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To: Mayor Lisa M. Gillmor, Members of the City Council, and City Clerk (clerk@santaclaraca.gov)

Re: Written Public Comment: Public Presentations, August 18, 2026 City Council Meeting: *Chip Fabs, Housing, Parks, and The Public's Right To Know in the City of Santa Clara: Policy Questions Arising from the Facility at 3250 Scott Boulevard.*

Dear Mayor Gillmor and Members of the Council:

Please include this comment in the record of the August 18, 2026 meeting. It accompanies my presentation during Public Presentations and the presentation materials filed with the Clerk.

Disclosure and scope. I am the plaintiff in *Gjovik v. Apple Inc., City of Santa Clara, et al.*, N.D. Cal. No. 5:25-cv-07360, which names the City as a defendant. For that reason, this comment is deliberately limited to prospective legislative and administrative policy. Questions of liability, the lawfulness of past conduct (including the City's past administration of its CUPA responsibilities and its conduct as owner of the public parks adjacent to the facility), and the judicial remedies requested in that case, including compelled community warnings, restrictions on facility operations, and protective measures at the parks, are before the United States District Court and are expressly not raised here. Nothing in this comment waives, narrows, or concedes any claim, right, or remedy in that litigation.

The hazards & legislative gap. Since 2015, a semiconductor fabrication facility has operated at 3250 Scott Boulevard (storing arsine, phosphine, and chlorine gases, hydrogen fluoride, silane, pyrophoric organometallics, and other ultrahazardous materials) directly across the street from 1,840 apartments, two public parks with playgrounds, and near the San Tomas Aquino/Saratoga Creek. The building bears no company name and no street-visible warning. The operator's own worst-case modeling, on file with the Santa Clara Fire Department, places its arsine toxic endpoint at 1.1 miles; the Fire Department has written that the plume models are "*not favorable for this area*." Yet no City ordinance requires that residents ever be notified that a CalARP-regulated facility operates beside their homes; the General Plan's 500-foot residential setback for hazardous uses (Policy 5.3.5-P19) currently has no clear implementing mechanism in the zoning code; and in September 2024, CalEPA's triennial evaluation directed corrective action about the City's own hazardous-materials (CUPA) program. These are gaps in legislation and program administration.

Requests. I respectfully request that the Council:

1. ***Agendize*** (Council Policy 030): place hazardous-facility notification policy, siting and buffer standards, CUPA program administration, and emergency-planning standards on a future Council agenda for public discussion;
2. ***Notification ordinance*****:** direct staff to evaluate and return with a hazardous-facility notification, signage, and disclosure ordinance of general application for CalARP-regulated sites near sensitive receptors, informed by Santa Clara County's Toxic Gas Ordinance;
3. ***Zoning implementation*****:** direct staff to evaluate zoning-code implementation of General Plan Policy 5.3.5-P19 (including buffers, conditional-use standards, and compatibility criteria) governing future hazardous-use and adjacent-residential applications;
4. ***Oversight report*****:** direct a public report on the City's response to CalEPA's September 2024 corrective-action directives and on CUPA program administration going forward; and
5. ***Development*****:** ensure residential applications near chip fabs receive complete environmental review, consistent with the Fire Department's June 2025 recommendation regarding 3250 Scott Blvd, General Plan and BAAQMD buffer policies, common sense zoning principles, and with *LSI Logic Corp. v. City of Santa Clara*, No. H012427 (Cal. Ct. App. 1995).

Separately, and without any legislation: the City can and should notify nearby residents of the facility and applicable emergency procedures. The pending litigation asks the court to compel warnings; voluntary notice now would reach residents sooner, and would neither resolve nor concede any claim.

Thirty years ago, in *LSI Logic*, the Court of Appeal required this City to take the incompatibility of chip fabrication and sensitive receptors seriously. Further, in 2025, City staff stated on the record that this area is "*not an appropriate area for housing,"* and the General Plan was amended accordingly; however, the residents already living at Santa Clara Square were never notified and no corrections were taken regarding that development or the facility at 3250 Scott Blvd.

Santa Clara is the birthplace of the semiconductor industry, in one of the wealthiest counties in the nation. It can lead here. I ask only that these questions and issues be placed on a future agenda.

Respectfully submitted,

Ashley M. Gjovik, J.D.

Sources for each factual statement appear in Appendix C of the presentation materials filed with the Clerk; the litigation docket is public at https://www.courtlistener.com/docket/71272728/gjovik-v-apple-inc/