6 Expand resources such as historic maps, historic markers, or self-guided walking tours as a means to promote and celebrate historic preservation in San José.

**Goal LU-14 – Sustainable Practices**

Preserve, conserve, and/or rehabilitate historic structures as a means to achieve the City of San José’s Environmental Leadership and Innovative Economy goals.

**Policies – Sustainable Practices**

- LU-14.1 Integrate historic preservation practices into sustainable development decisions.
- LU-14.2 Evaluate the materials and energy resource consumption implications of new construction to encourage preservation of historic resources.
- LU-14.3 ~~Encourage sustainable energy, water, and material choices that are historically compatible as part of the preservation, conservation, rehabilitation, and/or reuse of historical resources.~~
- LU-14.4 ~~Development approvals that include demolition of a structure eligible for or listed on the Historic Resources Inventory shall require the salvage of the resource’s building materials and architectural elements as a means to re-use those elements and materials and avoid the energy costs of producing new building materials.~~
- LU-14.5 Utilize the aesthetic and cultural qualities of historic resources of all types as means of promoting San José as a place to live, work and visit consistent with the City’s economic development goals.

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**Actions – Sustainable Practices**

- LU-14.6 Explore the revision of the Construction and Demolition Diversion Deposit (CDDD) program to eliminate the deposit requirement for projects proposing rehabilitation of a historic landmark, a property in a Historic District, or the conservation of more than 75% of a Structure of Merit or structure in a Conservation Area.
- LU-14.7 Work with agencies, organizations, property owners, and business interests to develop and promote heritage tourism opportunities as an economic development tool.

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**Urban Agriculture**

Urban agriculture has a wealth of health, social, environmental, and economic benefits. The Envision San José 2040 Urban Agriculture Goals, Policies, and Implementation Actions are intended to preserve agricultural land, improve the community’s access to healthful foods,