



COMMITTEE FOR
GREEN FOOTHILLS



CALIFORNIA
NATIVE PLANT SOCIETY

June 26, 2019

Santa Clara County Planning Commission
70 W. Hedding St.
San Jose, CA 95110

Re: Comments on Stanford GUP

Dear Chair Schmidt and Planning Commissioners,

Committee for Green Foothills, Santa Clara Valley Audubon Society, Sierra Club Loma Prieta Chapter, and California Native Plant Society Santa Clara Valley Chapter provide the following comments for your consideration. We will address the June 21 and June 24 letters submitted by Stanford separately, as well as our own recommendations for the Conditions of Approval.

The following represents our response to Stanford's letter submitted on Monday, June 24:

Protection Of Open Space Is Missing From Stanford's Proposal

We are disappointed that although Stanford's letter contains specific proposals for housing, transportation and schools, there is no mention of open space nor of any commitment by Stanford to address this important issue, even in general terms. Such being the case, we cannot support Stanford's proposal. We greatly fear that the protection of open space in the Stanford foothills may be used as a bargaining chip in Development Agreement negotiations. With Stanford's letter providing extremely specific proposals for housing, transportation and schools, but no mention of open space, what else is left to negotiate over?

We strongly urge the Planning Commission to approve the County's recommendations, rather than putting the protection of open space on the negotiating table in Development Agreement negotiations.

The following represents our response to Stanford's letter submitted last Friday, June 21:

The County's Outreach Has Been Extensive

Stanford argues that there has not been adequate outreach to the public concerning the proposed amendments to the Community Plan. However, the County's outreach concerning the entire Stanford GUP process, including the Community Plan amendments, has been extensive. The following is a list of recent emails (just within the last 6 weeks) from the County to the public:

- Email from Rob Eastwood at County Planning dated May 10, 2019 with official public notice of upcoming Planning Commission hearings
- Email from Supervisor Simitian's office dated May 17, 2019 including a link to the video of the May 9 Planning Commission study session, a schedule of upcoming Planning Commission hearings, and a notification that the County would soon be posting the proposed Conditions of Approval and Community Plan amendments, with a link to the page where those documents would be posted

- Email from County dated May 21, 2019 notifying recipients that a new County website had been created dedicated to informing local residents on Stanford's proposed development
- Email from Supervisor Simitian's office dated May 22, 2019 notifying recipients that the County's proposed Conditions of Approval and amendments to the Community Plan had been posted, with links to the relevant documents and a schedule of upcoming Planning Commission hearings
- E-newsletter from Supervisor Simitian's office with post about Stanford development
- Email from County dated May 24, 2019 notifying recipients of the May 29 Planning Commission hearing, with links to County webpage on Stanford development
- Email from Supervisor Simitian's office dated May 29, 2019 notifying recipients of the May 30 Planning Commission hearing, with links to County webpage on Stanford development
- Email from County dated June 4 including link to video of May 30 Planning Commission hearing and links for submitting public comment and links to County webpage on Stanford development
- Email from Supervisor Simitian's office dated June 10, 2019 notifying recipients of the June 13 Planning Commission hearing, the June 20 HLUET meeting, and the June 27 Planning Commission hearing, with links for submitting public comment and links to County webpage on Stanford development
- Email from County dated June 12, 2019 notifying recipients of the Planning Commission hearing on June 13, with links to County webpage on Stanford development

The extent of this outreach has been demonstrated by the number of public comments, both written and oral, to the Planning Commission to date. A cursory count reveals hundreds of public comments submitted just in the past month, including from affected agencies, neighboring cities, and nonprofit organizations. By contrast, when the County considered its last comprehensive update to the General Plan in 2015 (the Health Element), there were 21 total comments submitted during the entire process. (County of Santa Clara Department of Planning and Development, "Health Element - Public Comments,"

https://www.sccgov.org/sites/dpd/PlansOrdinances/GP/Pages/Health_PublicComments.aspx, published on 5/26/2015 2:36 PM)

Stanford claims that "[t]o date, the Administration has presented only a high-level summary that glosses over the details of the [Community Plan amendments]." This statement is confusing, since the full text of the proposed amendments to the Community Plan was made available on the County's website on May 23. Our organizations were able to review those proposed text amendments on that date. A high-level summary of the proposed amendments, which conveyed to the public the ultimate effect of the amendments, was provided prior to the actual line-by-line amendments, but that was in early March -- more than two months prior to the release of the full text of the amendments.

The Planning Commission study sessions and hearings have been an important part of the public outreach process. Normally, the County would schedule only one hearing in front of the Planning Commission and one in front of the Board of Supervisors (with continuances available if requested by the Commissioners or Supervisors) for a General Plan amendment. In this case, not only has there been a study session and three hearings in front of the Planning Commission, but Supervisor Simitian has held two town hall meetings at which public comment was solicited. In addition, at least two of these public meetings have been held in Palo Alto in the evening, rather than in San Jose during business hours as is usual, in order to make participation easier for those who live in the vicinity of Stanford and who are unavailable during business hours. Again, the hundreds of oral public comments that have been provided at these hearings and meetings demonstrate the success of the County's outreach efforts.

The Proposed Amendments Regarding the AGB Are Reasonable And Appropriate

Although Stanford's letter states that Stanford's Board of Trustees has not yet reached a decision as to its position on the proposed 99-year extension of the Academic Growth Boundary (AGB), Stanford nevertheless objects to the findings requirements of Policy SCP-GD-3. That proposed policy reads as follows:

SCP-GD-3: Allow modification of the location of the AGB within 99 years only upon a four-fifths vote of the Board of Supervisors based upon the following findings:

- a. Development of new academic facilities or housing cannot be feasibly accommodated within the boundaries of the existing AGB or on other property owned by Stanford in reasonable proximity to the Stanford campus.
- b. Development of new academic facilities or housing outside of the existing AGB will meet all transportation policies of the Stanford Community Plan and transportation requirements of the current GUP.
- c. Adequate urban services and infrastructure can be provided to the proposed new academic facilities or housing outside of the existing AGB.
- d. Adequate water supplies are available to serve the expanded AGB without adversely affecting the water supplies to any other existing users.

Stanford's argument that these findings "tie the Board's hands" makes no sense. It is standard procedure for General Plans to include requirements that certain findings must be made before development is approved outside of an urban growth boundary, in rural areas, on hillsides, on sensitive habitat, or anywhere else where the General Plan has made it a policy that development shall be limited.

An example in the County's own General Plan is the requirement that certain findings be made in order to allow expansion of Rural Residential areas. The General Plan requires that the following findings must be made before a parcel may be redesignated as Rural Residential: that such parcels be surrounded on three sides by other Rural Residential parcels; that they have minimal long-term viability for agricultural uses; that they are suitable for septic systems; and that they are free from hazards and environmental resources such as hillsides, riparian corridors, and wetlands. (County of Santa Clara General Plan, Policies R-LU-61 and R-LU-62.)

The proposed findings in Policy SCP-GD-3 are similar in their effect. Without such a requirement that certain findings be made, any future Board of Supervisors would have no criteria by which to judge whether to take the extraordinary step of allowing development beyond the AGB. Far from "tying the Board's hands," these findings provide the Board with guidance on whether and under what circumstances to allow development beyond the AGB. The proposed findings related to feasibility, consistency with the transportation policies of the Community Plan and GUP, urban services and infrastructure, and water supplies are reasonable and appropriate.

We urge the Planning Commission to recommend approval of the proposed Community Plan amendments.

In addition to our above comments on Stanford's letters to date, we also recommend the following additions to the Conditions of Approval:

Bird-Safe Design

The following recommendations represent current best practices with regard to bird-safe design for buildings. These requirements, or similar requirements, have been adopted by the cities of San Francisco, Oakland, San Jose, Sunnyvale, and Mountain View.

- Avoid highly reflective glass or highly transparent glass
- Require visual cues (bird-safe treatment*) on new buildings and major renovations and retrofits
- No more than 10% of the surface area of façades shall have untreated glazing between the ground and 60 feet above ground.
- Apply bird safe design treatment above 60-ft to building facades that consists of 50% or more in glass
- Apply bird safe design treatment to major renovations or replacement glass of 12 square feet or more

- New construction and building additions shall avoid building glass skyways or walkways, freestanding glass walls, and transparent building corners or other design elements through which trees, landscape areas, water features or the sky are visible from the exterior
- New construction and building additions should reduce glass at tops of buildings, especially when incorporating a green roof into the design.
- Apply bird safe design treatment to the facade of any floor of a building within 15 vertical feet of the level of and visible from a green roof, including a green roof on an adjacent building within 20 horizontal feet, if the façade has 50% or more glazed surface.

* Bird-safe building treatment includes blinds, opaque glass, window muntins (grid patterns), screens, netting, or special glass features such as fritting to provide visual cues and reduce the likelihood of bird collisions, following the 2” horizontal and 4” vertical pattern as suggested by the American Bird Conservancy. Avoid UV treatment.

Light Pollution

The following recommendations have been adapted from the International Dark Sky Association (https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/16_MLO_FINAL_JUNE2011.PDF) and the National Audubon Society (<https://www.audubon.org/conservation/project/lights-out>):

Outdoor lighting:

- Requires new or replacement outdoor lighting to be fully shielded and directed downward.
- Establishes a one (1) foot-candle limit for maximum light trespass at the property line. (This standard is based on input from the Alameda Police Department and the Building Official considering public safety and building safety requirements.)
- Establishes a maximum correlated color temperature limit of 2,700 to 3,000 Kelvins (warm yellowish color) for LED lighting based on Dark Skies standards.
- Do not allow uplighting.
- Install automatic sensors and timers for lighting used in landscaping, building accent lighting, sport fields and other non-emergency lights that are not required for security. These lights should be programmed to shut off during non-activity hours and between 10:00 pm and sunrise.

Indoor lighting:

- Install occupancy sensors or other switch control devices on non-emergency lights. These lights should be programmed to shut off between 10:00 pm and sunrise.
- For buildings where work continues past 10PM:
 - Create smaller zones in internal lighting layouts to discourage wholesale area illumination
 - Provide curtains or blinds to prevent visibility of lighting from the outside.

Conservation Easements

The 2000 Stanford Community Plan at OS (i)3 states, “Identify and pursue opportunities to remove existing obstacles to development within AGB in exchange for easement protection of lands outside the AGB.” The 2018 GUP will inevitably remove obstacles and facilitate development within AGB, but easement protection of lands outside the AGB has not been identified.

The Stanford Community Plan implementation plans at Page 249: SCP-OS (i)2 states, “Require easements as appropriate in special conservation areas. Locate easements in areas that serve critical habitat needs.”

Of the over 2,000 acres of Stanford open space outside the AGB, only 140 acres is protected permanently. While 20% of the land is protected under conservation easement, only 6% (140 acres) is permanent. Of the remaining open space, 14% (315 acres) is designated conservation reserve (with the scope of 50 years). The easement is held by an independent 501(c)(3) organization created by Stanford to hold the current easement.

Using the criteria of visibility, land use, slope, oak woodlands, and HCP management zones, the sensitivity analysis of the foothills (pages 82-91 of the 2008 Sustainable Development Study) shows additional high sensitivity lands (26%, 575 acres), moderate sensitivity lands (34%, 760 acres), and low sensitivity lands (19%, 420 acres).

We believe that conservation easements are an important tool for open space, habitat and biodiversity protection. The policies in the Community Plan directing the County to pursue opportunities for conservation easements should not be ignored. The County should require, at a minimum, that all the land that is currently under easement will continue to be under easement permanently, and that all the areas identified as high sensitivity lands should be placed into permanent easement protection.

Thank you for your consideration of these comments.

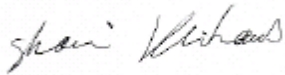
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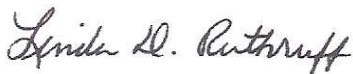
Alice Kaufman, Legislative Advocacy Director
Committee for Green Foothills



Katja Irvin, Conservation Committee Co-Chair
Sierra Club Loma Prieta Chapter



Shani Kleinhaus, Environmental Advocate
Santa Clara Valley Audubon Society



Linda Ruthruff, Conservation Chair
California Native Plant Society, Santa Clara Valley Chapter