



**MEMORANDUM**

DATE: September 12, 2018

TO: Piu Ghosh, City of Cupertino

FROM: Judy Shanley and Kristy Weis

SUBJECT: Vallco Special Area Specific Plan Environmental Impact Report (EIR) – Late Comments Received between September 4, 2018 and September 11, 2018.

A number of late comments on the Vallco Special Area (subsequently named the Vallco Town Center) Specific Plan EIR were received by the City between September 4 and September 10, 2018. The 45-day public comment period of the Draft EIR Amendment ended on August 20, 2018. This memo covers comments received following publication of the Late Comments Memo dated September 4, 2018.

Late written comments on the EIR between September 4 and September 11, 2018 were received by the City from the following individuals:

- Donna Austin
- Caryl Gorska, 9.4.18
- Ignatius Y. Ding, 9.4.18
- Jennifer Griffin, 9.5.18
- Kitty Moore, 9.4.18 (10:28AM, 10:55AM), 9.5.18
- Tom Sanford, 9.6.18
- Danessa Techmanski, 9.8.18
- David Rolnick, 9.8.18
- Sudhindra Deshpande, 9.8.18
- Noel Eberhardt, 9.8.18
- Vincent Pangrazio, 9.8.18
- Rick Kwong, 9.8.18
- Joanne Tung, 9.9.18
- Marry Ellen Chell, 9.9.18
- Sanjeev Sahni, 9.9.18
- Carle and Randy Hylkema, 9.9.18
- Liang-Fang Chao, 9.9.18, 9.10.18
- Fan Jiao, 9.10.18
- Muni Madhhipatla, 9.10.18
- Siva, 9.10.18
- Kent Vincent, 9.10.18
- Randy Shingai, 9.11.18
- Archana Chilukuri, 9.11.18
- Steve Kelly, 9.11.18
- Priya Tiruthani, 9.11.18
- Helen Ho, 9.11.18
- Caroline and Dale Lindley, 9.11.18

The written comments from the above individuals pertaining to the adequacy of the EIR are summarized by topic below with responses. Copies of the comment letters are included in Attachment A. The comments did not raise any significant new information related to new or substantially more severe significant environmental impacts than were previously identified in the Final EIR. Comments regarding the merits of the project are not included in the summary below and do not require responses under CEQA.

## **SUMMARY OF WRITTEN COMMENTS AND RESPONSES**

### **Project and Project Alternative Comments**

- Future office and commercial tenants
- Amount of office space, number of housing unit, and total building height
- Environmental impacts of Tier 1
- Mall only alternative

**Response:** No specific office or commercial tenants (such as Apple or Costco) are proposed at this time. Refer to Master Response 1.

The amount of office space, number of housing units, and the maximum building heights for the revised project are described in Section 2.1 of the Final EIR (pages 2-3). The revised project includes 1,750,000 square feet of office space, 2,923 residential units, and the maximum building height would be between 45 and 120 feet on the west side of North Wolfe Road and between 60 and 160 feet on the east side of North Wolfe Road.

Specific Plan Tier 1 development includes 600,000 square feet of commercial uses, 750,000 square feet of office uses, 339 hotel rooms, and 1,779 residential units. The amount of development under Specific Plan Tier 1 is within (and less than) the total amount of development analyzed for the General Plan Buildout with Maximum Residential Alternative in the Draft EIR. The General Plan Buildout with Maximum Residential Alternative included 600,000 square feet of commercial uses, 1.0 million square feet of office uses, 339 hotel rooms, 2,640 residential units, and 65,000 square feet of civic space. The environmental impacts of Specific Plan Tier 1, therefore, would be similar (but less than) those identified for the General Plan Buildout with Maximum Residential Alternative in the Draft EIR.

An Occupied/Re-Tenanted Mall alternative, which assumes the existing Vallco Shopping Mall remain and be successfully occupied, also was evaluated in the Draft EIR.

### **Aesthetic Comments**

- Aesthetic impacts

**Response:** The aesthetic impacts of the revised project are discussed in Section 2.3.1 of the Final EIR (page 4).

### **Air Quality Comments**

- Air quality impacts including project construction and operational air pollutant emissions

**Response:** The air quality impacts of the revised project, including construction and operational air pollutant emissions, are described in Section 2.3.3 of the Final EIR (pages 5-12). Mitigation measures MM AQ-2.1 and MM AQ-3.1 in the Final EIR are identified to reduce construction and operational air pollutant emissions.

### **Hazards and Hazardous Materials Comments**

- Reported nickel contamination at JC Penney and mitigation for it

**Response:** The reported 87.6 mg/kg of nickel in soil at the JC Penney site is consistent with typical background concentrations in Bay Area soils. The Water Board's environmental screening levels (ESLs) for nickel in soil in residential and commercial settings are 820 mg/kg (ppm) and 11,000 mg/kg, respectively. For construction worker exposure, the ESL is 86 mg/kg. The recommended DTSC residential and commercial screening levels for nickel in soil are 490 mg/kg and 3,100 mg/kg. The Health and Safety Plan (HSP) required by mitigation measure MM HAZ-1.1 in the Draft EIR would provide appropriate health and safety measures for construction workers. The implementation of mitigation measures MM HAZ-1.1 (which includes the HSP) through MM HAZ-1.3 (and as revised in the EIR amendment and Section 6.0 of the Final EIR) would ensure any soil, soil vapor, groundwater contamination on-site would be mitigated appropriately.

### **Land Use Comments**

- Existing zoning designation on-site
- Land use compatibility

**Response:** As described in the Draft EIR (pages 8 and 162), the Specific Plan area is zoned P(Regional Shopping) – Planned Development Regional Shopping north of Vallco Parkway, and P(CG) – Planned Development General Commercial south of Vallco Parkway (west of North Wolfe Road). The project proposes to concurrently rezone the plan area to allow the land uses contemplated within the Specific Plan.

The land use impacts of the revised project are discussed in Section 2.3.11 of the Final EIR (page 30). The land use/noise compatibility of the revised project is discussed in Section 2.3.13 of the Final EIR (pages 31-38).

### **Noise Comments**

- Quantitative noise data and noise pollution

**Response:** The existing ambient noise levels at the project site are quantified and described in Section 3.13 of the Draft EIR. The noise impacts (including quantitative data) of the previous project, project alternatives, and revised project are described in Sections 3.13 of the Draft EIR, 4.13 of the EIR Amendment, and 2.3.13 of the Final EIR.

## **Public Services Comments**

- Adequacy of emergency and safety services
- Source for police, fire, and library impact discussion
- Parkland requirements
- School/education impacts and student generation rate
- Sewage demand and impacts

**Response:** The revised project's impact on public services, including police and fire protection services, are discussed in Section 2.3.15 of the Final EIR (page 40). Also refer to Section 3.15 of the Draft EIR (pages 245-246 and 253-254). The analysis in the EIR concludes that the revised project would not result in significant police or fire impacts.

The Santa Clara County Sheriff's Office, Santa Clara County Fire Department (SCCFD), and Santa Clara County Library District (SCCLD) were contacted by phone by the City's EIR consultant to discuss the details of the previous project and project alternatives, and their abilities to provide adequate services.<sup>1</sup> Input from the Sheriff's Office, SCCFD, and SCCLD is reflected in the EIR discussion. Also refer to Section 5.2 Responses II.CC.1, II.DD.1, and II.FF.1 in the Final EIR.

Refer to Section 5.2 Responses II.E.25 and II.E.26 regarding required parkland and parkland dedication.

The revised project's impact on school facilities is discussed in Section 2.3.15 of the Final EIR (page 40). The student generation rates used to estimate the number of students from the project are identified in the Draft EIR (Table 3.15-2 on page 247) and discussed in detail in the school impact analysis included in Appendix G of the Draft EIR. The student generation rates were developed using the most current information available at the time of the analysis.

The estimated sewage generation for the revised project is shown in Table 2.1-8 in the Final EIR (page 55). The impacts of the revised project on the existing sewer system is discussed in Section 2.3.18 of the Final EIR (pages 54-55 and 57). The revised project, with the implementation of the identified mitigation measures (MM UTIL-2.1 through -2.3, as revised in the *Supplemental Text Revisions to the Vallco Special Area Specific Plan Final Environmental Impact Report Memorandum* (September 11, 2018), would not result in significant impacts to the sewer system.

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<sup>1</sup> The revised project proposes a similar amount of development and service population (e.g., employees and residents) as the previous project and project alternatives, therefore, it is concluded in the Final EIR that the revised project would result in similar impacts to public services as described for the previous project and project alternatives (except the Occupied/Re-Tenanted Mall Alternative) in the Draft EIR and EIR Amendment. Refer to the discussion on page 40 of the Final EIR.

## **Population and Housing Comments**

- Population generated by the project

**Response:** The population impacts of the revised project are discussed on pages 38-39 of the Final EIR. As shown in Table 2.1-11 on page 59 of the Final EIR, the revised project is estimated to generate 5,846 residents.

## **Transportation Comments**

- Parking in neighborhoods
- Traffic congestion and impacts
- Traffic trips to schools
- Trip generation for commercial uses, restaurants

**Response:** Parking (which is not a CEQA impact per SB 743) and traffic intrusion into neighborhoods is discussed on pages 325-327 of the Draft EIR. Conditions of approval have been identified which are intended to be adopted as a part of the project to ensure that appropriate programs are in place to address parking and traffic intrusion.

Traffic congestion and impacts of the previous project, project alternatives, and revised project are discussed in Section 3.17 of the Draft EIR, 4.17 of the EIR Amendment, and 2.3.17 of the Final EIR.

The traffic analysis completed for the EIR includes home to school trips as part of the distribution of residential project trips.

Refer to Section 5.2 Response II.E.38 regarding the appropriate trip generation rate for the proposed commercial uses.

## **Utilities and Service Systems**

- Water supply and demand

**Response:** The water supply and demand impacts of the previous project, project alternatives, and revised project are discussed in Section 3.18 of the Draft EIR, 4.18 of the EIR Amendment, and 2.3.18 of the Final EIR. The analysis concludes that there is sufficient water supply for the previous project, project alternatives, and revised project.

## **Growth-Inducing Comments**

- Employee and resident estimates

**Response:** The estimated number of employees and residents from the revised project is shown in Table 2.1-11 of the Final EIR (page 59). The revised project is estimated to generate 8,178 employees/jobs and 5,846 residents.

**Attachment: Copies of Late Comment Letters**

**From:** Caryl Gorska [REDACTED]  
**Sent:** Tuesday, September 04, 2018 4:43 PM  
**To:** Geoff Paulsen <[GPaulsen@cupertino.org](mailto:GPaulsen@cupertino.org)>  
**Cc:** Darcy Paul <[DPaul@cupertino.org](mailto:DPaul@cupertino.org)>; Steven Scharf <[SScharf@cupertino.org](mailto:SScharf@cupertino.org)>; Barry Chang <[BChang@cupertino.org](mailto:BChang@cupertino.org)>; Savita Vaidhyanathan <[svaidhyanathan@cupertino.org](mailto:svaidhyanathan@cupertino.org)>; Rod Sinks <[RSinks@cupertino.org](mailto:RSinks@cupertino.org)>  
**Subject:** Completion Bond

Dear Mr. Paulsen,

Please make sure this communication is entered into the public record.

Given Sand Hill Property's poor record in executing what it promises (ahem that parking lot with no senior housing known as Main Street), I think our City would be extremely foolish to enter into any development agreement with the Vallco Property Owner, LLC that does NOT include a **completion bond**.

Please recommend to our City Council that a completion bond be inserted to protect our interests.

Regards,

caryl gorska

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An error does not become truth by reason of multiplied propagation, nor does truth become error because nobody sees it.  
— *Gandhi*

From: Danessa Techmanski <[REDACTED]>>  
Date: September 8, 2018 at 10:01:17 PM PDT  
To: Darcy Paul <[dpaul@cupertino.org](mailto:dpaul@cupertino.org)<<mailto:dpaul@cupertino.org>>>, Rod Sinks <[rsinks@cupertino.org](mailto:rsinks@cupertino.org)<<mailto:rsinks@cupertino.org>>>, Steven Scharf <[sscharf@cupertino.org](mailto:sscharf@cupertino.org)<<mailto:sscharf@cupertino.org>>>, Savita Vaidhyanathan <[s vaidhyanathan@cupertino.org](mailto:s vaidhyanathan@cupertino.org)<<mailto:s vaidhyanathan@cupertino.org>>>, Barry Chang <[bchang@cupertino.org](mailto:bchang@cupertino.org)<<mailto:bchang@cupertino.org>>>, Don Sun <[book.sun@gmail.com](mailto:book.sun@gmail.com)<<mailto:book.sun@gmail.com>>>, Jerry Liu <[jerryliu@gmail.com](mailto:jerryliu@gmail.com)<<mailto:jerryliu@gmail.com>>>, Geoff Paulsen <[gpaulsen@cupertino.org](mailto:gpaulsen@cupertino.org)<<mailto:gpaulsen@cupertino.org>>>, Aarti Shrivastava <[aartis@cupertino.org](mailto:aartis@cupertino.org)<<mailto:aartis@cupertino.org>>>, "Amy Chan" <[amyc@cupertino.org](mailto:amyc@cupertino.org)<<mailto:amyc@cupertino.org>>>, <[jacquelineg@cupertino.org](mailto:jacquelineg@cupertino.org)<<mailto:jacquelineg@cupertino.org>>>, "Grace Schmidt CMC (City Clerk)" <[cityclerk@cupertino.org](mailto:cityclerk@cupertino.org)<<mailto:cityclerk@cupertino.org>>>, <[piug@cupertino.org](mailto:piug@cupertino.org)<<mailto:piug@cupertino.org>>>, David Fung <[dfung@symian.com](mailto:dfung@symian.com)<<mailto:dfung@symian.com>>>  
Subject: A Plea on Behalf of Residents

Hello All,

I've spent months talking to residents about Vallco and they are not happy with any of the proposed plans and are just waiting to see what finally lands on the table before they react. I noticed that the developer's latest letter to the public left out the total number of housing units or amount of office at Vallco which seems totally misleading. We are being sold pretty pictures of a giant green roof that isn't going to happen and not the giant office park that hides underneath. We will be adding over 30% of our City's population in less than a tenth of a square mile!

I never heard any residents asking for the huge office allocation or 15-story towers looking down in their yards. The reduction to 6 acres of parkland which include a pedestrian bridge and storefront plaza paving as parkland is ludicrous. That side of town only has 16% of the necessary parkland. It's just wrong! Who asked for any of that in the Charrettes? Reed Moulds went on about all of the precious housing that they will build while ignoring that the number of office workers created that will be almost double and thus inviting the state to step in and take control of our City's future planning. Is that really what you want to see? And who's going to occupy our city's entire 30-year office allocation? I hope it's not more Apple like the 90% of it that we got at Main Street. That's certainly a poorly balanced portfolio. And the glorious Performing Arts Center? Where are we going to get the money to finish the completed interiors and fixtures of the City Hall or Performing Arts Center? Flint Center has a hard enough time booking or filling their center, and Mountain View and downtown San Jose have the contracts for California Theatre, Children's Theatre, The Opera, Symphony and more. As someone who does attend these events, I rarely if ever run into Cupertino residents and the tickets often start at \$100. I would advise that you research this whole PAC issue further and make sure that it isn't a setup for a failed venue the SHP will want to convert into more office later.

At Tuesdays Planning Meeting you mentioned that all the small expensive units at Vallco would be great for young well-paid engineers, but might I ask where they are going to go when they get married and have children? Multiple studies show that 75% of those millennials eventually want to have single family homes like they were raised in. So is Vallco just to become a revolving door community? And 20% BMR



is too low for the many homeless families who have an important place in our community. If we get a Costco I'd like to see the tax money be dog-eared for BMR housing property.

The insufficient and paid parking at Vallco has neighbors very alarmed that people will park on their streets, not to mention that the traffic will be so bad that they can't get out of their neighborhoods onto Steven's Creek, Blaney, Tantau or Miller. It will also kill the retail which is what SHP wants. I would not be at all surprised to see residents fight back as they see this traffic and parking overflow as an enormous threat to their quality of life and their home values.

Where are the future plans and sources of funding for the transportation fixes? Good luck getting people out of their cars. More magical thinking! The rest of the valley is going to view us as a giant roadblock in the middle of the already crowded 280. The plans are too tall, too dense, and we can't undue it when the traffic becomes unbearable. Vallco will have 33% of our population in about a tenth of a square mile. How about the 30% water cutbacks coming our way? What about earthquake or fire evacuation? I was given the answer that the buildings would be earthquake safe, but how are you going to get all of those panicked people out of the area? Do you want to be responsible?

In the Developer's Agreement Sand Hill mentioned the imposition of monetary penalties against the city if the community challenges their project. As a resident I certainly don't appreciate it. So accordingly the developer can propose something unpalatable and then withdraw their monetary public and school concessions if anyone objects whether it's residents, Sierra Club, a housing group, or the YIMBYs? How can you all sit there and watch SHP bully you like that? You know that residents will react. In just a few hours on Sunday I had about 65 residents approach our table to ask what legal action residents could take. They said that they gave up writing-in or coming to Council Meetings because our Council doesn't listen and the Charrettes were a joke. That's horrible!

You had better comb that DA for threats like the following before you sign anything. They are treating all of you like three-year-old children.

"The City is to automatically return about \$10 million of the transportation benefit funds to us if this Specific Plan, or any of the future approvals required under it, meets with the same kind of litigation or ballot box challenge we've seen in Cupertino the last few years."

"\$9 Million for CUSD: \$9 Million for FHUSD unless the community takes steps to interfere with the approval process." See PDF 4 of DA:

"Vallco would pay \$11 million to City to fund work in connection with the Wolfe Road/I-280 and the Junipero Serra Bike/Pedestrian Trail. This would decrease to \$5.5 million if there is a challenge to the Project.

Vallco would fund up to \$1 Million for a 1-year pilot shuttle program and, if successful \$750,000 thereafter for 9 years, which would decrease if there is a challenge to the Project."

PLEASE don't be so hasty to move Vallco forward that you are losing the forest through the trees. It's so sad to sit there and watch the developer bully our City and staff. Remember the people who you are

supposed to represent will be stuck with this mess of an office park forever and it will be YOUR legacy. I think of many of you as my friends, and I care deeply about the future of this city.

Thank you for your consideration. Please enter this into the city records.

Most sincerely,  
Danessa Techmanski

Donna Austin  
42 year resident

Both the SB 35 project and the Specific plan meet the requirements for more housing and allow Vallco to be revitalized.

- I personally prefer the SB 35 compliant Vallco Town Center project because the plan has a symbiotic relationship between housing, retail, office and open space.
- I will greatly miss the 30 acre community park and nature preserve, which could have been our largest community park in Cupertino and also the largest green roof in the world, designed by award winning architect, Rafael Vinoly...a signature design rivaling our Apple space ship!

I approve the specific plan that adds a 500 unit increase and a lowers office space and requires a major investment in transportation infrastructure.

- However, reducing office space and then requiring a city hall to be built, will add untold office space to our community, requiring more housing.
- I also find building a new city hall irrelevant to this project's betterment.
- I oppose the specific plan that requires a major performing arts center in the middle of a neighborhood that would object to late hours, traffic and noise. Santa Clara has difficulty getting performers because of the 10:00 weekday requirements...and Mountain View had acoustical problems of sound bouncing to various parts of the community. There are also very few restaurants open after an event in Cupertino, because the city requires restaurants to pay \$14,000 a year for each added hour open after 9:00

However, after all I've said about both plans, I approve either plan that will get Vallco revitalized in a timely manner. I urge the planning commission to approve the specific plan so revitalization of Vallco can begin! Let's get this show on the road!

Beth Ebben

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**From:** Lauren Sapудар  
**Sent:** Tuesday, September 04, 2018 9:09 AM  
**To:** Beth Ebben  
**Cc:** City Clerk  
**Subject:** FW: Prepared presentation for the oral communications at the Cupertino City Planning Commission meeting, 9/4/2018  
**Attachments:** 09-04-18\_IYD-Presentation\_Oral-Comm.pdf



**Lauren Sapудар**

Executive Assistant to City Manager and City Council  
City Manager's Office/City Clerk's Office  
LaurenS@cupertino.org  
(408) 777-1312



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**From:** Ignatius Y. Ding [mailto: [REDACTED]]  
**Sent:** Tuesday, September 04, 2018 2:06 AM  
**To:** Geoff Paulsen <GPaulsen@cupertino.org>; Alan Takahashi <ATakahashi@cupertino.org>; David Fung <DFung@cupertino.org>; Jerry Liu <JLiu@cupertino.org>; Don Sun <DSun@cupertino.org>  
**Cc:** City of Cupertino Planning Dept. <planning@cupertino.org>; City Council <CityCouncil@cupertino.org>; Grace Schmidt, MMC <graces@cupertino.org>; Cupertino City Manager's Office <manager@cupertino.org>; Randolph Hom <RandolphH@cupertino.org>  
**Subject:** Prepared presentation for the oral communications at the Cupertino City Planning Commission meeting, 9/4/2018

The attached is a copy of prepared presentation for the oral communications at the Cupertino City Planning Commission meeting on September 4, 2018.

Please including this presentation in the city records for public access. Thank you.

Ignatius Y. Ding  
41-year Cupertino Resident

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To: [citycouncil@cupertino.org](mailto:citycouncil@cupertino.org)

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From: [REDACTED]

First thing first. Please clarify where the request of office development came from in the VSP that is supposedly based on "community input." No one in the community ever asks for office. None! Cupertino residents rejected Sand Hill's office park measure in 2016. Remember that?

Every individual and every business must follow and adhere to the same sets of laws, Municipal Codes and regulations to request review and approval of any development plan in the City of Cupertino, including applying for specific General Plan Amendment (GPA) in accordance to the application cycle and time table codified by the City.

No commercial development ~~None~~ is entitled to build based on unallocated or expired allocation of office, housing element or retails space that do not conform with the meticulously drafted, composed, reviewed and approved General Plan.

The Cupertino City Planning Commission, City Planning Dept and the City Council must answer the following questions before proceed to review the **Vallco Specific Plan** and any needed GPA as required by the Municipal Code and state law:

- These Vallco allocations were supposed to expire at the end of May 2018 without an approved Vallco Specific Plan.
- When was any extension granted for that allocation?
- Why is city council violating all of their own rules for out of cycle GPA amendments?
- Who are they working for?

It is quite clear that this hearing on the **Certification of the Vallco Final EIR** is out of line and illegal since neither the **Vallco Specific Plan** nor required GPA is legally approved. It must be immediately stopped!!

Furthermore, we must also ask and know for certain which provision in the CMC to explicitly authorize the city planning department staffs to grant exceptions in violation of the CMC and clear inconsistence with the development plan approved by the Planning Commission and the City Council. The exceptions have been repeatedly given by the planning department without **EVER** informing either the Commission or the Council -- prior or after the unplanned alterations largely deviated from the plan are granted without public notices and review or authorization by the Commission **AND** the City Council.

Was any of the planning department personnel ever be held accountable for the blatant violation of the city codes, such as the major deviations in the construction of the Main Street project? The extra square footage, irregular FAR's, etc.

Have the commissioners in this room **EVER** asked yourselves why you even bother to hold hearings if the planning department could ignore what you heard, said or decided about anything?

"Why you are here at all?" I would like to know!

**From:** Jennifer Griffin [REDACTED]  
**Sent:** Wednesday, September 05, 2018 10:36 AM  
**To:** City Council  
**Cc:** [REDACTED]  
**Subject:** Too Big and Too Dense

Dear City Council:

The Vallco plans to build housing and other structures on the shopping center are way too big and too tall and way too dense. How can you have a 20 story building when there is nothing else in the city that tall and hardly anything anywhere else near by?

Why the rush into Manhattanizing Cupertino? San Jose is intent on Manhattanizing their city. Why should we be in a rush to Manhattanize ours? Los Altos is not Manhattanizing their city. Saratoga is not Manhattanizing their city. Los Gatos is not Manhattanizing their city.

I would think that the views of the Saratoga Blue Hills and the Mount Hamilton Range and Lick Observatory would be much more pleasant to see than some sort of concrete vertical jungle that some developer from outside of Cupertino wants to build in our city. San Jose is intent on destroying their own views of the mountains. They are trying to destroy ours also by building concrete vertical jungles on the edges of our city for their profit and gain. This is evidenced by the Stern Avenue and Stevens Creek Blvd. gas station hotel and the West San Jose 200 foot high concrete vertical jungles they are building on the Cupertino border with their Stevens Creek Urban Jungle slated to go down the south side of Stevens Creek Blvd. San Jose is also rolling out their South De Anza Blvd. Urban Jungle down the borders of South De Anza Blvd. on the borders that they share with Cupertino. They are building concrete vertical jungles down the length of this road to the Saratoga border and they are intent on ruining the view of the Blue Hills with their Manhattan vertical structures. They don't care. The profit is in the land near Cupertino.

This is true also that the land in West San Jose closest to Cupertino on Stevens Creek Blvd. is the most profitable to build on and that is why San Jose is building concrete vertical jungles on it to maximize their profit. They don't care that they are next to Cupertino. They don't respect Cupertino's values of trees and greenery. They don't care that they are building next to another city. They think Cupertino is an extension of their city. They see no boundary. They think that Santa Clara is part of their city. San Jose thinks that as they Manhattanize their city with their Urban Jungle concrete vertical jungles so to they can Manhattanize others who are at their boundaries. Not even a tree will stop them.

So too with Vallco. Why are we letting Vallco be Manhattanized in the first place? That is Manhattanizing from within. Cupertino is already being Manhattanized from without by San Jose.

Is there no hope? Just say no to too big and too tall and too dense. Say no at Vallco and say no to San Jose. Cupertino is an island of green in an every expanding concrete vertical jungle being created by its over-zealous neighboring city of San Jose. Lets keep it that island of green and not let concrete vertical jungles of Manhattan be built within it or beside it. Why can't Cupertino have its own Credo of Green and spread it to these other entities who seek to Manhattanize it? We should be Cupertinoizing Vallco and San Jose with our Green Credo. Not them Manhattanizing or trying to Manhattanize us.

Sincerely,

Jennifer Griffin

Cupertino, City of Green

Beth Ebben

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**From:** Lauren Sapudar  
**Sent:** Tuesday, September 04, 2018 10:34 AM  
**To:** Beth Ebben  
**Subject:** FW: Oppose Vallco EIR and Plan - Further Details  
**Attachments:** image1.jpeg; ATT00001.txt; image2.jpeg; ATT00002.txt



**Lauren Sapudar**

Executive Assistant to City Manager and City Council  
City Manager's Office/City Clerk's Office  
LaurenS@cupertino.org  
(408) 777-1312



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**From:** Kitty Moore [redacted]  
**Sent:** Tuesday, September 04, 2018 10:28 AM  
**To:** Geoff Paulsen <GPaulsen@cupertino.org>; Alan Takahashi <ATakahashi@cupertino.org>; David Fung <DFung@cupertino.org>; Jerry Liu <JLiu@cupertino.org>; Don Sun <DSun@cupertino.org>  
**Cc:** Cupertino City Manager's Office <manager@cupertino.org>; City Council <CityCouncil@cupertino.org>; bernsteves@californiabizlaw.com  
**Subject:** Oppose Vallco EIR and Plan - Further Details

Dear Cupertino Planning Commission,

I oppose the Vallco Specific Plan, Final EIR, and documents including the Development Agreement for the following reasons:

- There is hazardous waste contamination on the site which has not been investigated. The site has had orchard, gas station, photo processing, Automotive centers, ice rink and several now-banned substances used and there remains improperly closed environmental hazards.
- The residents must be informed about the hazardous waste contamination. The hazardous waste site investigation and analysis must come BEFORE and be INCLUDED in the EIR.
- The EIR is incomplete and leaves the community uninformed of hazards.
- The City appears to have begun the Specific Plan process with a General Plan Amendment in mind and did not inform the residents or follow the City Council approved General Plan Amendment Authorization Process. The city website indicates there are NO General Amendments this year, yet Vallco has one. This appears to be intentionally misleading.
- The General Plan allocations which expires May 31, 2018 would be the standard of expectations for the Vallco Specific Plan. A reasonable person would not anticipate 389 residential units would become 3,601 residential units and be in excess of all of the residential units in the entire General Plan pool.

- The Development Agreement has “poison pills” which do not indicate good faith.
- The City Attorney went missing during the SB35 analysis time frame. Is it non-compliant as most believe? Was it appropriate to base Vallco’s Specific Plan off of Vallco SB35 and NOT the General Plan which by Law it must be consistent with? The community has a reasonable expectation that the General Plan would be followed in the Specific Plan process and not be “surprised” by arbitrary and capricious actions.
- The Density Bonus requirement results in Concessions which by law may be reductions in development standards such as height and setback requirements. This means the city cannot say with any certainty what the heights at Vallco would be.
- The General Plan EIR NEVER studied the amounts of housing anticipated at Vallco. The Significant Unavoidable Impacts at Vallco are LARGER than the Significant Unavoidable impacts in the General Plan EIR.
- The size of Vallco and exceeding the city-wide housing amounts REQUIRE an entire city-wide New General Plan and GP EIR be conducted.
- School impacts due to commuting requirements to other district schools from overcrowding the Vallco area full schools must be studied in the EIR. They were not.
- The project office space has no indication of employee income levels expected and could result just as easily in lower wage data entry positions as employment needs change. The amount of office could easily result in a further shortage of affordable housing.
- The EIR did not study traffic impacts from restaurants when they generate 4-10 times the traffic as regular retail. Project used a generic “Shopping Center” trip generation rate which is much lower.
- The Tier 1 and Tier 2 projects were not studied in the FEIR in order to be able to tell if Tier 1 would have fewer Significant Unavoidable impacts.
- The project during construction and at operation (completion) creates too much air pollution which is hazardous to health:

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Beth Ebben

---

**From:** Lauren Sapudar  
**Sent:** Tuesday, September 04, 2018 10:56 AM  
**To:** Beth Ebben  
**Subject:** FW: Development Agreement Does Not Follow BMR requirements Re: Oppose Vallco EIR and Plan - Further Details  
**Attachments:** image1.jpeg; ATT00001.txt



**Lauren Sapudar**

Executive Assistant to City Manager and City Council  
City Manager's Office/City Clerk's Office  
LaurenS@cupertino.org  
(408) 777-1312



---

**From:** Kitty Moore [mailto: [REDACTED]@gmail.com]

**Sent:** Tuesday, September 04, 2018 10:55 AM

**To:** Geoff Paulsen <GPaulsen@cupertino.org>; Alan Takahashi <ATakahashi@cupertino.org>; David Fung <DFung@cupertino.org>; Jerry Liu <JLiu@cupertino.org>; Don Sun <DSun@cupertino.org>

**Cc:** Cupertino City Manager's Office <manager@cupertino.org>; City Council <CityCouncil@cupertino.org>; bernsteves@californiabizlaw.com

**Subject:** Development Agreement Does Not Follow BMR requirements Re: Oppose Vallco EIR and Plan - Further Details

All,

The Development Agreement is not following our City Council Approved BMR Manual which along with the General Plan requiring 15% BMRs states that the BMR units will be 60% Very Low Income and 40% Low Income.

Adding Moderate Income Units is not much of a stretch when we have had multiple requests for Extremely Low and the developer isn't even meeting the 60/40 requirement.

They do not meet this requirement while insisting on an excessively large, polluting, and significant traffic worsening project. Please take the time to read the Development Agreement for further bad deals the city does not want to make.

The city is giving away far too much and getting a big headache and environmental mess in return.

---

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From: [REDACTED]

**From:** Kitty Moore [REDACTED]  
**Sent:** Wednesday, September 05, 2018 2:36 PM  
**To:** Piu Ghosh <[PiuG@cupertino.org](mailto:PiuG@cupertino.org)>; Steven Scharf <[SScharf@cupertino.org](mailto:SScharf@cupertino.org)>; Darcy Paul <[DPaul@cupertino.org](mailto:DPaul@cupertino.org)>; City Attorney's Office <[CityAttorney@cupertino.org](mailto:CityAttorney@cupertino.org)>  
**Subject:** Fwd: ADA Units Required at Vallco??

All,

**I think VSP has to provide almost the same amount of ADA units the lady requested by law, please check :)**

**Kitty Moore**

### **ADA Units Required at Vallco??**

I think this is it:

**“Accessibility Requirements for Federally Assisted Housing:** All Federally assisted new construction housing developments with 5 or more units must design and construct 5 percent of the dwelling units, or at least one unit, whichever is greater, to be accessible for persons with mobility disabilities. These units must be constructed in accordance with the [Uniform Federal Accessibility Standards \(UFAS\)](#) or a standard that is equivalent or stricter. An additional 2 percent of the dwelling units, or at least one unit, whichever is greater, must be accessible for persons with hearing or visual disabilities. For more information on the accessibility requirements for Federally assisted new construction and substantial alterations of existing Federally assisted housing, see [Section 504: Disability Rights in HUD Programs.](#)”

Source: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/disabilities/accessibility](https://www.hud.gov/program_offices/fair_housing_equal_opp/disabilities/accessibility)  
[R](#)

Tier 2 has 534 BMRs

That's 27 ADA Units

11 units for hearing or visual impairments

38 units for disabled.

Just about the 40 she requested is the law that she WILL darn well get.

I think.

Best regards,

Kitty Moore

Kitty Moore <[REDACTED]> wrote:

VSP Development Agreement, Exhibit D, PDF 85-

: <https://cupertino.legistar.com/View.ashx?M=F&ID=6569179&GUID=39E85242-E8F2-4483-A5A7-69FA0AB8140F>

Mentions using TCAC funds for BMRs.

“Developer shall use commercially reasonable efforts to obtain, by the earliest reasonable date as appropriate by Project phase, financing for the BMR Units, including, without limitation, timely filing applications for LIHTC financing with TCAC, beginning with the first round for which applications are due following the date on which the City approves Architectural and Site Approval permits for a BMR Building.”

That may be leverage for ADA units because TCAC has federal funding:

<https://cbig.ca.gov/Government-Partners/California-Tax-Credit-Allocation-Committee-TCAC/Incentives/State-low-income-housing-tax-credit>

“The California Tax Credit Allocation Committee (TCAC) administers two low-income housing tax credit programs, a federal tax credit and a state tax credit.”

And that subjects them to Gov Section 504:

[https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/disabilities/sect504faq](https://www.hud.gov/program_offices/fair_housing_equal_opp/disabilities/sect504faq)

“Reasonable accommodations may include, for example, those which may be necessary in order for the person with a disability to use and enjoy a dwelling, including public and common use spaces. “

<https://www.ada.gov/cguide.htm>

“The Act further requires that new multifamily housing with four or more units be designed and built to allow access for persons with disabilities. This includes accessible common use areas, doors that are wide enough for wheelchairs, kitchens and bathrooms that allow a person using a wheelchair to maneuver, and other adaptable features within the units.”

I can not determine how many units would need to be ADA compliant but if I'm reading this correctly, the lady who brought her dad up pleading for 40 ADA units makes me cry now.

Best regards,

Kitty Moore

**From:** Liang-Fang Chao <[REDACTED]>  
**Date:** September 9, 2018 at 5:56:34 PM PDT  
**To:** City of Cupertino Planning Dept. <[planning@cupertino.org](mailto:planning@cupertino.org)>, <[manager@cupertino.org](mailto:manager@cupertino.org)>, City Council <[citycouncil@cupertino.org](mailto:citycouncil@cupertino.org)>  
**Subject:** Please Fix Vallco Website to Clearly State What's Going to be on Sept. 18 Council Agenda  
**Reply-To:** <[REDACTED]>

Dear City Manager,

Curiously enough, there is not one web page which clearly states what configurations will the City Council consider. The public might get the impression that the City is trying to hide the important numbers from the public, such as the total of office space, number of housing units, the total building height, etc.

There is a big contrast between the web pages for Westport Oaks and Vallco.

- " a redevelopment proposal for the **existing 71,254 square foot Oaks Shopping Center** " - The web page for Westport clearly states that it will replace the Oaks Shopping Center. Why not the Vallco page? What are you trying to hide?
- " **204 housing units, 20,000 square feet of retail space, and 31,087 square feet of common open space on an 8-acre parcel.** " - The web page for Westport clearly states that the parameters in retail space, housing units and acreage of the site and even common open space. Why not the Vallco page? What are you trying to hide?

<https://www.cupertino.org/our-city/departments/community-development/planning/major-projects/westport-cupertino>

The Westport Cupertino development is a redevelopment proposal for the **existing 71,254 square foot Oaks Shopping Center**, located on an approximately 8 acre site. The proposed project is described as follows:

1. Development Permit (DP-2018-05) application and environmental analysis (EA-2018-04) to allow the construction of a mixed-use development consisting of **204 housing units, 20,000 square feet of retail space, and 31,087 square feet of common open space on an 8-acre parcel.**

I cannot even find a succinct description of the configurations proposed for Tier 1 and Tier 2 in the Staff Report for the Sept. 4 Planning Commission meeting. Is that by design? What are you trying to hide?

I hope that the perception of deception could be avoided by clearly stating what exactly the City Council will approve. And the history of the project should also be included as the City Staff has always done so well in the past.

Please include the facts that:

- Vallco Shopping Mall was still zoned Regional Shopping and Commercial General TODAY.
- Sand Hill purchased the property in November while it was still zoned for Regional Shopping and Commercial General.
- The Council approved an amendment of 2 million sqft office space and 389 units and up to 1.2 million sqft retail space and no height limit, pending on the Vallco Specific Plan.
- Measure D proposal has 800 housing units, 2 million sqft office space and 600,000 sqft retail space and it was rejected by the voters.
- SB 35 application includes 2 million sqft office space and 2400 housing units. Please explain why SB 35 is considered compliant to the General Plan when the limit is supposed to be 389 units and not the entire 50 acres have to get zoned to have residential use.
- Please clearly state what's in Tier 1 and what's in Tier 2. And specifically what's the maximum total building height.

Please be transparent when communicating with the residents on the largest project in the history of Cupertino.

And please provide justification on why there is a rush to approve the Vallco Specific Plan in one meeting, in case you do, while other cities often take several meetings to deliberate and consider different portions of a project.

Please also provide ample documentation on how the Performing Art Center and the City Hall entered into the supposedly community-driven plan, while other community requests, like ample ground-level parkland and open space and ample retail space for shopping, entertainment, etc. got dropped.

It appears that the final decisions on the public amenities have been done completely behind closed doors and not even discussed in any Council meeting. You have to provide ample documentation and justification for these decisions made behind closed doors if you want to claim this plan as "community-driven".

BTW, the update for the Sept. 4 Planning Commission meeting has a lot of details on which resolutions got approved. But amazingly it managed to avoid the important parameters that people are interested to know, namely size of office space, # housing units, size of retail space, building height, etc.

Please send an email update to all the residents who have signed up with the important parameters for Tier 1 and Tier 2 under consideration. These residents took the time to participate and you owe them an update that won't require them to dig through thousands of pages of documents in order to find out what exactly is being considered.

Thank you.

Looking forward to a clear Vallco web page and Staff Report and email update.

Sincerely,

Liang Chao  
Cupertino Resident

**From:** Liang-Fang Chao [REDACTED]  
**Sent:** Monday, September 10, 2018 6:57 PM  
**To:** City of Cupertino Planning Dept. <[planning@cupertino.org](mailto:planning@cupertino.org)>; City Council <[CityCouncil@cupertino.org](mailto:CityCouncil@cupertino.org)>  
**Subject:** Re: Comment on Vallco EIR - impact on civic services should be based on real data

I have sent the enclosed EIR comments for the NOP of Vallco project. However, none of the issues I raised were studied. The impact on civic services, like police, firefighter, libraries etc. are still based on off-record phone communication.

Now the proposed Vallco Specific Plan development will be even denser Measure D. Please at least provide some real data on the impact for police, emergency services and firefighter services, especially for high-rise buildings of 14 stories tall. It's a matter of life and death when you do not provide solid data to back up your claim.

Below is a recent report where Police and Firefighters say they can't get through traffic

**[Rapid Growth in Sunnyvale Spurs Concerns in Public Safety](https://www.nbcbayarea.com/news/local/Rapid-Growth-in-Sunnyvale-Spurs-Concerns-in-Public-Safety-492660451.html)**  
<https://www.nbcbayarea.com/news/local/Rapid-Growth-in-Sunnyvale-Spurs-Concerns-in-Public-Safety-492660451.html>

Police officers and firefighters in Sunnyvale are going public with their concerns that the city is allowing business to boom without enough consideration for public safety.

On Thursday, the public safety officers union sent a letter to City Council members formally requesting they take a closer look at the Sunnyvale's looming development plans, especially the proposed massive Google campus.

It's yet another sign that Sunnyvale is losing its small-town atmosphere to Silicon Valley growth.

For the city's public safety officers, who alternate between being cops and firefighters, it's becoming more than they can handle

In one national survey, Sunnyvale has been hailed as the country's safest city for the past three years. It's probably one reason **Google has applied to build massive projects there, including a reported 1 million square foot campus as well as another 400,000 square foot project, adding thousands of new employees.**

Google is also asking the city to consider building new high density housing.

The president of Sunnyvale's Public Safety Officers Association, made up of 200 cops, firefighters and dispatchers, is worried.

"I'm sure they're kind of star struck with some of these big companies wanting to come to the city to do business, which we're all for," union President Frank Bellucci said. "**But we just want to make sure that type of growth is done wisely.**"



So, the union sent the letter to City Council members, **formally requesting impacts to public safety be specifically analyzed.** The letter points out the city last year saw **a 13-year high in some major crimes, including rape, aggravated assault, robbery, larceny and vehicle thefts.**

"We are also seeing **huge problems with traffic in our city,**' Bellucci said. "That will add response time to our being able to get to you when you call 911, and it's also causing some problems with some of **our pedestrian collisions that are occurring in the city.**

A union consultant and adviser said the **focus is on protecting public safety** but added litigation has not been ruled out.

I urge you to specifically analyze the impact on public safety, response time, ambulance trip delays with real numbers for both residents at Vallco site and residents in surrounding areas who will be impacted by the added traffic volume.

Thank you.

Liang

On Mon, Mar 12, 2018 at 2:03 PM, Liang-Fang Chao <[REDACTED]> wrote:  
RE: Vallco Shopping District Specific Plan (NOT Vallco Special Area, which doesn't exist in the General Plan)

The impact for civic services should be based on real data, not personal communications that cannot be verified or quantified, such as done for the EIR for 2014 GPA. Specifically, the emergency response time for ambulance and fire station should be quantified. How the response time has changed in the past 4 years as the traffic is getting worse? How the response time will become with increased residential or working population? What's the response time of other cities with denser population for comparison?

What's their investment in police forces per capita? Would we get reduced police services as the population increase?

(I have heard of comments that San Jose police department doesn't have resource to come to schools to give students safety instructions as in Cupertino schools because San Jose police has to deal with a lot more incidents due to their population density.)

The 2005 General Plan used to have noise level data. Please use quantitative analysis for noise and pollution.

Please refer to the enclosed email for more details.

Thank you.

----- Forwarded message -----

From: **Liang C** <[REDACTED]>

Date: Sun, Nov 15, 2015 at 9:22 AM

Subject: Comment on Vallco EIR - impact on civic services should be based on real data  
To: "City of Cupertino Planning Dept." <[planning@cupertino.org](mailto:planning@cupertino.org)>

RE: Comment for Vallco EIR

Please study the impacts on civic services, such as library, police, fire station, medical emergency services based on real data.

Please study the impact on medical services, emergency and otherwise. The non-resident population would increase the demand for medical services since medical offices are open mostly only during working hours.

Even though the city doesn't provide any service for ambulances, the response time of an ambulance often means life or death even by just one second. Please study the response time of emergency vehicles to various points in Cupertino since traffic congestion could delay an emergency vehicle to reach a residence on the other side of the town.

Please study not only facility and personnel needs, but also the impact on level of service. Especially, the response time for medical, police, fire emergencies. And the response time during peak hours in average and also worse case scenarios. Any delay in response time could mean life or death for both the resident and non-resident population. Please study the realistic impact supported by real data.

Please please study the impacts of non-resident population on these civic services since the employees do spend more than 8 hours a way in Cupertino and they need the parks and recreation services, police, fire and medical services as any other resident.

Please include cumulative impact, including ongoing projects like Apple Campus 2 and Main Street, and also proposed projects, like Marina, Hamptons, Oaks.

Please provide real data and statistics to support your claim or conclusion, instead of any undocumented personal communication, as it has been done for the EIR of GPA.

If any personal communication is documented through email, it should be provided in the appendix for reference.

e.g. Personal communications between Ricky Caperton (PlaceWorks) and Derek Wolfgram, Deputy County Librarian for Community Libraries, April 4, 2014.)

e.g. Personal communication between Ricky Caperton (PlaceWorks) and Cheryl Roth of the Santa Clara County Fire Department on April 24, 2014.

e.g. Personal communications between Ricky Caperton (PlaceWorks) and Captain Ken Binder, Division Commander, West Valley Patrol, April 11, 2014

Please do not make assumption that employees generated do not add any impact without providing sufficient data to back it up, such as the following:

e.g. EIR of GPA states: "Although the proposed Project would result in an increase in employees throughout Cupertino as well, only residents within Santa Clara County can apply for a library card; therefore, the following analysis considers expected population increases, and not employment generation as a result of implementation of the proposed Project."

Most of the employees in Cupertino are probably Santa Clara County residents also. If the EIR would claim that most residents are NOT Santa Clara County residents, statistics should be given to support that claim. In fact, even non-resident of Santa Clara County can hold a library card, according to an official from Santa Clara County Library:

"All public libraries in Santa Clara County allow free reciprocal borrowing regardless of address. Currently 45,312 non-resident have a library card from our system. This is 18% of our total library cards.

In the EIR for GPA, the impact level for fire station and police are also derived without any data. With 30% increase in residence population and 50% increase in non-residence employee population, the EIR concludes that there will be no additional staffing needs for fire station or police. But the conclusions were only based on "personal communication" with no document and no data to support it.

For example, based on personal communications, the EIR concludes that there is no need to expansion for police for 30% increase in residence population and 50% increase in non-residence employee population.

e.g. "However, the West Valley Patrol Division has confirmed that future development under the General Plan would not result in the need for expansion or addition of facilities." (Personal communications between Ricky Caperton (PlaceWorks) and Captain Ken Binder, Division Commander, West Valley Patrol, April 11, 2014.)

If there is no need to expand, a written letter should be provided so that whoever makes the statement would be responsible for the claim. An attempt should be made to estimate the realistic impact of population increase and to explain using data why there will be no significant impact.

Thank you.  
Liang Chao

**From:** Nagapriya K Tiruthani [REDACTED]  
**Sent:** Tuesday, September 11, 2018 1:31 PM  
**To:** Savita Vaidhyanathan <[svaidhyanathan@cupertino.org](mailto:svaidhyanathan@cupertino.org)>  
**Subject:** Residents ask: Vote NO on the Vallco special plan project

Hi Savita,

I am Priya Tiruthani and have been a Cupertino resident for more than 10 years. I follow the Vallco project closely as I love the city and also that is the only large parcel of land we have in our city that can make a big difference in the residents day to day life.

As a council member, I have heard you say that you value the history of the city, trees, etc. Now is your chance to make it clear to the residents that you really mean that. I am counting on your vote to object the fast moving Vallco Special plan that has come up with some outrageous built-up area for the acres it owns.

**You have represented the Cupertino City very well in San Jose Urban Village meetings.** I was impressed with your leadership in calling out the drawbacks in the plan. Similar shortcomings are in the Vallco plan. So, it is **time for you to call out the same in the Vallco plan as well. (your letter attached here)**

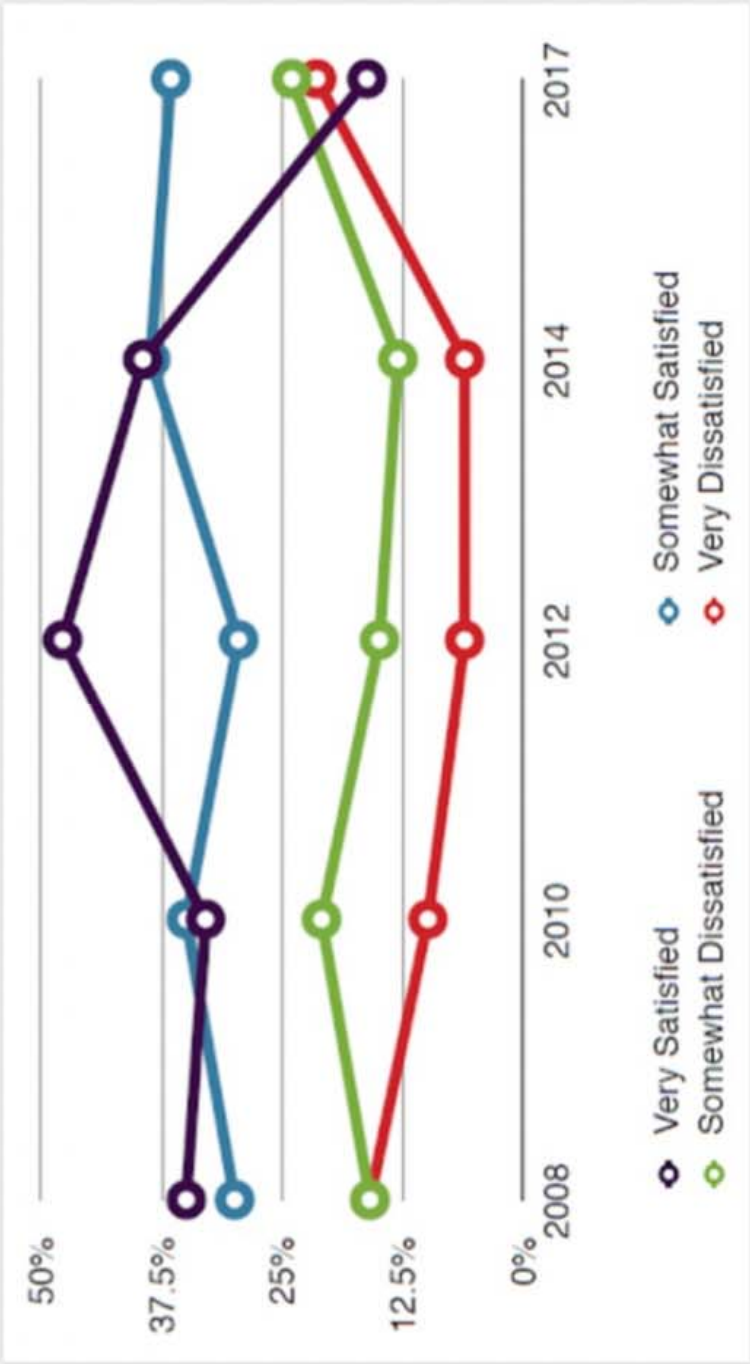
As you very well know, Vallco is a regional shopping mall zoned for retail only. In 2014, during the General Plan amendment, Vallco was given some allotment, but that expired on May 2018. When the developer tried to bypass the council by going to ballot in 2016, **the city resident clearly defeated the ballot in Measure D.** That is evidence enough to understand what the City residents are looking for.

In the attached Cupertino City conducted survey, the 60% residents clearly indicate that the biggest concern is traffic and when asked about shopping, you can see that the dissatisfaction has dropped considerably. Affordable housing is not a concern anymore.

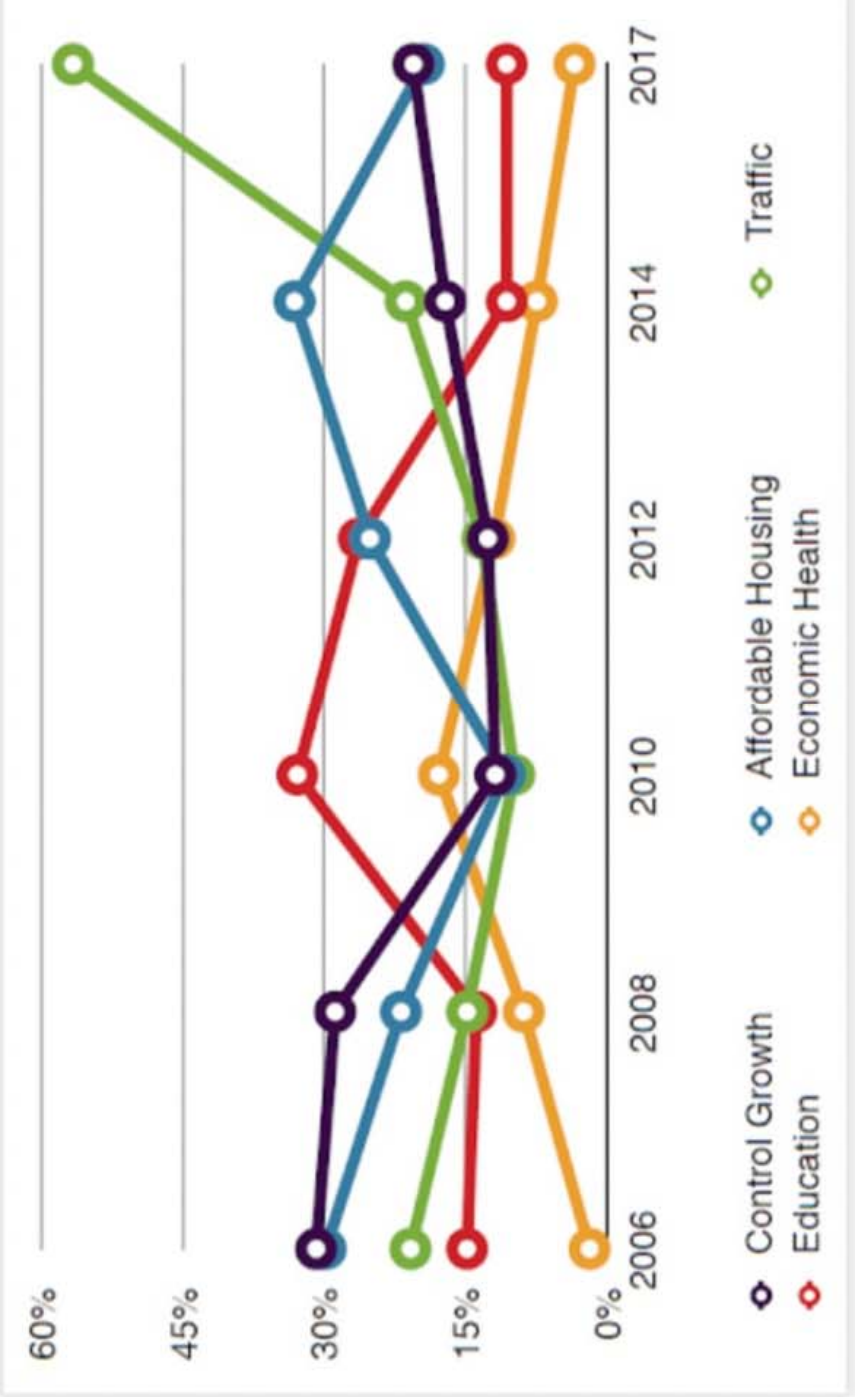
When the City Council forced Oaks Shopping center to downsize their plan and abide by the General Plan why not make Vallco do the same. Why does Vallco need special privilege?

As an elected official of the city, I request you to **vote against the most outrageous plan** being presented by the developer for Vallco on Sept 18, 2018. The council needs to make sure the city's needs are met and not quench the outrageous profit thirst that the Vallco builders have.

Thank you.  
Priya Tiruthani  
Cupertino Resident.



### Top Concern for Residents





OFFICE OF THE MAYOR

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

(408) 777-3308 • FAX (408) 777-3333 • [planning@cupertino.org](mailto:planning@cupertino.org)

May 18, 2017

City of San Jose  
Department of Planning, Building and Code Enforcement  
*Attn: Lesley Xavier, Senior Planner*  
200 E. Santa Clara St, 3<sup>rd</sup> Floor Tower  
San Jose, CA 95113-1905

**Re: Stevens Creek Urban Village Draft Plan (Plan)**

Dear Ms. Xavier:

Thank you for allowing the City of Cupertino the opportunity to comment on the Draft Plan for the Stevens Creek Urban Village. While San Jose desires to create dense urban nodes within the Stevens Creek Urban Village, in the interests of good urban design and consideration for its neighbors in Cupertino, and to ensure context-sensitive development in the areas that abut Cupertino, I hope that the City of San Jose will consider the following comments.

- 1. Land Use and Urban Design** – The City of Cupertino envisions Stevens Creek Boulevard to be a walkable, bike-able corridor with active uses located along Stevens Creek Boulevard. To that end, retail commercial frontages, stoops, porches, wide sidewalks – separated from the traffic lanes, bike features, active open spaces, and a landscape easement with shade trees along Stevens Creek Boulevard is encouraged. It is requested that the City of San Jose consider placing land uses similar to those in Cupertino with development standards consistent with those in Cupertino for the properties to the west of I-280.
- 2. Heights and Transitions** – The properties within the Plan area to the west of I-280 abut a single family neighborhood to the south and Cupertino's Heart of the City mixed-use area to the west. The single-family neighborhood has a maximum allowable height of 28 feet while the Heart of the City allows a height of 45 feet with a transition of 1.5 feet setback for every foot increase in height from

residential developments at the rear. The differences in allowable height between the San Jose portions and the Cupertino portions could impact the residents of Cupertino adversely.

In addition, a review of the Draft Plan indicates that the maximum allowable height for parcels that abut single family residential neighborhoods in San Jose are either 45 feet or 65 feet. However, it appears that the same consideration has not been made to the single family neighborhoods in the City of Cupertino. It is requested that the City of San Jose consider lowering the proposed 85 foot height to be consistent.

3. **Density** – In addition to the increased heights that are proposed in the Draft Plan, the proposed densities of the properties to the west of Lawrence are much higher than those adjacent to them. The single family neighborhood to the south of the San Jose properties has a density of 1-5 dwelling units/acre while the mixed use neighborhood to the west has a density of up to 25 dwelling units/acre. Placing developments of up to 95 dwelling units/acre in this portion of the Plan area would not be appropriate. It is requested that the City of San Jose consider keeping the densities within this portion of the Plan area closer to the existing densities.
4. **Parks and Open Space** – The Draft Plan envisions that the properties to the west of I-280 be redeveloped with housing developments with small pocket parks or plazas (privately developed with public access). However, the Plan locates four floating public parks/plazas on the east side of Lawrence Expressway. For access to the closest public open space, residents would have to cross Lawrence Expressway and I-280, with a number of major driveway, on-ramp and off-ramp conflicts. In order to ensure that the redeveloped areas to the west of I-280 have adequate access to public open space, it is requested that the City of San Jose relocate one of the floating parks to this area.
5. **Traffic and Environmental Review** – The traffic network figure does not reflect all the signalized intersections in the vicinity, including those along the street that connects Stevens Creek Boulevard to Lawrence Expressway/SB I-280.

Additionally, since the adoption of the Plan relies on environmental documentation from 2011 with a minor update in 2015 unrelated to this Plan, Cupertino continues to look forward to collaborating with San Jose staff in the development of any required regional environmental mitigation as projects are proposed within the Plan area, including any public transit opportunities along major transportation corridors, such as I-280 and SR-85, and any possible

freeway/expressway interchange redesign at I-280/Lawrence Expressway/Stevens Creek Boulevard.

Thank you in advance for the City of San Jose's careful consideration of these comments, prior to adoption of the Village Plan, in order to improve its interface with the surrounding neighborhood and community and encourage context-sensitive planning and development.

We also request that the San Jose staff collaborate closely with Cupertino residents on the development of area Plans that impact Cupertino residents, e.g. a future De Anza Village Plan should one be developed.

Should you have any questions about the items discussed in this letter, please do not hesitate to contact Aarti Shrivastava, Assistant City Manager at [aartis@cupertino.org](mailto:aartis@cupertino.org).

Sincerely,



Savita Vaidhyanathan

Mayor

City of Cupertino

**CC: City of San Jose:**

Sam Liccardo, Mayor

Chappie Jones, Councilmember, District 1

Sergio Jimenez, Councilmember, District 2

Raul Peralez, Councilmember, District 3

Lan Diep, Councilmember, District 4

Magdalena Carrasco, Councilmember, District 5

Devora "Dev" Davis, Councilmember, District 6

Tam Nguyen, Councilmember, District 7

Sylvia Arenas, Councilmember, District 8

Donald Rocha, Councilmember, District 9

Jhonny Khamis, Councilmember, District 10

Ed Abelite, Planning Commissioner, Chair

Nick Pham, Planning Commissioner, Vice Chair

Shiloh Ballard, Planning Commissioner

Edesa Bit-Badal, Planning Commissioner

Michelle Yesney, Planning Commissioner

Peter Allen, Planning Commissioner

Namrata Vora, Planning Commissioner



Harry Freitas, Director of Planning, Building and Code Enforcement

**City of Cupertino:**

David Brandt, City Manager

Aarti Shrivastava, Assistant City Manager

Randolph Hom, City Attorney

Timm Borden, Director of Public Works

**From:** [Randy Shingai](#)  
**To:** [Judy Shanley](#); [Kristy Weis](#); [illro@illingworthrodkin.com](mailto:illro@illingworthrodkin.com); [planning@cupertino.org](mailto:planning@cupertino.org); [City Council](#)  
**Cc:** [City Clerk](#)  
**Subject:** High nickel (Ni) levels at Vallco Site  
**Date:** Tuesday, September 11, 2018 9:11:34 AM  
**Attachments:** [nickel levels at jcp.png](#)

Hi,

Sorry for sending this in so late, but I just noticed this. It is being CCed to the City Clerk and City Council for inclusion into the public record for the next City Council Meeting.

Here is the link for the Sept. 1, 1994 Closure Letter for the JC Penney Site that is located within the larger Vallco Site.

[https://geotracker.waterboards.ca.gov/regulators/deliverable\\_documents/8962112247/CLOS\\_L\\_1994-09-01.pdf](https://geotracker.waterboards.ca.gov/regulators/deliverable_documents/8962112247/CLOS_L_1994-09-01.pdf)

The second column of the second table on page 2 of the JCP Closure Letter contains the maximum documented contaminant concentrations - before and after cleanup for the JC Penney site. **The before and after level for nickel is 87.6 ppm.**

| MAXIMUM DOCUMENTED CONTAMINANT CONCENTRATIONS—BEFORE AND AFTER CLEANUP |            |       |                                      |       |              |            |          |                                       |       |
|------------------------------------------------------------------------|------------|-------|--------------------------------------|-------|--------------|------------|----------|---------------------------------------|-------|
| Contaminant                                                            | Soil (ppm) |       | Water (ppb)                          |       | Contaminant  | Soil (ppm) |          | Water (ppb)                           |       |
|                                                                        | Before     | After | Before                               | After |              | Before     | After    | Before                                | After |
| TPH (Gas)                                                              | 4          | 4     | ND                                   | ND    | Xylene       | 0.75       | ND       | ND                                    | ND    |
| TPH (Diesel)                                                           | 6,600      | 14    | 1,700                                | ND    | Ethylbenzene | ND         | ND       | 0.0038                                | ND    |
| Benzene                                                                | ND         | ND    | 0.0039                               | ND    | Oil & Grease | 1,400      | 3,800    | ND                                    | ND    |
| Toluene                                                                | 0.12       | 0.12  | ND                                   | ND    | Heavy Metals | 87.6(Ni)   | 87.6(Ni) | 3.6 <sup>3</sup><br>0.73 <sup>4</sup> | NA    |
| Chlorinated Hydrocarbons                                               | ND         | ND    | 0.5 <sup>1</sup><br>1.6 <sup>2</sup> | ND    | Other        | NA         | NA       | NA                                    | NA    |

Here is the web page for the "established regulatory agency guidance" (ESL) set by the San Francisco Bay RWQCB..

[https://pubapps.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/esl.html](https://pubapps.waterboards.ca.gov/sanfranciscobay/water_issues/programs/esl.html)

This is the summary table of hazardous material levels set by the local regional water quality control board.

[https://pubapps.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/ESL/ESL%20Workbook\\_ESLs\\_Interim%20Final\\_22Feb16\\_Rev3\\_PDF.pdf](https://pubapps.waterboards.ca.gov/sanfranciscobay/water_issues/programs/ESL/ESL%20Workbook_ESLs_Interim%20Final_22Feb16_Rev3_PDF.pdf)

The element symbol for nickel is Ni.

1. The "Tier 1" soil threshold for nickel on [page 2](#) is **8.6E+01 (mg/kg)**. **I believe that is 86 parts per million(ppm).**
2. Nickel is in the "Summary of Soil ESLs (mg/kg) on [page 9](#). Under the heading "Direct Exposure Human Health Risk Levels (Table S-1), sub heading "Any Land Use/Any Depth Soil Exposure:Construction Worker." **The nickel level under that heading/subheading is also 8.6E+01, or 86 ppm.**

Even though the case for JC Penney was closed in 1994, my understanding is that heavy metals do not dissipate quickly. The maximum measured nickel level at the site \*after\* mitigation was 87.6 ppm. That is higher than the \*current\* regulatory safe level, 86 ppm, set for nickel. My understanding is that inhalation exposure to nickel should be avoided too.

You should address this in your planned mitigation.

Thank you for your time,  
Randy Shingai

**From:** Tom Sanford [REDACTED]  
**Sent:** Thursday, September 06, 2018 12:52 AM  
**To:** City of Cupertino Planning Dept. <[planning@cupertino.org](mailto:planning@cupertino.org)>  
**Subject:** Valco

All,

As I watched the meeting last night I noticed one very important thing that seemed to be overlooked. The city continues to grow our emergency services remains the same. As a 13 year resident more and more homes and business continue to pop up yet the Santa Clara county Fire, Sheriff and ambulance service does not grow with it.

To put it simply, more people and more development equals more emergencies. To no fault of their own emergency service will have longer response times that will be critical for lives and property.

Often times, as they do already responders will be coming from other city's.

I urge you to contact command staff of these agencies to get their input for plan to properly staff Cupertino in the near future .

Please forward to all planning commissioners.

Sincerely,

Tom Sanford

**From:** Joanne [REDACTED]  
**Sent:** Sunday, September 09, 2018 6:35 PM  
**To:** City Council <[CityCouncil@cupertino.org](mailto:CityCouncil@cupertino.org)>  
**Subject:** Oppose to the plan of building seven 15 -22 story tower in Vallco mall

Dear city council members,

My name is Joanne and I am the resident of Cupertino for nearly 20 years. I live on Norwich Avenue and my house just share a tall wall with Vallco mall. I strongly oppose to the plan of building seven 15 - 22 story towers in Vallco mall that will overlook our neighborhood backyard. Not to mention the traffic, air pollution, noise pollution, neighborhood safety and education resource. Until now, we, as resident, did not receive any evaluation report from city regarding the issues mentioned above.

Since the traffic in Cupertino city is getting worse in the past few years as well as the crime rate becoming higher and higher. I strongly hope that council members can take residents' side and reconsider/re-examine any proposal from the developer and not to make any decision in a hurry, especially not to be hurried by the developer.

Thank you for your time in reading this email.

Best,  
Joanne Tung

**From:** Mary Ellen Chell [REDACTED]  
**Sent:** Sunday, September 09, 2018 5:05 PM  
**To:** City Council <[CityCouncil@cupertino.org](mailto:CityCouncil@cupertino.org)>  
**Subject:** Vallco Fiasco

Dear Council Members,

Here are my concerns about the latest effort to cram the proposed monstrosity down our throats at Vallco.

1. Sand Hill Properties cannot be trusted. Look at what they did in Sunnyvale. How did that disaster turn out? Look at Main Street. They promised a lot at Main Street (senior housing, a sports center) but when the time came, oh, it wasn't feasible. Either they didn't know what they were doing or they knew exactly what they were doing and intended to bait and switch.
2. Sand Hill Properties is using a bill designed to alleviate the housing crisis for a development that will only exacerbate the housing crisis. How many more people will be coming into Cupertino every day for the jobs in the 1,800,000 square feet of office space? How many of them will need housing? How many units is Sand Hill planning to build? About one fourth of the need that they'll be creating with the office space.
3. Sand Hill Properties is using SB 35 to circumvent what the community wants. As long as they get what they want, they do not give a damn about those of us living here.
4. I asked Sand Hill what they were going to do about water usage. They said they would use grey water for the landscaping. That's great, but how about all the residents' and workers' use of water? Are they going to use recycled toilet water? And how much will I have to cut back on my water usage during the next drought? 30%? 40%? 50%? Do you care?
5. And let's not forget about traffic. How much worse is it going to have to get before YOU and our regional government do something about it. How many new workers will be tearing through our neighborhoods every day? Do you really think a few shuttles will do the trick? Look how well the Apple buses work. (I am being sarcastic.) Are you ever out on our streets during rush hour? I live on Prospect Road and have almost been hit twice by drivers speeding, tweeting, or just not paying attention. (After all, I'm just a pedestrian.)

PLEASE STOP THE INSANITY! Please don't let the promises of a new City Hall and a rooftop park blind you to what's best for the residents of Cupertino. Because we all know, Sand Hill Properties is going to find some reason as to why those benefits are "not feasible".

I appreciate your attention to my concerns.

Mary Ellen Chell  
Resident of Cupertino

**From:** Sanjeev Sahni [REDACTED]  
**Sent:** Sunday, September 09, 2018 8:17 AM  
**To:** City Council <[CityCouncil@cupertino.org](mailto:CityCouncil@cupertino.org)>  
**Subject:** Vallco Plan

Hello City Council,

The current plan for the Vallco redevelopment is not acceptable on multiple grounds.

Please reconsider this plan.

Thanks

Sanjeev Sahni

**From:** Hylk [REDACTED]  
**Sent:** Sunday, September 09, 2018 10:27 PM  
**To:** City Council <[CityCouncil@cupertino.org](mailto:CityCouncil@cupertino.org)>  
**Cc:** Hylk [REDACTED]  
**Subject:** Vallco Specific Plan

To Cupertino City Council:

Please approve the viable plan at Vallco though the Specific Plan offered by Sand Hill Development through their SB 35 application. The Sand Hill Development group has been patient and creative. Not only are they willing to undertake this huge project, they are willing to fund it!

The current members of the Cupertino City Council have the opportunity to be the council that has the wisdom and courage to step up and approve Sand Hill's plan! So, do it!

Thank you,  
Carle and Randy Hylkema, Cupertino residents



**From:** David Rolnick [REDACTED]  
**Sent:** Saturday, September 08, 2018 5:33 PM  
**To:** City Council <[CityCouncil@cupertino.org](mailto:CityCouncil@cupertino.org)>  
**Subject:** Vallco Redevelopment

Member of the Cupertino City Council,

I watched the Planning Commission meeting (Sept 4, 2018) regarding the Vallco Specific Plan and Development Agreement and I urge you to approve them so that our Town Center can finally move forward.

As the Planning Commission proposed changes to the Development Agreement, I also want to pose a few thoughts for your consideration, should the Specific Plan and Development agreement be modified:

- 1) I would like to see the Town Center be as high quality as economically possible. Diverting resources to build a new city hall takes money away from the Town Center project area. Please spend the "community benefits" money in the Town Center area so that it can attract people from around the area as well as be a destination for the guests who are staying in local hotels (I note that there are several new hotels being planned locally, although not all are within the city limits. If Cupertino cannot stop San Jose from approving hotels near our city limits, Cupertino should at least try to capture some sales tax revenue).
- 2) The Planning Commission recommended adding housing for the homeless to the project. I do not believe that the applicant should be required to provide this nor do I think the Cupertino community supports this. I believe money could be spent more effectively and benefit a greater number of our most vulnerable citizens if used to provide services (job training, counselling) and jobs.
- 3) I have not followed the various proceedings closely enough to identify where the Performing Arts Center and Fremont Union High School space came from. In place of the Performing Arts Center, an outdoor space for free performances and art exhibitions could be built at a small fraction of the development costs (benefit for Sand Hill) and maintenance costs (benefit for the City of Cupertino).
- 4) The Tier 2 Plan has much more housing, much more office space, and yet has less retail than the Tier 1 plan. I suggest that the City Council trade the Performing Arts Center, the new City Hall, and the Fremont Union High School District space for significantly more retail space as well as quality public art that engages people (not more pieces of twisted metal). If the Town Center is to be a regional attraction, as well as an attraction to local hotel guests, it will need to have more retail.
- 5) Finally, the subject of building a Costco store came up. While this would be a good sales tax source for the city, I would hope that big box stores would not be a part of our new Town Center.

Thank you.

David Rolnick



**From:** Sudhindra Deshpande [REDACTED]  
**Sent:** Saturday, September 08, 2018 9:44 AM  
**To:** Savita Vaidhyanathan <[svaidhyanathan@cupertino.org](mailto:svaidhyanathan@cupertino.org)>  
**Subject:** mall please

Hi Savita,

Can we just have a mall please? The high density plans are getting crazier.

We just need a mall. If that is not viable for the owner, maybe add office space and hotel and little housing.

I don't understand why they even proposed high density when the 2016 plan failed.

They should go back to the pre 2016 plans and make them comply with SB 35 by just making sure 10% of the units are affordable.

That's it.

The high density plans will kill Cupertino as we know it. Traffic, school overloading, crime everything exponential.

Thanks so much

-sudhindra

**From:** Noel Eberhardt [REDACTED]  
**Sent:** Saturday, September 08, 2018 9:43 AM  
**To:** City Council <[CityCouncil@cupertino.org](mailto:CityCouncil@cupertino.org)>  
**Subject:** Support of Vallco Specific Plan

I'd like to be put on record in support of the Vallco Specific Plan.

Noel

**From:** Vincent Pangrazio [REDACTED]  
**Sent:** Saturday, September 08, 2018 9:01 AM  
**To:** City Council <[CityCouncil@cupertino.org](mailto:CityCouncil@cupertino.org)>  
**Subject:** Vallco Specific Plan

Dear City Council,

My family and I am very, very supportive of the Vallco Specific Plan. We have lived in Cupertino for 17 years. My son is a DeAnza student. He and I ride our bikes on weekends near Vallco to the various restaurants nearby. It would be great to see it revitalized so the community can enjoy all the benefits the Specific Plan will offer.

Thank you!!!

Vincent Pangrazio  
[REDACTED]

**From:** fan jiao [REDACTED]  
**Sent:** Monday, September 10, 2018 11:33 PM  
**To:** City Council <[CityCouncil@cupertino.org](mailto:CityCouncil@cupertino.org)>  
**Subject:** Sand hill specific plan

Hello,

I prefer the Specific Plan.

Fan Jiao

[REDACTED]

Cupertino

--

Cheers,

Fan

**From:** Archana Chilukuri [REDACTED]  
**Sent:** Tuesday, September 11, 2018 8:12 AM  
**To:** Savita Vaidhyanathan <[svaidhyanathan@cupertino.org](mailto:svaidhyanathan@cupertino.org)>  
**Subject:** opposing high density development at vallco

Hi Savitha,

I would like to express my opposition to high density development at vallco. This is going to worsen already worse traffic conditions and impact our schools.

Please kindly help oppose this.

Thanks!!  
-Archana

**From:** Munisekar [REDACTED]  
**Sent:** Monday, September 10, 2018 11:21 PM  
**To:** Savita Vaidhyanathan <[svaidhyanathan@cupertino.org](mailto:svaidhyanathan@cupertino.org)>  
**Cc:** Munisekaran Madhhipatla [REDACTED]  
**Subject:** Vallco Specific Plan on Sept 18, 2018.

Hello Council member Ms.Savita Vaidhyanathan,

My name is Muni Madhhipatla and I am a Cupertino resident. I have been very concerned about the way our city council has been handling Vallco shopping mall issue. You are one of the 5 council members and hence my appeal to you.

Vallco is a regional shopping mall zoned for retail only and should not have been allocated with 2 mil SFT office space and unlimited heights in Dec 2014 General Plan amendment. Nevertheless, it was done late night of Dec 5, 2014 despite massive protest from the residents. I understand it was only one month on the job for you at that time.

In 2016, the developer tried to maximize profitability by taking advantage of the allocations by proposing 2 mil SFT of office space and 900 units of apartments and measly 16% of the build out for shopping. Basically, Vallco went from 100% shopping mall to only 16% shopping. I don't need to remind you that the residents rejected their plan in 2016 elections by voting down Measure D.

It is my understanding that Dec 2014 GPA allocations were conditional upon the developer having an approved plan for Vallco by May 2018. That means, those allocations should have expired automatically after May 2018; to make things clear, the city council could have voted to remove those allocations in early June 2018. Given the residents repeated concern about traffic congestions and lack of shopping experience in Cupertino as evidenced in city Godbe surveys, you had an opportunity to revert this space to original zoning of shopping; but failed to do so.

Cupertino is a suburban community without any mass transit capability; highway 280 is the 3<sup>rd</sup> worst congested highway in the bay area. With the addition of 2.8 mil SFT Apple Campus II, roughly 10,000 more daytime workers are likely to enter and exit Wolfe exit from 280. With the latest Vallco proposal of 2400 to 2900 housing units and 1.8 mil SFT office space, we are likely to see additional 9000 daytime office workers and 5000 residents overloading that same exit. Our freeways and backroads cannot handle that load.

As a mayor in 2017, you sent a letter to San Jose city [attached here] on our behalf of residents opposing their plan to build 180 feet tall buildings along Stevens Creek Blvd adjacent to Cupertino. Now, our city will be considering approving seven towers of 22 story tall buildings [230 to 240 feet height] at Vallco. We don't want to be getting a letter from San Jose reminding our city's double standards. BTW, even the cities like Sunnyvale with CalTrain are not building such tall buildings in residential areas.



Except for Regnart and Blue Hills elementary schools on west side, all other schools are overflowing with kids; 252 portable class rooms across 25 CUSD schools are a proof that we have overcrowding of our schools [attached doc]. BTW, these portables are built at the cost of open playing space for the kids. Adding 2400 to 2900 housing units at Vallco will exacerbate this problem by adding more than school going 800 kids; I arrived at this number based on 0.32 kid per household from CUSD demographer.

Moreover, adding 1.8 mil SFT office space will create housing to office imbalance in our city. As per ABAG guidelines, we are supposed to build a housing unit for every 1.4 jobs created. With 9000 jobs created out of that office space, we will be forced to build 6500 units of new housing. Cupertino does not have infrastructure to handle such housing and office growth. Also, please take into consideration the water shortage and overloading of sewage pipelines.

As an elected representative of residents, I request you to vote against the most egregious plan being presented by the developer for Vallco on Sept 18, 2018. I understand they are trying to maximize profitability; but it is your job as our representative to safeguard the interests of residents.

I am writing to you as you will be one of the key votes on this matter. I am writing to you so that my silence is not interpreted as supporting of Vallco Specific Plan. I hope common sense prevails.

Thank you.

Muni Madhhipatla  
Cupertino Resident.

## CUSD Classroom Counts (as of 9-1-15)

| School Name                       | Permanent<br>Classrooms | Portable<br>Classrooms | Total Rooms | Enrollment<br>Capacity based on<br>24-1 |
|-----------------------------------|-------------------------|------------------------|-------------|-----------------------------------------|
| Blue Hills                        | 11                      | 15                     | 26          | 624                                     |
| Collins                           | 21                      | 11                     | 32          | 768                                     |
| De Vargas                         | 20                      | 10                     | 30          | 720                                     |
| Dilworth                          | 22                      | 7                      | 29          | 696                                     |
| Eaton                             | 19                      | 9                      | 28          | 672                                     |
| Eisenhower                        | 20                      | 15                     | 35          | 840                                     |
| Faria                             | 15                      | 12                     | 27          | 648                                     |
| Garden Gate                       | 15                      | 15                     | 30          | 720                                     |
| Lincoln                           | 17                      | 14                     | 31          | 744                                     |
| McAulliffe                        | 18                      | 5                      | 23          | 552                                     |
| Meyerholtz                        | 21                      | 14                     | 35          | 840                                     |
| Montclair                         | 22                      | 6                      | 28          | 672                                     |
| Muir                              | 25                      | 6                      | 31          | 744                                     |
| Murdock-Portal                    | 18                      | 6                      | 24          | 576                                     |
| Nimitz                            | 20                      | 12                     | 32          | 768                                     |
| Regnart                           | 19                      | 10                     | 29          | 696                                     |
| Sedgwick                          | 31                      | 7                      | 38          | 912                                     |
| Stevens Creek                     | 18                      | 9                      | 27          | 648                                     |
| Stockmier                         | 38                      | 16                     | 54          | 1,296                                   |
| West Valley                       | 22                      | 7                      | 29          | 696                                     |
| <b>Total - Elementary Schools</b> | <b>412</b>              | <b>206</b>             | <b>618</b>  | <b>14,832</b>                           |

| School Name                   | Permanent<br>Classrooms | Portable<br>Classrooms | Total Rooms | Enrollment<br>Capacity based on<br>30-1 |
|-------------------------------|-------------------------|------------------------|-------------|-----------------------------------------|
| Cupertino                     | 49                      | 8                      | 57          | 1,710                                   |
| Hyde                          | 35                      | 5                      | 40          | 1,200                                   |
| Kennedy                       | 33                      | 19                     | 52          | 1,560                                   |
| Lawson                        | 47                      | 0                      | 47          | 1,410                                   |
| Miller                        | 37                      | 14                     | 51          | 1,530                                   |
| <b>Total - Middle Schools</b> | <b>201</b>              | <b>46</b>              | <b>247</b>  | <b>7,410</b>                            |

| <u>School Name</u>                 | <u>Permanent<br/>Classrooms</u> | <u>Portable<br/>Classrooms</u> | <u>Total Rooms</u> | <u>Enrollment<br/>Capacity based on<br/>24-1</u> |
|------------------------------------|---------------------------------|--------------------------------|--------------------|--------------------------------------------------|
| Luther                             | 20                              |                                | 20                 | 480                                              |
| Serra                              | 27                              |                                | 27                 | 648                                              |
| Nan Allan                          |                                 |                                |                    |                                                  |
| <b>Total - Closed School Sites</b> | <b>47</b>                       | <b>0</b>                       | <b>47</b>          | <b>1,128</b>                                     |



OFFICE OF THE MAYOR

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

(408) 777-3308 • FAX (408) 777-3333 • [planning@cupertino.org](mailto:planning@cupertino.org)

May 18, 2017

City of San Jose

Department of Planning, Building and Code Enforcement

*Attn: Lesley Xavier, Senior Planner*

200 E. Santa Clara St, 3<sup>rd</sup> Floor Tower

San Jose, CA 95113-1905

**Re: Stevens Creek Urban Village Draft Plan (Plan)**

Dear Ms. Xavier:

Thank you for allowing the City of Cupertino the opportunity to comment on the Draft Plan for the Stevens Creek Urban Village. While San Jose desires to create dense urban nodes within the Stevens Creek Urban Village, in the interests of good urban design and consideration for its neighbors in Cupertino, and to ensure context-sensitive development in the areas that abut Cupertino, I hope that the City of San Jose will consider the following comments.

- 1. Land Use and Urban Design** – The City of Cupertino envisions Stevens Creek Boulevard to be a walkable, bike-able corridor with active uses located along Stevens Creek Boulevard. To that end, retail commercial frontages, stoops, porches, wide sidewalks – separated from the traffic lanes, bike features, active open spaces, and a landscape easement with shade trees along Stevens Creek Boulevard is encouraged. It is requested that the City of San Jose consider placing land uses similar to those in Cupertino with development standards consistent with those in Cupertino for the properties to the west of I-280.
- 2. Heights and Transitions** – The properties within the Plan area to the west of I-280 abut a single family neighborhood to the south and Cupertino's Heart of the City mixed-use area to the west. The single-family neighborhood has a maximum allowable height of 28 feet while the Heart of the City allows a height of 45 feet with a transition of 1.5 feet setback for every foot increase in height from

residential developments at the rear. The differences in allowable height between the San Jose portions and the Cupertino portions could impact the residents of Cupertino adversely.

In addition, a review of the Draft Plan indicates that the maximum allowable height for parcels that abut single family residential neighborhoods in San Jose are either 45 feet or 65 feet. However, it appears that the same consideration has not been made to the single family neighborhoods in the City of Cupertino. It is requested that the City of San Jose consider lowering the proposed 85 foot height to be consistent.

3. **Density** – In addition to the increased heights that are proposed in the Draft Plan, the proposed densities of the properties to the west of Lawrence are much higher than those adjacent to them. The single family neighborhood to the south of the San Jose properties has a density of 1-5 dwelling units/acre while the mixed use neighborhood to the west has a density of up to 25 dwelling units/acre. Placing developments of up to 95 dwelling units/acre in this portion of the Plan area would not be appropriate. It is requested that the City of San Jose consider keeping the densities within this portion of the Plan area closer to the existing densities.
4. **Parks and Open Space** – The Draft Plan envisions that the properties to the west of I-280 be redeveloped with housing developments with small pocket parks or plazas (privately developed with public access). However, the Plan locates four floating public parks/plazas on the east side of Lawrence Expressway. For access to the closest public open space, residents would have to cross Lawrence Expressway and I-280, with a number of major driveway, on-ramp and off-ramp conflicts. In order to ensure that the redeveloped areas to the west of I-280 have adequate access to public open space, it is requested that the City of San Jose relocate one of the floating parks to this area.
5. **Traffic and Environmental Review** – The traffic network figure does not reflect all the signalized intersections in the vicinity, including those along the street that connects Stevens Creek Boulevard to Lawrence Expressway/SB I-280.

Additionally, since the adoption of the Plan relies on environmental documentation from 2011 with a minor update in 2015 unrelated to this Plan, Cupertino continues to look forward to collaborating with San Jose staff in the development of any required regional environmental mitigation as projects are proposed within the Plan area, including any public transit opportunities along major transportation corridors, such as I-280 and SR-85, and any possible

freeway/expressway interchange redesign at I-280/Lawrence Expressway/Stevens Creek Boulevard.

Thank you in advance for the City of San Jose's careful consideration of these comments, prior to adoption of the Village Plan, in order to improve its interface with the surrounding neighborhood and community and encourage context-sensitive planning and development.

We also request that the San Jose staff collaborate closely with Cupertino residents on the development of area Plans that impact Cupertino residents, e.g. a future De Anza Village Plan should one be developed.

Should you have any questions about the items discussed in this letter, please do not hesitate to contact Aarti Shrivastava, Assistant City Manager at [aartis@cupertino.org](mailto:aartis@cupertino.org).

Sincerely,



Savita Vaidhyanathan

Mayor

City of Cupertino

**CC: City of San Jose:**

Sam Liccardo, Mayor

Chappie Jones, Councilmember, District 1

Sergio Jimenez, Councilmember, District 2

Raul Peralez, Councilmember, District 3

Lan Diep, Councilmember, District 4

Magdalena Carrasco, Councilmember, District 5

Devora "Dev" Davis, Councilmember, District 6

Tam Nguyen, Councilmember, District 7

Sylvia Arenas, Councilmember, District 8

Donald Rocha, Councilmember, District 9

Jhonny Khamis, Councilmember, District 10

Ed Abelite, Planning Commissioner, Chair

Nick Pham, Planning Commissioner, Vice Chair

Shiloh Ballard, Planning Commissioner

Edesa Bit-Badal, Planning Commissioner

Michelle Yesney, Planning Commissioner

Peter Allen, Planning Commissioner

Namrata Vora, Planning Commissioner

Harry Freitas, Director of Planning, Building and Code Enforcement

**City of Cupertino:**

David Brandt, City Manager

Aarti Shrivastava, Assistant City Manager

Randolph Hom, City Attorney

Timm Borden, Director of Public Works

**From:** Siva [REDACTED]  
**Sent:** Monday, September 10, 2018 9:28 PM  
**To:** Steven Scharf <[SScharf@cupertino.org](mailto:SScharf@cupertino.org)>  
**Subject:** Question reg Vallco

Hi Rod,

What is your reasoning supporting Vallco Mall development? Do you have an specific written arguments that I can read up? I live in North Blarney and I am concerned about the impact of this on our neighborhood. I am not for/against but am asking every council member for their reasoning.

Go Gators!

Siva

**From:** Steve Kelly [REDACTED]  
**Sent:** Tuesday, September 11, 2018 11:09 AM  
**To:** City Council <[CityCouncil@cupertino.org](mailto:CityCouncil@cupertino.org)>  
**Cc:** Teresa O'Neill <[teresa.oneillsc@gmail.com](mailto:teresa.oneillsc@gmail.com)>  
**Subject:** RE: Vallco Town Center

Dear Council Members,

I live on the border with your community and have been greatly impacted by your lack of planning for the new Apple campus. Thankfully, the Vallco Town Center does have some critically needed housing and more important 50% of that will be affordable!

Cupertino has to stop its practice of building office space without the off setting housing that would be required. I am looking forward to having the AMC theater back and other retail in the space but please stop trying to make housing every other cities problem. You create the demand then you need to find areas in your city to build the needed housing.

Sincerely,

Steve Kelly  
[REDACTED]



**From:** Kent Vincent [REDACTED]  
**Sent:** Monday, September 10, 2018 5:00 PM  
**To:** Darcy Paul <[DPaul@cupertino.org](mailto:DPaul@cupertino.org)>; Rod Sinks <[RSinks@cupertino.org](mailto:RSinks@cupertino.org)>; Savita Vaidhyanathan <[svaidhyanathan@cupertino.org](mailto:svaidhyanathan@cupertino.org)>; Barry Chang <[BChang@cupertino.org](mailto:BChang@cupertino.org)>; Steven Scharf <[sscharf@cupertino.org](mailto:sscharf@cupertino.org)>  
**Subject:** How your Vallco Specific Plan vote will shape the election and Cupertino

Dear Honorable Councilman,

I want to encourage you to vote against the current Vallco Specific Plan for very compelling reasons:

**The November election.** If you are running for reelection a "yes" vote will certainly work against you. The Council must know that the 11-22 story skyscraper build up of Vallco is extremely unpopular among Cupertino residents and dramatically inconsistent with the character of the city which the Council is elected to protect. Vallco, traffic and housing will be the central issues of the election, with the opposition making clear the Council votes responsible for the concessions, promises, liabilities and Vallco GPA that have prompted the horrific SB35 and Specific Plan options now before the City. The Council should be exploring every avenue to avoid the build up.

**The SB35 and Specific Plan options solve the wrong problem and exacerbate key city issues.** The key city issues of traffic congestion, housing shortage and affordability are each "symptoms" of a larger problem the City is not addressing adequately: commercial office build and consequent new job creation in our built-to-capacity region. Throwing money and policy at solving symptoms (e.g. housing, traffic) are ineffectual unless the underlying cause of job creation is gated. While the City should be considering some form of post-Apple Park commercial office build moratorium (at least short term), it is debating approval of a Specific Plan that will create far more jobs through office build than homes, greatly exacerbating the housing shortage, housing / rent prices and traffic that plague our city. Approval simply kicks the can down the road necessitating future City initiatives and GPAs to build high rise homes along Stevens Creek Blvd, or along the freeway on Bubb Rd., likely with all of the retail, residence and office build trade-offs confronted at Vallco. The only way to prevent the domino effect that will turn Cupertino into another San Jose is to reign in commercial office build, particularly at Vallco, where the proposed office build is so significant that it cannot be counter-balanced with available smaller properties. I will add that the City's willingness to approve 11 story skyscrapers within the city sets a precedent permitting San Jose to build like-sized buildings along our border. It also raises the value of commercial property in the city placing further pressure on developer returns with office build, just as experienced at Vallco.

This is a time for great leadership.

Respectfully,

Kent Vincent  
Cupertino

**From:** Rick Kwong [REDACTED]  
**Sent:** Saturday, September 08, 2018 10:13 AM  
**To:** City Council <[CityCouncil@cupertino.org](mailto:CityCouncil@cupertino.org)>  
**Subject:** Please rebuild Vallco mall

Sent from my iPhone

**From:** Caroline Lindley [REDACTED]  
**Sent:** Tuesday, September 11, 2018 5:16 PM  
**To:** City Council <[CityCouncil@cupertino.org](mailto:CityCouncil@cupertino.org)>  
**Subject:** Specific Plan

We support the Specific Plan. Caroline and Dale Lindley  
[REDACTED] Cupertino

Sent from my iPad

**From:** helen Ho [REDACTED]  
**Sent:** Tuesday, September 11, 2018 3:41 PM  
**To:** City Council <[CityCouncil@cupertino.org](mailto:CityCouncil@cupertino.org)>  
**Subject:** Valco

I prefer the "specific Plan"  
Helen Ho