

**From:** Kitty Moore [REDACTED]  
**Sent:** Friday, August 17, 2018 9:27 PM  
**To:** City of Cupertino Planning Dept. <[planning@cupertino.org](mailto:planning@cupertino.org)>; Esq. Bern Steves  
<[REDACTED]>  
**Subject:** Vallco Specific Plan DEIR Amendment Public Comment - All Appropriate Inquiries Rule

Greetings,

The DEIR Amendment, PDF 17 fails to indicate the existing issues at the JC Penney site left 'undone' during the 'case closure' which are not included in the DEIR Amendment or original DEIR. It is in the records at the SCCFD which the previous ESAs provided by the property owner AND the city's shoddy Environmental Impact Reports for the 2005 and 2014 General Plan Amendments placing housing at Vallco failed to review, and the current only Phase I ESA also missed. Please go look again to find it.

<https://www.cupertino.org/home/showdocument?id=21328>

When there are known Recognized Environmental Conditions such as the USTs and the numerous other items in the DEIR, there is a need to perform a Phase II ESA.

This DEIR Amendment and the previous DEIR appear to be worded in such a way as to put the sensitive receptors (people who live near the site) in harm's way and attempt to circumvent a Phase II ESA with soil vapor and metals testing. I must be mistaken, please correct my ignorance with the dates the Phase II ESA had been performed.

Please read the following, because you will find examples in the DEIR and DEIR Amendment which support my claim:

**All Appropriate Inquiries Rule:**

[https://www.epa.gov/sites/production/files/2015-05/documents/aa\\_i\\_reporting\\_factsheet.pdf](https://www.epa.gov/sites/production/files/2015-05/documents/aa_i_reporting_factsheet.pdf)

Sincerely,

Kitty Moore