

## Response to Comments on Agenda Items 3 and 4

Hello Commissioners –

Chair Crutchlow provided staff with a list of questions for two of the items on this evening's agenda. Responses to the questions are below for your reference this evening.

### Item 3: El Camino Real Specific Plan (File No. 26-246)

This is the most significant item on the agenda, and I have a number of questions.

#### *Interaction with State Density Bonus Law*

The staff report notes that the City Council raised the applicability of State Density Bonus Law at the June 2025 study session, but the report does not clearly explain how the Specific Plan's density caps interact with that law. I am particularly interested in the Corridor Residential-Low designation (12 to 25 du/ac), which applies to the 60 parcels identified as sensitive interfaces adjacent to single-family homes. If a developer invokes the state density bonus on one of those parcels, the resulting project could significantly exceed the densities the Plan envisions for those locations. I would like staff to walk through a concrete scenario showing what a density bonus project would look like on a Corridor Residential-Low site, including the heights and unit counts that could result.

*Many of the lots targeted for the CR-L designation are approximately 0.5 acres in area. The largest parcel with the designation, directly adjacent to Calabazas Creek, is 2.14 acres. Using a sample lot size of 1.0 acres, the maximum number of units under the base density would be 25. The maximum height in the zone is 40 feet (3 stories), but the structures would also be subject to the daylight plane restriction, starting six feet above the property line and sloping upward at a 30-degree angle toward the interior of the lot.*

*The project would be entitled to a density bonus under the State Density Bonus Law (SDBL). All residential projects in the plan area with at least ten units will be required to provide 15% of the units (3.75) at an average affordability of 80% AMI, which is the "low income" category. Under the density bonus law, if a project provides 15% of the units at low income, it is entitled to a 27.5% density bonus, which would allow for a total of 32 units on a 1.0-acre site. The developer would also be entitled to one incentive, and unlimited waivers of development standards. The incentive could be used to circumvent the height restrictions; the waivers could only be used for that purpose if the project could not otherwise fit on the site at the allowable density. The City would push back if the developer attempted to circumvent the transition policies using the waiver process, although developers (and HCD) have repeatedly argued that they have unbridled discretion to waive development standards and are not required to redesign their projects.*

*If the developer were to increase the percentage of affordable units, the size of the density bonus, and the number of incentives, would increase. For example, if 24% of the units (6) are affordable to low-income households, the developer could obtain a 50%*

*density bonus, and build up to 38 dwellings on a 1.0-acre site; the developer would also be entitled to 3 incentives. In the rare circumstance that a developer built a 100% affordable development, the developer could get an 80% density bonus (up to 45 units), unless the project was within ½ mile of a major transit stop, in which case the bonus is infinite. For 100% affordable developments, there is a height maximum in the SDBL of 3 stories above the base height, which would mean a maximum 6-story development.*

#### *Daylight Plane Measurement*

The Council specifically asked whether the daylight plane should be measured from the lower grade of adjacent single-family homes rather than from the El Camino Real parcels. The zoning ordinance language in the packet describes the daylight plane starting six feet above grade at the property line, with a 30-degree angle on the north side and a 45-degree angle on the south side. However, the ordinance does not appear to resolve which grade serves as the reference point. I would like staff to confirm whether this Council concern was addressed and, if so, how. The grade differential between ECR parcels and adjacent neighborhoods could meaningfully affect shadow and bulk impacts on neighboring homes.

*The daylight plane regulates the shadow and bulk of a building. The 6-foot privacy fence creates its own shadow; therefore the measurement starts from the top of the fence. Grade difference along the corridor is limited and varies 1 to 2 feet and would not be a perceivable difference.*

#### *Community Benefits Program*

The report describes a Community Benefits policy that allows developers to obtain additional development rights in exchange for voluntarily providing benefits beyond what is already required. These benefits would be implemented through Development Agreements, with the City retaining discretion over both the benefit level and the corresponding bonus. This framework is quite open-ended. I would like to understand what guardrails exist to prevent inconsistent outcomes across projects. Specifically, are there minimum thresholds, a defined menu of eligible benefits, or any standardized methodology for determining the exchange? Without more structure, this approach could invite legal challenges or perceptions of uneven treatment.

*This is a standard process that the City uses for negotiating benefits for a specific project, and they are on a project-by-project basis. The City Council ultimately makes the decision on approval of a Development Agreement. The Specific Plan layouts a list of items that are a priority for the community.*

*Regarding the risk of an equal protection challenge to a Development Agreement, California law provides substantial protection for development agreements as negotiated contracts between municipalities and developers, making such challenges difficult to sustain. The existence of a development agreement itself provides a rational basis for distinguishing between developers, and courts have consistently upheld development agreements against equal protection claims when the agreements serve legitimate governmental purposes.*

#### *Infrastructure Capacity*

The Plan accommodates up to 4,390 new residential units while contemplating a net reduction of approximately 289,000 square feet of retail. The EIR concludes that no significant unavoidable impacts would result, which is a notable finding for a plan of this scale. I would like staff to address sewer, water, and electrical capacity in more detail. Has Silicon Valley Power confirmed that adequate electrical infrastructure exists or is planned for the corridor? Has Santa

Clara Unified School District provided any analysis of school capacity impacts? The EIR may address these topics, but the staff report is light on specifics, and I expect the public will want to hear about them.

Sewer

*A Sanitary Sewer Capacity Evaluation was prepared by Woodard & Curran for the project. Analyzed trunk sewers only. Surcharge conditions that currently exceed the City’s deficiency criteria were identified at the Calabazas Creek sewer trunk. This condition would remain the same with the Specific Plan. This is supposed to be addressed between the City and Woodard & Curran. Therefore, the Sanitary Sewer Capacity Evaluation concluded that build out of the Specific Plan is not expected to cause any deficiencies in the immediate downstream sewers along long El Camino Real, Calabazas Boulevard, Bowers Avenue, San Tomas Expressway, Los Padres Boulevard, or De La Cruz Boulevard.*

*Peak weather water flows reaching Rabello and Northside pump stations could exceed the capacity. Future capacity improvements may be necessary to ensure the Rabello and Northside pump stations to meet expected demand from future development in the City. Any capacity improvements would be subject to additional CEQA review. Any necessary upgrades, and the responsibility for such upgrades, will be determined during the development review process.*

Water

*A WSA was prepared which determined that the El Camino Real Specific Plan’s water demand would be within the growth projections from the Urban Water Management Plan. The City of Santa Clara Water Utility also determined that supplies would be sufficient to provide service for the proposed Specific Plan. All water lines within the Plan area would need to be inspected for potential upsizing. The responsibility for implementing necessary upgrades would be determined at the time of specific development proposals. Individual developments may be required to make fair-share contributions to upgrades to water or recycled water facilities or incorporate infrastructural improvements as a component of the development. Proposed improvements would be subject to design review by the City’s Water & Sewer Utilities Department, SBWR, and SWRCB – Division of Drinking Water.*

**Table 6–3. Sewer and Water Capital Improvements**

<b>Project</b>	<b>Description</b>	<b>Estimated Timing</b>	<b>Responsibility</b>	<b>Cost Estimate</b>
Pump station capacity improvements	Based on the modeled flows that will reach the Rabello and Nothside pump stations with the Specific Plan developments, the rated firm capacity will be exceeded at both pump stations and require planning for future pump station capacity upgrades.	Would need to take place before 2035 future sewer flows are reached	City	City will need to conduct a study to determine potential scope and planning level cost estimate
Upgrades to the 24-inch Calabazas Boulevard sewer trunk line	Some of the Specific Plan parcels will discharge additional flow into the 24-inch Calabazas Boulevard trunk, which has known deficiencies. As a result, this deficiency should be addressed prior to further development of these parcels.	Would need to take place before 2035 future sewer flows are reached	City	City scheduled to conduct study and planning level cost estimate in 2021
Upsizing of local small-diameter sewer lines	Up to 2,600 linear feet of 8-inch sewer lines may need to be upsized to meet future capacity requirements.	Ongoing as future developments proceed	Developer	\$620,000
Upsizing of water mains	Based on the existing demand and projected additional demand on the system, all 15,400 linear feet of 8-inch water lines should be inspected for potential upsizing.	Ongoing as future developments proceed and as deemed necessary by City utilities	Developer	\$2,200,000 (total including 10% contingency)

### Electrical Capacity

**Has Silicon Valley Power confirmed that adequate electrical infrastructure exists or is planned for the corridor?** No. To accommodate the electrical demand for the Specific Plan area, a detailed SVP electric planning/interconnection study will be required to assess the project's electrical demand on the SVP bulk electric system, transmission, and distribution system. The study will determine cost implications to the project which will be finalized under the Citywide Camino Real infrastructure impact fee study report.

**Has Santa Clara Unified School District provided any analysis of school capacity impacts?** No. As discussed in the Draft EIR, to offset the project's effect on local school facilities, future development projects under the Specific Plan will pay school impact fees prior to issuance of a building permit, in accordance with state law (California Government Code Section 65996). Fees are assessed based upon the proposed square footage of the new development. The school district did not comment on the EIR.

### Retail Viability and Commercial Requirements

The Plan requires a 0.20 commercial FAR in the Regional Commercial Mixed Use designation but makes commercial uses optional in the Corridor Mixed Use zones, except where the Ground Floor Commercial Overlay applies. The market study found opportunities mainly in grocery and eating and drinking establishments. I have two concerns. First, is the 0.20 FAR requirement realistic for the activity centers, or could it become a barrier to development? Second, are there enough overlay locations to prevent the corridor from becoming almost entirely residential in the areas between the activity centers?

*This regulation remains as drafted as the City Council was concerned about the loss of retail and when they took action on the draft Plan they directed staff to maintain the Activity Centers. A high FAR of commercial also gives staff a position to negotiate from when developers use state density bonus law to reduce the required amount of commercial space.*

*The consulting economist confirmed that given the competitive retail environment and the large amount of newer retail in surrounding areas, infill housing along the corridor will encourage long term viability of both existing and future retail by providing new patrons within close proximity. As noted by retail experts, the best retail locations are at corners and intersections that maximize visibility and access so focusing retail in the activity centers makes the most sense. Also, the locations of the ground floor commercial overlay at key intersections along the corridor are appropriate for additional supportive commercial space.*

### Parking During the Transition Period

The report notes that only 31% of on-street parking along the corridor is currently utilized, which supports the removal of on-street spaces to accommodate a Class IV bikeway. The Plan also relies on shared parking arrangements for the activity centers, to be validated by project-specific demand studies. My question is about the transition period. What happens to existing businesses that currently depend on on-street parking before the new mixed-use developments (with structured parking) are built? Is there a phasing strategy to manage this transition?

*While most of El Camino Real has unused on-street parking capacity, certain properties along the corridor rely on street parking as their on-site parking is nonexistent or very limited.*

*Those properties include the three properties on the northeast corner of El Camino Real and Main Street, Diver Dan's on the north side of El Camino Real east of Los Padres Boulevard, and the former Grand Prix Powersports on the south side of El Camino Real east of San Tomas Expressway.*

*The Council action for the removal of on-street parking on El Camino Real between Halford Avenue and Alviso Street carved out an exception for the aforementioned locations that lack sufficient on-site parking.*

#### *Window Privacy Standards*

The Council raised concerns about window placement in taller buildings that overlook single-family neighborhoods. The packet includes objective design standards for height transitions and daylight planes, but I would like staff to confirm what specific objective standards address window placement and privacy on the upper floors of buildings facing residential areas. Are there requirements for obscured glazing, limited window-to-wall ratios, or minimum offset distances?

*Building code regulates size and type of windows need for egress therefore the plan only includes the guideline. Chapter 4 – Development and Design Standards provides a transition guideline (page 91) that new development adjacent to residential neighborhoods should incorporate a range of transition strategies described, one of which is, "Orientating primary windows away from existing homes"*

## **Item 4: FIFA Supergraphic Signs (File No. 26-173)**

#### *Revenue and Permit Fees*

The staff report states that there is no fiscal impact beyond administrative time. However, these supergraphic installations carry significant commercial value for the advertisers. I would like to understand whether the City will capture any revenue through sign permit fees, or whether we are simply facilitating commercial signage for FIFA sponsors without financial benefit to the City. The experience with the Uber sign on the Hilton during Super Bowl LX suggests there is real demand, and a fee structure that reflects commercial value seems appropriate.

*No, the City will have no direct capture of any revenue a company makes off the sign. The fee for the sign permit just captures staff time for processing and is our standard fee published in the Municipal Fee Schedule.*

#### *Enforcement and Removal*

The ordinance includes a sunset date of July 31, 2026. I would like confirmation of the enforcement mechanism if a building owner does not remove a supergraphic by the sunset date. Who bears the removal cost? Are there penalties for noncompliance? Given the scale of these installations, this is not a trivial concern.

*City's Code Enforcement staff are responsible for enforcing the regulation. The property owner is responsible for the removal cost.*

*Under the City's administrative penalty schedule, fines can be \$500 per day of noncompliance, which would be approximately \$15,000 per month if the City issued a citation every day.*

#### *CEQA Categorical Exemption*

Staff is relying on the Class 1 (Existing Facilities) categorical exemption. Has staff considered whether the cumulative visual impact of multiple large supergraphics across the Special Event Zone could constitute an unusual circumstance that would undermine the categorical exemption? I would appreciate a brief explanation of why the exemption is appropriate in the context of multiple signs, not just a single installation.

*The duration for the signs is temporary, and it is common for environmental impacts to be considered less-than-significant when limited in duration, even when they could be significant if they lasted for an extended period. Moreover, there is no visual/aesthetic impact per the CEQA threshold for aesthetic impacts, which is whether the sign would:*

- Have a substantial adverse effect on a scenic vista*
- Substantially damage scenic resources*
- Create a new source of substantial light or glare (no lighting of the signs are permitted under the proposed ordinance)*

*There are no scenic vistas in Santa Clara, and any "damage" to resources would be limited in scope. The most common instances of "unusual circumstances" that could make a categorical exemption inapplicable include if the properties would affect an historical resource, or the project is located in a particularly sensitive environment (such as a state-designated scenic highway, or a hazardous waste site). Here, the affected area is not likely to contain any of those factors.*