



**CUPERTINO**

**OFFICE OF THE MAYOR**

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

(408) 777-3212 • FAX (408) 777-3366

November 10, 2010

Dear Resident,

There is no more important job for local government than to protect the welfare of our community. It is for this reason that city councils, both past and present, in Cupertino have advocated for measures that protect the quality of life in our city. This is especially true for concerns relating to the Kaiser/Hanson/Lehigh cement plant and quarry which has been immediately adjacent to Cupertino for many years.

Since I became mayor in December of last year, our city Council has held study sessions with representatives from the United States Environmental Protection Agency, the San Francisco Regional Water Quality Control Board, the Bay Area Air Quality Management District, and with the County of Santa Clara.

While progress has been made with improvements in federal air quality standards, the City Council continues to push for the strictest possible standards and highest levels of safety for our community. The installation of a new air monitoring station as well as an active exchange of information with all regulators has helped to establish a confirmed body of information to which all can refer. This has proven an important step to cut through the many contradictory claims, fears and accusations that seem to circulate this facility.

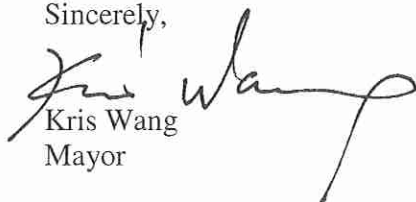
For information on the most recent confirmed data about Lehigh, please visit our city website at [www.Cupertino.org/Lehigh](http://www.Cupertino.org/Lehigh). This site contains documentation from all regulatory agencies including notices of violation, video of hearings held in Cupertino on this subject, and correspondences that have been sent to and from the city and various regulators regarding the cement plant.

Attached please find information on an important upcoming hearing on Tuesday, November 23, at 1:30 PM at the Santa Clara County Board of Supervisors. As the governmental entity that regulates land use for the quarry, this County hearing is an important opportunity to weigh in on the use of 89 acres immediately adjacent to our city.

Also attached please also find a recent letter from our city manager to the County of Santa Clara planning director encouraging every possible opportunity for public participation and to pursue every opportunity to reduce environmental impacts.

I hope you can use the attached information to help direct your concerns in a timely and appropriate fashion where it can be of the greatest benefit.

Sincerely,

  
Kris Wang  
Mayor



**CUPERTINO**

**OFFICE OF THE CITY MANAGER**

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

TELEPHONE: (408) 777-3212 • FAX: (408) 777-3366

davek@cupertino.org

November 9, 2010

Jody Hall Esser  
Department of Planning and Development  
County of Santa Clara  
County Government Center, East Wing, 7<sup>th</sup> Floor  
70 West Hedding Street  
San Jose, CA 95110-1705

Dear Ms. Hall Esser:

Thank you for your letter dated November 2, 2010, notifying the City of Cupertino that the County Board of Supervisors will hold a public hearing to consider whether and to what extent Lehigh/Heidelberg Cement Inc. has a legal non-conforming use on the East Materials Storage Area (EMSA). I am writing to convey some of the concerns expressed by Cupertino residents with respect to this hearing.

Good governance is premised on community involvement and requires the government to be responsive to citizens' legitimate concerns. This principle is at the heart of Article I, section 3 of the California Constitution, which provides that the people have the right to instruct their representatives and to petition government for redress of grievances. Good governance principles are also embodied in the California Environmental Quality Act (CEQA), which requires local agencies to inform themselves about the environmental effects of their actions, thoroughly consider all relevant information before they act, and give the public an opportunity to comment on environmental issues pertaining to such actions. The purpose of these procedural requirements is to ensure that agencies avoid or reduce environmental impacts when it is feasible to do so.

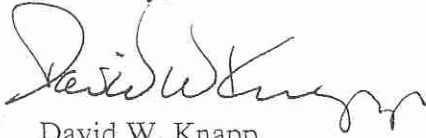
While the City of Cupertino is mindful of its jurisdictional limitations as to the use of the EMSA, we respectfully request that the County pursue a course of action that addresses the concerns of our residents with respect to this issue. A declaration of legal non-conforming use will circumvent the need to obtain a land use permit for EMSA. A use permit could provide appropriate regulation of the use to protect the community and address legitimate citizen concerns.

The application for a use permit will further provide a forum for environmental review of the issues pertaining to the use of EMSA. The provisions of CEQA will not prohibit the County from approving the use of EMSA, but rather provide the County with a deeper understanding of the environmental concerns, which the County can then incorporate into appropriate regulation of the use through a permit. It will provide an open process whereby citizens can review information about the environmental impacts of EMSA and provide their input.

To promote the principles of openness and good governance, it is respectfully requested that the County seek to regulate the use of EMSA through a land use permit and provide an environmental review of such use prior to issuing a permit. To communicate some of the individual sentiments expressed by the Cupertino residents, I have attached copies of correspondence received by the City Council.

Thank you for your consideration.

Sincerely,

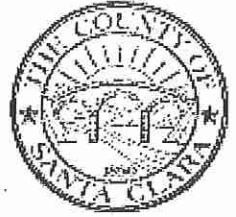
A handwritten signature in black ink, appearing to read "David W. Knapp". The signature is fluid and cursive, with the first name "David" being the most prominent.

David W. Knapp  
City Manager

*This letter does not include attachments.*

# County of Santa Clara

Department of Planning and Development  
Planning Office  
County Government Center, East Wing, 7<sup>th</sup> Floor  
70 West Hedding Street  
San Jose, California 95110-1770  
(408) 299-5770 FAX (408) 288-9198  
[www.sccplanning.org](http://www.sccplanning.org)



## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the County of Santa Clara Board of Supervisors has scheduled a public hearing at the meeting indicated below to consider the following application.

**Tuesday, November 23, 2010 at 1:30 p.m.**  
**(or as soon thereafter as the matter may be heard)**

Hearing to consider whether and to what extent Heidelberg Cement, Incorporated (owner) (Lehigh Southwest Cement Company, operator) of Permanente Quarry has a legal non-conforming use for quarrying on approximately 89 acres located on the northeastern portion of the quarry referred to as the East Materials Storage Area (EMSA), site is located in an unincorporated area of the western foothills of Santa Clara County near the City of Cupertino, 24001 Stevens Creek Boulevard, Cupertino, 95014, approximately 2 miles west of the intersection of Interstate 280 and Highway 85 (see attached location map), Assessor Parcel Numbers 351-09-022, 351-10-005, 351-10-037 and 351-10-038. (File No. 2250-13-66-09P) (Supervisorial District 5).

For further information regarding the EMSA site and proposed reclamation plan amendment, please refer to the County website: [www.sccplanning.org](http://www.sccplanning.org).

**ALL INTERESTED PERSONS MAY APPEAR AND BE HEARD** during the public hearing in regard to the above-referenced consideration in the Board of Supervisors Chambers, 70 West Hedding Street, First Floor, San Jose. Written communications should be filed with the Clerk of the Board prior to the hearing date.

**IF YOU CHALLENGE THIS LAND USE DECISION IN COURT**, you may be limited to raising only those issues that you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Office of the Clerk of the Board of Supervisors prior to, or at, the public hearing.

**DOCUMENTS WILL BE ON FILE** in the Office of the Clerk of the Board of Supervisors located on the 10<sup>th</sup> floor at the address given above, on or before the Friday preceding the hearing.

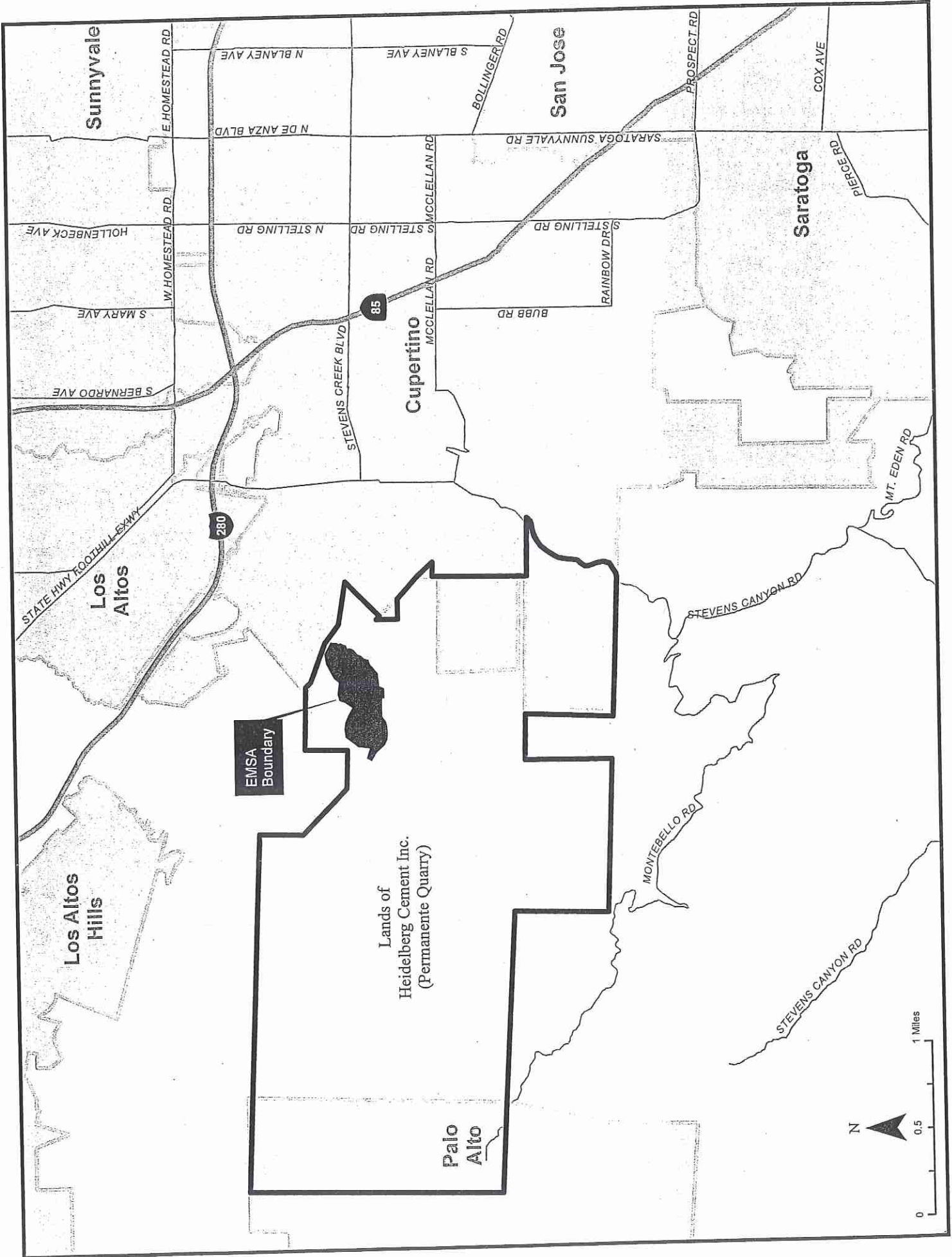
**THIS NOTICE OF PUBLIC HEARING** is given pursuant to the order of the Clerk of the Board of Supervisors as required by the Government Code of the State of California.

BOARD OF SUPERVISORS  
MARIA MARINOS, CLERK

**FOR FURTHER INFORMATION** relating to the proposal above please contact:

Marina Rush, (408) 299-5784 or Mary Haywood (408) 299-6740

Board of Supervisors: Donald F. Gage, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss  
County Executive: Jeffrey V. Smith



Sunnyvale

San Jose

Saratoga

Cupertino

Los Altos

Los Altos Hills

Palo Alto

Lands of Heidelberg Cement Inc. (Permanent Quarry)

EMSA Boundary

