

## **NOTICE of INTENT to REQUEST RELEASE of FUNDS**

April 22, 2011

City of Cupertino  
Community Development Department  
10300 Torre Avenue  
Cupertino, CA 95014  
(408)777-3251

On or about May 8, 2011 the City of Cupertino will submit a request to the Department of Housing and Urban Development (HUD) Community Planning Division for the release of Community Development Block Grant (CDBG) Program funds under Title 1 of the of the Housing and Community Development Act of 1974, as amended, to undertake a project known as Cleo Avenue Habitat for Humanity, for the purpose of constructing four extremely low income housing units utilizing \$225,000 in CDBG funds. The project is located at the terminus of Cleo Avenue, Cupertino, CA 95014.

The activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act requirements. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at the Community Development Department, City of Cupertino, 10300 Torre Avenue, Cupertino, CA and may be examined or copied Monday through Thursday 7:30 A.M. to 5:30 P.M. and Friday 7:30 A.M. to 4:30 P.M.

### **PUBLIC COMMENTS**

Any individual, group, or agency may submit written comments on the ERR to the Community Development Department, City of Cupertino, 10300 Torre Avenue, Cupertino, CA 95014. All comments received by May 7, 2011 will be considered by the City of Cupertino prior to authorizing submission of a request for release of funds.

### **RELEASE of FUNDS**

The City of Cupertino certifies to HUD that Aarti Shrivastava in her capacity as Director of Community Development consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's/State's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the Name of Grantee to use Program funds.

### **OBJECTIONS to RELEASE of FUNDS**

HUD/State will accept objections to its release of funds and the City of Cupertino's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of Cupertino; (b) the City of Cupertino has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to HUD, Community Planning and Development at 600 Harrison Street, 3<sup>rd</sup> floor, San Francisco, CA 94107-1300. Potential objectors should contact HUD to verify the actual last day of the objection period.

Certifying Officer:

Aarti Shrivastava  
Director of Community Development  
10300 Torre Avenue  
Cupertino, CA 95014  
(408)777-3308

/KIMBERLY SMITH/  
CITY CLERK  
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