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*Via Email and Overnight Mail*

July 12, 2018

Benjamin Fu, Community Development Director  
City of Cupertino, Community Development Department  
10300 Torre Avenue  
Cupertino, CA 95014  
benjaminf@cupertino.org

Grace Schmidt, City Clerk  
City Clerk's Office  
City of Cupertino  
10300 Torre Avenue  
Cupertino, CA 95014  
[cityclerk@cupertino.org](mailto:cityclerk@cupertino.org)

City of Cupertino, Community Development Department  
Attention: Piu Ghosh, Principal Planner  
10300 Torre Avenue  
Cupertino, CA 95014  
[planning@cupertino.org](mailto:planning@cupertino.org)

**Re: Comment on Vallco Special Area Specific Plan (SCH# 2018022021)  
Environmental Impact Report**

Dear Mr. Fu, Ms. Schmidt and Ms. Ghosh:

I am writing on behalf of the Laborers International Union of North America, Local Union 270 and its members living in Santa Clara County and/or the City of Cupertino ("LiUNA"), regarding the Draft Environmental Impact Report ("DEIR") and the Recirculated Amendment to the EIR ("EIR Amendment") prepared for the Project known as Vallco Special Area Specific Plan (SCH# 2018022021) located on both sides of North Wolfe

Road between Vallco Parkway and Interstate 280 (I-280) on the east side and between Stevens Creek Boulevard and Vallco Parkway on the west side in the City of Cupertino, Santa Clara County, California (“Project”). APNs: 316-20-080, -081, -082, -088, -092, -094, -095, -099, -100, -101, -103, -104, -105, -106, and -107.

After reviewing the DEIR and the EIR Amendment, we conclude that the DEIR and EIR Amendment fail as an informational documents and fail to impose all feasible mitigation measures to reduce the Project’s impacts. Commenters request that the City of Cupertino Community Development Department, City Council, and your staffs address these shortcomings in a revised draft environmental impact report (“RDEIR”) and recirculate the RDEIR pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000, et seq., prior to considering approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

We hereby request that the City send by electronic mail, if possible or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act (“CEQA”), including, but not limited to:
  - Notices of any public hearing held pursuant to CEQA.
  - Notices of determination that an Environmental Impact Report (“EIR”) is required for a project, prepared pursuant to Public Resources Code Section 21080.4.
  - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
  - Notices of preparation of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21092.
  - Notices of availability of an EIR or a negative declaration for a project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
  - Notices of approval and/or determination to carry out a project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.

- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that a project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

In addition, we request that the City send to us via email, if possible or U.S. Mail a copy of all Community Development Department and/or City Council meeting and/or hearing agendas related to the Project.

Please send notice by email, if possible or U.S. Mail to:

Richard Drury  
Theresa Rettinghouse  
Lozeau Drury LLP  
410 12th Street, Suite 250  
Oakland, CA 94607  
510 836-4200  
[richard@lozeaudrury.com](mailto:richard@lozeaudrury.com)  
[theresa@lozeaudrury.com](mailto:theresa@lozeaudrury.com)

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Douglas Chermak