

APPENDIX B:  
NOTICE OF PREPARATION (NOP)  
AND SCOPING COMMENTS







# Notice of Preparation Environmental Impact Report City of Cupertino

**Date:** May 15, 2017

**To:** State Clearinghouse  
State Responsible Agencies  
State Trustee Agencies  
Other Public Agencies  
Interested Organizations

**From:** Catarina Kidd, Senior Planner  
City of Cupertino  
Community Development Department  
10300 Torre Avenue  
Cupertino, CA 95014

**Subject:** **Notice of Preparation (NOP) of the Draft Environmental Impact Report (EIR) for the The Forum Senior Community Update Project**

**Lead Agency:** City of Cupertino Community Development Department

**Project Title:** The Forum Senior Community Update Project

**Project Applicant:** Mary Elizabeth O'Connor, The Forum at Rancho San Antonio

**Project Location:** 23500 Cristo Rey Drive, Cupertino, California (see Regional and Vicinity Map)

Notice is hereby given that the City of Cupertino (City) will be the Lead Agency and will prepare a project level EIR for The Forum Senior Community Update Project (proposed project) pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000 et seq.) and the CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations).

As shown on Figure 1, the 51.5-acre project site is currently developed with the existing Forum at Rancho San Antonio Continuing Care Retirement Community. The proposed project includes renovations and additions to the existing facilities as well as new buildings resulting in 25 new independent living villas, 10 new beds and approximately 45,000 square feet of renovations and additions to the skilled nursing facility, approximately 10,500 square feet of renovations to the assisted living facility, 26 new beds in an approximately 39,000-square-foot new memory care building, and approximately 27,000 square feet of renovations and additions to the commons facilities (dining, fitness and multi-purpose room). The proposed project includes one new internally accessible roadway to accommodate the 25 new independent living villas and minor changes to the internal on-site circulation system.

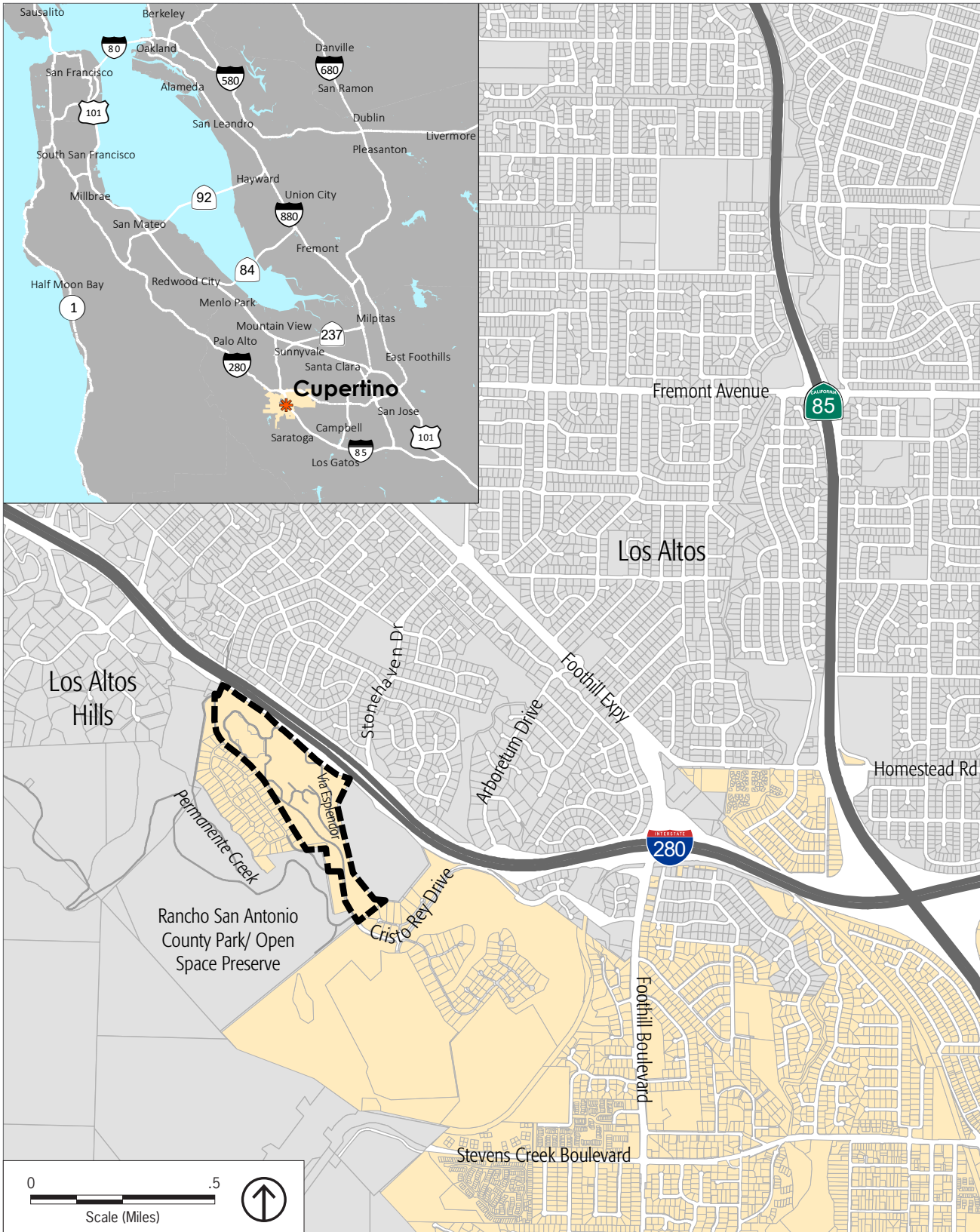
Following approval of the CEQA-required environmental review and the approval of the proposed project by the Planning Commission, the following discretionary permits and approvals from the City would be required for the proposed project: Development Permit, Architectural and Site Approval Permit, and a Tree Removal Permit. In addition, permits for demolition, grading and building, and the certificate of occupancy would also be required from the City. Other agency approvals, such as the San Francisco Regional Water Quality Control Board for permits related to water quality, may also be required.

An Initial Study was prepared pursuant to CEQA and the CEQA Guidelines. The Initial Study is available for review at the City's website at ([www.cupertino.org](http://www.cupertino.org)) and at the Community Development Department counter. As shown in the Initial Study, the following environmental topic areas will be analyzed in the EIR: aesthetics, air quality, biological resources, cultural and tribal cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, transportation and circulation, and utilities and service systems. Cumulative impacts will consider impacts of relevant projects in and around the project area combined with those of the project. An evaluation of project alternatives that could reduce significant impacts will be included in the EIR.

The City is requesting comments and guidance on the scope and content of the EIR from interested public agencies, organizations, and individuals. With respect to the views of Responsible and Trustee Agencies as to significant environmental issues, the City needs to know the reasonable alternatives and mitigation measures that are germane to each agency's statutory responsibilities in connection with the project.

A Scoping Meeting will be held on **Wednesday, May 31, 2017** from 6:00 to 8:00 p.m. at the Cupertino City Hall, 10300 Torre Avenue, Conference Room A. Comments on the NOP are due no later than the close of the 30-day review period at 5:00 p.m. on **Wednesday, June 14, 2017**. Please send your written comments to Catarina Kidd, City of Cupertino, at the address shown above or email to [CatarinaK@cupertino.org](mailto:CatarinaK@cupertino.org) with "The Forum EIR" as the subject. Public agencies providing comments are asked to include a contact person for the agency.

# NOTICE OF PREPARATION



Source: PlaceWorks, 2017.

 Project Site  City of Cupertino

## Regional and Vicinity Map



Comments Received on the Notice of Preparation for The Forum Senior Community Update Environmental Impact Report

#	COMMENTOR NAME AND ADDRESS	Project Description	Aesthetics	Agriculture and Forestry	Air Quality	Biological Resources	Cultural / Tribal Cultural Resources	Geology / Soils	Greenhouse Gas Emissions	Hazards / Hazardous Materials	Hydrology / Water Quality	Land Use and Planning	Mineral Resources	Noise	Population / Housing	Public Services	Recreation	Transportation / Circulation	Utilities / Service Systems	Construction Impacts	Alternatives	Other	Requests to be Notified	SUMMARY OF ENVIRONMENTAL COMMENT
3	June 9, 2017 David Kornfield Planning Services Manager – Advance Planning City of Los Altos 1 North San Antonio Road Los Altos, CA 94022 dkornfield@losaltosca.gov																	•						Requests the EIR provide justification of the trip generation rate for the Independent Living units, which seems low given the unit amenities. In addition, requests the EIR discuss the additional incidental trips that typically occur with senior projects related to frequent visits from family and special physicians serving the senior population; and discuss and analyze potential traffic impacts to the controlled and uncontrolled intersections along Cristo Rey Drive, the Cristo Rey/Foothill Blvd intersection, and the Foothill Expressway/Homestead intersection.
<b>Members of the Public</b>																								
4*	May 16, 2017 Karen Watters																	•		•				Expresses concern for potential safety issues (vision and road access) to residents and visitors as a result of construction of villa #66. Also would like to continue the current landscaping of Oleander for privacy screening and is concerned about street, garage, and deck lighting.
5	May 31, 2017 Bill Tamblyn	•				•																•	•	Expresses concern over the location of the proposed villas in relationship to Sycamore, impacts to vegetation, and slope stability.
6	June 1, 2017 George Cosby																					•		Provides information on the wildlife, gas pipeline, sewer odors, and financial stability of The Forum.

Comments Received on the Notice of Preparation for The Forum Senior Community Update Environmental Impact Report

#	COMMENTOR NAME AND ADDRESS	Project Description	Aesthetics	Agriculture and Forestry	Air Quality	Biological Resources	Cultural / Tribal Cultural Resources	Geology / Soils	Greenhouse Gas Emissions	Hazards / Hazardous Materials	Hydrology / Water Quality	Land Use and Planning	Mineral Resources	Noise	Population / Housing	Public Services	Recreation	Transportation / Circulation	Utilities / Service Systems	Construction Impacts	Alternatives	Other	Requests to be Notified	SUMMARY OF ENVIRONMENTAL COMMENT
7	June 2, 2017 Rich Scholz																							Provides information on the gates on St. Joseph Avenue.
8	June 5, 2017 Dick & Peggy Jacquet				•	•				•							•	•				•		Expresses concerns over the change to open space between the existing homes and The Forum, emergency vehicle access, traffic, safety, small size of proposed homes, number of proposed homes, noise, privacy to existing homes, sewage odor, wildlife and habitat, and gas pipeline hazards.
9	June 12, 2017 John Berthold on behalf of: J. Bonson, R. Berthold, S. Leisses, H. Williams, L. Martini, M. & R. Stevens, and J. & M. de Broekert		•		•	•			•	•							•	•		•	•	•		Requests alternatives to the proposed project be evaluated with and without the 2-story villa on Sereno Court with respect to the loss of mature trees, soil engineering and construction, operational and construction traffic, air quality, utilities and services systems, aesthetics and noise impacts. Provides information on existing conditions and expresses concerns regarding multiple phases of the construction occurring simultaneously. Expresses concerns regarding impacts from service trucks (e.g., recycling, mail delivery, moving vans), emergency access, construction staging and construction employee parking.

Comments Received on the Notice of Preparation for The Forum Senior Community Update Environmental Impact Report

#	COMMENTOR NAME AND ADDRESS	Project Description	Aesthetics	Agriculture and Forestry	Air Quality	Biological Resources	Cultural / Tribal Cultural Resources	Geology / Soils	Greenhouse Gas Emissions	Hazards / Hazardous Materials	Hydrology / Water Quality	Land Use and Planning	Mineral Resources	Noise	Population / Housing	Public Services	Recreation	Transportation / Circulation	Utilities / Service Systems	Construction Impacts	Alternatives	Other	Requests to be Notified	SUMMARY OF ENVIRONMENTAL COMMENT
10	June 12, 2017 Linda & Matt Starkey		•		•	•			•	•	•			•		•	•	•	•		•	•		Expresses concerns over the number of proposed homes, changes to open space between existing homes and The Forum, as well as loss of open space, noise, nighttime lighting, air quality, loss of nature, loss of privacy, drainage, water supply and conservation, wildlife and habitat, sewage odors, traffic, gas pipeline hazards, emergency access, and wildfires.

Notes: This matrix provides a summary of the comments made on the scope of the environmental impacts to be analyzed in the Environmental Impact Report (EIR). A complete copy of the comments submitted by the commenter has been included in Appendix B of the Draft EIR.

\*Denotes letter received prior to release of the NOP, but on the content of the environmental analysis.







The Forum Senior Community Update Project  
 Public Scoping Meeting Sign-In Sheet  
 Wednesday, May 31, 2017

Name	Address	Email
MINH LE	23525 OAK VALLEY RD	minh@wjust.com
LINDA STARKEY	23545 OAK VALLEY RD	LLSTARKEY@AOL.COM
Miles Imwalle		Mimwalle@mofa.com
Hallie Kutak		hkutak@mofa.com
Katre Jones	23545 Oak Valley Rd	kjonesfamily@yahoo.com
Edwin / Betty Chu	23677 Black oak way	ETC830@yahoo.com
Richard Adler	10778 Juniper Ct	radler@digiplaces



## The Forum Senior Community Update Project

### Public Scoping Meeting Comment Card

Cupertino City Hall, 10300 Torre Avenue, Conference Room A

Wednesday, May 31, 2017

Please fill out this card with any comments you have on issues the Environmental Impact Report (EIR) should address.

NAME: Paul Jones PHONE (OPTIONAL): 650.965.0908

ADDRESS: 23565 OAK VALLEY ROAD EMAIL: pj\_32\_99@yahoo.com

COMMENTS: We live right behind the open space the Forum is planning on building. We see many deer, turkeys, owls, rabbits, snakes, squirrels, and many other animals. We have lived in our house since 1999 and its lovely to see these animals living in their natural habitat. The number of animals has grown over the years and its quite often I'll see a family of deer grazing on the open space. The Forum Building proposal would obviously destroy the homes to all these animals, killing many of them who have nowhere else to go.

We are also concerned about the potential hazards of flooding. Since the plan is to keep the hill pretty much at the same level, which is much higher than our backyard, flooding seems like a real possibility.

Other concerns would be traffic, noise, the P&E line (we certainly don't want what happened at San Bruno to occur here) and quality of life. The proposal by the Forum, is very dense in terms of housing and number of people, so a less intrusive proposal would seem less impactful on the environment.

Comments are due no later than the close of the 30-day review period at 5:00 p.m. on Wednesday, June 14, 2017.

Please leave your comment card before leaving tonight's scoping meeting or send your written comments to Catarina Kidd, City of Cupertino, 10300 Torre Avenue, Cupertino, CA 95014 or email to [CatarinaK@cupertino.org](mailto:CatarinaK@cupertino.org) with "The Forum Project EIR" as the subject.

For more information visit:  
<http://www.cupertino.org>

## NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710



May 25, 2017

Catarina Kidd  
City of Cupertino  
10300 Torre Avenue  
Cupertino, CA 95014

Sent via e-mail: catarinak@cupertino.org

RE: SCH# 2017052037; The Forum Senior Community Update Project, Santa Clara County, California

Dear Ms. Kidd:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for Draft Environmental Impact Report for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd. (a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

**CEQA was amended significantly in 2014.** Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a **separate category of cultural resources**, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (Pub. Resources Code § 21084.2). Please reference California Natural Resources Agency (2016) "Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form," <http://resources.ca.gov/ceqa/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf>. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends **lead agencies consult with all California Native American tribes** that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).



7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
  
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
  
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
  
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
  
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

*This process should be documented in the Cultural Resources section of your environmental document.*

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires **local governments** to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.





**From:** David Kornfield  
**To:** [Catarina Kidd](#)  
**Cc:** [Jon Biggs](#); [Susanna Chan](#)  
**Subject:** Notice of Preparation for the Draft EIR for the Forum Senior Community Update Project  
**Date:** Friday, June 09, 2017 6:35:07 PM

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Catarina:

This letter is with regard to the Notice of Preparation for the Draft EIR for the Forum Senior Community Update Project.

The City of Los Altos would like to see that the Transportation Analysis includes the following:

1. A discussion (justification) of the trip generation rate for the Independent Living units, which seems low given the unit amenities. The stated ITE rate of 3.68 trips per unit per day seems low compared to the typical trip generation rate for what are essentially multiple-family units with independent seniors that typically still use their cars. The Independent Living units each have garages that promote customary vehicle use and more intensive preexisting driving patterns;
2. A discussion of the additional incidental trips that typically occur with senior projects related to frequent visits from family and special physicians serving the senior population; and
3. A discussion and analysis of the traffic impacts to the controlled and uncontrolled intersections along Cristo Rey Drive, the Cristo Rey/Foothill Blvd intersection, and the Foothill Expressway/Homestead intersection.

Thank you for the opportunity to comment on the Notice of Preparation for the subject project. Please feel free to call me with any questions about this letter.

Regards,

David

David Kornfield  
Planning Services Manager – Advance Planning  
650-947-2632

City of Los Altos  
1 North San Antonio Road  
Los Altos, CA 94022

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From:

dkornfield@losaltosca.gov

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**From:** Karen Watters  
**To:** [Catarina Kidd](#)  
**Subject:** Re: the Forum - EIR scoping meeting  
**Date:** Tuesday, May 16, 2017 9:38:46 AM

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Catarina,

I appreciate you keeping me informed regarding the EIR scoping meeting for the Forum on 5/31. Unfortunately, I will be out of town. I would very much appreciate it if you could share my letter/email to you regarding proposed Villa #66, which poses several safety issues (vision and road access) both for residents and visitors. Would you like me to re-send my concerns or are they already on file for easy review by the planning commission?

Thank you. Karen Watters

-----Original Message-----

**From:** Catarina Kidd  
**Sent:** May 15, 2017 3:38 PM  
**To:** Catarina Kidd  
**Subject:** the Forum - EIR scoping meeting

Please see attached notice for the EIR scoping meeting for the Forum on Wednesday, May 31, 2017 from 6-8 p.m. at Cupertino City Hall, Conference Room A.

You are receiving this notice because you recently commented on the project.

You can either attend the meeting, send in written comments, and/or sign up for e-notices on the City's website [www.Cupertino.org](http://www.Cupertino.org) and select "the Forum" to be notified of project updates.

Thank you for your input.

Sincerely,

**Catarina S. Kidd, AICP, Senior Planner**  
City of Cupertino | Community Development  
10300 Torre Avenue, Cupertino, CA 95014  
[408-777-3214](tel:408-777-3214) | [catarinak@cupertino.org](mailto:catarinak@cupertino.org)

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From: [dkwatters@earthlink.net](mailto:dkwatters@earthlink.net)

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To: Nancy Kao, Executive Director, The Forum  
From: Don and Karen Watters  
Date: March 10, 2017  
Post meeting with you and the design team

Nancy, Please share with the design team. When we return from our trip, I plan to forward a copy of The City of Cupertino. The city has advised us to express our concerns very early in the process.

**SUBJECT: CONCERNS RELATED TO PROPOSED CONSTRUCTION AT THE FORUM**

Now that the stakes have been placed and we can clearly see where the proposed new villas could be placed, we have enumerated our concerns below:

— Entering The Forum to get to the proposed villa #66 shows a separate entrance to the villa and garage via Cristo Rey that is NOT connected to the proposed new road that would parallel all other villas. We have driven the road several times and can clearly see that coming down Cristo Rey to **enter** this proposed villa driveway would require a resident to do one of two things: (1) make a very dangerous u-turn near Via Venturo to enter their property. A design team member suggested putting in a no-turn sign. Vision is **severely compromised** for ALL drivers and one must be realistic in knowing that people might be tempted to ignore the sign and take advantage of the course of least resistance. (2) Another alternative that has been suggested is that a driver would continue straight past their property to the main busy and often crowded entrance to the Main Building at the Forum and use the circle to reverse course and proceed up Cristo Rey in the exit direction.

— Additionally, **exiting** villa #66 in order to access the dining room, pool and other activities from this villa would require turning right and making a very dangerous u-turn to get back on Cristo Rey. The team suggested another possibility that a driver should go out to main entrance of The Forum and turn around there. That suggestion is illegal, as that there is a SOLID double line, which according to the vehicle code is a violation. Making any sort of turn at that location would be dangerous to say the least.

The third possible way to access the Main Building from villa #66 is an immediate right turn followed by a left turn crossing Cristo Rey onto the steep road, Capilla, followed by a right onto Via Esplendor to the top of The Forum and then descend another very steep road with the outcome ending near the entrance to the Main Building. This is a complicated and rather dangerous trip, especially for seniors. **We strongly feel this road access and safety issues need to re-visited.**

—From a landscape point of view, no matter what the City of Cupertino approves, we would like to keep the Oleanders behind our fence, as well as others along Oak Valley. They are attractive and provide a colorful screen, especially during the summer when they bloom. It seemed as if the team agreed that these Oleanders (which behind our home are at least 20 feet tall) make a lovely screen.

—We also are concerned about street lighting , garage lighting as well as deck lighting that could shine into neighbors backyards. The team felt this could be easily addressed.

**From:** Bill Tamblyn  
**To:** [Catarina Kidd](mailto:Catarina.Kidd@cupertino.org)  
**Subject:** RE: The Forum EIR  
**Date:** Thursday, June 01, 2017 10:52:08 AM

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Thank you.

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**From:** Catarina Kidd [mailto:CatarinaK@cupertino.org]  
**Sent:** Thursday, June 01, 2017 7:47 AM  
**To:** Bill Tamblyn <bill.tamblyn@spacetimeinsight.com>  
**Subject:** RE: The Forum EIR

Bill,

Thank you for sending written comments, which are most helpful and preferred over phone calls. Your comment is noted and now part of the record, and we will work with the applicant on considering how to solve these concerns about the Villas.

Please note there will be a minimum of three more public meetings/hearings from August to December that will be noticed by U.S. mail 10+ days on advance, along with other forms of notice such as e-mail.

Also consider signing up for Cupertino's e-notification on the City web psite here:  
<http://www.cupertino.org/our-city/departments/community-development/planning/projects>.

Check applicable boxes under news to receive instant notices of meeting dates when we update the project web page.

I will call you this afternoon.

Sincerely,

**Catarina S. Kidd, AICP, Senior Planner**  
City of Cupertino | Community Development  
10300 Torre Avenue, Cupertino, CA 95014  
408-777-3214 | [catarinak@cupertino.org](mailto:catarinak@cupertino.org)

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**From:** Bill Tamblyn [mailto:bill.tamblyn@spacetimeinsight.com]  
**Sent:** Wednesday, May 31, 2017 6:58 PM  
**To:** Catarina Kidd <[CatarinaK@cupertino.org](mailto:CatarinaK@cupertino.org)>  
**Subject:** The Forum EIR

Catarina. - I left you a voicemail earlier. I received the letter on the EIR meeting tonight at 6:20 pm. The event had already started. Mail stamp was May 26 so sent Friday. Not enough notice. My concern on the Forum proposal is related to the Villas. It the expansion of other areas. The want to put. 2 towards the back of the property - or the West end of property. One

by existing villa may be fine but second one closer to Sycamore is a concern. It's a tighter fit for space and will impact vegetation and my property value. Currently that area is protected by trees and bushes. So if a building is put in that is a flat footprint there will be an elevation issue on the structure, as well, due to the slope on that property. I'd like to discuss further but in a phone. Please listen to voicemail and call me or let me know a time to discuss. Afternoons are best. Regards. Bill Tamblyn. Resident of Cupertino for 17 years.

Sent from my iPhone

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**From:** George Crosby  
**To:** [Catarina Kidd](#)  
**Subject:** The Forum Project EIR  
**Date:** Thursday, June 01, 2017 9:32:03 AM

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Caterina

I just wanted to offer a few comments. I attended the meeting last night and made a comment about the villas.

The villas are the key to providing a solid financial foundation for the entire Forum Master Plan. The profit from the villa sales provides a major portion of the funds needed to build our memory care building and upgrade our health care services. Without the villas the project would face financial obstacles that would be difficult to overcome.

We currently have 60 villas and 21 of them are occupied by single resident. I believe it is fair to assume this ratio will prevail in the new villas.

The gas pipeline easement gives the Oak Valley residents considerably more distance from the proposed villas than their narrow lot size which provides very limited separation between homes.

With over 3,000 acres of nature preserve adjacent to both Oak Valley and Forum residents the loss of the proposed villa location site on Cristo Rey drive will have no effect on wildlife.

I have walked Cristo Rey Drive every morning for eight years and have never smelled the sewer odor. It probably does exist in a lower elevation section of the Oak Valley property. In any case I believe that is a City of Cupertino problem to resolve.

Regards

George Crosby Unit 419F

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**From:** richs4@att.net  
**To:** [Catarina Kidd](#)  
**Cc:** [Nancy Kao](#); [maryelizo@yahoo.com](mailto:maryelizo@yahoo.com); [George Crosby](#); [Marian Kelly](#)  
**Subject:** RE: The Forum Project EIR  
**Date:** Friday, June 02, 2017 5:08:18 PM

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Hi Catarina,

Thank you for your EIR meeting last Wednesday (5/31/17). It was very informative. While I did not comment at the meeting, I certainly second those made by The Forum members. Also, George Crosby's e-mail comment yesterday nicely clarifies the definitive importance of the new project. With rising healthcare expense, increasing our "critical mass" is essential to spreading the fixed costs of maintaining a first class retirement community.

One item tthat was brought up at the meeting regarded the gates on St. Joseph Avenue. Our history shows that the gates were installed at the behest of the neighbors who lived on St. Joseph Avenue. They feared risks from increased traffic (although reportedly, traffic studies at the time did not support that concern). It was finally decided that St. Joseph Avenue could be used for emergency purposes only, leading to the installation of the gates. It appears, then, that the gates are beyond the scope of our project.

Again, thank you for your time and effort regarding our project.

Yours truly,

Rich Scholz  
Forum Member

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**From:** Dick Jacquet  
**To:** [Catarina Kidd](#)  
**Cc:** [Dick & Peggy Jacquet](#)  
**Subject:** The Forum Project EIR  
**Date:** Monday, June 05, 2017 12:15:27 PM

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Dear Catarina:

Thank you so much for hosting the Forum EIR scoping meeting on May 31. My wife and I have been residents of the Oak Valley community for 18 years and clearly we will be negatively impacted if the proposed expansion of the Forum proceeds. While I verbalized our concerns about this project during the scoping meeting, I want to follow-up in writing.

There are several issues/concerns we ask the EIR evaluate and consider. They are as follows:

1) The Forum project is proposing to create a very dense cluster of homes on what is now the open space between Cristo Rey Drive and the homes along Oak Valley Road. This greatly changes the open nature of the community. Many of the new homes being proposed are being squeezed on to very small sites. There is only one road, Cristo Rey, in and out of this area. This road is used by residents and employees of the Forum, the Oak Valley neighborhood, those who use Rancho San Antonio Park and the emergency vehicles to and from the Forum. This is creating heavy traffic on Cristo Rey Drive. On weekends there is so much traffic and parking along Cristo Rey that it already presents safety issues. Recently, there was an accident at the traffic circle that closed Cristo Rey for several hours. Adding the 25 additional homes being proposed by the Forum will only make this issue worse.

2) The proposed new homes are not only too small, the proposed homes are too close to the homes along Oak Valley Road. Some appear to be at a higher elevation than the homes along Oak Valley resulting in a loss of privacy, and an increase in the noise level. There is already a noise issue coming from the Kaiser cement plant and the closeness of these new homes will only make this issue worse.

3) Sewage is already an issue as there are days that the odor along Cristo Rey Drive is bad. The addition of new homes will exacerbate this problem.

4) The open space where the new development is being planned is currently inhabited by numerous wildlife; such as deer, turkey, heron and many smaller animals. If the new homes are built on this land. The land will be destroyed for the wildlife.

5) There is a gas line running through the land in question. Although we understand that no homes will be built on top of the gas line, the proposed construction site is dangerously close to the existing gas line. We are very concerned about the potential of another "San Bruno".

We ask that you look at these issues when conducting your study. The Oak Valley residents are very concerned about the negative impact this development will create.

Thank you for your consideration.

Best regards,

Dick & Peggy Jacquet  
[dickjacquet@comcast.net](mailto:dickjacquet@comcast.net)  
(650) 224-2961  
23555 Oak Valley Road  
Cupertino, CA 95014

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JOHN R. BERTHOLD

23350 SERENO COURT • VILLA 26 • CUPERTINO, CA 95014  
(650) 965-7801

June 12, 2017

Ms. Catarina Kidd, Senior Planner  
City of Cupertino  
Community Development Department  
10300 Torre Avenue  
Cupertino, CA 95014

**The Forum EIR**

Dear Ms. Kidd:

Attached are our comments re The Forum Project EIR.

Separately, we will provide additional comments regarding the project that are outside the limits of the EIR comments, such as economic impact.

These comments are from all the owner/residents on Sereno Court. As one of the six, I have volunteered to be the secretary. The others are listed at the end of the comments.

We hope you and the EIR consultants find these comments useful.

Sincerely,



To: Ms. Catarina Kidd, Senior Planner  
City of Cupertino  
Community Development Department  
10300 Torre Avenue  
Cupertino, CA 95014

June 12, 2017

From: Owner/Residents of the Forum  
23350 Sereno Court  
Cupertino, CA 95014

**Subject: The Forum EIR**

Dear Ms. Kidd,

The following are our comments regarding issues we believe the planned Environmental Impact Report for The Forum Project should address, including suggested mitigating alternatives.

**Summary.** We are owners and residents of the 6 villas on Sereno Court. We recognize the importance of the Master Plan to the continued success of The Forum. Even though the building of 18 villas behind us on the Cristo Rey site would disrupt us (more so than virtually all other residents), we support that part of the Plan. Our concern is with one item: the proposed two-story Villa Sereno, planned to be built on Sereno Court.

We hope the EIR will differentiate between the environmental impacts of the villas originally planned to be built along Cristo Rey, and the duplex added later on Sereno Court. Among those differences are:

1. The permanent loss of mature trees and greenspace on Sereno Court, and none on the Cristo Rey site.
2. The significant differences in soil engineering and construction between the two sites.
3. The different impacts on traffic between the two sites, both during and after construction.

4. The disproportionate impacts on air quality and noise.
5. The disruption of current water and utilities on the Sereno Court site, versus only the addition of new utilities on the Cristo Rey site.
6. The negative impact on the aesthetics of the Sereno Court environment.

### **Support and Details.**

Trees , Greenspace and Soil Engineering. The Cristo Rey site is relatively flat, has no trees or shrubs, and will require minimal soil movement.

The Sereno Court site, by contrast, is on a hillside, would require the removal and permanent loss of many mature trees, would require significant soil removal, **and** the construction of a retaining wall with uncertain drainage – where rainwater drainage is already an issue. We hope the EIR will recognize these differences.

Construction Differences. For purposes of logistics, the Cristo Rey site is easily accessible. A new road onto the site will be required, and construction can proceed with minimal impact on the rest of The Forum community. Cristo Rey is a divided two-lane road and can accommodate single-lane traffic when needed during construction.

Sereno Court, by contrast, is a narrow, one-lane cul-de-sac, is already a congested site (see below) and construction would have a significant negative impact on the surrounding residents.

A corollary point: we residents of Sereno Court would be subjected to construction noise, dirt, dust and disruption on **both sides** of us simultaneously: on the Cristo Rey berm behind us and, if allowed to proceed, on the Sereno Court site in front of us. We are the **ONLY** residents that would be so disrupted.

Traffic Congestion. The intersection of Sereno Way and Sereno Court is already a traffic choke point. It feeds into the garages for apartment Building 1 and Building 3, plus access to our garages on Sereno Court, as well as surface parking in two locations.

\* Unless cancelled, the plan will require tearing up Sereno Court to extend/re-locate the fire hydrant, water lines, sewage, electrical, telephone, and other utilities. For the EIR: how mitigate the impact on residents for the loss of use of the street, loss of use of the utilities, loss of guest parking, and probable loss of access to our garages and homes? Please note: *no other Forum residents would experience similar losses.*

\* For the EIR: how accommodate the large re-cycling truck that arrives weekly, as does the local trash truck, or the daily mail truck, or the FedEx and other delivery trucks, moving vans for new residents, and the contractors who are constantly refurbishing the apartments in Buildings 1 and 3 and who park randomly on Sereno Court and/or Sereno Way. *Construction on the Cristo Rey site would be unaffected by these concerns.*

\* At the end of Sereno Court, there is a “No Stopping Fire Lane” area. How would this and the loss of resident and guest parking be accommodated?

\* During construction, where would the plumbers, electricians, carpenters and other contractors park their trucks? Not an issue on the Cristo Rey site.

Aesthetics. The Villa Sereno plan calls for the addition to the campus of an unusual, one-only architectural design. *None of the other proposed villas would be two-story, or dug into a hillside, or require elevators for gaining access.*

For the impact on Sereno Court, and surrounding established architectural aesthetics, the design calls for 2 two-car garages side by side, or four garage doors, which would present a commercial, industrial look for us to see continuously from our front doors. It all adds up to a loss of quality of life.

***Alternative to Villa Sereno.***

Building on Sereno Court presents myriad environmental concerns, dictated mostly by its location. Mr. Werner Maasen, architect for the project (Smith Group), said at the EIR scoping meeting on May 31 that there are other locations for building villas on The Forum campus.

We suggest the EIR propose the examination of several locations on Via Esplendor (see enclosed map), including comparative traffic studies with Sereno Way. These locations would provide, among other advantages:

- relatively flat sites, similar to those on Cristo Rey
- minimal disruption to the residents
- minimal traffic congestion, and
- closer proximity to the planned materials storage site at Maryknoll.

**In summary**, we hope the EIR will propose either:

- a) cancelling Villa Sereno in light of its negative impact on the environment, and consider replacing it with one or more single-story duplexes on Via Esplendor, or
- b) cancelling Villa Sereno without a replacement.

We look forward to reading the EIR.

Thank you,

Villa 25 - J. Bensen

Villa 28 – L. Martini

Villa 26 - R. Berthold

Villa 29 – M. and R. Stevens

Villa 27 - S. Leisses, and  
H. Williams

Villa 30 – J. and M. de Broekert



**From:** lstarkey@aol.com  
**To:** [Catarina Kidd](#)  
**Cc:** [lstarkey@aol.com](#)  
**Subject:** The Forum Project EIR  
**Date:** Monday, June 12, 2017 11:29:19 AM

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Hello Catarina. Thanks again for hosting the EIR meeting. Please see our comments/concerns below:

- 1) The proposed Forum development plan which includes 25 villas is extremely high density. The Forum actually agrees this is the case, however, they continue to move forward. Many of the proposed villas are on open space parcels that in some locations are only  $\pm$  130 ft deep allowing only **feet** between current homes and proposed villas. Please review the plans and walk the land noting the elevation markers behind the Oak Valley homes fences. There are three villas with only feet in between that would form almost a complete wall of concrete buildings. Proposing to put trees and shrubs to hide concrete is a band aid solution.  
This property has always been and currently is open space, not meant to be high density such as the Vallco project. What is the goal? To squeeze as many buildings and people together to increase revenue at the tremendous loss of what is treasured areas of Cupertino?
- 2) High density buildings that are only **feet** off the Oak Valley fences will create increased noise issues, nighttime lighting issues, fumes from cars in the proposed villa driveways, loss of nature, loss of privacy. Loss of open space.
- 3) Drainage-There's already drainage problems with the open space berm, note the culvert behind the Oak Valley homes.
- 4) Water-There has been a real effort to conserve water to the point of letting landscape suffer/die. Please consider the amount of buildings, landscape and people that will increase usage of water while homeowners are expected to continue conserving.
- 5) The Forum originally proposed developing only 16 villas max, now the architectural firm has proposed squeezing an additional 9 proposed villas into open space land.
- 6) Nature-The land The Forum is proposing to be high density is currently home to nature; swallow, hawks, deer, turkey, opossum, skunks, hares, rabbits, blue heron, owls and more. I'd be happy to forward pictures to share for review.
- 7) Sewage-Constant raw sewage odors are present along Cristo Rey. There has been an attempt to better the situation, however, ripe sewage odors are still a fact. Please look at the elevated levels, repair and monitoring history of the sewage pump station located on Cristo Rey. This information should be published for all to review as it affects us all.
- 8) Traffic-Cristo Rey is already dangerous to drive on the weekends and holidays. Park visitors are trolling for parking, parking along Cristo Rey on both sides, parking on a blind curve and forcing walkers and hikers to walk around cars and into the lanes where sidewalks are not present. Adding 2 cars per family for proposed villas plus cars for additional Forum expansion employees will add to the already burdened one way in and one way out road. The EIR board should walk Cristo Rey to witness this on a weekend. I can forward pictures of the already overcrowded Cristo Rey.
- 9) The Forum was not happy years ago when the Oak Valley development density was proposed and one of the reasons was the increased traffic that would use Cristo Rey. I understand The Forum petitioned The City of Cupertino to lower the number of homes for open space and also to help lower the number of cars the Oak Valley neighborhood would generate. Now The Forum wants to add 50+ villa cars and an unknown amt. of future employee cars to the already overcrowded road.

This traffic is already difficult for many of The Forum elderly residents to navigate and increased traffic will make it worse.

10) Richard Adler/Oak Valley neighbor, proposed The City of Cupertino make every effort to review the original intent of the current open space land use. We highly support this effort. Before any consideration of expansion, The Forum must produce their copy if the City cannot, but movement forward should only be based on the guidelines of land use originally set up years ago.

11) PG&E major gas lines behind the fences of the Oak Valley homes-  
High degree of concern over developing so close to the gas lines.  
Who will oversee this potential issue?  
How will the lines be tapped into to include the additional buildings?

12) **Safety**-Adding additional villas will add to a potential standstill during a disaster. In case of an emergency, how will additional proposed residents and emergency vehicles escape? There are only two roads into/out of our neighborhood:

\*The Cristo Rey to Foothill exit, one two-lane road, will have to support the four Oak Valley neighborhoods, the three Los Altos cul-de-sacs and the whole of The Forum population, many of which need assistance. Hopefully the EIR board will consider/study how large the whole population is, including emergency vehicles, etc trying to get into the neighborhood and back out of the neighborhoods.

\*The Los Altos/under 280 emergency exit will need to support lower Oak Valley neighbors, Los Altos neighbors which include all the Highlands homes and lower homes from the park exit under 280 all the way to Foothill Blvd. Again, basically a one road exit escape in an emergency/disaster. Who will be liable when an emergency occurs and all are not able to get out quickly?

\*Following is a link to the volumes of homes (not counting people) and one elementary school that would need to use the limited exit routes during a disaster.

<https://www.google.com/maps/@37.338129,-122.0777607,15z>.

**Please note:** Last Friday, 6/9, there was a brush fire that came very close to Cristo Rey Drive, again one of only two exits out to Foothill Road and safety. The alternate route gate under 280 was locked and eventually opened for passage out through Los Altos, however please consider the number of residents that must evacuate using that one escape if it were more serious. Adding additional residents to this number only intensifies a potential emergency. The EIR should consult with the local and county fire officials first to consider the impact of adding so many additional cars and residents to The Forum.

Thank you for the opportunity to voice our concerns. We hope each point and those of our Oak Valley neighbors regarding the current open space will be considered for all Cupertino residents, not just The Forum.

Please kindly confirm receipt.

Best Regards,  
Linda and Matt Starkey  
23545 Oak Valley Road  
650.967.3377 Home  
408.309.9067 Cell  
[linda@startechsales.com](mailto:linda@startechsales.com)

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