

CC 12-02-2025

Oral Communications

Written Comments

From: [Shen Li](#)
To: [City Council](#); [City Clerk](#); [Public Comments](#); [Tina Kapoor](#); [Chad Mosley](#); [Rachelle Sander](#)
Subject: Cupertino Memorial Park Pickleball
Date: Tuesday, December 2, 2025 10:57:25 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Clerk,

Please include this email as part of written communications for the 12/2/25 City Council meeting.

Dear City Council Members, City Manager Kapoor, and Directors Sander and Mosley,

Thank you for taking the time to read our note. We're Shen and Susan Li, and we've lived in Cupertino for 36 years in the Seven Springs neighborhood. Over the years, this city has become much more than just the place we live. It's where we raised our family, where we vote, where we shop, and where we've built so many lasting connections. Cupertino truly feels like home, and that's why we wanted to share a bit of our experience with you.

We started playing pickleball about three years ago, and these days we're at Cupertino Memorial Park three to four times a week. We occasionally play in Palo Alto, Mountain View, and Los Altos, but we always find ourselves returning to Cupertino Memorial Park. There's a friendliness and sense of community here that we haven't found anywhere else.

What began as something new to try has turned into an activity that brings us joy, keeps us active, and gives us something to look forward to during the week. It's been a positive influence on both our physical and mental wellbeing.

The biggest surprise has been the people. We've made friends we never would have met otherwise, and those friendships have grown into much more than time spent on the courts. We now get together for bridge, mahjong, hiking, and even the occasional meal out. It's been remarkable to see how a simple game can spark such genuine connections.

On any given day at the courts, you'll see children, seniors, parents, beginners, and experienced players all sharing the space and encouraging one another. It's one of the rare activities that brings together people from all parts of our community. It's amazing how you can show up not knowing anyone and leave feeling like you belong.

We know you've received a lot of information about court availability and demand, and those details matter. But just as important is the human side. Pickleball is accessible, affordable, and brings people outdoors in a way that encourages interaction, activity, and community building. It offers benefits that go beyond the game itself and contributes to the kind of healthy, welcoming community we're all proud to be part of.

We hope the city will continue supporting this growing community of players, both residents and non-residents, who have found friendship and connection through this sport. We truly appreciate the work you do and the time you take to listen to residents like us. Thank you for your service and for considering our perspective.

Sincerely,

Shen and Susan Li

From: [Robert George](#)
To: [City Council](#); [City Clerk](#); [Public Comments](#); [Tina Kapoor](#); [Chad Mosley](#); [Rachelle Sander](#)
Subject: Cupertino Memorial Park Pickleball
Date: Tuesday, December 2, 2025 10:39:04 AM

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City Clerk,

Please include this email as part of written communications for the 12/2/25 City Council meeting.

Dear City Council Members, City Manager Kapoor, and Directors Sander and Mosley,

I am a resident of Cupertino and have been for over 25 years. I am also an active pickleball player at Memorial Park most mornings.

I live near Blackberry Farm Golf Course and walking trail so I'm VERY familiar with living near a popular location which can get noisy at times. I get it. I worked with the City Council to agree on the placement of the trail through the park and it has worked very well over the years. Sure there are folks who wander off the trail and poke around on our property but I kindly ask them to stay on the marked trails and enjoy what our community has to offer.

But we can't let the few dictact the benefits to the many. We can and should come up with solutions which help mitigate noise but let's not look at things as either black or white.

For morning play I have switched to a quiet paddle, I only play on the courts furthest from residents' homes and I help enforce quiet play during morning hours. I'm doing my part to be a good citizen but I also want the benefits offered by the great community we've built. Seriously, I would be **devastated** if I couldn't play pickleball with my new found friends.

I helped put together a survey of players and we've found that not only is pickleball at the park an important part of our player community, it also leads to a lot of commerce in the area which benefits the entire city. Lets NOT turn our parks into uninviting destinations.

Thanks for your time and service,

--Robert George
22096 Dean Court, Cupertino

From: [D.L](#)
To: [City Council](#); [City Clerk](#); [Public Comments](#); [Tina Kapoor](#); [Chad Mosley](#); [Rachelle Sander](#)
Subject: PUBLIC COMMENT for 12/2/25 Meeting - Permanent Sound Mitigation at CMP
Date: Monday, December 1, 2025 11:06:57 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,

Please include this email as part of written communications for the 12/2/25 City Council meeting.

Dear City Council Members, City Manager Kapoor, and Directors Sander and Mosley,

I am writing as a Cupertino resident and a dedicated member of the thriving pickleball community at Cupertino Memorial Park (CMP). First, I want to **congratulate City Manager Kapoor on her promotion**. We also sincerely thank Directors Sander and Mosley for their continuing effort to collaborate with our pickleball community, and we thank the Council for providing permanent pickleball lines at CMP.

We are grateful for your past support and now urge the Council to implement a viable, permanent solution to ensure this valuable community asset can be sustained.

We must address the notion that over 90% of players are non-residents; **this is incorrect**. Our data shows over 30% are residents, and over 50% either live or work in Cupertino. We firmly oppose any policy that would discriminate against our non-Cupertino friends. This community contributes significantly to our local economy, visiting CMP for its friendly social setting, not just for free access.

Pickleball is an extremely efficient use of park resources. Our designated court area hosts an average of **28.5 players**, a staggering number compared to the average of just 1.25 players on adjacent standard tennis courts.

The noise issue requires an urgent capital solution. For 1.5 years, I relied on morning pickleball for an hour before 8AM, 3-5 days a week, before dropping off my kids and starting work. This routine, essential for working professionals like myself, is now lost. I purchased a quiet paddle, but it negatively affected my play and provided no lasting relief to the neighbors. In solidarity, I stopped playing in the morning. The current strategy is a failure for both parties.

We strongly request the City immediately invest in **permanent sound attenuation barriers**. Please do this, not only to preserve this great community, but for the neighbors on Christensen Drive as well, some of whom are a part of our pickleball community. Limiting morning and evening access is unfair to the working population. We need structural change, not restricted hours or ineffective equipment mandates.

I urge the Council to support this community by prioritizing permanent sound mitigation.

Sincerely,

David Lim

From: [Susan Bloomfield](#)
To: [Liang Chao](#)
Subject: Pickleball and Sound Barriers
Date: Monday, December 1, 2025 9:19:39 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor, City Council members and staff

My name is Susan Bloomfield and I am a 35 year resident of Cupertino. I am very happy to have become a member of the vibrant pickleball community at Memorial Park from its inception. In the 30 years prior to that, in spite of being a city taxpayer, I never used the park. Yet it never occurred to me that people who didn't live in Cupertino should not be able to use the facilities like the tennis courts. The whole point of a public park is that it is open to the public. Before Cupertino opened courts to pickleball players, and still to this day, I have played in Mountain View, Palo Alto and Menlo Park, where courts were free and still are free and open to all. This is how it must remain in Cupertino. We are a diverse and welcoming group of folks and we must remain so.

We do want to work with the city and neighbors to make things as good as possible and are requesting sound attenuating barriers around the courts.

Thank you for your consideration of these points.
Sincerely, Susan Bloomfield

From: [Srivatsan Rajagopal](#)
To: [City Council](#); [City Clerk](#); [Public Comments](#); [Tina Kapoor](#); [Chad Mosley](#); [Rachelle Sander](#)
Subject: Pickleball at Cupertino Memorial park
Date: Monday, December 1, 2025 9:13:31 PM

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Dear City Council Members, City Manager Kapoor, and Directors Sander and Mosley,

I am a Cupertino resident and live close to Memorial Park. My kids attended Cupertino schools throughout (Gardengate, Lawson, Monta Vista) and I have been proud to call Cupertino my home.

I wanted to thank you for opening up Memorial Park for Pickleball as it has opened the community up to being a vibrant, fun loving and safe area filled with laughter and the happy side of society. For the last 16 years I have taken walks in Memorial Park almost every day, enjoyed watching my kids play and grow up there, attended the plays, music events, enjoyed the cherry blossoms and all fairs and festivals were just a stone's throw away.

My kids have now graduated and I was wondering how my life as an empty nester, single dad would shape out. I have begun playing pickleball regularly the last couple of years given the proximity, lights and a lot of fun people to hang out with. Both the game and lively people make my day a bit more cheerful and less lonely and monotonous. Cupertino is an expensive place to live and reasons like this remind me how fortunate and lucky I am to be living in this neighborhood and community.

The game of Pickleball at Cupertino Memorial Park is something everyone is able to afford (not as expensive as tennis or indoor courts or paid courts) and being a social-first game, this invaluable access to that social contact - of all ages and colors - has made this neighborhood a very desirable part of Cupertino. The Memorial Park neighborhood now has it all - sunshine, schools, and that social fabric.

I understand the noise concerns from the game and hope the city can address that part - by providing the much needed wall attenuators quickly - like several other cities have already done - so that we can continue to build on the unique strengths the Cupertino Memorial Park has accidentally stumbled upon through Pickleball.

Thank you for your time and wish you all a very happy holidays.

Regards

From: [Carol Satterlee](#)
To: [City Council](#); [City Clerk](#); [Public Comments](#); [Tina Kapoor](#); [Rachelle Sander](#); [Chad Mosley](#)
Subject: Pickleball for all at Memorial Park
Date: Monday, December 1, 2025 8:08:28 PM

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City Clerk,

Please include this email as part of written communications for the 12/2/25 City Council meeting.

Dear City Council Members, City Manager Kapoor, and Directors Sander and Mosley,

I am writing to express my thoughts regarding the ongoing discussions surrounding pickleball court usage at Memorial Park. As a resident of Cupertino for 32 years, I would like to highlight several important points that I believe merit consideration.

****Residency Concerns:****

The assertion that over 90% of the Memorial Park pickleball players are non-residents is untrue. Our polling indicates that residents represent over 30% of the players, and when including those who work in Cupertino, this number exceeds 50%. Nearly all players at CMP, irrespective of residency or employment, contribute to the local economy by supporting our businesses.

It is noteworthy that players from other cities are not flocking to CMP solely because it is free; they have their own free courts. Instead, they come for the welcoming queuing system, friendly players, and the ideal social environment. Additionally, this is not a one-way street, as Cupertino residents also visit other cities to play on their free courts and frequent their local businesses.

Moreover, the claim that public park pickleball courts in San Francisco are restricted to residents is not accurate according to information from the San Francisco Recreation and Park Department.

As a member of the Cupertino community, I must express my opposition to any proposals that would discriminate against my friends who live outside our city.

****Court Use Efficiency:****

Pickleball is an exceptionally efficient use of court space. Data from 128 observations reveals that an average of 28.5 individuals were utilizing each of the two tennis courts designated for pickleball, with nearly half of them in the queue. In contrast, only an average of 1.25 tennis players used each of the other four courts.

****Sound Reduction for Neighbors:****

Addressing sound reduction for our neighbors is both urgent and a worthy cause for our tax dollars. Implementing sound attenuation solutions is the only means to provide relief for

neighbors while maintaining an inclusive and competitive pickleball experience.

Reducing access by limiting morning and evening hours would negatively impact many who work throughout the day. Today, pickleball has become a popular sport for all ages, and playing before or after work is essential for stress relief, subsequently enhancing our workforce productivity.

Concerns have been raised regarding the use of quieter paddles and balls, as they play differently and may not be feasible for competitive players or those with constrained budgets—the cost of these quiet balls is quite high, reaching up to \$30 each. Since the request made by City Manager Kapoor at the end of June, players at CMP have already spent thousands of dollars on quieter paddles, yet these items are beginning to wear out, and the neighboring residents have noticed little to no significant change in sound levels.

Thank you for your attention to these matters. I believe that by considering the diverse perspectives and needs of our community, we can work toward solutions that benefit everyone involved.

Respectfully,
Carol Satterlee

From: [irit.go](#)
To: [City Council](#); [City Clerk](#); [Public Comments](#); [Tina Kapoor](#); [Chad Mosley](#); [Rachelle Sander](#)
Subject: 12/2/25 City Council meeting.
Date: Monday, December 1, 2025 7:13:03 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dearest City Clerk,

Please include this email as part of the written communications for the 12/2/25 City Council meeting.

Dear City Council Members, City Manager Kapoor, and Directors Sander and Mosley,

I'm writing as a Sunnyvale resident who regularly plays at Memorial Park — even though we have free courts in my own city. And here's the honest truth: **CMP is simply the friendliest, most welcoming, most community-oriented pickleball environment in the entire area.**

I also play at Mitchell Park and John Mise, so I get a pretty good sense of the culture across different cities. Nothing comes close to the warmth, fairness, and camaraderie of Memorial Park.

Because of that, I want to share a few observations that matter deeply.

On residency:

The idea that 90+ percent of players are non-residents just isn't accurate. Polling shows more than 30 percent are Cupertino residents — and if you

include people who work in Cupertino, it rises above 50 percent. These are people who shop here, eat here, buy coffee here, and pour money into your local businesses every week.

And let's be real — people aren't driving from other cities because it's free. We all have free courts where we live. We come because the queuing system is fair, the atmosphere is friendly, and the players treat newcomers like family.

Cupertino residents also play in other cities — Sunnyvale, Mountain View, Palo Alto — and support their businesses too. That's how community recreation works. It's reciprocal.

On the claim that SF parks limit access to residents:

This is not correct. Their published policies say otherwise, and the information is publicly available.

I may not live in Cupertino, but I am strongly opposed to anything that would discriminate against non-residents. Some of the kindest, most generous players I know travel between cities, and we all lift the community up together.

On court efficiency:

Pickleball is an incredibly efficient use of space. Data from 128 samples shows an average of 28.5 players using the two converted tennis courts — nearly half of them in the queue — compared to 1.25 tennis players on each of the remaining tennis courts. **This is a staggering difference.**

Personally, every evening I visit CMP, I see 40+ paddles in queue waiting for one of just eight courts to finish a game. That's a sign of a thriving community — and a huge unmet recreational demand.

On sound concerns:

The real and only sustainable solution is a proper sound attenuation project. It's urgent, and it's the only path that both supports neighbors and preserves inclusive pickleball play.

Restricting morning or evening play would exclude most working adults — and pickleball is no longer a retirees-only sport. Many players rely on early or late hours to manage stress, stay active, and build community.

Quiet paddles and balls simply aren't a viable long-term fix. They play differently, they're expensive, and even after thousands of dollars spent by players since June, neighbors report little to no improvement.

Thank you so much for considering these perspectives. It would be so great if you could kindly focus on solutions that strengthen community access rather than limit it.

All my very best,

Irit Eizips

[Sent from Yahoo Mail for iPhone](#)

From: [DD](#)
To: [City Council](#); [City Clerk](#); [Public Comments](#); [Tina Kapoor](#); [Chad Mosley](#); [Rachelle Sander](#)
Subject: Continued Support of Cupertino pickleball at Memorial Park
Date: Monday, December 1, 2025 6:17:57 PM

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City Clerk,

Please include this email as part of written communications for the 12/2/25 City Council meeting.

Dear City Council Members, City Manager Kapoor, and Directors Sander and Mosley,

Thank you for your ongoing support of Cupertino Memorial Park Pickleball and for the sense of community it has provided for many of us. Our group, now over 1,000 members strong, has benefitted immensely from the physical and mental health benefits of outdoor activity and social connection.

We recognize and respect the concerns raised by nearby residents about noise levels. Although many players have invested in quieter equipment and adhered to quiet hours, feedback indicates that noise can be disruptive throughout the day for some neighbors.

Thus, we really need to get the noise barriers installed on the fence, on just one side facing Christensen Drive. I've seen these barriers at Los Altos McKenzie Park or Mountain View's Rengstorff Park, and they are quite effective. The City Manager had mentioned previously that it was the next step for the City to install noise barriers. Please consider putting these plans back in place and install the barriers soon.

We appreciate the City's attention to balancing recreation with neighborhood peace and the opportunity to keep this valuable community activity thriving. Our group remains committed to being good neighbors, and working collaboratively to minimize disruption while preserving the positive impact of pickleball on the community.

Sincerely,
Diana Yen

From: [Chris Satterlee](#)
To: [City Council](#); [City Clerk](#); [Public Comments](#); [Tina Kapoor](#); [Rachelle Sander](#)
Subject: Pickleball for All at Memorial Park
Date: Monday, December 1, 2025 7:35:26 PM

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City Clerk,

Please include the below in the written communications for the 12/2/25 council meeting.

City Council Members, City Manager Kapoor, and P&R Director Sander,

My name is Chris Satterlee, and I have been a Cupertino homeowner, resident, taxpayer, and voter for 32 years. I am writing to respond to a submission to the 11/18/25 written communications that suggested drastically limiting or even banning pickleball at Memorial Park. I am also responding to some suggestions that were made at the 11/10/25 Mayor's chat.

In July, I wrote about how pickleball has changed my life for the better since I started playing 1.5 years ago. But I will get right to my points.

The pickleball community at Cupertino Memorial Park is a perfect blend of residents and our friends from nearby cities. It would be a tragic mistake to limit court usage to residents.

- The assertion that 90+% of Memorial Park pickleball players are non-residents is untrue. Our polling indicates that residents make up over 30% of the players. Including players who work in Cupertino pushes the number over 50%.
- Nearly all CMP players, regardless of residency or employment, contribute to the Cupertino economy by patronizing local businesses.
- People do not come from other cities to play at CMP because it is free. They have their own free courts. They come for the friendly queuing system, friendly players, and the ideal social setting.
- It's not all in one direction. Cupertino residents go to other cities to play on their free courts (and patronize their businesses) too.
- The claim that SF public park pickleball courts are limited to residents is not true, according to <https://sfrecpark.org/1584/Pickleball> and <https://pickleballsf.com/locations/outdoor-venues/>
- I am opposed to implementing a use pass system at CMP. This would not be compatible with our queueing system, which is what makes CMP friendly for individual players. Being able to just show up and play is essential to our community.
- As a Cupertino resident, I am opposed to any proposal that would discriminate against

my non-Cupertino friends.

There are currently 8 pickleball courts overlaid on two tennis courts. Any suggestion that tennis players are impacted by this is clearly untrue. Pickleball is a very efficient use of court space.

- There are very few times when all tennis courts are in use. There are MANY times when none of the four are in use AND all eight pickleball courts are not only full, but there is a long waiting queue.
- Based on 128 samples, an average of 28.5 people were using each of the two tennis courts allocated for pickleball (nearly half of them in the queue) compared to an average of 1.25 tennis players using each of the other four courts.

A sound attenuation solution is urgent and worthy of spending our tax dollars. It is the only way to give the neighbors relief while maintaining inclusive and competitive pickleball.

- Reducing or constraining morning and evening hours would exclude most people who work. Pickleball is no longer a sport for retirees. Playing before or after work is the perfect way to reduce stress and results in a more productive workforce.
- Quiet paddles and balls play differently and are not an option for the more competitive players and those on limited budgets (they are expensive - as much as \$30 for one quiet ball!)
- Collectively, players at CMP have spent thousands of dollars on quiet paddles since City Manager Kapoor's request at the end of June. They are already starting to wear out, and the neighbors have noticed little difference.

Please consider all of the benefits to the MANY Cupertino residents who play pickleball along with our friends from nearby communities, before making any changes. The one change that MUST happen is sound attenuation. I am optimistic that an affordable solution is possible and am working to facilitate that. However, even if it costs more than previously thought, it is necessary.

Chris Satterlee

From: [Rhoda Fry](#)
To: [Public Comments](#); [City Clerk](#); [City Council](#)
Subject: Oral Communications December 2 City Council councilmember conflict of interest
Date: Sunday, November 30, 2025 5:52:06 PM

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Oral Communications Cupertino City Council December 2, 2025 councilmember conflict of interest

Dear City Council,

It can be quite instructive to peruse public records requests. The following request was not submitted by me, but has raised grave concerns regarding Councilmember JR Fruen's potential conflict of interest toward benefitting his employer where he is chief of staff for San Jose City Councilmember Rosemary Kamei, at the expense of his duty as an elected official of the City of Cupertino. These documents demonstrate that Cupertino Councilmember Fruen has participated in small group meetings as a representative for the City of San Jose on the Stevens Creek Vision Study Steering Committee and Working Groups. I would ask that Councilmember Fruen recuse himself from any interagency decisions that come to Cupertino City Council that involve any discussion of the City of San Jose.

Link to the PRR: <https://cityofcupertinoca.nextrequest.com/requests/25-256>

Thanks,
Rhoda Fry

From: [Cindy Lin](#)
To: [City Council](#); [City Clerk](#); [Public Comments](#); [Tina Kapoor](#); [Chad Mosley](#); [Rachelle Sander](#)
Subject: YES TO PICKLEBALL IN CUPERTINO
Date: Friday, November 21, 2025 1:08:42 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To those that this may concern,

My name is Cindy Lin. I live right across the street from Cupertino High School and have been living in Cupertino for almost 5 years now. I graduated from CHS in 2024, but my family still lives there and I go back home regularly, and almost EVERYTIME I return to Cupertino, I utilize the public pickleball courts located at memorial park. Politely refuting Santosh Rao, No, Cupertino residents do not only make up 10% of the population that uses those pickleball courts, and No, if you had to say a sport was in high demand, I would 100% say that pickleball is the sport that is truly in high demand by Cupertino residents, as seen by the ridiculously long queues present for pickleball that isn't seen for tennis (AND I PLAY TENNIS TOO). Additionally, even if non-residents come to Cupertino to use our PUBLIC pickleball courts, it is most definitely beneficial to the city as well because they will purchase, shop, and dine in Cupertino. Last but not least, pickleball is more than merely "mini-tennis", it is a community that Cupertino residents have been fostering for years, bringing together different age groups, religions, race, cultures, and will continue to do so even in the face of those that oppose this amazing sport with false reasoning and bitter malice. Thank you for your time.

City Clerk,
Please include this email as part of written communications for the next City Council meeting.
Thank you.

Regards,

Cindy Lin

From: [Walter Li](#)
To: [City Clerk](#); [City Council](#); [City Attorney's Office](#); [Tina Kapoor](#)
Subject: Mary Ave Villas -- Null and Void Due to Brown Act Violations, ROW Defects, SLA Conflicts, and Fire-Code Violations
Date: Wednesday, November 19, 2025 12:24:57 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,

Please include the below in written communication for the upcoming City Council meeting.

Dear Mayor Chao, Vice Mayor Moore, City Council, City Manager Kapoor, City Attorney,

I am submitting this letter to formally object to the City's claim that the Mary Avenue Villas housing development remains "pending," and that this status eliminates the City's exposure to Brown Act violations, Surplus Land Act violations, right-of-way defects, and setback liabilities. This claim is legally incorrect, contradicted by the City's own record, and inconsistent with governing state law.

1. Brown Act Violations Cannot Be Erased by "Pending" Status

(Gov. Code §54950 et seq.)

Multiple actions were taken regarding Mary Avenue Villas without proper agendizing, including:

- Direction to staff related to the Mary Avenue ROW, which was never legally vacated
- Discussions and steps concerning negotiation of lease terms for a parcel with no legally established boundaries
- Decisions made outside publicly noticed meetings

Because the ROW was never vacated, any movement toward lease negotiations or land-use commitments occurred without a legal foundation.

Under these circumstances, the Brown Act violations cannot be cured.

This is consistent with *International Longshoremen's v. Los Angeles* (2004), which held that Brown Act violations occur when decisions are made outside properly agendaized public meetings and cannot be retroactively cured.

2. Setback Waivers Violate Mandatory State Fire-Safety Codes

The setback waiver requests processed by the City (down to 4–7 feet) for Mary Avenue Villas violate multiple fire-safety requirements:

- CFC §503.1 & §503.2.1 → minimum 20 ft fire access
- CBC Appendix D103.1 → apparatus roadways require 20 ft clearance
- CBC Table 602 & §705.2 → exterior wall fire-separation requirements
- PRC §4290 & §4291 → defensible space requirements
- Title 19 CCR §3.05 & §3.07 → emergency operational clearance

Under Gov. Code §65915(e)(1), the City must deny waivers that create unmitigable safety impacts. The requested setbacks cannot legally be approved.

3. The Mary Avenue Right-of-Way Was Never Vacated — Defect Cannot Be Cured

(Streets & Highways Code §§8320–8325)

The City relied on an assumption that the ROW had been vacated. However:

- No ROW vacation was recorded
- No Council action occurred
- No public hearing was held as required

Because the ROW was never vacated:

- Parcel boundaries for Mary Avenue Villas were legally defective
- Lease-term negotiations occurred without authority
- Staff and Council actions relied on an invalid legal foundation

This is consistent with City of Manhattan Beach v. Superior Court (1996), which held that ROW vacations require formal public action and cannot be implied or retroactively fixed.

4. Surplus Land Act (SLA) Violations Cannot Be Erased

(Gov. Code §54221)

The City attempted to treat the Mary Avenue Villas parcel as surplus after housing processing had already occurred. This violates the SLA, which prohibits surplus designation after a commitment to housing or public use. “Pending” status does not retroactively cure this statutory violation.

5. The “Pending” Label Cannot Be Used as a Liability Shield

The City’s current position conflicts with:

- Its own acceptance and processing of Mary Avenue Villas
- Setback waiver processing
- Staff reliance on an unvacated ROW
- SLA steps taken after housing commitment

Legal consequences arise from actions, not retroactive labels.

6. Project Must Be Halted

The Mary Avenue Villas housing development is null and void. The City Council must adopt a formal resolution to stop this project. Developers should be required to find an alternative location.

Cupertino City should not provide subsidies or incentives to developers without the explicit approval of Cupertino residents. Any continuation of the project under the current framework would violate state law, public safety requirements, and community trust.

I urge you to address the above immediately to avoid further legal exposure for the City.

Sincerely

Walter Li

Originator of the petition "Halt The Mary Aveune Villas Project at this Unsuitable Location"

Working with the neighbors in opposition of the Mary Ave Villas Project

Wmbjt@hotmail.com

408-781-7894

References / Oversight

- Brown Act: Gov. Code §54950 et seq.; International Longshoremen's v. Los Angeles (2004)
- ROW: Streets & Highways Code §§8320–8325; City of Manhattan Beach v. Superior Court (1996)
- Surplus Land Act: Gov. Code §54221
- Fire Codes: CFC, CBC, PRC, CCR provisions listed above

From: [Santosh Rao](#)
To: [City Council](#); [Tina Kapoor](#); [City Clerk](#); [City Attorney's Office](#); [Chad Mosley](#); [Benjamin Fu](#); [Luke Connolly](#); [Gian Martire](#)
Subject: Brown Act Violations Require a Full Reset and Restart.
Date: Wednesday, November 19, 2025 10:51:46 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,

Please include the below in written communication for the upcoming City Council meeting.

[Writing on behalf of myself only as a Cupertino taxpayer, voter, resident]

Dear Mayor Chao, Vice-Mayor Moore, Council members, CM Kapoor,

Subject: Brown Act Violations Require Reset. All prior Action Must Be Declared Void.

Dear Mayor Chao, Vice Mayor Moore, Council Members, CM Kapoor, and CAO,

I am writing because **Brown Act violations have already occurred**. These violations **cannot be cured**. The only lawful path forward is to **hit the reset button and start over**.

1. July 15 Action Is Null and Void

The July 15 session must be declared **null and void**.

Liability attaches upon action, not approval.

The Brown Act is violated the moment decisions or commitments are made outside a properly noticed, agendaized public meeting.

This has already happened.

International Longshoremen's v. Los Angeles (2004) makes this clear:

Violations occur **when decisions are made outside open meetings**, not later in the approval phase.

2. The Application Must Be Rejected

The application received is improper.

The parcel has **not** been vacated.

It is still roadway and public right-of-way.

Under **City of Manhattan Beach v. Superior Court (1996)**, ROW vacations require formal public action **before** any application or deal is processed.

Processing an application on an active ROW parcel is unlawful.

Again: **liability attaches upon action, not approval**.

3. The \$3M Allocation Must Be Clawed Back

Funds were allocated based on an invalid, non-public process.
This action is tainted by Brown Act violations.
It must be reversed and reset.

4. Required Sequence to Comply With Law

You must return to first principles and follow the required statutory order:

1. **Community noticing** to collect input on whether the public ROW should even be vacated.
2. **Two public hearings** for the ROW vacation, as required by law.
3. Only after that: formal action on **whether to deem the land surplus**.
4. Then submission to **HCD** for review.
5. Then **NOA** issuance.
6. Only after all the above can **Charities, Rotary, or any applicant** legally participate.

This order is not optional.

SB 35 and HCD guidance make clear that obligations attach the moment processing begins.

Once again: **liability attaches upon action, not approval.**

5. Reset Now

The violations cannot be patched over.
They cannot be band-aided.
They cannot be “cured.”

The only lawful solution is:

Void the July 15 action. Reject the application. Claw back the \$3M. Restart the process in full compliance with open-meeting and land-use law.

I urge you to address this immediately to avoid further legal exposure for the City.

Respectfully,

San Rao (writing on behalf of myself only as a Cupertino taxpayer, voter, resident)

From: [Michael Chang](#)
To: [City Clerk](#)
Subject: December 2, 2025 meeting City of Cupertino Council Meeting [Open Session Materials]
Date: Tuesday, December 2, 2025 6:37:41 AM
Attachments: [2025-12-01-ArroyoVillage-MorroBayTerrace.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

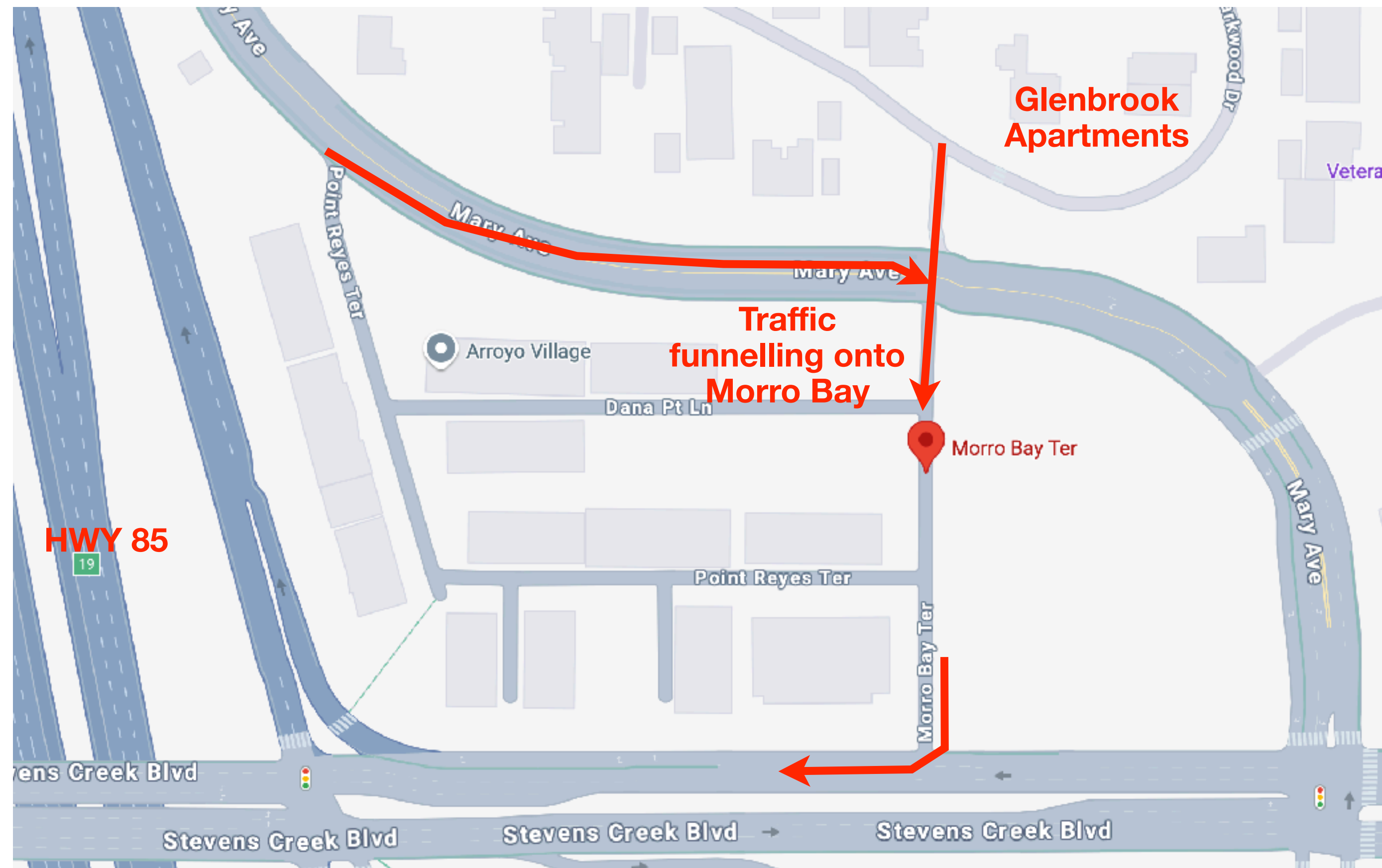
I am hoping that I will be able to speak during tonight's Open Session (Public Comment), and would like City Council to have access to these summary slides in the event that I am able to do so.

Thank you,

Michael

Arroyo Village Noise/Traffic Complaints (Westport Senior Complex/Related California)

- Morro Bay Terrace is used as a 'short-cut' to Stevens Creek Blvd, with lots of traffic funnelling onto this narrow laneway
 - installed speed bumps by Related California (Westport) have caused excessive noise day and night as vehicles drive over these bumps
 - intersection of Dana Point Lane and Morro Bay can be dangerous, as cars speed (from Glenbrook Apartments) across Mary Avenue
 - Morro Bay has no posted speed limits nor lane markers, and vehicles *continue* to speed on this narrow road even with speed bumps



Arroyo Village Speed Bumps

Speed Bump #1



Speed Bump #2



Arroyo Village Speed Bumps

Video over Speed Bump #2



Newly-Erected Signage by the City of Cupertino (Morro Bay Terrace at Mary Avenue)



From: [Rhoda Fry](#)
To: [Public Comments](#); [City Clerk](#); [City Council](#); [City Attorney's Office](#)
Subject: Cupertino City Council: December 2 - Oral Communications non-agenda - The Insight agreement renewal does not seem to have gone to City Council, why?
Date: Sunday, November 30, 2025 4:15:26 PM
Attachments: [06-106 Insight Amendment #8 dated 6-30-25.pdf](#)
[RevenueTaxSharingAgreementReportedByJurisdictions \(1\).xlsx](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk, Please include this email and attachments in the online public comments for the December 2, 2025 City Council Meeting. Thanks! :)

Dear City Council,

The Insight agreement renewal does not seem to have gone to City Council, why?

As you know, Cupertino has a tax-sharing agreement with Insight. According to the State, the tax-sharing agreement with Insight expired in June 2025. I obtained the second attachment by running a report using the link below.
<https://cdtfa.ca.gov/dataportal/dataset.htm?url=RevenueTaxSharingAgreementReportedByJurisdictions>

Additionally the City website states that the Insight agreement terminated in 2025. The third attachment is a snip of the Cupertino City webpage below.
<https://www.cupertino.gov/Your-City/Divisions/Finance/Tax-Revenue-Sharing-Agreements>

I learned at the last city Council Meeting that the Insight agreement was extended through to June 2026.

See the first attachment that I found by searching through agreements in the digital archives. (I shrunk the actual document from 12MB to 6MB so that I could email it to you). The revised agreements is in the archives from 2006 so that it can be with the other agreements (but it took a bit of digging to find it). Here is the link:

<https://records.cupertino.org/WebLink/DocView.aspx?id=1181592&dbid=0&repo=CityOfCupertino>

I looked through the City Council Agendas and did not find an Insight renewal agreement on any agenda.

Did City Council vote on this?

Should City Council have voted on this or known about it?

Thanks,
Rhoda Fry

PS – the Apple agreement remains in force through 2033, so items purchased at the Apple store in Cupertino generates some income for the City, 65 cents for every \$100 spent, with Apple receiving a 35 cent rebate. When people shop at other stores in Cupertino and buy taxable items, the City receives \$1 for every \$100 spent.

EIGHTH AMENDMENT TO AGREEMENT 107
BETWEEN THE CITY OF CUPERTINO AND INSIGHT
CONSULTING SERVICES FOR CONSULTATION
SERVICES

This Eighth Amendment to Agreement 107 is by and between the City of Cupertino, a municipal corporation (hereinafter "City") and Insight Consulting Services, a limited liability company ("Consultant") whose address is PO Box 731069 Dallas, Texas 75373, and is made with reference to the following:

RECITALS:

- A. The City and the Consultant entered into an Agreement for Consultation Services ("Original Agreement") effective July 1, 2006, with a term expiring on June 30, 2011.
- B. The City and the Consultant entered into a First Amended and Restated Agreement for Consultation Services ("First Amended Agreement") effective July 1, 2011 with a term expiring on June 30, 2016; and
- C. The City and the Consultant entered into a Second Amended and Restated Agreement for Consultation Services ("Second Amended Agreement") effective July 1, 2016 with a term expiring on June 30, 2020; and
- D. The City and the Consultant entered into a Third Amendment to the Agreement ("Third Amended Agreement") effective July 1, 2020 with a term expiring on June 30, 2021; and
- E. The City and the Consultant entered into a Fourth Amendment to the Agreement ("Fourth Amended Agreement") effective July 1, 2021 with a term expiring on June 30, 2022; and
- F. The City and the Consultant entered into a Fifth and Restated Agreement for Consultation Services ("Fifth Amended Agreement") effective July 1, 2022 with a term expiring on June 30, 2023; and
- G. The City and the Consultant entered into a Sixth Amendment to the Agreement ("Sixth Amended Agreement") effective July 1, 2023 with a term expiring on June 30, 2024; and
- H. The City and the Consultant entered into a Seventh Amendment to the Agreement ("Seventh Amended Agreement") effective July 1, 2024 with a term expiring on June 30, 2025; and
- I. The Original Agreement, First Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment, Sixth Amendment, and Seventh Amendment are collectively referred to as the "Agreement" unless otherwise indicated.
- J. Section 6(c) of the Second Amended Agreement states the "City shall have six one-year options that the City may exercise in its sole discretion and if it chooses to exercise any

option(s) unless the parties mutually agree to amend any term or condition of this Agreement; and

NOW, THEREFORE, it is mutually agreed by and between and undersigned parties as follows:

1. The City of Cupertino shall exercise the sixth of six one-year options to extend the consultation services. This extension begins on July 1, 2025 and ends on June 30, 2026, unless terminated earlier pursuant to the terms of the Second Amended Agreement.
2. Consultant shall maintain insurance coverage as provided in Exhibit D, attached hereto.
3. Except as expressly modified herein, all other terms and covenants set forth in the Second Amended Agreement shall remain the same and shall be in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this modification of Agreement to be executed.

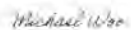
CONTRACTOR

By 
Title SVP Tax and Treasurer
Date 06/30/2025

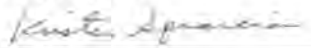
CITY OF CUPERTINO

By 
Title Interim City Manager
Date 06/30/2025

APPROVED AS TO FORM


Senior Assistant City Attorney

ATTEST:


City Clerk

Date 06/30/2025

EXHIBIT D
Insurance Requirements
Design Professionals & Consultants Contracts

Consultant shall procure prior to commencement of Services and maintain for the duration of the contract, at its own cost and expense, the following insurance policies and coverage with companies doing business in California and acceptable to City.

INSURANCE POLICIES AND MINIMUMS REQUIRED

1. ***Commercial General Liability*** (CGL) with coverage at least as broad as Insurance Services Office (ISO) Form CG 00 01, with limits no less than **\$2,000,000** per occurrence and **\$2,000,000** general aggregate. The policy shall include a per project or per location general aggregate endorsement as broad as CG 25 03 or CG 24 04. If a per project/location endorsement is not available, the limit of the general aggregate shall be doubled.
 - a. It shall be a requirement that any available insurance proceeds broader than or in excess of the specified minimum insurance coverage requirements and/or limits shall be made available to the Additional Insured and shall be (i) the minimum coverage/limits specified in this agreement; or (ii) the broader coverage and maximum limits of coverage of any insurance policy, whichever is greater.
 - b. Additional Insured coverage under Consultant's policy shall allow and be endorsed "primary and non-contributory," will not seek contribution from City's insurance/self-insurance, and shall be at least as broad as the most recent edition of ISO Form CG 20 01.
 - c. The limits of insurance required may be satisfied by a combination of primary and umbrella or excess liability insurance, provided each policy follows form of the underlying policy and complies with the requirements set forth in this Contract. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary basis for the benefit of City. The City's own insurance or self-insurance shall not be called upon.
2. ***Automobile Liability***: Coverage shall be provided using ISO CA 00 01 covering any auto (including owned, hired, and non-owned autos) with limits no less than **\$1,000,000** each accident for bodily injury and property damage.
 - ☐ *Not required. Consultant shall be fully remote and not use automobiles to provide the service.*
In the event Consultant uses an automobile or automobiles in the operation of its business to provide services under this Agreement, the Consultant shall, **prior to such use**, provide the City with evidence of Business Automobile Liability insurance coverage in the amount required under this Section 2 for owned, non-owned and hired autos (any auto-Symbol 1), or if Consultant does not own autos (hired autos-Symbol 8 and non-owned autos-Symbol 9). Evidence shall be provided with a Certificate of Insurance, along with an additional insured endorsement in favor of the City, primary and non-contributory coverage and endorsement, and waiver of subrogation coverage and endorsement under the policy prior to the use of any automobile.
 - ☐ Consultant has provided written confirmation that it does not own any autos. Consultant shall provide coverage for hired autos-Symbol 8 and non-owned autos-Symbol 9. Primary and Non-Contributory coverage and Waiver of Subrogation coverage is waived under the Automobile Liability hired and non-owned only coverage. In the event Consultant uses an owned automobile or automobiles in the operation of its business to provide services under this Agreement, the Consultant shall, prior to such use, provide the City with evidence of Business Automobile Liability insurance coverage in the amount required under this Section 2 for owned, non-owned and hired autos (any auto-Symbol 1).

- ☐ In lieu of Business Automobile Liability, Consultant shall maintain throughout the term of this Agreement and provide the City with evidence (including the policy Declarations Page) of personal automobile insurance coverage in accordance with the laws of the State of California. As available under the policy, evidence shall be provided with the Certificate of Insurance, along with an additional insured endorsement in favor of the City, primary and non-contributory coverage and endorsement, and waiver of subrogation coverage and endorsement. City approval of coverage is required prior to commencement of services.
3. **Workers' Compensation:** As required by the State of California, with Statutory Limits and Employer's Liability Insurance of no less than **\$1,000,000** each accident/ disease.
☐ *Not required. Consultant has provided written verification of no employees.*
4. **Professional Liability** for professional acts, errors and omissions, if applicable and as appropriate to Consultant's profession, with limits no less than **\$2,000,000** per occurrence or claim, **\$2,000,000** aggregate. If written on a claims-made basis form:
- a. The Retroactive Date must be shown and must be before the Effective Date of the Contract.
 - b. Insurance must be maintained for at least five (5) years after completion of the Services.
 - c. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the Contract Effective Date, the Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of the Services.

OTHER INSURANCE PROVISIONS

The aforementioned insurance policies shall contain, be endorsed and have all the following conditions and provisions:

Additional Insured Status

The City of Cupertino, its City Council, officers, officials, employees, agents, and volunteers ("Additional Insureds") are to be covered and endorsed as additional insureds on Consultant's CGL and automobile liability policies. General Liability coverage can be provided in the form of an endorsement to Consultant's insurance (at least as broad as ISO Form CG 20 10 (11/ 85) or if not available, through the addition of **both** CG 20 10 and CG 20 37 forms, if later editions are used).

Primary and Non-Contributory Coverage

Except Workers Compensation, coverage afforded to City/Additional Insureds shall allow and be endorsed primary insurance. Any insurance or self-insurance maintained by City, its officers, officials, employees, or volunteers shall be excess of Consultant's insurance and shall not contribute to it.

Notice of Cancellation

Each insurance policy shall state that coverage shall not be canceled or allowed to expire, except with written notice to City 30 days in advance or 10 days in advance if due to non-payment of premiums. If a carrier will not provide the required notice of cancellation or policy modification, the Consultant shall provide written notice to the City of a cancellation or policy modification no later than 30 days in advance or 10 days in advance if due to non-payment of premiums.

Waiver of Subrogation

Consultant waives any right to subrogation against City/Additional Insureds for recovery of damages to the extent said losses are covered by the insurance policies required herein. Specifically, the General Liability, Automobile Liability and Workers' Compensation policies shall allow and be endorsed with a waiver of subrogation in favor of City, its employees, agents and volunteers. This provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

Deductibles and Self-Insured Retentions

Any deductible or self-insured retention must be declared to and approved by the City (Insert on the Certificate of Insurance, if zero, insert "\$0"). At City's option, either: the insurer must reduce or eliminate the deductible or self-insured retentions as respects the City/Additional Insureds; or Consultant must show proof of ability to pay losses and costs related investigations, claim administration and defense expenses. The policy shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the insured or the City.

Acceptability of Insurers

Insurance shall be placed with insurers admitted in the State of California and with an AM Best rating of A-VII or higher.

Verification of Coverage

Consultant must furnish acceptable insurance certificates and amendatory endorsements (or copies of the policies effecting the coverage required by this Contract), including a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements prior to commencement of the Contract. City retains the right to demand verification of compliance at any time during the Contract term.

Subconsultants

Consultant shall require and verify that all subconsultants maintain insurance that meet the requirements of this Contract, including indemnification, defense, and naming the City as an additional insured on subconsultant's insurance policies.

Higher Insurance Limits

If Consultant maintains broader coverage and/or higher limits than the minimums shown above, City shall be entitled to coverage for the higher insurance limits maintained by Consultant.

Adequacy of Coverage

City reserves the right to modify these insurance requirements/coverage based on the nature of the risk, prior experience, insurer or other special circumstances, with not less than ninety (90) days prior written notice.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/14/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER MARSH USA LLC. 2325 E. Camelback Road Suite 600 Phoenix, AZ 85016 Attn: Phoenix.CertRequest@marsh.com CN101234622-STND-GAUWP-25-	CONTACT NAME: PHONE (A/C, No. Ext): E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Great Northern Insurance Company INSURER B: Federal Insurance Company INSURER C: Sentry Insurance Company INSURER D: Sentry Casualty Company INSURER E: Endurance American Specialty Insurance Company INSURER F:	FAX (A/C, No): NAIC # 20303 20281 24988 28460 41718
INSURED Insight Enterprises, Inc. Insight Public Sector, Inc. 2701 E. Insight Way Chandler, AZ 85286		

COVERAGES

CERTIFICATE NUMBER:

LOS-002486230-20

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:		3606-77-62	04/15/2025	04/15/2026	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY ☒ ANY AUTO ☒ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY		7362-08-62	04/15/2025	04/15/2026	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION \$		7819-44-10	04/15/2025	04/15/2026	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N ☒ N	90-05749-001 (AOS) 90-05749-002 (MA,WI,HI)	04/15/2025 04/15/2025	04/15/2026 04/15/2026	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
E	Professional Technology E&O and Cyber		ANP30084357500	04/15/2025	04/15/2026	Per Claim 2,000,000 Aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The City of Cupertino, its City Council, officers, officials, employees, agents, servants and volunteers are included as additional insured where required by written contract with respect to general and auto liability. This insurance is primary and non-contributory over any existing insurance and limited to liability arising out of the operations of the named insured subject to policy terms and conditions with respect to general and auto liability. Waiver of subrogation is applicable where required by written contract and subject to policy terms and conditions with respect to general liability, auto liability, workers' compensation.

CERTIFICATE HOLDER

CANCELLATION

City of Cupertino 10300 Torre Avenue Cupertino, CA 95014	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Marsh USA LLC</i>
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COMMERCIAL AUTOMOBILE

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

COMMERCIAL AUTOMOBILE BROAD FORM ENDORSEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

To the extent that the provisions of this endorsement provide broader benefits to the “insured” than other provisions of the Business Auto Coverage Form, the provisions of this endorsement apply.

1. EXTENDED CANCELLATION CONDITION

Paragraph A.2.b. – CANCELLATION of the COMMON POLICY CONDITIONS form IL 00 17 is deleted and replaced with the following:

- b. 60 days before the effective date of cancellation if we cancel for any other reason.

2. BROAD FORM INSURED

A. Subsidiaries and Newly Acquired or Formed Organizations As Insureds

The Named Insured shown in the Declarations is amended to include:

- (1) Any legally incorporated subsidiary in which you own more than 50% of the voting stock on the effective date of the Coverage Form. However, the Named Insured does not include any subsidiary that is an “insured” under any other automobile policy or would be an “insured” under such a policy but for its termination or the exhaustion of its Limit of Insurance.
- (2) Any organization that is acquired or formed by you and over which you maintain majority ownership. However, the Named Insured does not include any newly formed or acquired organization:
 - (a) That is a partnership, joint venture or limited liability company;
 - (b) That is an “insured” under any other automobile policy;
 - (c) That has exhausted its Limit of Insurance under any other policy; or
 - (d) 180 days or more after its acquisition or formation by you, unless you have given us notice of the acquisition or formation.

Coverage does not apply to “bodily injury” or “property damage” that results from an “accident” that occurred before you formed or acquired the organization.

B. Employees as Insureds

Paragraph A.1. – WHO IS AN INSURED – of SECTION II – COVERED AUTOS LIABILITY COVERAGE is amended to add the following:

- d. Any “employee” of yours while using a covered “auto” you don’t own, hire or borrow in your business or your personal affairs.

C. Lessors as Insureds

Paragraph A.1. – WHO IS AN INSURED – of SECTION II – COVERED AUTOS LIABILITY COVERAGE is amended to add the following:

- e. The lessor of a covered “auto” while the “auto” is leased to you under a written agreement if:
 - (1) The agreement requires you to provide direct primary insurance for the lessor; and
 - (2) The “auto” is leased without a driver.

Such leased “auto” will be considered a covered “auto” you own and not a covered “auto” you hire.

D. Persons And Organizations As Insureds Under A Written Insured Contract

Paragraph A.1 – WHO IS AN INSURED – of SECTION II – COVERED AUTOS LIABILITY COVERAGE is amended to add the following:

- f. Any person or organization with respect to the operation, maintenance or use of a covered “auto”, provided that you and such person or organization have agreed under an express provision in a written “insured contract”, written agreement or a written permit issued to you by a governmental or public authority to add such person or organization to this policy as an “insured”.

However, such person or organization is an “insured” only:

- (1) with respect to the operation, maintenance or use of a covered “auto”; and
- (2) for “bodily injury” or “property damage” caused by an “accident” which takes place after:
 - (a) You executed the “insured contract” or written agreement; or
 - (b) The permit has been issued to you.

If you have agreed in a written contract or written agreement that this insurance is primary and non-contributory with the additional insured's own insurance, this insurance is primary and we will not seek contribution from that other insurance.

This provision does not apply to other insurance to which the additional insured has also been added as an additional insured.

3. SUPPLEMENTARY PAYMENTS – INCREASED LIMITS

Under SECTION II – COVERED AUTOS LIABILITY COVERAGE, subsection A. Coverage, paragraph 2. Coverage Extensions, subparagraph a. Supplementary Payments, subparagraphs (2) and (4) are deleted and replaced by the following:

- (2) Up to \$5,000 for cost of bail bonds (including bonds for related traffic law violations) required because of an “accident” we cover. We do not have to furnish these bonds.
- (4) All reasonable expenses incurred by the “insured” at our request, including actual loss of earnings, up to \$1,000 a day because of time off from work.

4. AMENDED FELLOW EMPLOYEE EXCLUSION

EXCLUSION 5. – FELLOW EMPLOYEE – of SECTION II – COVERED AUTOS LIABILITY COVERAGE is amended to add the following:

However, this exclusion only applies if the fellow “employee” is entitled to benefits under any of the following: workers’ compensation, unemployment compensation or disability benefits law, or any similar law.

5. PHYSICAL DAMAGE – ADDITIONAL TEMPORARY TRANSPORTATION EXPENSE COVERAGE

Paragraph A.4.a. – TRANSPORTATION EXPENSES – of SECTION III – PHYSICAL DAMAGE COVERAGE is amended to provide a limit of \$60 per day, subject to a maximum limit of \$1,800.

6. AUTO LOAN/LEASE GAP COVERAGE

Paragraph A.4. – COVERAGE EXTENSIONS – of SECTION III – PHYSICAL DAMAGE COVERAGE is amended to add the following:

c. Unpaid Loan or Lease Amounts

In the event of a total “loss” to a covered “auto”, we will pay any unpaid amount due on the loan or lease for a covered “auto” minus:

- 1. The amount paid under the Physical Damage Coverage Section of the policy; and
- 2. Any:
 - a. Overdue loan/lease payments at the time of the “loss”;
 - b. Financial penalties imposed under a lease for excessive use, abnormal wear and tear or high mileage;
 - c. Security deposits not returned by the lessor;

- d. Costs for extended warranties, Credit Life Insurance, Health, Accident or Disability Insurance Purchased with the loan or lease: and
- e. Carry-over balances from previous loans or leases.

We will pay for any unpaid amount due on the loan or lease if caused by:

- (1) Other than collision only if the Declarations indicate that Comprehensive Coverage is provided for any covered "auto";
- (2) Specified Causes of Loss only if the Declarations indicate that Specified Causes of Loss Coverage is provided for any covered "auto"; or
- (3) Collision only if the Declarations indicate that Collision Coverage is provided for any covered "auto".

The Auto Loan/Lease Gap Coverage insurance provided by this endorsement is excess over any other collectible insurance including but not limited to any coverage provided by or purchased from the lessor.

7. VEHICLE VINYL WRAP COVERAGE

Paragraph A.4. – COVERAGE EXTENSIONS – of SECTION III – PHYSICAL DAMAGE COVERAGE is amended to add the following:

d. Vehicle Vinyl Wrap Coverage

In the event of a total "loss" to an "auto" for which Comprehensive, Specified Causes of Loss, or Collision coverages are provided under this Coverage Form, then such Physical Damage Coverages are amended to add the following:

In addition to the actual cash value of the "auto", we will pay up to \$1,000 for vinyl vehicle wraps which are displayed on the covered "auto" at the time of loss. Regardless of the number of "autos" deemed a total "loss", the most we will pay under this Coverage for any one "loss" is \$2,000.

For purposes of this coverage, signs or other graphics painted or magnetically affixed to the vehicle are not considered vehicle wraps.

8. PERSONAL PROPERTY COVERAGE

Paragraph A.4. – COVERAGE EXTENSIONS – of SECTION III – PHYSICAL DAMAGE COVERAGE is amended to add the following:

e. Personal Property Coverage

We will pay up to \$1,000 for "loss" to wearing apparel and other personal effects which are:

- (1) Owned by an "insured"; and
- (2) In or on your covered "auto".

This Coverage applies only:

- (1) In the event of total theft of your covered "auto;" and
- (2) If such wearing apparel or other personal effects cannot be recovered.

This Coverage is not subject to a deductible.

The limit shown above applies in addition to any other insurance for personal property provided elsewhere in this policy.

This coverage only applies to "autos" for which Comprehensive or Specified Causes of Loss coverages are provided under this Coverage Form.

9. REPLACEMENT WITH A HYBRID OR ALTERNATIVE FUEL SOURCE AUTO

Paragraph A.4. – COVERAGE EXTENSIONS – of SECTION III – PHYSICAL DAMAGE COVERAGE is amended to add the following:

f. Replacement Of A Private Passenger Auto With A Hybrid Or Alternative Fuel Source Auto

In the event of a total "loss" to an "auto" for which Comprehensive, Specified Causes of Loss, or Collision coverages are provided under this Coverage Form, we will pay the actual cash value, plus an additional 10%

(up to a maximum of \$2,500), if the replacement vehicle is a hybrid vehicle or alternative fuel source vehicle.

10. RENTAL AGENCY EXPENSE

Paragraph A.4. – COVERAGE EXTENSIONS – of SECTION III – PHYSICAL DAMAGE COVERAGE is amended to add the following:

g. Rental Expense

We will pay the following expenses that you or any of your “employees” are legally obligated to pay because of a written contract or agreement entered into for use of a rental vehicle in the conduct of your business:

MAXIMUM WE WILL PAY FOR ANY ONE CONTRACT OR AGREEMENT:

- (1) \$2,500 for loss of income incurred by the rental agency during the period of time that vehicle is out of use because of actual damage to, or “loss” of, that vehicle, including income lost due to absence of that vehicle for use as a replacement;
- (2) \$2,500 for decrease in trade-in value of the rental vehicle because of actual damage to that vehicle arising out of a covered “loss”; and
- (3) \$2,500 for administrative expenses incurred by the rental agency, as stated in the contract or agreement.
- (4) \$7,500.00 maximum total amount for paragraphs a., b. and c. combined.

11. EXTRA EXPENSE – BROADENED COVERAGE

Paragraph A.4. – COVERAGE EXTENSIONS – of SECTION III – PHYSICAL DAMAGE COVERAGE is amended to add the following:

h. Recovery Expense

We will pay for the expense of returning a stolen covered “auto” to you.

12. AIRBAG COVERAGE

Paragraph B.3.a. – EXCLUSIONS – of SECTION III – PHYSICAL DAMAGE COVERAGE does not apply to the accidental or unintended discharge of an airbag. Coverage is excess over any other collectible insurance or warranty specifically designed to provide this coverage.

13. SOUND RECEIVING AND TRANSMITTING EQUIPMENT – BROADENED COVERAGE

Paragraph a. under the statement “Exclusions 4.c. and 4.d. do not apply” under EXCLUSIONS – of SECTION III – PHYSICAL DAMAGE COVERAGE is deleted and replaced with the following:

- a. Equipment designed solely for receiving or transmitting sound and accessories used with such equipment, provided such equipment is permanently installed in the covered “auto” at the time of the “loss” or such equipment is removable from the housing unit which is permanently installed in the covered “auto” at the time of the “loss”, and such equipment is designed to be operated solely by use of the power from the “auto’s” electrical system, in or upon the covered “auto”; or

14. GLASS REPAIR – WAIVER OF DEDUCTIBLE

Under Paragraph D. – DEDUCTIBLE – of SECTION III – PHYSICAL DAMAGE COVERAGE the following is added:

No deductible applies to glass damage if the glass is repaired rather than replaced.

15. TWO OR MORE DEDUCTIBLES

Paragraph D. – DEDUCTIBLE – of SECTION III – PHYSICAL DAMAGE COVERAGE is amended to add the following:

If this Coverage Form and any other Coverage Form or policy issued to you by us that is not an automobile policy or Coverage Form applies to the same “accident”, the following applies:

- (1) If the deductible under this Business Auto Coverage Form is the smaller (or smallest) deductible, it will be waived; or

- (2) If the deductible under this Business Auto Coverage Form is not the smaller (or smallest) deductible, it will be reduced by the amount of the smaller (or smallest) deductible.

16. AMENDED DUTIES IN THE EVENT OF ACCIDENT, CLAIM, SUIT OR LOSS

Paragraph A.2.a. – DUTIES IN THE EVENT OF AN ACCIDENT, CLAIM, SUIT OR LOSS of SECTION IV – BUSINESS AUTO CONDITIONS is deleted and replaced with the following:

- a. In the event of “accident”, claim, “suit” or “loss”, you must promptly notify us when the “accident” is known to:
1. You or your authorized representative, if you are an individual;
 2. A partner, or any authorized representative; if you are a partnership;
 3. A member, if you are a limited liability company; or
 4. An executive officer, insurance manager, or authorized representative, if you are an organization other than a partnership or limited liability company.

Knowledge of an “accident”, claim, “suit” or “loss” by other persons does not imply that the persons listed above have such knowledge.

Notice to us should include:

1. How, when and where the “accident” or “loss” occurred;
2. The insured’s name and address; and
3. To the extent possible, the names and addresses of any injured persons or witnesses.

17. WAIVER OF SUBROGATION

Paragraph A.5. – TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US of SECTION IV – BUSINESS AUTO CONDITIONS is deleted and replaced with the following:

5. We will waive the right of recovery we would otherwise have against another person or organization for “loss” to which this insurance applies, provided the “insured” has waived their rights of recovery against such person or organization in a written contract or agreement that is executed before such “loss”.

To the extent that the “insured’s” rights to recover damages for all or part of any payment made under this insurance has not been waived, those rights are transferred to us. That person or organization must do everything necessary to secure our rights and must do nothing after “accident” or “loss” to impair them. At our request, the insured will bring suit or transfer those rights to us and help us enforce them.

18. UNINTENTIONAL FAILURE TO DISCLOSE HAZARDS

Paragraph B.2. – CONCEALMENT, MISREPRESENTATION or FRAUD of SECTION IV – BUSINESS AUTO CONDITIONS – is deleted and replaced with the following:

If you unintentionally fail to disclose any hazards existing at the inception date of your policy, we will not void coverage under this Coverage Form because of such failure.

19. AUTOS RENTED BY EMPLOYEES

Paragraph 5.b. – OTHER INSURANCE of SECTION IV – BUSINESS AUTO CONDITIONS – is deleted and replaced with the following:

- e. Any “auto” hired or rented by your “employee” on your behalf and at your direction will be considered an “auto” you hire. If an “employee’s” personal insurance also applies on an excess basis to a covered “auto” hired or rented by your “employee” on your behalf and at your direction, this insurance will be primary to the “employee’s” personal insurance.

20. HIRED AUTO – COVERAGE TERRITORY

Paragraph B.7.e. (1) – POLICY PERIOD, COVERAGE TERRITORY of SECTION IV – BUSINESS AUTO CONDITIONS is deleted and replaced with the following:

- (1) A covered “auto” of the private passenger type is leased, hired, rented or borrowed without a driver for a period of 60 days or less; and

21. RESULTANT MENTAL ANGUISH COVERAGE

Paragraph C. of – SECTION V – DEFINITIONS is deleted and replaced by the following:

“Bodily injury” means bodily injury, sickness or disease sustained by any person, including mental anguish or death resulting from any of these.

All other terms and conditions remain unchanged.

Endorsement

<i>Policy Period</i>	APRIL 15, 2025 TO APRIL 15, 2026
<i>Effective Date</i>	APRIL 15, 2025
<i>Policy Number</i>	3606-77-62 PHX
<i>Insured</i>	INSIGHT ENTERPRISES, INC.
<i>Name of Company</i>	GREAT NORTHERN INSURANCE COMPANY
<i>Date Issued</i>	APRIL 17, 2025

This Endorsement applies to the following forms:

GENERAL LIABILITY

Under Who Is An Insured, the following provision is added.

Who Is An Insured***Additional Insured -
Scheduled Person
Or Organization***

Persons or organizations shown in the Schedule are **insureds**; but they are **insureds** only if you are obligated pursuant to a contract or agreement to provide them with such insurance as is afforded by this policy.

However, the person or organization is an **insured** only:

- if and then only to the extent the person or organization is described in the Schedule;
- to the extent such contract or agreement requires the person or organization to be afforded status as an **insured**;
- for activities that did not occur, in whole or in part, before the execution of the contract or agreement; and
- with respect to damages, loss, cost or expense for injury or damage to which this insurance applies.

No person or organization is an **insured** under this provision:

- that is more specifically identified under any other provision of the Who Is An Insured section (regardless of any limitation applicable thereto).
 - with respect to any assumption of liability (of another person or organization) by them in a contract or agreement. This limitation does not apply to the liability for damages, loss, cost or expense for injury or damage, to which this insurance applies, that the person or organization would have in the absence of such contract or agreement.
-

Liability Endorsement

(continued)

Under Conditions, the following provision is added to the condition titled Other Insurance.

Conditions

*Other Insurance –
Primary, Noncontributory
Insurance – Scheduled
Person Or Organization*

If you are obligated, pursuant to a contract or agreement, to provide the person or organization shown in the Schedule with primary insurance such as is afforded by this policy, then in such case this insurance is primary and we will not seek contribution from insurance available to such person or organization.

Schedule

Persons or organizations that you are obligated, pursuant to a contract or agreement, to provide with such insurance as is afforded by this policy.

All other terms and conditions remain unchanged.

Authorized Representative



Conditions

(continued)

Transfer Or Waiver Of Rights Of Recovery Against Others

We will waive the right of recovery we would otherwise have had against another person or organization, for loss to which this insurance applies, provided the **insured** has waived their rights of recovery against such person or organization in a contract or agreement that is executed before such loss.

To the extent that the **insured**'s rights to recover all or part of any payment made under this insurance have not been waived, those rights are transferred to us. The **insured** must do nothing after loss to impair them. At our request, the **insured** will bring **suit** or transfer those rights to us and help us enforce them.

This condition does not apply to **medical expenses**.

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

This agreement shall not operate directly or indirectly to benefit anyone not named in the Schedule.

Schedule

Name:

Address: HI, MA, WI

Description of Waiver: Any person or organization for whom the Named Insured has agreed by written contract executed prior to loss.

JobID:

This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated.

(The information below is required only when this endorsement is issued subsequent to preparation of the policy.)

Endorsement Effective
Insured

Policy No.

Endorsement No.
Premium

Insurance Company

Countersigned by _____

WC 00 03 13

(Ed. 4-84)

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9005749002
Sentry Casualty Company

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3f5e38ac-136f-4de3-a7ed-d85b3ed2433b

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

This agreement shall not operate directly or indirectly to benefit anyone not named in the Schedule.

Schedule

Name:

Address: AL, AR, AZ, CA, CO, CT, DC, DE, FL, GA, IA, ID, IL, IN, KS, LA, MD, ME, MI, MN, MO, MS, MT, NC, NE, NM, NV, NY, OK, OR, PA, RI, SC, SD, TN, VA, VT, WV

Description of Waiver: Any person or organization for whom the Named Insured has agreed by written contract executed prior to loss.

JobID:

This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated.

(The information below is required only when this endorsement is issued subsequent to preparation of the policy.)

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Insured

Policy No.

Endorsement No.
Premium

Insurance Company

Countersigned by _____

WC 00 03 13

(Ed. 4-84)

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Sentry Insurance Company

Page 1 of 1

04/09/2025

Insight - 8th Amendment

Final Audit Report

2025-07-01

Created:	2025-06-30
By:	Webmaster Admin (webmaster@cupertino.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAALZ8Yo30jx6jYF7_WFR17w-k_Z1pLZZZ5

"Insight - 8th Amendment" History

-  Document created by Webmaster Admin (webmaster@cupertino.org)
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-  Document emailed to Janet Liang (janetl@cupertino.org) for approval
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-  Document emailed to lynn willden (lynn.willden@insight.com) for signature
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-  Email viewed by lynn willden (lynn.willden@insight.com)
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-  Document e-signed by lynn willden (lynn.willden@insight.com)
Signature Date: 2025-06-30 - 11:17:34 PM GMT - Time Source: server- IP address: 198.187.200.254
-  Document emailed to Tina Kapoor (tinak@cupertino.org) for signature
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 Document e-signed by Kirsten Squarcia (kirstens@cupertino.org)

Signature Date: 2025-07-01 - 0:47:53 AM GMT - Time Source: server- IP address: 64.165.34.3

 Agreement completed.

2025-07-01 - 0:47:53 AM GMT

Insight Consulting Services, Inc. Sales Tax Sharing Agreement

- Agreement execution date: December 29, 2006
- Agreement termination date: June 30, 2025

Agreement Terms: Insight is not entitled to any compensation in a fiscal year unless Revenues exceed \$250,000. Once this threshold is met, the City compensates the Consultant based on a tiered structure:

- If Revenues exceed \$250,000 but are less than \$500,000, the Consultant receives \$62,500 plus 25% of Revenues between \$250,000 and \$500,000.
- If Revenues exceed \$500,000 but are less than \$1,000,000, the Consultant receives \$125,000 plus 40% of Revenues between \$500,000 and \$1,000,000.
- If Revenues exceed \$1,000,000, the Consultant receives \$500,000 plus 35% of Revenues above \$1,000,000.

The agreement is currently in year five of six possible one-year extensions.

Amount of rebated sales and use tax revenues received since the agreement date:

- Since Inception through FY 2023/2024: \$7,639,543.05
- FY 2023/2024: \$595,710.40

CC 12-02-2025

#1

Draft Plan Bay Area
2050+

Written Communications

From: [Kitty Moore](#)
To: [Kirsten Squarcia](#); [Lauren Sapudar](#)
Subject: Written Communications Item 1
Date: Tuesday, December 2, 2025 3:00:46 PM
Attachments: [KM Draft EIR Comment Letter.pdf](#)

Dear City Clerk,

Please include the following and the attached letter for written communications on Agenda Item 1:

Metropolitan Transportation Commission
Association of Bay Area Governments
375 Beale Street
San Francisco, CA 94105

Re: Comments on Plan Bay Area 2050 Plus Draft EIR – CEQA Inadequacy Concerns

To Whom It May Concern:

These comments identify substantial deficiencies in the Plan Bay Area 2050 Plus Draft Environmental Impact Report (“Draft EIR”) under the California Environmental Quality Act (CEQA).

1. Mismatch Between “Program EIR” Label and Level of Project Specificity

The Draft EIR describes itself as a “program EIR” and states that impacts of individual transportation, sea level rise adaptation, and land use projects are not addressed in detail, even though it includes a fiscally constrained Transportation Project List, a Resilience Project List, and mapped “land use growth footprints” for specific geographies. This shows a high level of project and growth specificity, but the environmental analysis is kept at a very general level, so the detail of the CEQA review does not match the detail of the Plan.

2. Improper Reliance on Lack of Local Police Power to Avoid Mitigation

In multiple topic areas, the Draft EIR states that identified mitigation would reduce impacts to less than significant if adopted by future local agencies, but then still concludes the impacts are significant and unavoidable because MTC/ABAG lack direct land use authority. CEQA requires the lead agency to use all of its own powers to reduce impacts where feasible, including funding decisions, approval conditions, and plan-consistency tools; the Draft EIR instead treats institutional limits as a blanket excuse not to fully mitigate.

3. Vague, Advisory, and Deferred Mitigation

Many mitigation measures are written as long lists of possible actions that implementing agencies “shall implement, where feasible and necessary,” without clear, enforceable obligations or performance standards. This kind of deferred, advisory approach does not ensure that mitigation will actually occur, and does not meet CEQA’s requirement for

specific, enforceable mitigation measures at the time the Plan is approved.

4. Unreasonably Narrow Alternatives Range

The Draft EIR's alternatives analysis evaluates: the proposed Plan, a "No New Highway Capacity and Transit Reinvestment" alternative that keeps the same housing, economy, and environment strategies, a "Transit-Oriented Communities Growth Focus" alternative that keeps all strategies but shifts growth within transit areas, and the No Project scenario. All build alternatives rely on the same total growth forecast and essentially the same set of strategies, and even the EIR acknowledges that Alternatives 1 and 2 result in the same number of significant and unavoidable impacts as the Plan. This range does not include any alternative that would meaningfully reduce impacts through substantially different growth patterns, hazard-avoidance, or stronger VMT and GHG reductions.

5. Inadequate Analysis of Greenhouse Gas and VMT Impacts Over the Full Planning Horizon

The Draft EIR emphasizes meeting the SB 375 2035 per-capita GHG reduction target and largely frames significance around that single metric. It provides limited, opaque discussion of emissions and VMT over the full 2020–2050 horizon, including how its long-term trajectory relates to more recent statewide climate goals and what happens under different assumptions about federal vehicle standards. This narrow, target-only framing does not give decision makers and the public a clear, transparent understanding of the Plan's climate impacts across the entire planning period.

6. Insufficient Treatment of Sea Level Rise, Multi-Hazard Risk, and Residual Exposure

The Draft EIR highlights a \$229 billion program to address approximately 4.9 feet of sea level rise and related inundation, and presents a detailed "Resilience Project List," but then largely treats those adaptation efforts as eliminating hazard risk in affected areas. The document does not adequately analyze whether, even with those projects, the Plan still focuses new or intensified development in areas likely to face flooding, groundwater rise, liquefaction, or related hazards over the life of the Plan. It also acknowledges controversies regarding consistency with shoreline adaptation planning and shoreline community vulnerability, but discusses the combined effects of sea level rise, groundwater rise, and toxics exposure on disadvantaged shoreline communities only in very general terms.

7. Deficient Growth-Inducing Impact Analysis

The Draft EIR presents the Plan as simply accommodating forecast regional growth rather than inducing growth, while at the same time designating "Growth Geographies," concentrating housing and jobs in specific priority areas, and assuming development patterns that differ from current local plans. It does not meaningfully analyze how these new designations, land use intensification, and associated infrastructure and adaptation

investments may stimulate additional or accelerated development in particular locations, or shift growth into areas that otherwise would not see it.

8. Inadequate Cumulative Impact Methodology

The Draft EIR asserts that because it is a regional plan, its analysis inherently addresses cumulative impacts, and therefore provides only limited additional cumulative analysis for conditions beyond the nine-county Bay Area. This self-referential approach does not satisfy CEQA's requirement for an explicit cumulative analysis that explains how the Plan's incremental effects interact with other past, present, and reasonably foreseeable projects and growth scenarios, particularly in neighboring regions that are closely linked by commuting, goods movement, air basins, and habitat connectivity.

9. Insufficient Analysis of Environmental Justice, Distributional Impacts, and Displacement

Although the Draft EIR emphasizes equity and resilience, identifies "Equity Priority Communities," and acknowledges displacement and access to opportunity as major concerns, its environmental analysis treats these issues largely as high-level performance indicators rather than as concrete CEQA impacts. The document does not provide a sufficiently detailed, location-specific assessment of whether the Plan concentrates environmental burdens (such as air pollution, noise, or hazardous exposures) in already overburdened communities, or how the Plan's growth pattern and transportation investments may increase or shift displacement risk in specific neighborhoods.

10. Overbroad Use of CEQA Streamlining Without Clear Consistency Standards

The Draft EIR repeatedly promotes CEQA streamlining under SB 375, SB 226, SB 743 and related provisions, indicating that many future local projects may rely on this EIR to limit or avoid further analysis of certain impacts. However, it does not provide clear, objective criteria or maps for determining what constitutes "consistency" with the Plan for tiering purposes, nor does it clearly describe what level of additional review will occur for such projects. This creates significant uncertainty for the public and decision makers about the true environmental consequences of approving the Plan and about how much later environmental review will actually take place.

11. Inadequate Explanation of Significance Determinations and Residual Impacts

The Draft EIR identifies numerous significant and unavoidable impacts but frequently provides only brief, conclusory explanations of how those findings were reached and how the Plan's incremental effects compare to No Project and other alternatives. In light of the EIR's heavy reliance on complex regional models, the lack of clear disclosure of assumptions, limitations, and sensitivity of results prevents the public from understanding

or checking the basis for the significance conclusions.

12. Failure to Meaningfully Integrate Public Comment Themes Into the Analysis

The Draft EIR describes extensive public engagement, including tens of thousands of comments and targeted outreach to specific communities, and it briefly lists “areas of controversy” and “issues to be resolved.” However, the technical sections do not show how those specific concerns—especially around shoreline vulnerability, displacement, transit reliability, and tolling—shaped the impact analysis, mitigation framework, or alternatives. As a result, the Draft EIR does not demonstrate that key issues raised by the public were substantively incorporated into the CEQA analysis.

For all of these reasons, the Draft EIR does not provide the full, good-faith disclosure and analysis required by CEQA and should not be certified in its current form.

Sincerely,

Vice Mayor Kitty Moore

City of Cupertino

Representing myself only



Kitty Moore
Vice Mayor
City Council
KMoore@cupertino.gov
(408) 777-1389



December 2, 2025

Metropolitan Transportation Commission
Association of Bay Area Governments
375 Beale Street
San Francisco, CA 94105

Re: Comments on Plan Bay Area 2050 Plus Draft EIR – CEQA Inadequacy Concerns

To Whom It May Concern:

These comments identify substantial deficiencies in the Plan Bay Area 2050 Plus Draft Environmental Impact Report (“Draft EIR”) under the California Environmental Quality Act (CEQA). The issues below are raised now to preserve them for all purposes, including any subsequent judicial review.

1. Mismatch Between “Program EIR” Label and Level of Project Specificity

The Draft EIR describes itself as a “program EIR” and states that impacts of individual transportation, sea level rise adaptation, and land use projects are not addressed in detail, even though it includes a fiscally constrained Transportation Project List, a Resilience Project List, and mapped “land use growth footprints” for specific geographies. This shows a high level of project and growth specificity, but the environmental analysis is kept at a very general level, so the detail of the CEQA review does not match the detail of the Plan.

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CEQA's requirement for specific, enforceable mitigation measures at the time the Plan is approved.

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10. Overbroad Use of CEQA Streamlining Without Clear Consistency Standards

The Draft EIR repeatedly promotes CEQA streamlining under SB 375, SB 226, SB 743 and related provisions, indicating that many future local projects may rely on this EIR to limit or avoid further analysis of certain impacts. However, it does not provide clear,

objective criteria or maps for determining what constitutes “consistency” with the Plan for tiering purposes, nor does it clearly describe what level of additional review will occur for such projects. This creates significant uncertainty for the public and decision makers about the true environmental consequences of approving the Plan and about how much later environmental review will actually take place.

11. Inadequate Explanation of Significance Determinations and Residual Impacts

The Draft EIR identifies numerous significant and unavoidable impacts but frequently provides only brief, conclusory explanations of how those findings were reached and how the Plan’s incremental effects compare to No Project and other alternatives. In light of the EIR’s heavy reliance on complex regional models, the lack of clear disclosure of assumptions, limitations, and sensitivity of results prevents the public from understanding or checking the basis for the significance conclusions.

12. Failure to Meaningfully Integrate Public Comment Themes Into the Analysis

The Draft EIR describes extensive public engagement, including tens of thousands of comments and targeted outreach to specific communities, and it briefly lists “areas of controversy” and “issues to be resolved.” However, the technical sections do not show how those specific concerns—especially around shoreline vulnerability, displacement, transit reliability, and tolling—shaped the impact analysis, mitigation framework, or alternatives. As a result, the Draft EIR does not demonstrate that key issues raised by the public were substantively incorporated into the CEQA analysis.

For all of these reasons, the Draft EIR does not provide the full, good-faith disclosure and analysis required by CEQA and should not be certified in its current form.

Sincerely,

Vice Mayor Kitty Moore
City of Cupertino
Representing myself only

From: [Tracy K](#)
To: [City Clerk](#); [City Council](#)
Subject: Written comments for action calendar Item 1 -- Plan Bay Area
Date: Tuesday, December 2, 2025 1:07:46 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

Speaking on behalf of myself -- written comments for action calendar item 1, Plan Bay Area --

As per the draft letter, Plan Bay Area forecasts are significantly above state projections. The state [Department of Finance dashboard](#) projects about a +0.5M increase in population across the 9 counties between 2025 and 2050. How does this translate to a 9.6M Plan Bay Area 2050 population forecast? Population counts can vary by source, but by most measures this is vastly higher than forecast.

More interestingly -- 83% of the growth is NOT expected to be in Santa Clara, San Mateo, or San Francisco counties. In fact, Santa Clara County is expected to decline 4.5% by 2070. The highest growth forecasts are for Solano, Contra Costa, and Alameda counties.

Therefore, does it make sense that so much of the priority development areas of the PBA (p73) are in slow population growth areas like San Francisco and Santa Clara? Why not designate more PDAs in, say, Contra Costa, which is expected to see +210M by 2050? Where are the PDAs to support the places that are truly adding people?

I am also unclear about whether De Anza and Stevens Creek is the appropriate nexus for a priority development area given that much of this immediate area is already occupied by large corporate buildings, retail, and a church, many of which seem unlikely to redevelop soon (save for perhaps Marina Plaza). When were these priority development areas designated, and does it make sense for council to revisit them and designate new ones? Why not remove PDA designation from Stevens Creek and De Anza, and place it on Vallco/The Rise, where eventually a significant amount of affordable housing will also be built?

On page 85 -- what exactly is the <5 min peak service frequency transit emanating from Cupertino? Is there some plan that we are not aware of?

Finally, the report shows a \$1.2 trillion revenue forecast on P65. It would be great to see a further breakdown of how these funds are expected to be received.

Thanks,
Tracy

From: [Jennifer Griffin](#)
To: [City Council](#); [City Clerk](#)
Cc: grenna5000@yahoo.com
Subject: Plan Bay Area 2050 Plans and Draft EIR
Date: Tuesday, December 2, 2025 10:00:59 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

(Please include this comment as public comment for Agenda Item 1 on the Cupertino City Council meeting on Dec. 2, 2025 on The Draft Plan Bay Area 2050 Plans and Draft EIR.)

Dear City Council:

I am very glad this item on the Plan Bay Area 2050 Plans and Draft EIR is being discussed as Agenda Item 1 at the Cupertino City Council meeting on Dec. 2, 2025. I have been horrified by this document Ever since it came out. I have attended several zooms on this document and I can tell you I am appalled and shocked that an entity like MTC/ABAG would use such questionable data and arrive at such Silly and dangerous conclusions as have been shown as the results in this document. It makes a mockery of any firm scientific standings in statistical data and analysis and use.

This group is supposed to use current state census data by law and they did not. They made up their own numbers and now say the state population growth will be 26% by 2050 and it is projected to only Be 6.5% by official California state census statistics.

MTC and ABAG are not concentrating on just transit issues for the Bay Area in these documents, They are trying to do multiple things: fix housing, tell people where they are supposed to live, Build housing etc. Their list goes on and on. Their list makes it seem like they are trying to impose some political agenda on the San Francisco Bay Area. This is not something MTC and ABAG should Be doing. It's not in their wheelhouse. They need to concentrate on transit issues alone.

The cost of implementation of the items listed in this Draft Bay Area document is mind boggling. Who do they think is going to pay for all this? The people living in the San Francisco Bay Area or the whole state? Are they saying our taxes will be raised to pay for it?

What is so very shocking about this whole document is the staggering amount of unintended consequences Coming out of it, the significant and unavoidable consequences. 52% of the impacts are significant and unavoidable. These are very serious and include air pollution and water supply. What are these people thinking to subject our Bay Area to this?

I am completely baffled how this state agency of MTC/ABAG could be allowed to get so lost in their documents and produce something like this and expect the rest of the adult population in the Bay Area to go along with them? I have seen respected individuals who are trained in analysis and state policy just shaking their heads on zoom in disbelief over this Plan Bay Area document. The words "Lunacy" have been used to describe the documents.

We need to speak out and say this Plan Bay Area Document and Draft EIR is not workable etc. It Seems to carry no valid statistical documentation and it seems to be a waste of time and money. I am just shocked that this item would have been reviewed at the state level and was not Revised or declared abandoned there. It is late in the game if the public is having to be The ones to identify the document's fallacies and weaknesses now when MTC/ABAG will vote On the document and implementation in December, 2025.

My college level freshman math teacher would have looked at this and said "show your work". This

Document does not show any scientific work or method at all.

Thank you.

Best regards,

Jennifer Griffin

CC 12-02-2025

#3

Solving Fun on the
Puzzle-Hunt Month-Long
Event

Written Communications

Puzzle Hunt!

Community finding answers together





"It was very fun solving puzzles together as a family and discovering new places to enjoy in Cupertino. We look forward to the next challenge. Thank you." -Chloe

"It was an excellent puzzle. Would love to do it again. Proud to be a Cupertino resident!" -Saunil

"The hunt was an amazing way to spend quality time with my family and connect with our community. It reminded us how much there is to discover right here in Cupertino." -Puja



Puzzle Hunt = Scavenger Hunt + Puzzles

Solving Fun puzzle pals love to create puzzle hunts for communities and organizations. They bring people together in a fun and unique way to collaborate and use creative thinking. Puzzle hunts are inclusive, open to all ages and all kinds of groups. Puzzle hunts can range from a few hours to sets of puzzles that solvers work on over a series of weeks.



- Collaborate with friends and family to solve puzzles.
- Filled with a variety of wordplay, logic, math, reasoning, and creative thinking.
- Find clues by solving puzzles.
- Clues lead to locations.
- Put together clues and solve a meta puzzle for final answer(s).

Supporters

- ❑ Mayor's Initiative
- ❑ Library Foundation
- ❑ Cupertino Unified Schools
- ❑ Fremont Union Schools
- ❑ DeAnza College
- ❑ Code Ninjas - Cupertino



Benefits

- ❑ Brings communities together
- ❑ New visitors to local landmarks
- ❑ Outdoors
- ❑ Not schedule dependent (solvers can solve the puzzles at their own leisure, not competing with other activities)
- ❑ Flexible locations (organizations choose whatever locations are important to them)
- ❑ Inclusive: Open to Everyone!



Cupertino Puzzle Hunt

The Cupertino Puzzle Hunt celebrated the City's 70th anniversary from October 1-26, 2025. It was free and filled with 9 puzzles for families and friends to solve together. Solvers could do one puzzle or do them all. Each puzzle took solvers to a different location in Cupertino with a metapuzzle at the end.



Community Finding Answers Together

Cupertino Puzzle Hunt!

October 1-26

Get ready for the puzzle hunt! Solve the anagrams below as a warm-up. Email us your answer as an emoji.

UTEPLSUCR	-----
MEPCUTRO	-----
ILDBU	-----
OBLOIYG	-----
BELARGA	-----

A cartoon character with a purple body, yellow belly, and large eyes, holding a puzzle piece with a map of Cupertino on it.

www.solvingfun.com/cupertino

CUPERTINO
CODE NINJAS
Cupertino
CUPERTINO
LIBRARY
FOUNDATION
Solving
Fun

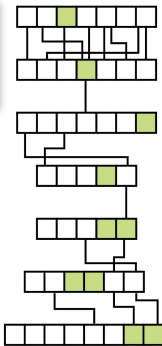
© Solving Fun LLC 2025

Sample Puzzles

Cupertino Puzzle Hunt

1

Mae Z. and her pals are excited about Cupertino's 70th anniversary and have created this puzzle hunt for you. Solve the puzzles and enter your answers at www.solvingfun.com/cupertino to get clue locations. Go to each location to find a clue for the meta-puzzle. To solve the puzzle below, use the book covers to fill in the blanks.

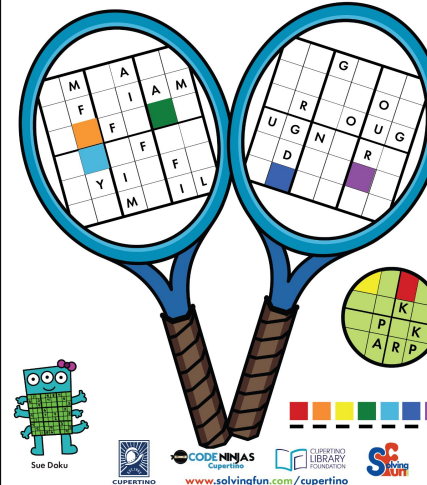





Cupertino Puzzle Hunt

2

Sue Doku is meeting her pals to play tennis at her favorite Cupertino park. For each racket and ball grid below, fill in the missing letters in the words "FAMILY, GROUND, and PARK". Each row, column, and bolded region needs to contain one of each letters used in the grid. Then match the colored squares below. Enter the answer to get this puzzle's clue location. Go there to find a clue for the meta-puzzle.







Cupertino Puzzle Hunt

8

Pat Tern is going on a hike with their pals. They hope to see some interesting critters like the ones below. Solve the puzzle and enter the answer to get this puzzle's clue location. Go there to find a clue for the meta-puzzle.





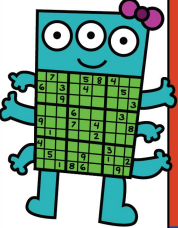

Advertising Locations

- ❑ Banners, bookmarks, posters
- ❑ Social Media (FB, Instagram, Twitter)
- ❑ Email Lists (Schools, Library, Code Ninjas, Solving Fun)

Cupertino
Puzzle Hunt

Community Finding
Answers Together

October 1-26



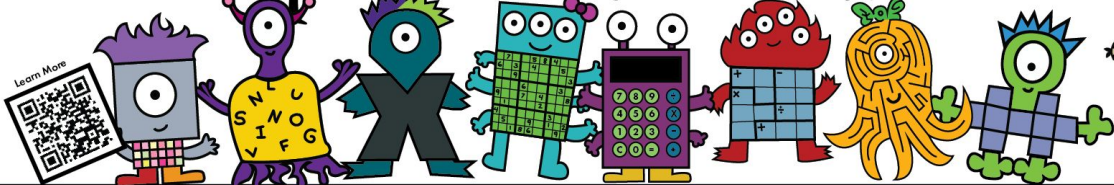
Sue Doku

How to Solve:
Each row, column, and
bolded region needs one
of each critter.



Cupertino Puzzle Hunt!



Learn More



www.solvingfun.com/cupertino



CODE NINJAS
Cupertino



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Participants and Analytics Data

Puzzle Hunt website visits:

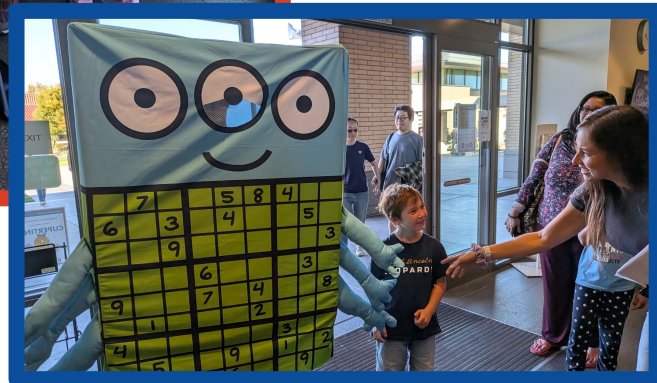
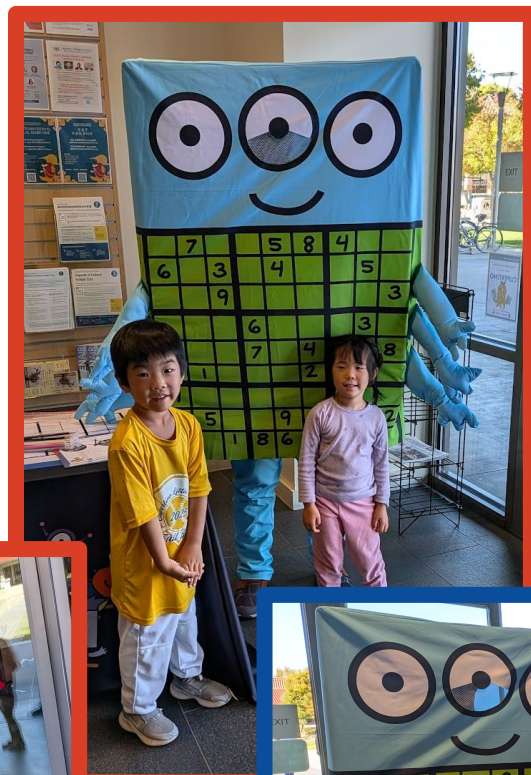
- ☐ 5,340 visits to Cupertino page
- ☐ 2,262 visits to Cupertino puzzles page
- ☐ 986 registered for information about the hunt

Visitors from:

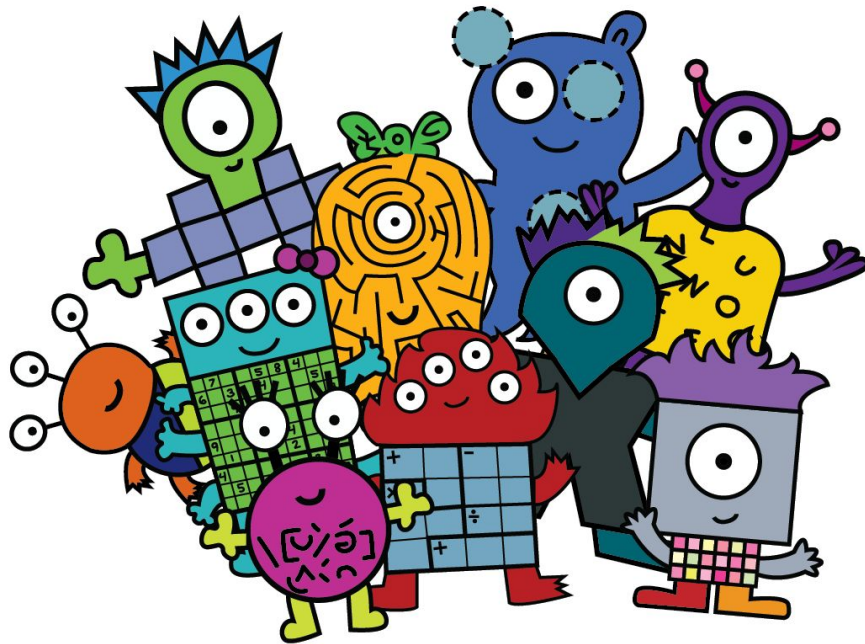
- ☐ Cupertino
- ☐ San Jose
- ☐ Belmont
- ☐ Sunnyvale
- ☐ San Bruno
- ☐ Palo Alto
- ☐ Los Altos
- ☐ Saratoga
- ☐ Mountain View
- ☐ Santa Clara

Final Answer Entries: 503 entries





Thank you!



www.solvingfun.com



Feedback

Favorite location was Mary Avenue Bridge - the bridge was beautiful and while I have seen it from afar I had never stepped on it, participating in the puzzle gave me just the right opportunity to run onto the bridge and finding the clue there was like icing on the cake!!

It was a lot of fun and I saw parts of Cupertino that I never visited before.

Our family enjoyed playing the hunt. My son's favorite puzzle is the puzzle 8. My favorite one is the puzzle 3. It's fun going to different places to find the clues. We'll definitely participate again!

It was fun. Puzzle 7 is the favorite one. Yes, we will participate.
fun, not easy, good brain exercise, will definitely do again

My favorite puzzle was the lollipop puzzle. My favorite location was the Rancho San Antonio Open Preserve. I would definitely participate again.

Loved the puzzle - it was a bit hard to scour the clue locations with the rains and wind , otherwise very well and smartly crafted puzzle! will participate again!



Feedback cont'd

I loved the whole hunt and all the puzzles were great!

Loved it! Will participate again if available. Enjoyed traveling to all the different places in Cupertino with my dad :)

It was really fun! My favorites were the 4th one (Sudoku), the 5th one, and the final meta-puzzle. I would definitely participate in something like this again!

Had tons of fun solving every puzzle with my mom!

It's fun. My family had a fun time solving the puzzles. Definitely will participate again.

Our first puzzle hunt!

It was fun, thank you!

My daughter looks forward to hiking at Rancho San Antonio and we love the library!

It was Very fun solving puzzles together as a family and discovering new places to enjoy in Cupertino. We look forward to the next challenge. Thank you.



Feedback cont'd

This was a lot of fun. It was great to puzzle out the clues at home and then explore the city for the next clues. It wasn't too hard and wasn't too easy. The hints were helpful.

Some of the puzzles are hard but fun to solve them in the end.

It's so much fun to work together with my family.

Super fun! Puzzles were age appropriate for my kids (10 and 8) and they enjoyed going to the different locations to find the extra clues.

It's tricky but interesting!

I would participate again. The one at Rancho San Antonio took me awhile to get the correct parking lot. I also did not want to pay for parking at Anza college so did that one quickly. We laughed, puzzled, and explored—what more could you ask for? The hunt turned an ordinary day into a mini-adventure around Cupertino!



Feedback cont'd

Animal puzzle was very interesting. Yes, I will definitely participate again.

I learned new animals... learned new tricks and techniques to solve the puzzle.

We enjoyed playing the hunt. My favorite puzzle is Puzzle 3. It's fun going to different places to find the clues. We'll definitely participate again!

It was great to see different spots of Cupertino!

Lots of fun! Great activity for our family of four with two kids ages 9 and 10.

It was hard, but doable and fun as a family activity I did it with my brother and mom and dad.

Enjoyed visiting around Cupertino! We were not able to find the word signs at either Blackberry Farm or Rancho San Antonio (after looking around for some time), but were able to figure out the final answer regardless. Thanks for hosting!



Feedback cont'd

Very fun and I had a good time!

Puzzles were fun for the kids. Our favorite location was the library! We would do this again!

Loved it. Specially the bridge one where we spent 30 min on the wrong side finding the clue only having to re read the clue.

Loved going around and finding all the clues

Creative and fun! However, the hints at the locations need to be affixed better. Location #2 was missing the sign as someone found it on the ground and returned it to the cupertino library Overall it was fun though!

My favorite puzzles were #2 and #8. I learned a lot of animal names from #8! I really enjoyed the puzzle hunt.

Code ninjas, it was amazing!



Feedback cont'd

We highly enjoyed the puzzle hunt. The Meta Puzzle was the most entertaining part and it was so fun to do this with my child. Thanks!

Very good puzzles. I liked the variety

This is really fun. I hope it's here next year.

Awesome! We visited places we were meaning to visit for many years!

It's great! But some clues are too far away.

Perfect difficulty and challenge level had great fun

Great fun and balanced level of difficulty

Fun! We've done a couple of these and enjoy them.

I would participate again and really liked visiting Cupertino's landmarks.



Feedback cont'd

The bridge was a fun location to go to. We would play again.

It is wonderful, I can't wait to play more.

It is really fun, we enjoy a lot as a family. looking forward to more of these type of challenges.

Family loves it.

It was very fun and exciting to solve puzzles with friends and to go all around Cupertino and find clues in familiar places like the Cupertino library and Cupertino veterinarians memorial, and some new places like the Rancho San Antonio open-space preserve and Blackberry farm Recreation and pool.

The Cupertino puzzle hunt gave me a chance to explore around Cupertino with friends and visit some new places in Cupertino.

I really enjoyed the way that we had to move around to find the clues. I like those kinds of hunts. I also like that the puzzles were really fun and tested your brain.



Feedback cont'd

It's fun and ideal for children work together!

Really enjoyed it!

We participated in the Cupertino Puzzle Hunt for the first time this year, and it was so much fun! We had a great time going around to different places to find clues. We'd love to join again next year.

My favorite location was the Mary Ave Bridge. I would definitely participate again. I learned that it's easier to take your time and do things correctly than do it sloppily.

Really fun. Would do again!

I liked the word search puzzle the best.

I really enjoyed the puzzles, especially the letter Sudoku puzzle.

I loved it!

It was a lot of fun!



Feedback cont'd

Thanks for putting this on, I had a great time diving in!

This was a lot of fun racing the kids.

It was fun, especially going around town with my son, searching for the easy to find clues! A few of the puzzles could have had a few more instructions (1 and 7).

It was awesome!

It was a lot of fun. It was a great way to get used to the area after recently moving here.

Our family loves doing these.

It was very creative and a fun group activity. It was also very age friendly.

It was lot of fun.we thoroughly enjoyed doing it and exploring Cupertino.

Fun for both parents and kids.



Feedback cont'd

Cupertino Memorial Park was my favorite location. Most challenging was to figure out the solution even after solving the puzzle for Puzzle 7.

Sudoku with letters. Library . Yes would love to participate again.

Loved it!

Thumbs up, 6 7! Says a 5th grader

Was great fun.They were a great set of puzzles, not super easy or very hard.Very creative and balanced.

We heard about it from an email from school district.

It was challenging and fun. The places chosen for the clues were beautiful.

We enjoyed the whole quiz hunting experience!! We'll definitely want to join again.

It was an excellent puzzle. Would love to do it again. Proud to be a Cupertino resident!



Feedback cont'd

It was fun. We'd never been on the Mary Avenue bridge before. We enjoyed solving the puzzles more than finding the clues, since there was no thinking involved at the locations.

Favorite puzzle was first one LIBRARY since it was not hard but hard to give me confidence that I can do this.

Sudoku puzzle was my favorite and I would definitely do the puzzle hunt again.

It was a lot of fun, would do again.

Thank you!

This was so much fun, I got to see so many parts of Cupertino I don't normally get to see. I appreciate the puzzle coordinators also fixing one of the sites that lost a sign very quickly after I emailed. Everyone was so nice and I want to do more! My only feedback is that marketing was a little lacking? I only found out about it by reading the sign when driving by Memorial Park but so glad I did!



Feedback cont'd

It's super fun!!

Had lots of fun solving the puzzles and going to the locations to find the clues. Not all the location clues were present at the start of the hunt, though.

My daughter is a Cupertino teacher and found this. She worked hard to solve it. I started when she was close to finishing, but she wouldn't tell me any answers. I had to figure it out myself. I did get frustrated at one point and she encouraged me to continue. It was challenging but I loved it. I would definitely play again if you create another one.

It is great to know more about the city I live in.

Great fun for my family to solve puzzles and explore the city.

Lots of fun.

Great game. Will do it again.

I would like to participate another hunt like this one.



Feedback cont'd

I love the puzzle that has ants.

I like to go to the locations to find the clue.

I like it. It's challenging but fun to complete with family.

Pretty fun to play with kids.

Hunt was great, we went to Euphrat Museum of Art to check final puzzle answer. Yes, I would love to solve more puzzles in the upcoming days.

It was a lot of fun and good use of time. Got to visit different places as a family.

Favorite puzzle: my sister and mom really liked #8 (animal face pictures)

Favorite location: Mary Avenue Bridge

Hardest to find clue (because it fell on the ground): Cali Mill Plaza Park

Hardest to solve puzzle: #7, this was so hard!

Would definitely do it again!



Feedback cont'd

It was fun and challenging. I really liked it.

It was nice going to new places with family and friends. Would do again. Keep it up, SolvingFun! I especially liked the Blackberry Farm Recreation and Pool.

Love the fun of playing with kids.

We have a lot of fun, and the puzzles are proper for both kids and adults.

The puzzle was an absolute fun activity for my family. We loved our walk to Mary Ave Bridge.

It's interesting to solve the puzzles.

Very fun to solve them.

It's fun to solve the puzzles.

I really enjoyed solving the puzzle with my cousin. I love it.



Feedback cont'd

It was very fun and we enjoyed a lot of time together as a family. We also enjoyed going around Cupertino with my cousin. We wanted to visit Mary Ave. Bridge for five years we finally did it because of this puzzle hunt. My favorite spot was Mary Ave. Bridge.

I thought it was great! Thank you for creating it!

Have not been to Euphrat Museum of Art, will check it out!

It was fun!

It was fun. Some of the puzzles were harder. The one at cali mill plaza we couldn't find but guessed.

Good difficulty level.

My daughter and I enjoyed the puzzle hunt and would definitely do it again next time.

Great hunt, would do again.

The pedestrian bridge!



Feedback cont'd

My favorite puzzle was #3, Cal Culator. It was challenging and interesting.

Very fun. Loved all the puzzles.

The experience was both engaging and educational. It encouraged teamwork, problem-solving, and exploration of Cupertino in a creative and meaningful way.

The hunt was an amazing way to spend quality time with my family and connect with our community. It reminded us how much there is to discover right here in Cupertino.

Loved it! The puzzles were smart, the clues were exciting, and discovering new places around Cupertino made it even better!

All the puzzles were very exciting! We were having trouble finding the clue at Blackberry Farm, so hopefully our guess is correct.

Fun, nice family day!

Yay, I'm glad you brought it to Cupertino. Please highlight some of the cool art sculptures that the city has.



Feedback cont'd

Super fun family time! Loved exploring Cupertino and solving clever puzzles along the way. Mary Ave bridge was the best!

It was such a fun experience with the family! We discovered new places around Cupertino that we hadn't seen before, and the puzzles were the perfect mix of challenge and creativity.

Favorite puzzle was puzzle #3 with the tool and the code.

Very fun for the whole family.

Would play more.

My favorite puzzle was Pat-ern.

I liked the Mary bridge since we've never been there before. I liked most of the puzzles.

Loved this! Do it more!



CC 12-02-2025

#9

Friendship City
Relationships

Written Communications

From: [Rhoda Fry](#)
To: [Public Comments](#); [City Clerk](#); [City Council](#)
Subject: December 2 City Council Agenda Item #9 friendship cities
Date: Sunday, November 30, 2025 4:27:29 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,
IMHO, December 2 City Council Agenda Item #9 friendship cities should not be on the consent calendar.
I think that we should have no more than one friendship or sister relationship per country. Please watch this under 10-minute speech by President Dwight D. Eisenhower on September 11, 1956 on the sister city international website and ask yourselves whether what you are contemplating makes sense. <https://sistercities.org/about-us/our-history/>
Sister Cities are intended to be about people-to-people - - - not government-to-government. Stop the boondoggles!!!
We are in a budget crunch.
Thanks,
Rhoda Fry

CC 12-02-2025

#11

OpenGov Budget Format Review

Written Communications

From: [Rhoda Fry](#)
To: [Public Comments](#); [City Clerk](#); [City Council](#)
Subject: December 2 City Council, Agenda Item #11, budget format
Date: Sunday, November 30, 2025 4:35:47 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

December 2 City Council, Agenda Item #11, budget format

From what I can tell, the City operates four recreational businesses:
the sports center,
the golf course,
the blackberry farm pool/picnics, and
the senior center.

1. Can you please track all of these entities separately in open gov?

For a short time, I was able to do this, but don't seem to be able to do it anymore.

2. Please keep in mind that when there have been studies to get rid of the golf course, the golf course enterprise fund has been charged for that expense. That hurts the perceived bottom line of the golf course.

Only the first two, sports center and golf course, are run as enterprise funds. In the past, the golf course and pool/picnics were together in a single enterprise fund. At some point, pool/picnics were split out – it is a good thing to track the golf course on its own. However, pool/picnics were no longer being tracked as an enterprise fund. Similarly, I think that the senior center might have also been an enterprise fund, which was later disbanded. I wonder why half of the entities are not being run as enterprise funds.

I had asked multiple times at the audit committee that we be able to track these four “businesses” in open gov. After a while, I was able to do this. But I don't see any way how to track the four of them anymore. Also, the Blackberry Farm enterprise fund was renamed, per my request, to include “golf” so we all know what we're talking about. Thank You for that.

Regards,
Rhoda Fry

CC 12-02-2025

#12

Study Session on the
Mary Avenue
Project

Written Communications

Problems with narrowing traffic, buffer, bike, and pedestrian lanes in an area with diverse users

Safety risks:

1. Increased risk of roadway accidents!
2. Less buffer between bike and traffic lane. Unsafe for families and especially kids
3. Parked car doors swing into narrow traffic lanes- not safe to exit vehicle
4. No bypass lane or space- stopped cars can clog traffic
 - oEspecially when trucks and vehicles are double parked or loading
5. Does it work for City public works trucks (~10 ft wide) and emergency vehicles?
Even if the fire marshal 'signed off'?

Quality of life impact:

1. Narrower pedestrian areas make it difficult and congested for families and Homestead High School cross country runners that use this space daily
2. Narrower bike lanes increases the risk to cyclist
3. Worsened access to/from our homes

Please remember the uniqueness of Mary Ave and its diverse users.

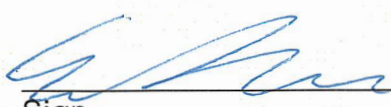
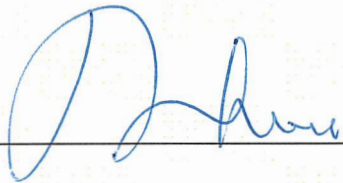
This area connects families, bikers, school kids, commuters between:

- Memorial Park
- Senior Center
- Garden Gate Elementary School
- Don Burnett Bridge
- Dog Park
- Cupertino Public Works Service Center
- De Anza College

As our representative of the Cupertino City Council, we ask that you do the proper thing by us.

Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,

	<u>Nov 16, 2025</u>		<u>11/16/2025</u>
Sign	Date	Sign	Date
<u>SIMON REN</u>		<u>Haiyuan Mao</u>	
Print Name		Print Name	

Dear Cupertino City Council, City Manager and **PublicComments:**

Subject: Concerns of Mary Ave Villas housing project

The project is estimated to remove **19.5 feet, or 26%** of its current width/public-right-of way. **No community hearing was held for residents to voice their concerns about vacating public right of way to create the parcel from the road.**

This is in the context of **increased traffic and parking usage** by adding 40 housing units + their cars, visitors, service providers, deliveries, etc. AND 5 future adjacent developments.

**Mary Ave Villas Project:
Net loss 19.5 ft (26%)
of public right-of-way**



There will be a net removal of 89 parking spots on Both Sides of Mary Avenue.

As it is, current parking spots fill up with Memorial Park Activities, Westport Development, DeAnza College Students. The loss of 89 parking spaces will create enormous hazards to the public.

As a community, we are requesting that this project be abandoned at this location.

This narrow strip of land is **illogical** for high density housing, and there are FIVE future developments that will force more cars looking for parking on Mary Ave:

- (1) The remaining 55% of the big Westport high rise development at Mary Ave & Stevens Creek soon to be built.
- (2) \$85 million approved to add amenities (8 pickleball courts, all abilities playground) to Memorial Park without significant increase in parking capacity
- (3) De Anza College's new Cultural Arts Building
- (4) De Anza's new EVENT CENTER
- (5) De Anza's new Student Services Center.

Problems with narrowing traffic, buffer, bike, and pedestrian lanes in an area with diverse users

Safety risks:

1. Increased risk of roadway accidents!
2. Less buffer between bike and traffic lane. Unsafe for families and especially kids
3. Parked car doors swing into narrow traffic lanes- not safe to exit vehicle
4. No bypass lane or space- stopped cars can clog traffic
 - oEspecially when trucks and vehicles are double parked or loading
5. Does it work for City public works trucks (~10 ft wide) and emergency vehicles?
Even if the fire marshal 'signed off'?

Quality of life impact:

1. Narrower pedestrian areas make it difficult and congested for families and Homestead High School cross country runners that use this space daily
2. Narrower bike lanes increases the risk to cyclist
3. Worsened access to/from our homes

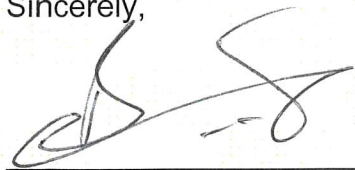
Please remember the uniqueness of Mary Ave and its diverse users.

This area connects families, bikers, school kids, commuters between:

- Memorial Park
- Senior Center
- Garden Gate Elementary School
- Don Burnett Bridge
- Dog Park
- Cupertino Public Works Service Center
- De Anza College

As our representative of the Cupertino City Council, we ask that you do the proper thing by us.
Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,



Sign

11/1/2025

Date

Sign

Date

BASAVARAJ BONAKAR

Print Name

Print Name

Dear Cupertino City Council, City Manager and **PublicComments:**

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Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,



Sign

11/4/2025

Date

PAVITRA BANAKAR

Print Name

Sign

Date

Print Name

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From: [Mahesh Gurikar](#)
To: [City Council](#); [City Clerk](#); [Tina Kapoor](#)
Subject: Mary Ave Villas
Date: Monday, December 1, 2025 11:53:33 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,

Please include the below in written communications for the upcoming city council meeting.

Dear Mayor Chao, Council Members,

Please add to council meeting agenda the Mary Ave Villas for one or more study sessions to study the below previously sent questions and related issues along these lines.

The Mary Ave Villas project is a financial and legal exposure for the city. These financial and legal risks must be fully studied and assessed. Past legal precedent must be carefully studied.

This project should not move to council until the financial and legal aspects of it are fully studied and the public hears the study results and can participate with input.

As City council members it is your duty to protect the city from financial and legal risks.

Please urgently add to agenda the study sessions for this. Further please consider sending this to planning commission for study sessions and recommendations before sending it back to council for study sessions.

Finally a new council in November 2026 may decide to undo any hurried passing of this right now. Please consider the consequences of that and ensure that if you do proceed that any ground lease contract is written so that it could be terminated at any time and funding clawed back at any time with the recipient of the funding expected to be able to only drawdown on funding in stages and with ability to retract and claw back funding provided.

This will be an hot issue in November 2026 election. In 2024 the Linda Vista, Scofield and McClellan neighborhoods proved that with their turnout against incumbent and past office bearers who ran. In 2026 they will be joined by Garden Gate neighborhood as well as all the neighborhoods and residents impacted by the bike lane projects to ensure that incumbent office bearers hear clearly from them via their written communications which will be their ballots.

Please do not rush through approvals on Mary Ave Villas. Please send this first to planning commission for study sessions. Please allow the proceedings of planning commission study sessions to feed into further council study sessions. Please hold additional community meetings that are conducted by the city. I believe the city as ground lease owner needs to hold these meetings and not Charities who are not owners of the land.

Thank you for paying careful attention to the financial and legal liabilities of this project to the city.

Thank you,
Mahesh Gurikar

Dear Cupertino City Council, City Manager and **PublicComments:**

Subject: Concerns of Mary Ave Villas housing project

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- De Anza College

As our representative of the Cupertino City Council, we ask that you do the proper thing by us.
Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,

It's ridiculous - We can't use
the lanes now with big trucks parked
1/2 of the street blocked off -
I'll remember the votes next election

K Trabookis 11-15-25

Sign

Date

Sign

Date

Kathryn Trabookis

Print Name

Print Name

From: [Jean Bedord](#)
To: [City Council](#); [Cupertino City Manager's Office](#); [City Clerk](#)
Subject: Agenda Item #12: Mary Avenue Study Session, Dec. 2, 2025 City Council
Date: Tuesday, December 2, 2025 3:36:02 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include in written communications

Mayor Chao, Vice-Mayor Moore, Councilmembers Fruen, Mohan and Wang,

I am appalled by this agenda item. Instead of a study session, the **council should be approving the final paperwork to ensure this project is approved by the end of the year.** This site is included in the Housing Element approved by the state HCD, and the ONLY site that is 100% low income housing for special populations, specifically IDD (Intellectually and Developmentally Disabled). Would failure to approve this in a timely manner be a **deliberate choice not to fulfill city obligations to the region and the state?**

Last night, council spent an inordinate amount of time on the merits of artistic bike racks, yet ignored the importance of revising the current Housing Element. When the United Furniture townhomes are approved, the city will have a deficit of two housing units in affordable housing. This deficit will increase with reduction of affordable units at The Rise/Vallco, as well as the other townhome projects in the pipeline. When the first townhome project is approved, the **city has only six months to demonstrate good faith changes to accommodate the Housing Element deficit.**

Mary Avenue Villas are a crucial component of the city's responsibility to comply with the Housing Element that they approved. No project is perfect. **Isn't it time to stop procrastinating and get shovels in the ground?**

Very frustrated resident,
Jean Bedord

From: [Debbie Timmers](#)
To: [City Council](#)
Cc: [Cupertino City Manager's Office](#); [City Clerk](#)
Subject: Support for Mary Ave Villas, Agenda item 12
Date: Tuesday, December 2, 2025 3:21:16 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Chao, Vice Mayor Moore and Councilmembers,

I am a long term resident of Cupertino and I am writing to express my strong support for the proposed Mary Avenue Villas project, which would provide much-needed housing for disabled, very low-income adults in our community.

Disabled adults are vital members of our city—our neighbors, volunteers, colleagues, and friends. Yet no group faces greater barriers in finding safe, stable, and affordable housing. Supporting them is not only the compassionate thing to do; it reflects Cupertino's core values.

As you know, building affordable housing is exceptionally difficult under even the best circumstances. This project is only possible because of the availability of the city-owned property on Mary Avenue. Further delays could jeopardize the project entirely, especially with construction costs continuing to rise and new building requirements scheduled to take effect in 2026. We have a rare and time-sensitive opportunity to do something truly meaningful.

I urge you to finalize the approvals for Mary Avenue Villas today so that this essential project can move forward. Our community will be stronger, more just, and more compassionate because of it.

Thank you for your leadership and consideration.

Sincerely,

Debra Timmers

From: [louise saadati](#)
To: [City Council](#)
Cc: [City Clerk; Cupertino City Manager's Office](#)
Subject: Mary Ave Villas, Item 12
Date: Tuesday, December 2, 2025 2:35:32 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include the following in Written Communications for Dec 2, 2025 for Agenda Item 12 for the Study Session for Mary Ave Villas.

Dear Mayor Chaio, Vice-Mayor Moore and City Councilmembers:

Please progress forward and grant city approvals for the Mary Ave Villas Project to move ahead.

Further studying and delaying the Mary Ave Villas project would jeopardize the project beginning or finishing. There will be increasing construction costs as well as new construction codes in 2026 which will hinder the project and being removed. Other projects have been removed due to rising costs and zone and code changes.

This affordable housing project would not be possible without the city owned property on Mary Avenue. Building affording housing is extremely difficult and needed.

Supporting housing for very low income and disabled residents is the humane thing to do. They are the most

impacted in difficulty in finding affordable housing.

Please approve and authorize the Mary Avenue Villas immediately to facilitate construction beginning as soon as possible. This will help keep our affordable compliant with the requirement by [HCD](#). We don't want a Builder's Remedy because of this.

Thank you,

Louise Saadati
40 year resident of Cupertino

Sent from my iPhone

From: [Connie-Comcast Swim5am](#)
To: [City Clerk](#); [City Council](#)
Subject: CC Agenda Item 12 , Mary Ave Project—urge approval now!
Date: Tuesday, December 2, 2025 2:25:56 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Council Agenda Item 12 for Mary Ave Project—urge approval now!

Good Evening, Mayor Chao, Vice Mayor Moore, Councilmembers, and City Manager:

My name is Connie Cunningham, 38 year resident and Chair, Housing Commission, speaking for myself only.

Thank you to the City Council for its vote on July 15, 2025 to move this project forward after the Study Session that evening. I was excited to see that vote. I am supportive of the application to develop new Extremely Low Income homes for Intellectually Developmentally Disabled Individuals (IDD) and, also, other Below Market Rate (BMR) housing units on City-owned property along Mary Avenue. It is the right thing to do for Cupertino to join other cities in our region to provide housing for residents of all incomes and abilities.

I am disappointed that this project is being delayed by holding another Study Session now, more than four months after July 15 vote.

This is much needed housing that has been on the Council's Work Program for many years. I remember 2019 when former Mayor Scharf made it a priority and I was new to the Housing Commission. I have attended the Housing Commission and City Council meetings for this project. I have also attended Housing Element meetings at which the site was identified for this purpose. It is hard to find land in Cupertino. I applaud the Council and the City Planners for finding this special place. It would not be possible to build these homes without Cupertino owned property. ELI housing is the most difficult to finance.

Many families and individuals will be helped with this housing. It will also help the City's goal to keep individuals from falling into homelessness. Many Individuals who are Intellectually Developmentally Disabled live with aging parents, therefore, these homes will help them and our community. There are many financial benefits to the City to have housing that keeps people from homelessness.

I am disappointed that this project is being delayed. Construction costs are increasing and new building requirements are coming in 2026. Delay may also make it difficult for the builder to obtain financing since financing for Extremely Low Income housing is particularly difficult.

I urge you to take the remaining steps now. It is critical to move this project forward tonight.

Connie L Cunningham
(Former meetings 2025-07-15 CC Agenda Item 11, Study Session, Mary Avenue Project and 2025-09-03 Oral Communications supporting Mary Avenue Project)

From Connie's iPhone

From: [Lina](#)
To: [Public Comments](#)
Subject: Public Comments- Agenda Item 12 - Dec 2 2025 - Mary Ave Housing: Stop the Process, Be Transparent
Date: Tuesday, December 2, 2025 1:47:28 PM
Attachments: [image.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Chao, Vice-Mayor Moore, Council Members, Ms. Kapoor, and City Staff,

I am writing to firmly **oppose** the Mary Ave Villas project in its current state and demand an immediate **halt and restart** of the entire process.

The City has an obligation to be transparent and follow the rules, but with this project, you skipped essential steps. The community was never given a chance to weigh in on the decision to give away a piece of our public land—our public right-of-way—before you started designing a building on it.

I reviewed the Dec 2nd agenda attachments for Item #12. The City has *not* followed the actions recommended by its former City Attorney in 2022, and even admits to missed key steps:

2022 City Plan explicitly stated that this project must follow Surplus Land Act (SLA) notice requirements to qualify for an exemption-

"... the disposition of the property would meet the criteria for “exempt surplus land” **if the notice requirements of the Surplus Land Act are followed.**

Per SLA code, this includes **public meeting declaration and notification to HCD, both of which were not done.** These are distinct and separate from the Notice of Action exemption.

The City missed the following key step that was spelled out in the 2022 City plan.

"Following the selection of a qualified housing developer, initiate **concurrently** the following processes:

... A City Council declaration that the site is exempt surplus land."

The City went ahead and created a parcel involving public roads that was not even vacated properly. How can a housing project proceed if the parcel is not even valid?

The responses in the Dec 2nd, 2025 FAQ claiming that the missed steps can be done at a later time is problematic in that it moves a proposal forward without fair and

timely public input that residents are entitled to. This process has felt biased (the City has yet to address the conflicts of interests with stakeholders/associates of Rotary Club) and rushed behind closed doors.

As residents have finally learned about this project through grassroots efforts and not through public noticing, over 600 petition signers are now opposed to the project at this extremely narrow site. <https://www.change.org/p/halt-the-mary-avenue-villas-project-at-this-unsuitable-location>

Countless residents took to the streets on November 1, 2025, peacefully protesting.

We are asking you, our constituents, to be good neighbors and responsible leaders. Halt this project now. Take a step back, follow the state laws, and **bring this decision back to the public in an honest, upfront way. Give us a voice before you give away our streets.**

Sincerely,

Lina
Garden Gate Resident



From: hbluhmst@yahoo.com
To: [City Council](#); [City Clerk](#)
Cc: [Cupertino City Manager's Office](#); cupertinoforall@gmail.com
Subject: Support for Mary Ave Villas, Agenda item 12
Date: Tuesday, December 2, 2025 1:43:53 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear members of the Cupertino City Council,

I am in support of the Mary Avenue Villas.

Our church is part of the rotating safe car park in Cupertino/Saratoga. So, I know first hand how many people have a hard time finding affordable housing.

1. I know that building affordable housing is very difficult. This important project would not be possible without the use of the city-owned property on Mary Avenue.
2. Supporting disabled and very low income residents is the right thing to do. There is no other group of people who are more disadvantaged in finding safe and affordable housing.
3. Further delays on the Mary Ave Villas project could jeopardize it entirely because of increased construction costs and new building requirements coming online in 2026.

Please finalize the city approvals today.

Thank you very much for your consideration,
Hella Bluhm-Stieber
(Cupertino City volunteer)

From: [Tiff](#)
To: [City Council](#)
Cc: [Cupertino City Manager's Office; City Clerk](#)
Subject: I Support for Mary Ave Villas project
Date: Tuesday, December 2, 2025 11:47:09 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Support housing elements,
Agenda item 12

1. Building affordable housing is exceptionally difficult. This important project would not be possible without the use of the city-owned property on Mary Avenue.
2. Supporting disabled and very low income residents is the right thing to do. There is no other group of people who are more disadvantaged in finding safe and affordable housing.
3. Further delays on the Mary Ave Villas project could jeopardize it entirely because of increased construction costs and new building requirements coming online in 2026.

Please finalize the city approvals today.

Cupertino resident,
Susan

From: [Santosh Rao](#)
To: [City Council](#); [Tina Kapoor](#); [Floy Andrews](#); [City Attorney's Office](#); [Chad Mosley](#); [Benjamin Fu](#); [Luke Connolly](#); [Gian Martire](#); [Kirsten Squarcia](#); [City Clerk](#)
Subject: Request for exempt surplus documentation including resolution to deem exempt surplus.
Date: Tuesday, December 2, 2025 11:23:55 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Clerk,

Please include the below in written communications. Thank you.

[Writing on behalf of myself only as a Cupertino resident, taxpayer, voter]

Dear Mayor Chao, Vice Mayor Moore, City Council Members, City Manager Kapoor, and Community Development Directors,

I am writing regarding the Mary Avenue parcel which the City has indicated is being treated as **exempt** surplus land under the California Surplus Land Act (Government Code § 54221).

Given the statutory requirements associated with exempt surplus designations, I am requesting clear and complete documentation to confirm that the City has fully complied with all applicable procedures to deem the parcel **exempt** surplus.

To ensure transparency and proper statutory compliance, please provide the following information:

1. Exempt Surplus Resolution:

- The formal resolution or council action declaring the parcel as “exempt surplus.”
- **The specific exemption under § 54221(f)(1) cited as the basis for this designation, and the subclause(s) used to qualify the parcel as exempt.**

2. Written Findings and Supporting Evidence:

- Any written findings prepared to support the exempt surplus designation.
- Staff analysis or supporting documentation referenced in those findings.

3. Public Notice and HCD Notification:

- Confirmation of compliance with the 30-day notice requirement to the California Department of Housing and Community Development (HCD).
- Any public posting or comment opportunities provided in accordance with state law.

4. Timeline and Record of Actions:

- Dates of adoption, public notice, and HCD notification.
- Links or copies of any publicly available documentation, including agenda items, staff reports, and meeting minutes, reflecting the formal record of this process.

I request that this information be provided as **supplemental items for the Study Session scheduled for the 12/2/25 agenda, Item 12**. This will allow residents to fully understand the process and statutory compliance related to the exempt surplus designation for the Mary Avenue parcel.

If a formal resolution declaring the parcel as exempt surplus (or as surplus land) does not exist, I respectfully request clarification on the basis for any assumption that the parcel could be allocated to Charities Housing or Rotary or any other housing entity and the resulting community hearings that were already held by Charities Housing. Specifically, I ask the City to describe how any decisions regarding developer selection or project allocation were made without a formal exempt surplus or surplus declaration, and how such actions align with the requirements of the Surplus Land Act (Government Code § 54221).

Further, I request that the Council carefully review the statutory criteria for exempt surplus under § 54221(f)(1) and its subclauses, including the requirement for findings based on substantial evidence. Based on these qualifications, I urge the Council **not to deem the parcel exempt at this time**. Instead, I request that the proper process be followed, including:

- Preparing and adopting written findings demonstrating compliance with the statutory requirements.
- Conducting a public meeting with appropriate agenda posting, notification, and opportunity for community input.
- Considering the full sequence of procedures required for non-exempt surplus land, including Notice of Availability (NOA), the 60-day response period, and any negotiations with interested entities.
- Submitting required notifications and documentation to HCD in accordance with § 54222.5.

Following these steps will ensure full compliance with the Surplus Land Act, provide transparency to the community, and maintain public confidence in the City's handling of this public asset. I look forward to the inclusion of this documentation and clarification in the supplemental materials for the upcoming study session.

Sincerely,

San Rao (writing on behalf of myself only as a Cupertino resident, taxpayer, voter)

From: [Robert George](#)
To: [City Council](#); [City Clerk](#); [Public Comments](#); [Tina Kapoor](#); [Chad Mosley](#); [Rachelle Sander](#)
Subject: Cupertino Memorial Park Pickleball
Date: Tuesday, December 2, 2025 10:39:05 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Clerk,

Please include this email as part of written communications for the 12/2/25 City Council meeting.

Dear City Council Members, City Manager Kapoor, and Directors Sander and Mosley,

I am a resident of Cupertino and have been for over 25 years. I am also an active pickleball player at Memorial Park most mornings.

I live near Blackberry Farm Golf Course and walking trail so I'm VERY familiar with living near a popular location which can get noisy at times. I get it. I worked with the City Council to agree on the placement of the trail through the park and it has worked very well over the years. Sure there are folks who wander off the trail and poke around on our property but I kindly ask them to stay on the marked trails and enjoy what our community has to offer.

But we can't let the few dictact the benefits to the many. We can and should come up with solutions which help mitigate noise but let's not look at things as either black or white.

For morning play I have switched to a quiet paddle, I only play on the courts furthest from residents' homes and I help enforce quiet play during morning hours. I'm doing my part to be a good citizen but I also want the benefits offered by the great community we've built. Seriously, I would be **devastated** if I couldn't play pickleball with my new found friends.

I helped put together a survey of players and we've found that not only is pickleball at the park an important part of our player community, it also leads to a lot of commerce in the area which benefits the entire city. Lets NOT turn our parks into uninviting destinations.

Thanks for your time and service,

--Robert George
22096 Dean Court, Cupertino

From: [Walter Li](#)
To: [City Council](#); [City Clerk](#); [City Attorney's Office](#); [Cupertino City Manager's Office](#); [Chad Mosley](#); [Benjamin Fu](#)
Cc: [Lina](#); [Shaun Fong](#); [Brian Avery](#)
Subject: Mary Ave Villas — Pattern of Lawlessness, Favoritism, and Demand Cupertino Halt the Project
Date: Tuesday, December 2, 2025 10:25:01 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Chao, Vice-Mayor Moore, Council Members, CM Kapoor, CAO, Director Mosley, and Director Fu,

I am writing to demand that the City of Cupertino immediately halt all progress on the Mary Ave Villas project. The City's conduct reveals a disturbing pattern of lawlessness and favoritism that violates multiple provisions of California Government Code and undermines public trust.

Evidence of Lawlessness and Favoritism

- No Adopted Findings (GC §54221(f)(1)(A))

Cupertino never adopted written findings at a public meeting, leaving the project without legal foundation.

- Parcel Formed Before Vacating Public Land

The City reversed the statutory sequence, creating a parcel before vacating public right-of-way, invalidating the parcel and any project based on it.

- Bypassing the Surplus Land Act (GC §§54220–54234)

Required steps — declaration, HCD notification, NOA issuance, and negotiation windows — were skipped. Instead, Cupertino advanced Rotary/Charities Housing directly, excluding other eligible entities.

- Failure to Notify HCD (GC §54222.5)

The City never notified HCD, shielding itself from oversight while privileging its chosen developer.

- No Notice of Availability (GC §54222)

No NOA was issued to schools, parks districts, or affordable housing developers, ensuring only favored partners could proceed.

- Invalid Community Hearings

Hearings were held before findings, notifications, and statutory waiting periods, misleading the public and rendering them procedurally void.

- Penalties for Violation (GC §54230.5)

Cupertino risks fines of 30% of land value and repeat penalties, exposing taxpayers to severe liability.

Demand for Immediate Halt

Given these violations and the clear evidence of favoritism, I demand that the City:

1. Cease all work on Mary Ave Villas immediately.
2. Nullify all community hearings conducted to date.
3. Withdraw the project from further consideration until full compliance with state law is demonstrated.
4. Provide the public with a written statement confirming the halt and outlining corrective measures.

Conclusion

The Mary Ave Villas project is not simply flawed — it is unlawful. Cupertino has ignored statutory mandates, bypassed oversight, and played favorites. This is governance by preference, not by law.

The project is invalid. The hearings are invalid. The favoritism is undeniable.

The City must halt the Mary Ave Villas project immediately to avoid penalties, restore public trust, and demonstrate that Cupertino is not above the law.

Sincerely,

Walter Li

Originator of the petition "Halt The Mary Aveune Villas Project at this Unsuitable Location"

Working with the neighbors in opposition of the Mary Ave Villas Project

Wmbjt@hotmail.com

408-781-7894

From: [J Zhao](#)
To: [City Council](#)
Cc: [Cupertino City Manager's Office; City Clerk](#)
Subject: Strong support for Mary Ave Villas, Agenda Item 12
Date: Tuesday, December 2, 2025 10:11:02 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear honorable council members,

I am writing with enthusiastic support for the Mary Avenue Villas housing project being considered for item 12 on tonight's agenda. This is a 40-unit housing project that will provide much needed affordable housing for very low income residents and disabled residents.

As somebody who served on the City's Housing Commission and who studied urban planning, I know how difficult it is in our current political and economic system to deliver real affordable homes for our community members, especially more vulnerable ones. This is a critical opportunity to make a dent in our affordable housing crisis, and you have the opportunity to push our city in the right direction.

I have read about community members' concerns about potential drawbacks. However, I disagree with the concerns around parking and street narrowing. I regularly bike along Mary Avenue to take the overcrossing bridge, and the parking spaces are underutilized. I think it would be in the City's interests to repurpose the underutilized parking spaces. I do not find the concerns about the street being too narrow to have merit; the development plans will not narrow vehicle lanes.

I urge the Council not to delay this project. We all know that time is of the essence when it comes to construction projects. Delays can lead to skyrocketing costs and the window of opportunity for this project can close.

Thank you for your consideration. I hope that you will rise to your duty to represent our most vulnerable community members.

Sincerely,
John Zhao

From: [Santosh Rao](#)
To: [City Council](#); [Tina Kapoor](#); [Floy Andrews](#); [City Attorney's Office](#); [Chad Mosley](#); [Benjamin Fu](#); [Luke Connolly](#); [Gian Martire](#); [Kirsten Squarcia](#); [City Clerk](#)
Subject: Mary Ave Villas Violations of State Law and Request for Full Restart of Process
Date: Tuesday, December 2, 2025 9:28:42 AM

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Dear City Clerk,

Would you please include the below in written communications for Mary Ave Villas agenda item for the 12/2/25 city council meeting. Thank you.

[Writing on behalf of myself only as a Cupertino resident, taxpayer, voter]

Subject: Mary Ave Villas Violations of State Law and Request for Full Restart of Process

Dear Mayor Chao, Vice-Mayor Moore, Council Members, Attorney Andrews, CM Kapoor, CAO, Director Mosley, and Director Fu,

I am writing to urge you to halt all progress on the Mary Ave Villas project and restart the legally required process from the beginning. Based on publicly available documents and the City's own admissions, the actions taken to date violate multiple provisions of California Government Code governing surplus land, disposition, parcel formation, public notice, and mandatory state notifications.

The City cannot legally assume that the property is available for Rotary, Charities Housing, or any IDD-related project until it completes the statutory sequence in full compliance. **The project itself is invalid**, and any community hearings conducted thus far are also invalid because they were held before the required steps were taken.

Attorney Andrews, I request you to take an objective non-biased look at the below and advise council to act in accordance with state law to ensure the city is protected from consequences of violations of state law

Mayor, Vice-Mayor, Council members, you have an obligation to be unbiased, objective and your first and primary obligation is to ensure the city is not in violation of state laws that result in consequences that may be a financial or litigious burden to the city.

I request Attorney Andrews to seek exparte disclosures from council members on their affiliation to any organization currently associated with the project and investigate ahead of time if any council members need to recuse themselves from this and all further hearings on Mary Ave Villas until such time the project is fully reset and decoupled from any such organizations. Please also verify if a spouse affiliation exists to any organization currently associated with this project.

Before a project agenda item comes to council CM and department directors have an

obligation to ensure state laws are not being violated and if violations are confirmed to assess for the best procedures to cure violations and ensure all decisions are made by council on dais, not left to staff discretion. This project is a test of CM Kapoor's leadership and I implore the CM to ensure the city is in compliance with state laws referenced below before you move any further ahead.

Below is a detailed breakdown of the required process and the violations to date.

1. REQUIRED FINDINGS WERE NEVER ADOPTED (Mandatory Under GC §54221(f)(1)(A))

Before declaring land exempt and before entering any negotiations, the governing body must adopt written findings at a noticed public meeting.

Government Code §54221(f)(1)(A) (verbatim):

"The local agency shall adopt written findings, based on substantial evidence, demonstrating that the property meets the requirements of this subdivision."

Cupertino produced **no written findings**, no substantial-evidence analysis, and no adopted resolution containing the findings.

Proceeding without this step invalidates all subsequent actions.

2. CITY FORMED A PARCEL BEFORE VACATING PUBLIC LAND (Unlawful Sequence)

State law requires that **public right-of-way must be vacated first**, then the resulting parcel can be formed and its legal status established before any disposition or exemption is claimed.

Cupertino did it in reverse:

- Parcel created first
- Then a project assumed
- Without vacating the right-of-way

- Without a public hearing on vacating land under the Streets & Highways Code

Streets & Highways Code §8320:

“The legislative body shall not order the vacation until after a public hearing.”

Because no hearing was held and no vacation was completed, **the parcel legally does not exist** as a developable property.

Thus, any project based on that parcel formation is invalid.

3. CITY BYPASSED THE SURPLUS LAND ACT REQUIREMENTS (GC §§54220–54234)

Unless the City can prove – with findings adopted in public – that the land meets a statutory exemption, it must follow the Surplus Land Act (SLA) fully.

This was not done.

Required SLA steps (state law):

1. Declare property surplus or exempt **with written findings**
2. **Notify HCD** within 30 days of such action
3. **Issue a Notice of Availability (NOA)** to all required affordable housing entities
4. Provide a **60-day response window**
5. Engage in a **90-day Good Faith Negotiation period** if proposals are received
6. Only after completion may the City select a developer, conduct hearings, or move to project review.

All of these steps were skipped.

Instead, the City moved directly to:

- Selecting Rotary/Charities Housing partnership
- Holding community meetings
- Presenting a full conceptual project
- Discussing design attributes
- Showing building massing and site plans

This sequence directly violates the SLA.

4. HCD WAS NOT NOTIFIED (GC §54222.5)

State law is explicit:

Government Code §54222.5 (verbatim):

“A local agency shall provide to the Department of Housing and Community Development a description of any actions taken” including surplus or exempt declarations.

The law also states:

“Failure to provide this information shall constitute a violation of this article.”

Cupertino did not notify HCD.

Therefore, the City is formally in violation of state law.

5. NO NOTICE OF AVAILABILITY (NOA) WAS ISSUED (GC §54222)

The law requires that the City issue an NOA to:

- All affordable housing developers on HCD’s list
- Schools
- Parks districts
- Other eligible agencies

Government Code §54222 (verbatim):

“The local agency shall send a written offer to sell or lease the property...”

No NOA was issued.

Therefore:

- The 60-day statutory period never began
 - The 90-day negotiation window never occurred
 - The City cannot legally select Rotary, Charities Housing, or any other entity
-

6. COMMUNITY HEARINGS HELD TO DATE ARE INVALID

Under state law, community hearings must occur **after** the City:

- Completes findings
- Notifies HCD
- Issues NOA
- Completes statutory waiting periods
- Completes required negotiations

Holding hearings before these steps is procedurally invalid and misleading to the public.

All meetings conducted thus far must be nullified.

7. PENALTIES FOR VIOLATION (GC §54230.5)

The penalty section is explicit:

Government Code §54230.5(a) (verbatim):

“A local agency that violates this article shall be liable for a penalty of 30 percent of the final sale price of the property.”

If the City proceeds unlawfully:

- Cupertino may be fined **30% of the land value**
- Additional penalties apply for repeat violations
- HCD may require the City to **restart the process under direct state oversight**

These risks must be avoided.

REQUEST FOR IMMEDIATE ACTION

Given the violations described above, I respectfully request that the City:

- 1. Halt all work on Mary Ave Villas immediately.**
- 2. Publicly acknowledge that the statutory process was not followed.**
- 3. Restart the process from Step 1, in this legally required order:**
 1. Hold hearing to **vacate public land**
 2. **Form parcel legally**
 3. Adopt **written findings** under GC §54221(f)(1)(A)
 4. Notify **HCD** under GC §54222.5
 5. Issue **NOA** to all required entities under GC §54222
 6. Allow the full **60-day response window**
 7. Enter the mandatory **90-day negotiation period**
 8. Only then — and **not before** — initiate project selection or community hearings

Until this is completed in full, the City cannot legally assume the land is available for Rotary, Charities Housing, or any IDD-related project.

- 4. Re-do all community outreach only after the statutory requirements are complete.**
 - 5. Provide the public with a full written timeline of every corrective step.**
-

Conclusion

The Mary Ave Villas process is legally defective.

The steps were taken out of sequence, statutory requirements were skipped, state agencies were not notified, public rights-of-way were never vacated, and no written findings were adopted as required by Government Code.

The project is invalid as currently presented.

The community hearings are invalid.

The City must restart the process from the beginning.

I request that you agendize this matter immediately and direct staff to comply with state law in full.

Sincerely,

San Rao (writing on behalf of myself only as a Cupertino resident, taxpayer, voter)

From: [Ed Agrawal](#)
To: [City Clerk](#); [Tina Kapoor](#); [City Attorney's Office](#); [City Council](#); [Chad Mosley](#); [Benjamin Fu](#); [Luke Connolly](#); [Gian Martire](#)
Cc: [Kirsten Squarcia](#)
Subject: Request to Halt the Mary Ave Villas Project and Ensure Full Public Process- followup from Cupertino City Council Teleconference Meeting - November 18, 2025
Date: Tuesday, December 2, 2025 3:08:34 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Chao, Vice-Mayor Moore, Council Members, Ms. Kapoor, and City Staff,

I am writing as a concerned Garden Gate neighborhood resident of 18 years to express strong opposition to the Mary Ave Villas project in its current form, and to request an immediate halt to the process until all proper procedures are followed.

It is the City's duty to act transparently and adhere to the law, yet this project appears to have bypassed critical steps. The community has not been given an opportunity to provide meaningful input before the City began designing a structure on what is, in part, our public right-of-way.

Upon reviewing the December 2, 2025, agenda attachments for Item #12, it is evident that the City has not implemented the recommendations of its former City Attorney from 2022. In particular, the City itself acknowledges that several essential steps were overlooked:

The 2022 City Plan clearly stated that the project must follow the notice requirements under the Surplus Land Act (SLA) to qualify for any exemption:

"...the disposition of the property would meet the criteria for 'exempt surplus land' if the notice requirements of the Surplus Land Act are followed."

Under SLA, this requires both public meeting declarations and notification to HCD—neither of which has been done. These requirements are distinct from any Notice of Action exemption.

Additionally, the City neglected to follow a key step outlined in the 2022 plan:

"Following the selection of a qualified housing developer, initiate concurrently the following processes: ... A City Council declaration that the site is exempt surplus land."

Furthermore, the City proceeded to create a parcel involving public roads that has not been properly vacated. It is unclear how a housing project can lawfully advance on an invalid parcel.

The December 2, 2025 FAQ responses suggesting that these steps can be completed later are deeply concerning. Moving a project forward without timely and fair public input undermines trust and the principle of transparency. Residents have only recently learned of this project through grassroots efforts, not through official public notice. To date, over 600 residents have signed a petition opposing this project at such a constrained site: <https://www.change.org/p/halt-the-mary-avenue-villas-project-at-this-unsuitable-location>.

On November 1, 2025, many residents peacefully protested to express their concerns and opposition.

I urge the City Council to act as responsible stewards of public land and community trust. Halt the Mary Ave Villas project immediately, follow the appropriate state laws, and ensure that the public is given a genuine opportunity to participate in this decision before any further action is taken.

Moreover, on behalf of my Lawson Middle Schooler 6th grader, I would like to add that this project would take away a crucial bike lane that is used by children for safe school commutes. This is not the community that Cupertino is and this is not the community me and my daughter want community to become. Cupertino has always been about prioritizing families over developers and big corporate interests and if there is genuine interest to develop low income housing, we fully support that but with adherence to due process and not "giving away" city land in a hush hush manner.

Please respect this huge groundswell of support for scrapping Mary Avenue villas project and use your official post for what the residents actually want.

@Kirsten.

Thanks for the reminder, Unfortunately since I am away on work travel, submitting email comment above.

Thanks

Aditya Agrawal

21345 Rumford Dr. Cupertino, CA 95014

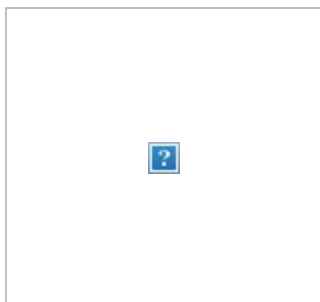
On Sun, Nov 30, 2025 at 1:46 PM Kirsten Squarcia <KirstenS@cupertino.gov> wrote:

Hello Ed,

The Mary Avenue Villas item is included in the December 2 agenda (Item 12)

<https://cupertino.legistar.com/MeetingDetail.aspx?ID=1245875&GUID=048C0EBC-7952-41E2-8120-F93784B5EC5F&Options=info|&Search=>.

Regards, Kirsten



Kirsten Squarcia

Interim Deputy City Manager/City Clerk

City Manager's Office

KirstenS@cupertino.gov

[\(408\) 777-3225](tel:(408)777-3225)



From: Ed Agrawal <edagrawal@gmail.com>

Sent: Tuesday, November 18, 2025 10:27 PM

To: Kirsten Squarcia <KirstenS@cupertino.gov>

Subject: Re: Cupertino City Council Teleconference Meeting - November 18, 2025 (Meeting Begins at 6:45 p.m.) Confirmation

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Thank you for the update

On Tue, Nov 18, 2025 at 10:26 PM Kirsten Squarcia <KirstenS@cupertino.gov> wrote:

Good evening, the meeting was ended due to a technical issue with the Zoom feature. A new meeting was scheduled for December 1. A new agenda will be published for that meeting.

Regards, Kirsten

Kirsten Squarcia

Interim Deputy City Manager/City Clerk
City Manager's Office
KirstenS@cupertino.gov
[\(408\) 777-3225](tel:(408)777-3225)

On Nov 18, 2025, at 8:46 PM, Ed Agrawal <edagrawal@gmail.com> wrote:

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Hello

I've tried a few times but seems like I cannot connect back into the meeting.

Are rest of agenda

<Screenshot 2025-11-18 at 8.44.00 PM.png>

items still going to be discussed today or meeting will be adjourned?

Thanks

Aditya Agrawal

On Tue, Nov 18, 2025 at 6:33 PM City Clerks Office <no-reply@zoom.us> wrote:



Hi Aditya,

Thank you for registering for Cupertino City Council Teleconference Meeting - November 18, 2025 (Meeting Begins at 6:45 p.m.). You can find information about this webinar below.

If the meeting does not start exactly on time, we ask that you remain in the waiting room and you will automatically join once the meeting begins. You can also watch the live meeting on the Cupertino City Channel or online at [//Cupertino.org/youtube](https://Cupertino.org/youtube) and [//Cupertino.org/webcast](https://Cupertino.org/webcast).

If you would like to display a specific image or document during the meeting, please submit it in advance to cityclerk@cupertino.org, and it will be displayed when it is your turn to speak. Thank you.

Please submit any questions to: CityClerk@cupertino.org

You can [cancel](#) your registration at any time.

Thank you!

**Cupertino City Council Teleconference Meeting -
November 18, 2025 (Meeting Begins at 6:45 p.m.)**

Date & Time Nov 18, 2025 06:45 PM Pacific Time (US and Canada)

Webinar ID 852 1800 8557

Description Live teleconference meeting of the Cupertino City Council Meeting scheduled for 6:45 p.m. on Tuesday, November 18, 2025.

Members of the public who wish to share documents and other visual material during the meeting should email them in advance to cityclerk@cupertino.org.

Only a first name (or alias) and an email address are required in order to register for this event. All other fields are optional. Thank you.

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[Outlook Calendar\(.ICS\)](#)

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Or, dial: US: +1 669 900 6833 or +1 669 444 9171 or +1 719
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or +1 309 205 3325 or +1 312 626 6799 or +1 360 209
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From: [Jordan Clancy Behmke](#)
To: [Public Comments](#)
Subject: Public Comment on Agenda Item 12 For the Dec 2 2025 City Council Meeting
Date: Tuesday, December 2, 2025 3:00:29 PM
Attachments: [December 1 2025 Objection to Mary Ave Cupertino Project \(Final 12-2-25\).pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Chao, Vice Mayor Moore, and Councilmembers:

Please see the attached as well as the statement below.

I represent Garden Gate Community Neighbors (my “Clients”) and file this objection on their behalf to the proposed Mary Avenue Villas project (the “Project”), located in the Mary Avenue Right-of-Way, APN: 326-27-053 (the “Property”). While my Clients support the idea of the Project (which is to provide affordable housing for the disabled), my Clients oppose this Project at this site, for the reasons set forth below, and hereby request that the City vote no on this Project.

The Project application was formerly submitted on April 3, 2025 by Charities Housing (the “Applicant”) for a 40-unit, affordable housing community, with 19 units reserved for individuals with intellectual and developmental disabilities, developed by Applicant in partnership with the Cupertino Rotary and Housing Choices Coalition. The proposed Project is situated on a 0.79-acre site abutting Highway 85 and 280, across from De Anza College, and adjacent to the Mary Avenue Dog Park, and currently is proposed to take over the public land and right of way on this street.

While my Clients support affordable housing and the reservation of units specifically for disabled, this site is not the right location for this Project. This is an unsuitable location due to the particular layout, location, and environmental issues on this site that put disabled persons and the community at risk and the traffic impact. Further, in its haste to fast track the Project, the City has failed to follow the procedural steps required by law, including but not limited to failing to follow the process required for vacation of public land, failing to follow Street and Highway codes related to abandoning a public right of way, failing to follow Government Code §65402 along with Brown Act requirements.

1. There are environmental risks to the disabled and the Community at this site which have not been addressed by the City or the Applicant.

The contamination at this site makes this an unsuitable location and puts the disabled and community at risk. Three reports have stated that the land is contaminated with unsafe levels of lead and that there are lower concentrations of arsenic and have pesticides 4,4-DDE and 4,4-DDT present. The Subsurface Investigation Report, dated April 4, 2025, and the subsequent report dated April 24, 2025 prepared by Intertek PSI (collectively “Subsurface Investigation Report”) indicated unsafe levels of lead (which are a cause for concern) and arsenic levels above the Construction Workers ESL levels along with detectable levels of pesticides 4,4-DDE and 4,4-DDT on the site. Attached as Exhibit A is a copy of the Subsurface Investigation Report. The Subsurface Investigation Report stated at page 8 “the soil represented by these samples would be classified as hazardous by the State of California.” A Memorandum for Peer Review of Subsurface Investigation Report, Undeveloped Land West of Mary and Parkwood Drive, Cupertino, California, drafted by Baseline Environmental Consulting (“Memorandum”) on May 16, 2025, confirmed the same results and also concluded that the soil would be classified as California hazardous waste, for disposal purposes. Attached as Exhibit B is a copy of the Memorandum. At page 2, the Memorandum clearly states that the lead exceeds Residential ESL and Construction Workers ESL levels.

The Memorandum recommends that further testing be completed and that at minimum remedial actions be taken to prevent risks to residents and the community, like minimizing the volume of soil removed and capping of the lead. However, the report at page 3 states that these “would reduce the likelihood of exposure for future site occupants, this remedial approach is not adequate without appropriate engineering controls, institutional controls, and regulatory oversight to ensure lead impacted soil would not create an exposure concern for future site occupants.” The Memorandum recommends that 1) a Soil Management Plan (“SMP”) and Site-Specific Health and Safety Plan (“SSHSP”) be prepared, the Project applicant enter into a Remedial Action Agreement with the Santa Clara County Department of Environmental Health to oversee soil remediation at the site. The Subsurface Investigation Report also states that “A SMP and a SSHSP should be prepared prior to site redevelopment to mitigate exposure of construction workers to the lead and arsenic in the soil.” None of these recommendations have been followed and this poses a risk to the community during construction, the neighbors currently living around this site, and to the future site residents.

Given the focus on housing for individuals with disabilities, the City should proceed with an abundance of caution and follow the recommendations of the experts as stated in the above referenced reports and memorandums. The City must require the Applicant to engage the Department of Environmental Health to assess whether the site can be

effectively remediated adequately for such future residential use. Individuals with disabilities often have compromised immune systems, making them particularly vulnerable to even low levels of environmental hazards. Without entering into a Remedial Action Agreement with the Santa Clara County Department of Environmental Health as the recommended action, the Project will fail to effectively address the hazardous lead levels found and put the community and its future inhabitants at risk.

Additionally, an environmental action plan is further necessary to consider how the site's proximity to Highway 85 and Highway 280 will further cause the accumulation of pollutants at this site. Since the Department of Environmental Health must be engaged to specifically address these concerns and since this has not been done by the Applicant, my Clients urge the City to not approve the lease and disposition agreement with the Applicant. At minimum, the decision should be postponed and the recommendation at the end of this meeting should be for the Applicant to enter into the required Remedial Action Agreement with the Department of Environmental Health.

2. There is a significant impact to traffic in the community which can lead to safety issues and a reduced quality of life for its existing residents.

The impact to traffic will be significant since the Project proposes narrowing the street, the bike path, and the available parking, and there are changes with parking at De Anza College, all of which impacts the quality of life of the existing residents and can lead to accidents as a result of the increased traffic. The transportation assessment, prepared by Hexagon Transport Consultants (the "Transportation Assessment") and submitted on November 13, 2025, does not account for critical changes that will affect parking in the neighborhood in 2026. Attached as Exhibit C is the Transportation Assessment. Starting January 6, 2026, De Anza College will no longer offer free parking to visitors and will require payment to park (see <https://www.deanza.edu/parking/#oneday> and <https://www.instagram.com/p/DPsXkeTERd-/>). This change significantly impacts local parking and traffic on Mary Avenue, as this street has been historically used as overflow parking from De Anza College. Since parking will no longer be free at De Anza College for visitors, there will be an increase of traffic and cars attempting to park on this street all the while the Project will reduce the size of the street, the bike lane, and available parking. While the transportation assessment discusses the impact on festival days at De Anza College it fails to consider these coming changes. The impact on traffic and parking will affect this community negatively and for this reason the City should vote no on approving the lease and disposition agreement with the Applicant. At minimum, the decision should be postponed and the recommendation at the end of this meeting should be for further study to be done to determine how the change in parking at De

Anza College will impact this street and community.

Further, there is a potential fire and safety issues that must be assessed. The City has waived the normal setback requirements for this Project to maximize land use on this narrow strip. However, the Project's unique design, intended use, and the site itself poses a fire safety issue. The site causes a reduction in the street size, increases parking, and it borders a sound wall adjacent to Highway 85- all of this may impact emergency response and fire crews in the event of a building fire. Therefore, a special assessment should be conducted under the supervision of the Santa Clara County Fire Department to determine if they can effectively combat a structure fire so close to the sound wall, with the smaller street, and increased traffic and parking. This assessment is critical as a large percentage of these units will be for those who are intellectually and developmentally disabled and the fire department should be engaged to determine if they can safely handle a potential fire at this site and evacuate individuals with disabilities during a fire all while managing the uniqueness of this site against the soundwall, the smaller street, and increased traffic and parking. The traffic and street changes pose a safety issue to all the community that lives on this street and to ensure the safety of future residents, it is crucial that the City and the Applicant do it's due diligence before the City approves the lease and disposition agreement with the Applicant. Therefore, my Clients urge the City to vote No or to postpone a full vote and require further traffic and fire assessment to address these issues.

3. The City has failed to adhere to the procedural requirements under its municipal code and applicable law.

The Project requires changes to the lot and street which include public land and a right of way and the sale of public land and therefore the City must adhere to its own procedures and municipal codes when making these changes. While there is no timing requirement in some of these codes, approving the Project before completing these procedures is putting the cart before the horse. By delaying initiating the procedural requirements, the City is As these procedural requirements have not been met, my Clients urge the City to vote no at this time so that the procedural requirements for disposing of public land and right of ways can be met.

This Project should not warrant the City abandoning its procedural requirements under the municipal code and applicable law. The City must follow its own code as it relates to vacationing public land (Surplus Land Act Gov't Code §§54220-54234), changing rights of ways (Streets and Highway Code §8300 et seq), and disposing of public land (Brown Act). The Project requires changes to the lot and street which include public land and a

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Finally, out of an abundance of caution and to avoid the appearance of impropriety and self-dealing, council members who are part of the Rotary Association, which is associating or promoting this Project, should recuse themselves from voting on this Project. All laws related to conflicts of interest should be adhered to and any city council member who has a conflict of interest must recuse themselves from voting on this Project.

4. Council member should vote No on this Project

While affordable housing with reserved spaces for the disabled is a celebrated project for the City, this Project at this site is not the right place for this neighborhood. The City must vote no on approving the lease and disposition agreement with the Applicant. The City and the Applicant should find a better site with less impact to the health and safety of neighbors, construction workers, and its future residences and a site that improves not hurts the quality of life of its surrounding neighborhood.

If the City is not willing to vote no at this time, then the City must delay the vote at this meeting and set a future meeting and require in the interim that the Applicant:

- a. enter into a Remedial Action Agreement with the Department of Environmental Health;
- b. conduct a further traffic assessment to determine the impact to traffic and parking on this street due to incoming parking changes at De Anza College
- c. engage the fire department to assess the impact of fire safety services as a result of the site restrictions, the narrower road, and increased traffic/parking on this street

Additionally, in the interim, the City must initiate the procedural requirements for vacationing the right of way and public land, and disposition of public land so that these

requirements are met and open for public comment before the Project is approved.

Sincerely,

Jordan C. Behmke, Esq.

Attorney at Law

Mosaic Law

6203 San Ignacio Avenue

Suite 110

San Jose, CA 95119

Phone and Text: [\(408\) 987-6399](tel:(408)987-6399)

Fax: 408-987-6397

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website: www.mosaiclawusa.com

Se Habla Español

Nous Parlons Français

Please follow up all voicemails with an email or text message.

Office Hours: By Appointment Only. Appointments are available at my office or in any location, of your choosing, in the Bay Area.

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December 2, 2025

VIA EMAIL (publiccomment@cupertino.gov)

Mayor Chao, Vice Mayor Moore and Councilmembers
City Council of Cupertino
CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, CA 95014-3202

Re: **Objection to Mary Avenue Villas Project, Action Item 12**
Special Meeting on December 2, 2025 at 2:00 p.m.
APN: 326-27-053 (the "Property")

Dear Mayor Chao, Vice Mayor Moore, and Councilmembers:

I represent Garden Gate Community Neighbors (my "Clients") and file this objection on their behalf to the proposed Mary Avenue Villas project (the "Project"), located in the Mary Avenue Right-of-Way, APN: 326-27-053 (the "Property"). While my Clients support the idea of the Project (which is to provide affordable housing for the disabled), my Clients oppose this Project at this site, for the reasons set forth below, and hereby request that the City vote no on this Project.

The Project application was formerly submitted on April 3, 2025 by Charities Housing (the "Applicant") for a 40-unit, affordable housing community, with 19 units reserved for individuals with intellectual and developmental disabilities, developed by Applicant in partnership with the Cupertino Rotary and Housing Choices Coalition. The proposed Project is situated on a 0.79-acre site abutting Highway 85 and 280, across from De Anza College, and adjacent to the Mary Avenue Dog Park, and currently is proposed to take over the public land and right of way on this street.

While my Clients support affordable housing and the reservation of units specifically for disabled, this site is not the right location for this Project. This is an unsuitable location due to the particular layout, location, and environmental issues on this site that put disabled persons and the community at risk and the traffic impact. Further, in its haste to fast track the Project, the City has failed to follow the procedural steps required by law, including but not limited to failing to follow the process required for vacation of public land, failing to follow Street and Highway codes related to abandoning a public right of way, failing to follow Government Code §65402 along with Brown Act requirements.

1. **There are environmental risks to the disabled and the Community at this site which have not been addressed by the City or the Applicant.**

The contamination at this site makes this an unsuitable location and puts the disabled and community at risk. Three reports have stated that the land is contaminated with unsafe levels of lead and that there are lower concentrations of arsenic and have pesticides 4,4-DDE and 4,4-DDT present. The Subsurface Investigation Report, dated April 4, 2025, and the subsequent report dated April 24, 2025 prepared by Intertek PSI (collectively "Subsurface Investigation Report") indicated unsafe levels of lead (which are a cause for concern) and arsenic levels above the Construction Workers ESL levels along with detectable levels of pesticides 4,4-DDE and 4,4-DDT on the site. Attached as Exhibit A is a copy of the Subsurface Investigation Report. The Subsurface Investigation Report stated at page 8 "the soil represented by these samples would be classified as hazardous by the State of California." A Memorandum for Peer Review of Subsurface Investigation Report, Undeveloped Land West of Mary and Parkwood Drive, Cupertino, California, drafted by Baseline Environmental Consulting ("Memorandum") on May 16, 2025, confirmed

the same results and also concluded that the soil would be classified as California hazardous waste, for disposal purposes. Attached as Exhibit B is a copy of the Memorandum. At page 2, the Memorandum clearly states that the lead exceeds Residential ESL and Construction Workers ESL levels.

The Memorandum recommends that further testing be completed and that at minimum remedial actions be taken to prevent risks to residents and the community, like minimizing the volume of soil removed and capping of the lead. However, the report at page 3 states that these “would reduce the likelihood of exposure for future site occupants, this remedial approach is not adequate without appropriate engineering controls, institutional controls, and regulatory oversight to ensure lead impacted soil would not create an exposure concern for future site occupants.” The Memorandum recommends that 1) a Soil Management Plan (“SMP”) and Site-Specific Health and Safety Plan (“SSHSP”) be prepared, the Project applicant enter into a Remedial Action Agreement with the Santa Clara County Department of Environmental Health to oversee soil remediation at the site. The Subsurface Investigation Report also states that “A SMP and a SSHSP should be prepared prior to site redevelopment to mitigate exposure of construction workers to the lead and arsenic in the soil.” None of these recommendations have been followed and this poses a risk to the community during construction, the neighbors currently living around this site, and to the future site residents.

Given the focus on housing for individuals with disabilities, the City should proceed with an abundance of caution and follow the recommendations of the experts as stated in the above referenced reports and memorandums. The City must require the Applicant to engage the Department of Environmental Health to assess whether the site can be effectively remediated adequately for such future residential use. Individuals with disabilities often have compromised immune systems, making them particularly vulnerable to even low levels of environmental hazards. Without entering into a Remedial Action Agreement with the Santa Clara County Department of Environmental Health as the recommended action, the Project will fail to effectively address the hazardous lead levels found and put the community and its future inhabitants at risk. Additionally, an environmental action plan is further necessary to consider how the site’s proximity to Highway 85 and Highway 280 will further cause the accumulation of pollutants at this site. Since the Department of Environmental Health must be engaged to specifically address these concerns and since this has not been done by the Applicant, my Clients urge the City to not approve the lease and disposition agreement with the Applicant. At minimum, the decision should be postponed and the recommendation at the end of this meeting should be for the Applicant to enter into the required Remedial Action Agreement with the Department of Environmental Health.

2. There is a significant impact to traffic in the community which can lead to safety issues and a reduced quality of life for its existing residents.

The impact to traffic will be significant since the Project proposes narrowing the street, the bike path, and the available parking, and there are changes with parking at De Anza College, all of which impacts the quality of life of the existing residents and can lead to accidents as a result of the increased traffic. The transportation assessment, prepared by Hexagon Transport Consultants (the “Transportation Assessment”) and submitted on November 13, 2025, does not account for critical changes that will affect parking in the neighborhood in 2026. Attached as Exhibit C is the Transportation Assessment. Starting January 6, 2026, De Anza College will no longer offer free parking to visitors and will require payment to park (see <https://www.deanza.edu/parking/#oneday> and <https://www.instagram.com/p/DPsXkeTERd-/>). This change significantly impacts local parking and traffic on Mary Avenue, as this street has been historically used as overflow parking from De Anza College. Since parking will no longer be free at De Anza College for visitors, there will be an increase of traffic and cars attempting to park on this street all the while the Project will reduce the size of the street, the bike lane, and available parking. While the transportation assessment discusses the impact on festival days at De Anza College it fails to consider these coming changes. The impact on traffic and parking will affect this community negatively and for this reason the

City should vote no on approving the lease and disposition agreement with the Applicant. At minimum, the decision should be postponed and the recommendation at the end of this meeting should be for further study to be done to determine how the change in parking at De Anza College will impact this street and community.

Further, there is a potential fire and safety issues that must be assessed. The City has waived the normal setback requirements for this Project to maximize land use on this narrow strip. However, the Project's unique design, intended use, and the site itself poses a fire safety issue. The site causes a reduction in the street size, increases parking, and it borders a sound wall adjacent to Highway 85- all of this may impact emergency response and fire crews in the event of a building fire. Therefore, a special assessment should be conducted under the supervision of the Santa Clara County Fire Department to determine if they can effectively combat a structure fire so close to the sound wall, with the smaller street, and increased traffic and parking. This assessment is critical as a large percentage of these units will be for those who are intellectually and developmentally disabled and the fire department should be engaged to determine if they can safely handle a potential fire at this site and evacuate individuals with disabilities during a fire all while managing the uniqueness of this site against the soundwall, the smaller street, and increased traffic and parking. The traffic and street changes pose a safety issue to all the community that lives on this street and to ensure the safety of future residents, it is crucial that the City and the Applicant do it's due diligence before the City approves the lease and disposition agreement with the Applicant. Therefore, my Clients urge the City to vote No or to postpone a full vote and require further traffic and fire assessment to address these issues.

3. The City has failed to adhere to the procedural requirements under its municipal code and applicable law.

The Project requires changes to the lot and street which include public land and a right of way and the sale of public land and therefore the City must adhere to its own procedures and municipal codes when making these changes. While there is no timing requirement in some of these codes, approving the Project before completing these procedures is putting the cart before the horse. By delaying initiating the procedural requirements, the City is As these procedural requirements have not been met, my Clients urge the City to vote no at this time so that the procedural requirements for disposing of public land and right of ways can be met.

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Finally, out of an abundance of caution and to avoid the appearance of impropriety and self-dealing, council members who are part of the Rotary Association, which is associating or promoting this Project, should recuse themselves from voting on this Project. All laws related to conflicts of interest should be adhered to and any city council member who has a conflict of interest must recuse themselves from voting on this Project.

4. Council member should vote No on this Project



While affordable housing with reserved spaces for the disabled is a celebrated project for the City, this Project at this site is not the right place for this neighborhood. The City must vote no on approving the lease and disposition agreement with the Applicant. The City and the Applicant should find a better site with less impact to the health and safety of neighbors, construction workers, and its future residences and a site that improves not hurts the quality of life of its surrounding neighborhood.

If the City is not willing to vote no at this time, then the City must delay the vote at this meeting and set a future meeting and require in the interim that the Applicant:

- a. enter into a Remedial Action Agreement with the Department of Environmental Health;
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Additionally, in the interim, the City must initiate the procedural requirements for vacationing the right of way and public land, and disposition of public land so that these requirements are met and open for public comment before the Project is approved.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jordan Behmke", is written over a horizontal line.

Jordan Behmke, Esq.
Principal Attorney

Enc.
Exhibit A Subsurface Investigation Report
Exhibit B- Memorandum
Exhibit C- Transportation Assessment

cc. Clients

Exhibit A



Subsurface Investigation Report

Proposed Multi-Family Residential Development
Mary Avenue
Cupertino, California

Prepared for

Charities Housing

1400 Parkmoor Avenue, Suite 190
San Jose, California 95116

Prepared by

Professional Service Industries, Inc.

4703 Tidewater Avenue, Suite B
Oakland, California 94601

April 24, 2025

PSI Project Number: 0575-2869



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FIGURES

- FIGURE 1: SITE LOCATION MAP
FIGURE 2: SITE PLAN AND BORING LOCATION MAP

FIGURE

- TABLE 1: SOIL ANALYTICAL DATA SUMMARY

APPENDICES

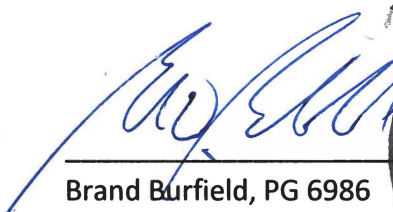
- APPENDIX A: CITY OF CUPERTINO ENCROACHMENT PERMIT
APPENDIX B: LABORATORY REPORT



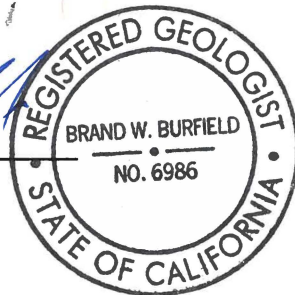
STATEMENT OF LIMITATIONS AND PROFESSIONAL CERTIFICATION

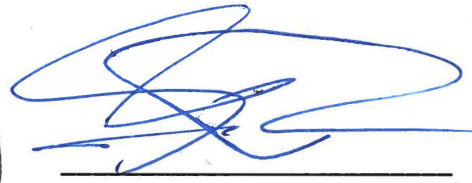
The information provided in this Subsurface Investigation Report prepared by Professional Service Industries, Inc. (PSI), Project Number 0575-2869, is intended exclusively for Charities Housing for the evaluation of soil, as it pertains to the subject property in Cupertino, California at the time the activities were conducted. No unnamed third party shall have the right to rely on this report without the express written consent of PSI. The professional services provided have been performed in accordance with practices generally accepted by other environmental professionals, geologists, hydrologists, hydrogeologists, engineers, and environmental scientists practicing in this field. No other warranty, either expressed or implied, is made. As with all subsurface investigations, there is no guarantee that the work conducted has identified any and all sources or locations of hazardous substances or chemicals in the soil.

This report is issued with the understanding that Charities Housing is responsible for ensuring that the information contained in this report is brought to the attention of the appropriate regulatory agency. This report has been reviewed by a geologist who is registered in the State of California and whose signature and license number appear below.



Brand Burfield, PG 6986
Project Geologist





Frank R. Poss
Department Manager
Principal Consultant



1.0 INTRODUCTION

Professional Service Industries, Inc. (PSI) was retained by Charities Housing to evaluate the possible impact to the near surface soils at the subject property associated with the former agricultural use of the subject property and the proximity to a highway.

1.1 SITE LOCATION AND DESCRIPTION

The subject property is located on the west side of Mary Avenue, at its intersection with Parkwood Drive in Cupertino California (see Figure 1 - Site Location Map). The subject property does not currently have an address but can be identified as a portion of Santa Clara County Assessor Parcel Number 326-27-030.

The site is a relatively level, roughly rectangular-shaped property that measures about 0.79 acres in plan area and is bounded by Mary Avenue to the east and Highway 85 to the west. At the time of our study, the subject property existed as undeveloped land, landscaping, and asphalt-paved parking (see Figure 2 - Site Plan and Vicinity Map).

1.2 PROPOSED DEVELOPMENT

Redevelopment of the subject property will include grading of the berm in front of the Caltrans Highway 85 soundwall along with removal of trees and vegetation. The subject property will include two buildings, each consisting of two stories and twenty (20) units, as well as a parking lot with approximately twenty-two (22) spaces including accessible and EV charging spaces.

1.3 PROJECT UNDERSTANDING

A Phase I Environmental Site Assessment (ESA) prepared for the subject property (PSI, June 11, 2024), indicates that the property was historically used for agricultural purposes from at least 1939 through the late 1960s. Additionally, the subject property is adjacent to a freeway that may have impacted the subject property with aerially deposited lead (ADL). The ESA did not identify any recognized environmental conditions (RECs), historical RECs, or controlled RECS on the subject property and PSI recommended no further investigation for the subject property. However, PSI did identify the historical agricultural use and the ADL as environmental concerns for possible redevelopment of the subject property. Based on the proposed redevelopment of the property, Charities Housing determined that a subsurface investigation was prudent and contracted PSI to complete this investigation.



2.0 SOIL INVESTIGATION

2.1 PURPOSE AND SCOPE OF WORK

The soil investigation at the site was performed to evaluate the nature and extent of potential lead and/or pesticide impact in the surface and near-surface soil that may have resulted from aerially deposited lead and from historical agricultural site use and the potential threat to human health associated with the intrusive, groundbreaking work that is proposed as part of the site development.

Our scope of work included advancing six soil borings, sampling of soil from each boring at 0.5 and 2 feet below the ground surface (bgs), analysis of samples, and preparation of this report. All field work was performed under the supervision of a State of California Professional Geologist. A detailed description of the scope of work and methodology used is presented in the sections below. The scope of work, including the number and location of samples and the analyses performed, was in general accordance with the DTSC 2008 Interim Guidance for Sampling Agricultural Properties.

2.2 PRE-FIELD ACTIVITIES

At least 2 days prior to the commencement of drilling activities, PSI staked the proposed boring locations, marked the site with white paint and contacted Underground Service Alert (USA), a public utility locating service, to locate public utilities on or adjacent to the subject site. The USA inquiry identification number (or Ticket Number) for the utility locate request is #2025031202827.

Additionally, PSI obtained an encroachment permit from the City of Cupertino to complete the borings within the public right-of-way (Permit Number PW-2025-0143). A copy of the permit is presented in Appendix A.

2.3 SUBSURFACE EXPLORATION

Soil Borings

On March 18, 2025, six soil borings were advanced to a depth of 2 feet bgs by PSI personnel using a 3-inch diameter hand auger mounted on a T-bar handle. Three borings (B1 through B3) were advanced within soil-surfaced landscaped areas, and three (B4 through B6) were advanced in paved areas of the existing parking lot. Where required (in the 3 paved areas), Safe2Core Inc., a paving and coring contractor, was utilized to remove the asphalt pavement section to allow access for our hand-auger and sampling equipment. The locations of the soil boring are presented in Figure 2.



Due to elevated lead concentrations detected in the soil sample from B2 at 2 feet, PSI returned to the subject property on April 11, 2025 to determine if those elevated concentrations are a localized condition. Two additional soil borings, B7 and B8, were advanced to a depth of 2 feet bgs within the soil-surfaced landscaped area approximately 10 feet north and south of B2, respectively. The borings were advanced by PSI personnel using a 3-inch diameter hand auger mounted on a T-bar handle. A description of the soil sampling, equipment decontamination, and backfill of the eight borings is presented in the following sections.

Soil Sampling

Soil samples were collected from the surface and subsurface at each boring, at depths of 0.5 and 2 feet bgs, respectively. Once a boring was advanced to the desired sample depth, a grab sample was collected from the auger bucket into a new 2-inch diameter, 6-inch-long stainless-steel soil tube. Once the sample tube was filled, the ends of the tube were sealed with Teflon sheets and capped with polyethylene end caps. PSI personnel wore nitrile gloves during sample collection, changing to a new pair for each sample collected. The samples were immediately labeled and then placed in a chilled cooler, pending delivery to the laboratory for analysis.

Groundwater was not encountered in any of the borings, with the Phase I ESA report for the property indicating that the depth to groundwater is approximately 60 to 100 feet bgs.

Equipment Decontamination

Decontamination procedures were implemented to maintain sample integrity and to prevent cross-contamination between sampling locations. The hand-auger bucket and T-bar were decontaminated before sampling, between samples and between boring locations by washing with a non-phosphate detergent and rinsing with de-ionized water.

Backfill of Borings

At the completion of sampling at each hand-auger boring, PSI backfilled the five holes located in the landscaped areas with hand-compacted soil cuttings to match the adjacent surface grades. Safe2Core Inc. backfilled the three holes in the paved areas and restored the pavement surfaces in accordance with the City of Cupertino encroachment permit requirements. To avoid leaving any holes open that could cause damage or injury to vehicles, pedestrians or animals, the cores and borings were backfilled within a day of drilling. On April 21, 2025, PSI received email notification from the City of Cupertino Public Works Department that their inspector signed off on the pavement restoration.



3.0 ANALYTICAL RESULTS AND DISCUSSION

The soil samples were submitted to SunStar Laboratories, Inc. of Lake Forest, California, a California certified environmental laboratory, under strict chain-of-custody protocol. Soil samples were delivered to the laboratory within two days of sample collection.

3.1 SOIL ANALYTICAL RESULTS AND DISCUSSION

The soil samples collected from each boring (a total of 12 soil samples) were submitted for analyses for the following:

- Organochlorine pesticides according to EPA Method 8081
- Lead and arsenic according to EPA Method 6010

Four additional soil samples were analyzed only for lead according to EPA Method 6010.

A summary of the soil analytical results are as follows:

- Arsenic was detected in three soil samples with concentrations ranging from 3.51 to 7.25 milligrams per kilogram (mg/kg).
- Lead was detected in eleven of the soil samples with concentrations ranging from 5.07 to 680 mg/kg. The lead concentrations are typical of background conditions with the exception of the soil sample collected from B2 at 2 feet.
- 4,4-DDE was detected in two soil samples (B3-0.5 and B3-2) at concentrations of 0.047 and 0.061 mg/kg, respectively.
- 4,4-DDT was detected in two soil samples (B3-0.5 and B3-2) at concentrations of 0.0089 and 0.020 mg/kg, respectively.

A copy of the laboratory analytical reports are included in Appendix B and the analysis results are summarized in Table 1.

The soil sample results were compared to the San Francisco Bay Regional Water Quality Board Environmental Screening Levels for Residential – Shallow Soil Exposure (ESL-R) and to the RWQCB-ESL for Construction Workers (ESL-CW). None of the concentrations of the tested constituents were detected at greater than their respective ESL-R or ESL-CW with the exception of the following.

- The arsenic concentrations detected were below established background arsenic concentration for Santa Clara Valley of up to 20 mg/kg (“Establishing Background Arsenic in



Soil of the Urbanized San Francisco Bay Region,” by Dylan Duverge, December 2011). Based on this information, Arsenic is not considered a contaminant of concern at the subject property. The detected arsenic concentrations were above the ESL-CW, so a Soil Management Plan (SMP) and a Site Specific Health and Safety Plan (SSHSP) should be prepared prior to conducting any soil excavation as part of redevelopment of the subject property.

- Only one of the lead concentrations was above the ESL-R (B2-2). The results from the soil samples collected from borings B7 and B8, which show background concentrations of lead, effectively bound the elevated detections at B2, indicating that the B2 result as a localized condition. If not below a proposed building, as the new building will create a cap to eliminate contact with lead impacted soil, the soil represented by this sample should be excavated and removed from the property. For the proposed redevelopment, a SMP and SSHSP should be prepared that have appropriate stipulations associated with the lead impacted soil.

To evaluate soil disposal, should the soil be defined as a waste, the results of the soil analyses were compared to California Code of Regulations Title 22 List of Inorganic, Persistent, and Bioaccumulative Toxic Substances and their soluble threshold limit concentrations (STLC) and total threshold limit concentrations (TTLC) values. None of these samples had a concentration greater than their respective TTLC. However, the total lead concentration in soil sample B2-2 (680 mg/kg) was greater than the screening criteria of ten times the STLC of 5 milligrams per liter (mg/l). Therefore, a waste extraction test (WET) and Toxicity Characteristic Leaching Potential (TCLP) were performed on this sample to determine its soluble lead concentration. The results of the analyses indicated that the soluble lead concentration was greater than the STLC after a WET, but below the soluble lead concentration after a TCLP. The soil represented by these samples would be classified as hazardous by the State of California upon excavation and classification as a waste material.



4.0 CONCLUSIONS AND RECOMMENDATIONS

The results of the subsurface investigation are summarized below.

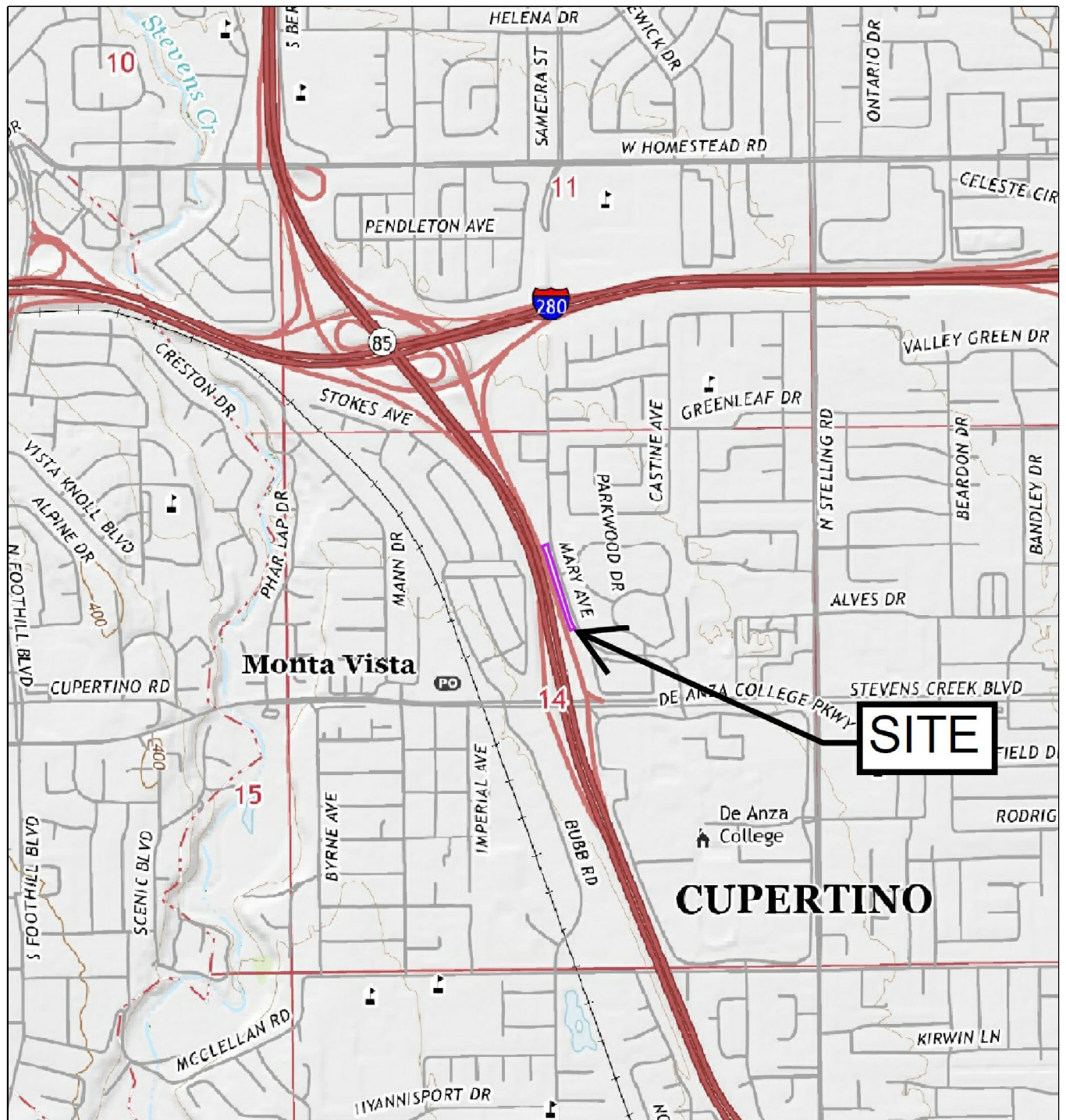
- Low concentrations of lead, arsenic, and organochlorine pesticides were found across the subject property with one soil sample having elevated lead concentrations. Based on the concentrations detected, arsenic and organochlorine pesticides are not contaminants of concern, while lead is considered to be a contaminant of concern.
- Only one soil sample had a total lead concentration above the ESL-R (B2-2). If not below a proposed building, as the new building will create a cap to eliminate contact with lead impacted soil, the soil represented by this sample should be excavated and removed from the property. Lead in one soil sample and arsenic in three soil samples were above the ESL-CW. A SMP and a SSHSP should be prepared prior to site redevelopment to mitigate exposure of construction workers to the lead and arsenic in soil.
- To evaluate whether the soil represented by soil sample B2-2 would be a hazardous waste, when excavated, the soil sample was analyzed for soluble lead by the WET and TCLP methods. The results of the analyses indicated that the soluble lead concentration was greater than the STLC after a WET, but below the soluble lead concentration after a TCLP. The soil represented by this sample would be classified as hazardous by the State of California upon excavation and classification as a waste material.



FIGURES



Not to Scale



REFERENCE

U.S.G.S. CUPERTINO, CALIFORNIA,
7.5 MINUTE SERIES TOPOGRAPHIC MAP,
DATED 2021.

intertek psi
Total Quality. Assured.

4703 Tidewater Avenue, Suite B
Oakland, California 94601
(510) 434-9200

Project Name:
PROPOSED RESIDENTIAL DEVELOPMENT
West of Mary Ave. at Parkwood Dr., Cupertino, CA

Drawn By:
B.B.

Date:
4/2025

File No.:
2869-1-1

Figure No.:

1

Title:
SITE LOCATION MAP

Approved By:
F.P.

Project No.:
575-2869



LEGEND

-  SUBJECT PROPERTY BOUNDARY
-  BORING (LANDSCAPED AREA)
-  BORING (PAVED AREA)

NOTES

1. BASE MAP TAKEN FROM GOOGLE EARTH AERIAL PHOTO (8/30/23).
2. ALL LOCATIONS ARE APPROXIMATE.

0 120 240
APPROXIMATE SCALE IN FEET

intertek psi
Total Quality. Assured.

4703 Tidewater Avenue, Suite B
Oakland, California 94601
(510) 434-9200

Project Name:
PROPOSED RESIDENTIAL DEVELOPMENT
West of Mary Ave. at Parkwood Dr., Cupertino, CA

Drawn By:
B.B.

Date:
4/2025

File No.:
2869-1-2

Figure No.:

Title:
SITE PLAN AND BORING
LOCATION MAP

Approved By:
F.P.

Project No.:
575-2869

2



TABLE

TABLE 1
SUMMARY OF ANALYTICAL RESULTS - SOIL

Boring Number	Sample Depth (feet)	Arsenic	Lead	gamma Chlordane	alpha Chlordane	Dieldrin	4,4'-DDE	4,4'-DDD	4,4'-DDT
B1	0.5	7.25	10.4	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005
	2	<2.0	6.59	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005
B2	0.5	3.93	31.0	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005
	2	3.51	680 (18) {1.1}	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005
B3	0.5	<2.0	22.8	<0.005	<0.005	<0.005	0.047	<0.005	0.0089
	2	<2.0	10.3	<0.005	<0.005	<0.005	0.061	<0.005	0.020
B4	0.5	<2.0	<3.0	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005
	2	<2.0	<3.0	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005
B5	0.5	<4.0	<6.0	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05
	2	<4.0	<6.0	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05
B6	0.5	<4.0	<6.0	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05
	2	<4.0	5.07	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05
B7	0.5	NA	8.0	NA	NA	NA	NA	NA	NA
	2	NA	5.4	NA	NA	NA	NA	NA	NA
B8	0.5	NA	7.0	NA	NA	NA	NA	NA	NA
	2	NA	5.5	NA	NA	NA	NA	NA	NA

RWQCB ESLs

Residential	0.067	80	0.48	0.48	0.037	1.8	2.7	1.9
Commercial	0.31	320	2.2	2.2	0.16	8.3	12	8.5
Construction Worker	2.0	160	14	14	1.1	57	81	57

Notes: All samples from borings B1-B6 collected on March 18, 2025. Alls samples from borings B7 and B8 collected on April 11, 2025
All concentrations are reported in milligrams per kilogram (mg/kg) with the exception of the WET and TCLP results, which are in milligrams per liter (mg/L).
(18) = Soluble lead concentration after a WET; {1.1} = Soluble lead concentration after a TCLP.
NA - Not Analyzed
< = Not detected above the reporting limit indicated.
RWQCB ESLs = Regional Water Quality Control Board Environmental Screening Levels (January 2019, rev. 2).
Detections are indicated in bold. Concentrations that exceed the residential ESL are shaded.
Boring Locations are presented in Figure 2.



APPENDIX A

CITY OF CUPERTINO ENCROACHMENT PERMIT



CUPERTINO

PUBLIC WORKS DEPARTMENT

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333

ENCROACHMENT PERMIT APPLICATION

Permit # PW-2025-0143 ☐R1 ☐R2 ☐R3 ☐R4

INSTRUCTIONS: Complete the front page only.

Submit the application and the following supporting documents to encroachmentpermits@cupertino.gov

- 1) Written Description of Work
- 2) Engineer's Cost Estimate
- 3) Detailed Traffic Control Plan including plan of existing pavement delineation (traffic stripes, pavement markings, and pavement markers) and signs
- 4) Project Plans and Specifications
- 5) Contractors Insurance Certificate (Insurance requirements listed on reverse)

Location of Work W side of Mary Avenue at Parkwood Drive

Building Permit # N/A

(If Applicable)

TYPE OF WORK: check all that apply

- ☐ Sidewalk ☐ Driveway Approach ☐ Curb & Gutter ☐ Street Light ☐ Curb Ramp
☐ Paving ☐ Utility Trench ☐ Monitoring Well ☐ Fiber Cable

☒ Other: SOIL BORINGS (6) - SEE WORK PLAN FOR DETAILS

PERMITTEE:

Name: Intertek - PSI

Address: 4703 Tidewater Ave, Ste. B, Oakland CA

Phone: (510) 750-3366

Email: brand.burfield@intertek.com

Start Date: SEE WORK PLAN

of Working days: 1

CONTRACTOR:

Company Name: Safe2core Inc.

Contact Name: Antonio Guzman

Address: 3801 Charter Park Court, Suite A, San Jose

24 hr. Contact Name: Antonio Guzman

24 hr. Email: contactus@safe2core.com

24 hr. Phone Number: 408-639-1325

Contractor's Lic. No.: 940453

City Business Lic. No.: 35082

Certificate of Insurance Expiration Date: 3.1.2025

Permittee Signature: [Signature]

Date: 2/24/2025

Contractor Signature: Antonio Guzman

Date: 2/19/2025

(CITY USE ONLY)

EXPIRATION: 9/10/25

Permit Fee \$ 643.26

Bond \$ 1,000

Type of Bond: ☐ Cash ☐ Paper ☐ Certificate of Deposit

Receipt #: 355581 R1 Receipt #: _____ R2 Receipt #: _____ R3 Receipt #: _____ R4 Receipt #: _____

Bond Retention Schedule: _____

Approved By: Jo Anne Johnson

Date: 3/14/25

SEE REVERSE FOR PERMIT CONDITIONS

Revised 5/2024

SPECIAL CONDITIONS:

- ☐ Work hours limited to Monday – Friday: ☐ 7:00 a.m. ☐ 8:00 a.m. to ☐ 4:30 p.m. ☐ 6:00 p.m.
- ☐ Work hours in pavement limited to: ☐ 8:00 a.m. ☐ 9:30 a.m. to ☐ 3:30 p.m. ☐ 4:30 p.m.
- ☐ Any violation of working hours shall result in “STOP WORK” notice
- ☐ Two lanes of traffic to be maintained at all times
- ☐ Permanent paving must be installed **WITHIN 5 WORKING DAYS** after completion, Traffic markings and bike lane markings to be replaced within 5 days of pavement restoration.
- ☐ Pavement delineation or signs damaged during construction shall be replaced in kind
- ☐ Pavement section shall match existing
- ☐ Street Cut Moratorium Applies (CMC 14.08.040)
- ☐ Slurry Seal Required ☐ Half Width ☐ Full Width ☐ Entire excavation in sheets.
- ☐ All trenching shall be backfilled to a minimum of 95% relative compaction
- ☐ Trench plates in the travel way shall be traffic rated, properly secured and shall be recessed upon request. See counter-sink steel plate requirements attached.
- ☐ If trench is 3’ of less from Lip of Gutter, contractor shall repave to Lip of Gutter.
- ☐ Jobsite shall be properly posted 48 hours in advance. Parking may not be restricted on Saturday or Sunday. **No-Parking signs may not be posted more than 5 days before the start of work, may not refer to towing away, must be removed after the project is completed, and must not cover a period of more than 3 weeks. No-Parking signs must include the project's permit number, construction dates, project description, and contact information for the responsible party.**
- ☐ BMP Sheet Attached
- ☐ Potholes and bore pits shall be filled to grade with cutback at end of each work day. **"Top hat" plates may not be used on public streets.**
- ☐ Other:

GENERAL CONDITIONS:

- 1) **The Public Works Inspector of the City of Cupertino, (408) 205-6326 or (408) 777-3354, shall be notified at least 48 hours prior to beginning work in the public Right-of-Way or requesting inspection of work. After the work is completed, notify the Public Works Inspector to schedule a final inspection.**
- 2) A copy of this permit must be kept on the job site.
- 3) The applicant shall notify County Communications, (408) 299-2501, at least 24 hours prior to any work in the traveled way section of a street.
- 4) Permittee shall employ construction best management practices which will prevent pollutants such as mud, silt, chemical residue, and washings from concrete saw-cutting from entering storm drains. Any spills or discharges that could potentially or actually enter a storm drain or receiving water, must be immediately reported to the City (408-777-3354). See Construction Best Management practices attachment.
- 5) The applicant agrees that if the encroachment for which this permit is issued which shall at any time in the future interfere with the use, repair, improvement, widening, or change of grade of any street, roadway, highway, sidewalk, curb, drain, or Right-of-Way, applicant or his successor or assigns, shall within 14 days after receipt of written notice from the Director of Public Works to do so, at its own expense either remove such encroachment subject to approval from the Director, or relocate to a site which may be designated by the Director. Any encroachment removed by the City will not be replaced.
- 6) To the fullest extent allowed by law, PERMITEE and CONTRACTOR shall indemnify and hold harmless CITY, its City Council, boards and commissions, officers, officials, agents, employees, servants, consultants and volunteers (hereinafter, “Indemnitees”) from and against any liability, loss, damage, expense, and cost (including reasonable legal fees and costs of litigation or arbitration), resulting from injury to or death of any person, damage to property, or liability for other claims, stop notices, demands, causes of actions and actions, arising out of or in any way related to Contractor’s performance or nonperformance of his/her duties under this Agreement, or from negligent acts or omissions or willful misconduct of Contractor, its agents, employees, or subcontractors. Contractor shall, at his/her own cost and expense, defend any and all claims, actions, suits or legal proceedings that may be brought against the City or any of the Indemnitees (with council acceptable to City) in connection with this Permit or arising out of Developer’s performance or nonperformance of his/her duties and obligations hereunder, except to the extent any of the foregoing is caused by the negligence or willful misconduct of the CITY or the CITY’S agents, employees and independent contractors.
- 7) Should the Permittee provide services which are subject to the City’s Franchise ordinance, Permittee agrees to pay any applicable City franchise fee.
- 8) This encroachment permit shall be terminable at the sole discretion of the City upon 30 days written notice to the Permittee.
- 9) The applicant’s contractor shall carry at all times commercial general liability insurance with a combined single limit of \$2.0 million per occurrence; \$4.0 million aggregate; and provide a Certificate of Insurance and Endorsement naming the City as Additional Insured. Insurers must be licensed to do business within the State of California and have a current Best’s Guide Rating of A, Class VII or better or that is otherwise acceptable to the City.
Insurance shall be primary and non-contributory.
- 10) All work within the public Right of Way must be completed by a contractor who holds a current Class A or appropriate Class C license and a current City of Cupertino business license.
- 11) Permittee and Contractor shall comply with Chapter 11.32 of the Cupertino Municipal Code “Truck Traffic Routes” (*See attached Truck Traffic Restrictions Map*). **No person shall operate or drive any truck that exceeds a gross weight of three tons between the hours of 7:00 a.m. and 9:30 am or 2:00 p.m. and 4:00 p.m. on the following roadway segments:**
 - a. any roadway which runs contiguous to and is within 500 feet of any public school (excluding Homestead Rd and Bollinger Rd)
 - b. McClellan Road, between Stelling Road and Bubb Road.



APPENDIX B

LABORATORY REPORT



25712 Commercentre Drive
Lake Forest, California 92630
949.297.5020 Phone
949.297.5027 Fax

01 April 2025

Frank Poss
PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland, CA 94601
RE: Charities - Cupertino

Enclosed are the results of analyses for samples received by the laboratory on 03/20/25 10:44. If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Lena Davidkov
Project Manager

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
B1-0.5	T251304-01	Soil	03/18/25 08:24	03/20/25 10:44
B1-2	T251304-02	Soil	03/18/25 08:32	03/20/25 10:44
B2-0.5	T251304-03	Soil	03/18/25 08:50	03/20/25 10:44
B2-2	T251304-04	Soil	03/18/25 08:58	03/20/25 10:44
B3-0.5	T251304-05	Soil	03/18/25 09:25	03/20/25 10:44
B3-2	T251304-06	Soil	03/18/25 09:30	03/20/25 10:44
B4-0.5	T251304-07	Soil	03/18/25 09:48	03/20/25 10:44
B4-2	T251304-08	Soil	03/18/25 10:00	03/20/25 10:44
B5-0.5	T251304-09	Soil	03/18/25 10:38	03/20/25 10:44
B5-2	T251304-10	Soil	03/18/25 10:50	03/20/25 10:44
B6-0.5	T251304-11	Soil	03/18/25 11:47	03/20/25 10:44
B6-2	T251304-12	Soil	03/18/25 12:00	03/20/25 10:44

SunStar Laboratories, Inc.



The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Lena Davidkov, Project Manager

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

DETECTIONS SUMMARY

Sample ID: B1-0.5

Laboratory ID: T251304-01

Analyte	Reporting		Units	Method	Notes
	Result	Limit			
Arsenic	7.25	2.00	mg/kg	EPA 6010b	
Lead	10.4	3.00	mg/kg	EPA 6010b	

Sample ID: B1-2

Laboratory ID: T251304-02

Analyte	Reporting		Units	Method	Notes
	Result	Limit			
Lead	6.59	3.00	mg/kg	EPA 6010b	

Sample ID: B2-0.5

Laboratory ID: T251304-03

Analyte	Reporting		Units	Method	Notes
	Result	Limit			
Arsenic	3.93	2.00	mg/kg	EPA 6010b	
Lead	31.0	3.00	mg/kg	EPA 6010b	

Sample ID: B2-2

Laboratory ID: T251304-04

Analyte	Reporting		Units	Method	Notes
	Result	Limit			
Arsenic	3.51	2.00	mg/kg	EPA 6010b	
Lead	680	3.00	mg/kg	EPA 6010b	
Lead	1.1	0.10	mg/l	EPA 1311	
Lead	18	0.025	mg/l	STLC Waste Extraction T	

Sample ID: B3-0.5

Laboratory ID: T251304-05

Analyte	Reporting		Units	Method	Notes
	Result	Limit			
Lead	22.8	3.00	mg/kg	EPA 6010b	
4,4'-DDE	47	5.0	ug/kg	EPA 8081A	
4,4'-DDT	8.9	5.0	ug/kg	EPA 8081A	

SunStar Laboratories, Inc.



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Lena Davidkov, Project Manager

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

Sample ID: B3-2

Laboratory ID: T251304-06

Analyte	Reporting		Units	Method	Notes
	Result	Limit			
Lead	10.3	3.00	mg/kg	EPA 6010b	
4,4'-DDE	61	5.0	ug/kg	EPA 8081A	
4,4'-DDT	20	5.0	ug/kg	EPA 8081A	

Sample ID: B4-0.5

Laboratory ID: T251304-07

No Results Detected

Sample ID: B4-2

Laboratory ID: T251304-08

No Results Detected

Sample ID: B5-0.5

Laboratory ID: T251304-09

No Results Detected

Sample ID: B5-2

Laboratory ID: T251304-10

No Results Detected

Sample ID: B6-0.5

Laboratory ID: T251304-11

No Results Detected

SunStar Laboratories, Inc.



The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Lena Davidkov, Project Manager



25712 Commercentre Drive
Lake Forest, California 92630
949.297.5020 Phone
949.297.5027 Fax

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

Sample ID: B6-2

Laboratory ID: T251304-12

Analyte	Reporting		Units	Method	Notes
	Result	Limit			
Lead	5.07	3.00	mg/kg	EPA 6010b	

SunStar Laboratories, Inc.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Lena Davidkov, Project Manager

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

B1-0.5
T251304-01 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Metals by EPA 6010B

Arsenic	7.25	2.00	mg/kg	1	25C0360	03/20/25	03/21/25	EPA 6010b	
Lead	10.4	3.00	"	"	"	"	"	"	

Organochlorine Pesticides by EPA Method 8081A

alpha-BHC	ND	5.0	ug/kg	1	25C0358	03/25/25	03/26/25	EPA 8081A	
gamma-BHC (Lindane)	ND	5.0	"	"	"	"	"	"	
beta-BHC	ND	5.0	"	"	"	"	"	"	
delta-BHC	ND	5.0	"	"	"	"	"	"	
Heptachlor	ND	5.0	"	"	"	"	"	"	
Aldrin	ND	5.0	"	"	"	"	"	"	
Heptachlor epoxide	ND	5.0	"	"	"	"	"	"	
gamma-Chlordane	ND	5.0	"	"	"	"	"	"	
alpha-Chlordane	ND	5.0	"	"	"	"	"	"	
Endosulfan I	ND	5.0	"	"	"	"	"	"	
4,4'-DDE	ND	5.0	"	"	"	"	"	"	
Dieldrin	ND	5.0	"	"	"	"	"	"	
Endrin	ND	5.0	"	"	"	"	"	"	
4,4'-DDD	ND	5.0	"	"	"	"	"	"	
Endosulfan II	ND	5.0	"	"	"	"	"	"	
4,4'-DDT	ND	5.0	"	"	"	"	"	"	
Endrin aldehyde	ND	5.0	"	"	"	"	"	"	
Endosulfan sulfate	ND	5.0	"	"	"	"	"	"	
Methoxychlor	ND	5.0	"	"	"	"	"	"	
Endrin ketone	ND	5.0	"	"	"	"	"	"	
Toxaphene	ND	20	"	"	"	"	"	"	
Surrogate: Tetrachloro-meta-xylene		52.8 %	35-140		"	"	"	"	
Surrogate: Decachlorobiphenyl		18.3 %	35-140		"	"	"	"	S-GC

SunStar Laboratories, Inc.



The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Lena Davidkov, Project Manager

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

B1-2

T251304-02 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Metals by EPA 6010B

Arsenic	ND	2.00	mg/kg	1	25C0360	03/20/25	03/21/25	EPA 6010b	
Lead	6.59	3.00	"	"	"	"	"	"	

Organochlorine Pesticides by EPA Method 8081A

alpha-BHC	ND	5.0	ug/kg	1	25C0358	03/25/25	03/26/25	EPA 8081A	
gamma-BHC (Lindane)	ND	5.0	"	"	"	"	"	"	
beta-BHC	ND	5.0	"	"	"	"	"	"	
delta-BHC	ND	5.0	"	"	"	"	"	"	
Heptachlor	ND	5.0	"	"	"	"	"	"	
Aldrin	ND	5.0	"	"	"	"	"	"	
Heptachlor epoxide	ND	5.0	"	"	"	"	"	"	
gamma-Chlordane	ND	5.0	"	"	"	"	"	"	
alpha-Chlordane	ND	5.0	"	"	"	"	"	"	
Endosulfan I	ND	5.0	"	"	"	"	"	"	
4,4'-DDE	ND	5.0	"	"	"	"	"	"	
Dieldrin	ND	5.0	"	"	"	"	"	"	
Endrin	ND	5.0	"	"	"	"	"	"	
4,4'-DDD	ND	5.0	"	"	"	"	"	"	
Endosulfan II	ND	5.0	"	"	"	"	"	"	
4,4'-DDT	ND	5.0	"	"	"	"	"	"	
Endrin aldehyde	ND	5.0	"	"	"	"	"	"	
Endosulfan sulfate	ND	5.0	"	"	"	"	"	"	
Methoxychlor	ND	5.0	"	"	"	"	"	"	
Endrin ketone	ND	5.0	"	"	"	"	"	"	
Toxaphene	ND	20	"	"	"	"	"	"	

Surrogate: Tetrachloro-meta-xylene

38.2 % 35-140

" " " "

Surrogate: Decachlorobiphenyl

15.7 % 35-140

" " " "

S-GC

SunStar Laboratories, Inc.

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Lena Davidkov, Project Manager



25712 Commercentre Drive
Lake Forest, California 92630
949.297.5020 Phone
949.297.5027 Fax

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

B2-0.5
T251304-03 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Metals by EPA 6010B

Arsenic	3.93	2.00	mg/kg	1	25C0360	03/20/25	03/21/25	EPA 6010b	
Lead	31.0	3.00	"	"	"	"	"	"	

Organochlorine Pesticides by EPA Method 8081A

alpha-BHC	ND	5.0	ug/kg	1	25C0358	03/25/25	03/26/25	EPA 8081A	
gamma-BHC (Lindane)	ND	5.0	"	"	"	"	"	"	
beta-BHC	ND	5.0	"	"	"	"	"	"	
delta-BHC	ND	5.0	"	"	"	"	"	"	
Heptachlor	ND	5.0	"	"	"	"	"	"	
Aldrin	ND	5.0	"	"	"	"	"	"	
Heptachlor epoxide	ND	5.0	"	"	"	"	"	"	
gamma-Chlordane	ND	5.0	"	"	"	"	"	"	
alpha-Chlordane	ND	5.0	"	"	"	"	"	"	
Endosulfan I	ND	5.0	"	"	"	"	"	"	
4,4'-DDE	ND	5.0	"	"	"	"	"	"	
Dieldrin	ND	5.0	"	"	"	"	"	"	
Endrin	ND	5.0	"	"	"	"	"	"	
4,4'-DDD	ND	5.0	"	"	"	"	"	"	
Endosulfan II	ND	5.0	"	"	"	"	"	"	
4,4'-DDT	ND	5.0	"	"	"	"	"	"	
Endrin aldehyde	ND	5.0	"	"	"	"	"	"	
Endosulfan sulfate	ND	5.0	"	"	"	"	"	"	
Methoxychlor	ND	5.0	"	"	"	"	"	"	
Endrin ketone	ND	5.0	"	"	"	"	"	"	
Toxaphene	ND	20	"	"	"	"	"	"	

Surrogate: Tetrachloro-meta-xylene 46.0 % 35-140 " " " "

Surrogate: Decachlorobiphenyl 13.6 % 35-140 " " " " S-GC

SunStar Laboratories, Inc.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Lena Davidkov, Project Manager

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

B2-2

T251304-04 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Metals by EPA 6010B

Arsenic	3.51	2.00	mg/kg	1	25C0360	03/20/25	03/21/25	EPA 6010b	
Lead	680	3.00	"	"	"	"	"	"	

TCLP Metals by 6000/7000 Series Methods

Lead	1.1	0.10	mg/l	1	25C0499	03/28/25	03/31/25	EPA 1311	
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STLC Metals by 6000/7000 Series Methods

Lead	18	0.025	mg/l	1	25C0502	03/28/25	03/31/25	STLC Waste Extraction Test	
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Organochlorine Pesticides by EPA Method 8081A

alpha-BHC	ND	50	ug/kg	10	25C0358	03/25/25	03/26/25	EPA 8081A	R-07
gamma-BHC (Lindane)	ND	50	"	"	"	"	"	"	R-07
beta-BHC	ND	50	"	"	"	"	"	"	R-07
delta-BHC	ND	50	"	"	"	"	"	"	R-07
Heptachlor	ND	50	"	"	"	"	"	"	R-07
Aldrin	ND	50	"	"	"	"	"	"	R-07
Heptachlor epoxide	ND	50	"	"	"	"	"	"	R-07
gamma-Chlordane	ND	50	"	"	"	"	"	"	R-07
alpha-Chlordane	ND	50	"	"	"	"	"	"	R-07
Endosulfan I	ND	50	"	"	"	"	"	"	R-07
4,4'-DDE	ND	50	"	"	"	"	"	"	R-07
Dieldrin	ND	50	"	"	"	"	"	"	R-07
Endrin	ND	50	"	"	"	"	"	"	R-07
4,4'-DDD	ND	50	"	"	"	"	"	"	R-07
Endosulfan II	ND	50	"	"	"	"	"	"	R-07
4,4'-DDT	ND	50	"	"	"	"	"	"	R-07
Endrin aldehyde	ND	50	"	"	"	"	"	"	R-07
Endosulfan sulfate	ND	50	"	"	"	"	"	"	R-07
Methoxychlor	ND	50	"	"	"	"	"	"	R-07
Endrin ketone	ND	50	"	"	"	"	"	"	R-07
Toxaphene	ND	200	"	"	"	"	"	"	R-07
Surrogate: Tetrachloro-meta-xylene		47.0 %	35-140		"	"	"	"	R-07

SunStar Laboratories, Inc.

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Lena Davidkov, Project Manager



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PSI -- Oakland
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Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

B2-2

T251304-04 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Organochlorine Pesticides by EPA Method 8081A

Surrogate: Decachlorobiphenyl	19.3 %	35-140	25C0358	03/25/25	03/26/25	EPA 8081A	R-07, S-GC
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Lena Davidkov, Project Manager

PSI -- Oakland
4703 Tidewater Ave Ste B
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Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

B3-0.5
T251304-05 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Metals by EPA 6010B

Arsenic	ND	2.00	mg/kg	1	25C0360	03/20/25	03/21/25	EPA 6010b	
Lead	22.8	3.00	"	"	"	"	"	"	

Organochlorine Pesticides by EPA Method 8081A

alpha-BHC	ND	5.0	ug/kg	1	25C0358	03/25/25	03/26/25	EPA 8081A	
gamma-BHC (Lindane)	ND	5.0	"	"	"	"	"	"	
beta-BHC	ND	5.0	"	"	"	"	"	"	
delta-BHC	ND	5.0	"	"	"	"	"	"	
Heptachlor	ND	5.0	"	"	"	"	"	"	
Aldrin	ND	5.0	"	"	"	"	"	"	
Heptachlor epoxide	ND	5.0	"	"	"	"	"	"	
gamma-Chlordane	ND	5.0	"	"	"	"	"	"	
alpha-Chlordane	ND	5.0	"	"	"	"	"	"	
Endosulfan I	ND	5.0	"	"	"	"	"	"	
4,4'-DDE	47	5.0	"	"	"	"	"	"	
Dieldrin	ND	5.0	"	"	"	"	"	"	
Endrin	ND	5.0	"	"	"	"	"	"	
4,4'-DDD	ND	5.0	"	"	"	"	"	"	
Endosulfan II	ND	5.0	"	"	"	"	"	"	
4,4'-DDT	8.9	5.0	"	"	"	"	"	"	
Endrin aldehyde	ND	5.0	"	"	"	"	"	"	
Endosulfan sulfate	ND	5.0	"	"	"	"	"	"	
Methoxychlor	ND	5.0	"	"	"	"	"	"	
Endrin ketone	ND	5.0	"	"	"	"	"	"	
Toxaphene	ND	20	"	"	"	"	"	"	

Surrogate: Tetrachloro-meta-xylene	32.0 %	35-140	"	"	"	"	"	"	S-03
Surrogate: Decachlorobiphenyl	7.11 %	35-140	"	"	"	"	"	"	S-03

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Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
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B3-2

T251304-06 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Metals by EPA 6010B

Arsenic	ND	2.00	mg/kg	1	25C0360	03/20/25	03/21/25	EPA 6010b	
Lead	10.3	3.00	"	"	"	"	"	"	

Organochlorine Pesticides by EPA Method 8081A

alpha-BHC	ND	5.0	ug/kg	1	25C0358	03/25/25	03/26/25	EPA 8081A	
gamma-BHC (Lindane)	ND	5.0	"	"	"	"	"	"	
beta-BHC	ND	5.0	"	"	"	"	"	"	
delta-BHC	ND	5.0	"	"	"	"	"	"	
Heptachlor	ND	5.0	"	"	"	"	"	"	
Aldrin	ND	5.0	"	"	"	"	"	"	
Heptachlor epoxide	ND	5.0	"	"	"	"	"	"	
gamma-Chlordane	ND	5.0	"	"	"	"	"	"	
alpha-Chlordane	ND	5.0	"	"	"	"	"	"	
Endosulfan I	ND	5.0	"	"	"	"	"	"	
4,4'-DDE	61	5.0	"	"	"	"	"	"	
Dieldrin	ND	5.0	"	"	"	"	"	"	
Endrin	ND	5.0	"	"	"	"	"	"	
4,4'-DDD	ND	5.0	"	"	"	"	"	"	
Endosulfan II	ND	5.0	"	"	"	"	"	"	
4,4'-DDT	20	5.0	"	"	"	"	"	"	
Endrin aldehyde	ND	5.0	"	"	"	"	"	"	
Endosulfan sulfate	ND	5.0	"	"	"	"	"	"	
Methoxychlor	ND	5.0	"	"	"	"	"	"	
Endrin ketone	ND	5.0	"	"	"	"	"	"	
Toxaphene	ND	20	"	"	"	"	"	"	

Surrogate: Tetrachloro-meta-xylene

42.3 % 35-140

" " " "

Surrogate: Decachlorobiphenyl

20.2 % 35-140

" " " "

S-GC

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Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

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B4-0.5
T251304-07 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Metals by EPA 6010B

Arsenic	ND	2.00	mg/kg	1	25C0360	03/20/25	03/21/25	EPA 6010b	
Lead	ND	3.00	"	"	"	"	"	"	

Organochlorine Pesticides by EPA Method 8081A

alpha-BHC	ND	5.0	ug/kg	1	25C0358	03/25/25	03/26/25	EPA 8081A	
gamma-BHC (Lindane)	ND	5.0	"	"	"	"	"	"	
beta-BHC	ND	5.0	"	"	"	"	"	"	
delta-BHC	ND	5.0	"	"	"	"	"	"	
Heptachlor	ND	5.0	"	"	"	"	"	"	
Aldrin	ND	5.0	"	"	"	"	"	"	
Heptachlor epoxide	ND	5.0	"	"	"	"	"	"	
gamma-Chlordane	ND	5.0	"	"	"	"	"	"	
alpha-Chlordane	ND	5.0	"	"	"	"	"	"	
Endosulfan I	ND	5.0	"	"	"	"	"	"	
4,4'-DDE	ND	5.0	"	"	"	"	"	"	
Dieldrin	ND	5.0	"	"	"	"	"	"	
Endrin	ND	5.0	"	"	"	"	"	"	
4,4'-DDD	ND	5.0	"	"	"	"	"	"	
Endosulfan II	ND	5.0	"	"	"	"	"	"	
4,4'-DDT	ND	5.0	"	"	"	"	"	"	
Endrin aldehyde	ND	5.0	"	"	"	"	"	"	
Endosulfan sulfate	ND	5.0	"	"	"	"	"	"	
Methoxychlor	ND	5.0	"	"	"	"	"	"	
Endrin ketone	ND	5.0	"	"	"	"	"	"	
Toxaphene	ND	20	"	"	"	"	"	"	
Surrogate: Tetrachloro-meta-xylene		68.8 %	35-140		"	"	"	"	
Surrogate: Decachlorobiphenyl		58.2 %	35-140		"	"	"	"	

SunStar Laboratories, Inc.



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Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

B4-2

T251304-08 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Metals by EPA 6010B

Arsenic	ND	2.00	mg/kg	1	25C0360	03/20/25	03/21/25	EPA 6010b	
Lead	ND	3.00	"	"	"	"	"	"	

Organochlorine Pesticides by EPA Method 8081A

alpha-BHC	ND	5.0	ug/kg	1	25C0358	03/25/25	03/26/25	EPA 8081A	
gamma-BHC (Lindane)	ND	5.0	"	"	"	"	"	"	
beta-BHC	ND	5.0	"	"	"	"	"	"	
delta-BHC	ND	5.0	"	"	"	"	"	"	
Heptachlor	ND	5.0	"	"	"	"	"	"	
Aldrin	ND	5.0	"	"	"	"	"	"	
Heptachlor epoxide	ND	5.0	"	"	"	"	"	"	
gamma-Chlordane	ND	5.0	"	"	"	"	"	"	
alpha-Chlordane	ND	5.0	"	"	"	"	"	"	
Endosulfan I	ND	5.0	"	"	"	"	"	"	
4,4'-DDE	ND	5.0	"	"	"	"	"	"	
Dieldrin	ND	5.0	"	"	"	"	"	"	
Endrin	ND	5.0	"	"	"	"	"	"	
4,4'-DDD	ND	5.0	"	"	"	"	"	"	
Endosulfan II	ND	5.0	"	"	"	"	"	"	
4,4'-DDT	ND	5.0	"	"	"	"	"	"	
Endrin aldehyde	ND	5.0	"	"	"	"	"	"	
Endosulfan sulfate	ND	5.0	"	"	"	"	"	"	
Methoxychlor	ND	5.0	"	"	"	"	"	"	
Endrin ketone	ND	5.0	"	"	"	"	"	"	
Toxaphene	ND	20	"	"	"	"	"	"	
Surrogate: Tetrachloro-meta-xylene		72.2 %	35-140		"	"	"	"	
Surrogate: Decachlorobiphenyl		29.2 %	35-140		"	"	"	"	S-GC

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Lena Davidkov, Project Manager

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Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

B5-0.5
T251304-09 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Metals by EPA 6010B

Arsenic	ND	4.00	mg/kg	2	25C0360	03/20/25	03/21/25	EPA 6010b	R-01
Lead	ND	6.00	"	"	"	"	"	"	R-01

Organochlorine Pesticides by EPA Method 8081A

alpha-BHC	ND	50	ug/kg	10	25C0358	03/25/25	03/26/25	EPA 8081A	R-07
gamma-BHC (Lindane)	ND	50	"	"	"	"	"	"	R-07
beta-BHC	ND	50	"	"	"	"	"	"	R-07
delta-BHC	ND	50	"	"	"	"	"	"	R-07
Heptachlor	ND	50	"	"	"	"	"	"	R-07
Aldrin	ND	50	"	"	"	"	"	"	R-07
Heptachlor epoxide	ND	50	"	"	"	"	"	"	R-07
gamma-Chlordane	ND	50	"	"	"	"	"	"	R-07
alpha-Chlordane	ND	50	"	"	"	"	"	"	R-07
Endosulfan I	ND	50	"	"	"	"	"	"	R-07
4,4'-DDE	ND	50	"	"	"	"	"	"	R-07
Dieldrin	ND	50	"	"	"	"	"	"	R-07
Endrin	ND	50	"	"	"	"	"	"	R-07
4,4'-DDD	ND	50	"	"	"	"	"	"	R-07
Endosulfan II	ND	50	"	"	"	"	"	"	R-07
4,4'-DDT	ND	50	"	"	"	"	"	"	R-07
Endrin aldehyde	ND	50	"	"	"	"	"	"	R-07
Endosulfan sulfate	ND	50	"	"	"	"	"	"	R-07
Methoxychlor	ND	50	"	"	"	"	"	"	R-07
Endrin ketone	ND	50	"	"	"	"	"	"	R-07
Toxaphene	ND	200	"	"	"	"	"	"	R-07
Surrogate: Tetrachloro-meta-xylene		77.1 %	35-140		"	"	"	"	R-07
Surrogate: Decachlorobiphenyl		67.7 %	35-140		"	"	"	"	R-07

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Lena Davidkov, Project Manager

PSI -- Oakland
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Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

B5-2

T251304-10 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Metals by EPA 6010B

Arsenic	ND	2.00	mg/kg	1	25C0360	03/20/25	03/21/25	EPA 6010b	
Lead	ND	3.00	"	"	"	"	"	"	

Organochlorine Pesticides by EPA Method 8081A

alpha-BHC	ND	50	ug/kg	10	25C0358	03/25/25	03/26/25	EPA 8081A	R-07
gamma-BHC (Lindane)	ND	50	"	"	"	"	"	"	R-07
beta-BHC	ND	50	"	"	"	"	"	"	R-07
delta-BHC	ND	50	"	"	"	"	"	"	R-07
Heptachlor	ND	50	"	"	"	"	"	"	R-07
Aldrin	ND	50	"	"	"	"	"	"	R-07
Heptachlor epoxide	ND	50	"	"	"	"	"	"	R-07
gamma-Chlordane	ND	50	"	"	"	"	"	"	R-07
alpha-Chlordane	ND	50	"	"	"	"	"	"	R-07
Endosulfan I	ND	50	"	"	"	"	"	"	R-07
4,4'-DDE	ND	50	"	"	"	"	"	"	R-07
Dieldrin	ND	50	"	"	"	"	"	"	R-07
Endrin	ND	50	"	"	"	"	"	"	R-07
4,4'-DDD	ND	50	"	"	"	"	"	"	R-07
Endosulfan II	ND	50	"	"	"	"	"	"	R-07
4,4'-DDT	ND	50	"	"	"	"	"	"	R-07
Endrin aldehyde	ND	50	"	"	"	"	"	"	R-07
Endosulfan sulfate	ND	50	"	"	"	"	"	"	R-07
Methoxychlor	ND	50	"	"	"	"	"	"	R-07
Endrin ketone	ND	50	"	"	"	"	"	"	R-07
Toxaphene	ND	200	"	"	"	"	"	"	R-07
Surrogate: Tetrachloro-meta-xylene		90.2 %	35-140		"	"	"	"	R-07
Surrogate: Decachlorobiphenyl		80.7 %	35-140		"	"	"	"	R-07

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Lena Davidkov, Project Manager

PSI -- Oakland
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Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

B6-0.5
T251304-11 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Metals by EPA 6010B

Arsenic	ND	4.00	mg/kg	2	25C0360	03/20/25	03/21/25	EPA 6010b	R-01
Lead	ND	6.00	"	"	"	"	"	"	R-01

Organochlorine Pesticides by EPA Method 8081A

alpha-BHC	ND	50	ug/kg	10	25C0358	03/25/25	03/26/25	EPA 8081A	R-07
gamma-BHC (Lindane)	ND	50	"	"	"	"	"	"	R-07
beta-BHC	ND	50	"	"	"	"	"	"	R-07
delta-BHC	ND	50	"	"	"	"	"	"	R-07
Heptachlor	ND	50	"	"	"	"	"	"	R-07
Aldrin	ND	50	"	"	"	"	"	"	R-07
Heptachlor epoxide	ND	50	"	"	"	"	"	"	R-07
gamma-Chlordane	ND	50	"	"	"	"	"	"	R-07
alpha-Chlordane	ND	50	"	"	"	"	"	"	R-07
Endosulfan I	ND	50	"	"	"	"	"	"	R-07
4,4'-DDE	ND	50	"	"	"	"	"	"	R-07
Dieldrin	ND	50	"	"	"	"	"	"	R-07
Endrin	ND	50	"	"	"	"	"	"	R-07
4,4'-DDD	ND	50	"	"	"	"	"	"	R-07
Endosulfan II	ND	50	"	"	"	"	"	"	R-07
4,4'-DDT	ND	50	"	"	"	"	"	"	R-07
Endrin aldehyde	ND	50	"	"	"	"	"	"	R-07
Endosulfan sulfate	ND	50	"	"	"	"	"	"	R-07
Methoxychlor	ND	50	"	"	"	"	"	"	R-07
Endrin ketone	ND	50	"	"	"	"	"	"	R-07
Toxaphene	ND	200	"	"	"	"	"	"	R-07
Surrogate: Tetrachloro-meta-xylene		80.2 %	35-140		"	"	"	"	R-07
Surrogate: Decachlorobiphenyl		58.1 %	35-140		"	"	"	"	R-07

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Lena Davidkov, Project Manager

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Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

B6-2

T251304-12 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Metals by EPA 6010B

Arsenic	ND	2.00	mg/kg	1	25C0360	03/20/25	03/21/25	EPA 6010b
Lead	5.07	3.00	"	"	"	"	"	"

Organochlorine Pesticides by EPA Method 8081A

alpha-BHC	ND	5.0	ug/kg	1	25C0358	03/25/25	03/26/25	EPA 8081A
gamma-BHC (Lindane)	ND	5.0	"	"	"	"	"	"
beta-BHC	ND	5.0	"	"	"	"	"	"
delta-BHC	ND	5.0	"	"	"	"	"	"
Heptachlor	ND	5.0	"	"	"	"	"	"
Aldrin	ND	5.0	"	"	"	"	"	"
Heptachlor epoxide	ND	5.0	"	"	"	"	"	"
gamma-Chlordane	ND	5.0	"	"	"	"	"	"
alpha-Chlordane	ND	5.0	"	"	"	"	"	"
Endosulfan I	ND	5.0	"	"	"	"	"	"
4,4'-DDE	ND	5.0	"	"	"	"	"	"
Dieldrin	ND	5.0	"	"	"	"	"	"
Endrin	ND	5.0	"	"	"	"	"	"
4,4'-DDD	ND	5.0	"	"	"	"	"	"
Endosulfan II	ND	5.0	"	"	"	"	"	"
4,4'-DDT	ND	5.0	"	"	"	"	"	"
Endrin aldehyde	ND	5.0	"	"	"	"	"	"
Endosulfan sulfate	ND	5.0	"	"	"	"	"	"
Methoxychlor	ND	5.0	"	"	"	"	"	"
Endrin ketone	ND	5.0	"	"	"	"	"	"
Toxaphene	ND	20	"	"	"	"	"	"

Surrogate: Tetrachloro-meta-xylene	72.8 %	35-140	"	"	"	"
Surrogate: Decachlorobiphenyl	59.2 %	35-140	"	"	"	"

SunStar Laboratories, Inc.



The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Lena Davidkov, Project Manager



25712 Commercentre Drive
Lake Forest, California 92630
949.297.5020 Phone
949.297.5027 Fax

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

Metals by EPA 6010B - Quality Control

SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
---------	--------	--------------------	-------	----------------	------------------	------	----------------	-----	--------------	-------

Batch 25C0360 - EPA 3050B

Blank (25C0360-BLK1)

Prepared: 03/20/25 Analyzed: 03/21/25

Arsenic	ND	2.00	mg/kg							
Lead	ND	3.00	"							

LCS (25C0360-BS1)

Prepared: 03/20/25 Analyzed: 03/21/25

Arsenic	101	2.00	mg/kg	100		101	80-120			
Lead	107	3.00	"	100		107	80-120			

Matrix Spike (25C0360-MS1)

Source: T251304-01

Prepared: 03/20/25 Analyzed: 03/21/25

Arsenic	75.0	2.00	mg/kg	100	7.25	67.7	75-125			QM-07
Lead	74.8	3.00	"	100	10.4	64.4	75-125			QM-07

Matrix Spike Dup (25C0360-MSD1)

Source: T251304-01

Prepared: 03/20/25 Analyzed: 03/21/25

Arsenic	73.3	2.00	mg/kg	100	7.25	66.0	75-125	2.27	20	QM-07
Lead	74.0	3.00	"	100	10.4	63.6	75-125	1.15	20	QM-07

SunStar Laboratories, Inc.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Lena Davidkov, Project Manager



25712 Commercentre Drive
Lake Forest, California 92630
949.297.5020 Phone
949.297.5027 Fax

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

TCLP Metals by 6000/7000 Series Methods - Quality Control

SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch 25C0499 - TCLP Metals

Blank (25C0499-BLK1)

Prepared: 03/28/25 Analyzed: 03/31/25

Lead	ND	0.10	mg/l
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LCS (25C0499-BS1)

Prepared: 03/28/25 Analyzed: 03/31/25

Lead	1.82	0.10	mg/l	2.00	91.1	75-125
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Matrix Spike (25C0499-MS1)

Source: T251281-22

Prepared: 03/28/25 Analyzed: 03/31/25

Lead	1.91	0.10	mg/l	2.00	0.00979	94.8	75-125
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Matrix Spike Dup (25C0499-MSD1)

Source: T251281-22

Prepared: 03/28/25 Analyzed: 03/31/25

Lead	1.93	0.10	mg/l	2.00	0.00979	95.9	75-125	1.14	30
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SunStar Laboratories, Inc.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Lena Davidkov, Project Manager



25712 Commercentre Drive
Lake Forest, California 92630
949.297.5020 Phone
949.297.5027 Fax

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

STLC Metals by 6000/7000 Series Methods - Quality Control

SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
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Batch 25C0502 - STLC Leachate

Blank (25C0502-BLK1)

Prepared: 03/28/25 Analyzed: 03/31/25

Lead	0.0994	0.025	mg/l							QB-01
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LCS (25C0502-BS1)

Prepared: 03/28/25 Analyzed: 03/31/25

Lead	38.5	0.025	mg/l	40.0		96.1	75-125			
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Matrix Spike (25C0502-MS1)

Source: T251281-13

Prepared: 03/28/25 Analyzed: 03/31/25

Lead	35.2	0.025	mg/l	40.0	0.211	87.5	75-125			
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Matrix Spike Dup (25C0502-MSD1)

Source: T251281-13

Prepared: 03/28/25 Analyzed: 03/31/25

Lead	35.1	0.025	mg/l	40.0	0.211	87.3	75-125	0.224	30	
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SunStar Laboratories, Inc.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Lena Davidkov, Project Manager

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

Organochlorine Pesticides by EPA Method 8081A - Quality Control

SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
---------	--------	--------------------	-------	----------------	------------------	------	----------------	-----	--------------	-------

Batch 25C0358 - EPA 3550B Soil

Blank (25C0358-BLK1)

Prepared: 03/20/25 Analyzed: 03/26/25

alpha-BHC	ND	5.0	ug/kg							
gamma-BHC (Lindane)	ND	5.0	"							
beta-BHC	ND	5.0	"							
delta-BHC	ND	5.0	"							
Heptachlor	ND	5.0	"							
Aldrin	ND	5.0	"							
Heptachlor epoxide	ND	5.0	"							
gamma-Chlordane	ND	5.0	"							
alpha-Chlordane	ND	5.0	"							
Endosulfan I	ND	5.0	"							
4,4'-DDE	ND	5.0	"							
Dieldrin	ND	5.0	"							
Endrin	ND	5.0	"							
4,4'-DDD	ND	5.0	"							
Endosulfan II	ND	5.0	"							
4,4'-DDT	ND	5.0	"							
Endrin aldehyde	ND	5.0	"							
Endosulfan sulfate	ND	5.0	"							
Methoxychlor	ND	5.0	"							
Endrin ketone	ND	5.0	"							
Toxaphene	ND	20	"							
Surrogate: Tetrachloro-meta-xylene	9.06		"	10.0		90.6	35-140			
Surrogate: Decachlorobiphenyl	4.48		"	10.0		44.8	35-140			

LCS (25C0358-BS1)

Prepared: 03/20/25 Analyzed: 03/26/25

gamma-BHC (Lindane)	45.5	5.0	ug/kg	40.4		113	40-120			
Heptachlor	45.6	5.0	"	40.0		114	40-120			
Aldrin	40.9	5.0	"	40.0		102	40-120			
Dieldrin	46.0	5.0	"	40.2		114	40-120			
Endrin	47.1	5.0	"	40.2		117	40-120			
4,4'-DDT	50.3	5.0	"	40.4		125	33-147			
Surrogate: Tetrachloro-meta-xylene	8.92		"	10.0		89.2	35-140			
Surrogate: Decachlorobiphenyl	8.07		"	10.0		80.7	35-140			

SunStar Laboratories, Inc.



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Lena Davidkov, Project Manager

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

Organochlorine Pesticides by EPA Method 8081A - Quality Control

SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
---------	--------	--------------------	-------	----------------	------------------	------	----------------	-----	--------------	-------

Batch 25C0358 - EPA 3550B Soil

Matrix Spike (25C0358-MS1)		Source: T251304-01			Prepared: 03/20/25		Analyzed: 03/26/25			
gamma-BHC (Lindane)	37.8	5.0	ug/kg	40.4	ND	93.7	30-120			
Heptachlor	30.0	5.0	"	40.0	ND	75.0	30-120			
Aldrin	24.8	5.0	"	40.0	ND	62.1	30-120			
Dieldrin	34.2	5.0	"	40.2	ND	85.0	30-120			
Endrin	35.3	5.0	"	40.2	ND	87.9	30-120			
4,4'-DDT	26.2	5.0	"	40.4	ND	64.9	30-120			
Surrogate: Tetrachloro-meta-xylene	5.34		"	10.0		53.4	35-140			
Surrogate: Decachlorobiphenyl	2.53		"	10.0		25.3	35-140			S-GC

Matrix Spike Dup (25C0358-MSD1)		Source: T251304-01			Prepared: 03/20/25		Analyzed: 03/26/25			
gamma-BHC (Lindane)	36.0	5.0	ug/kg	40.4	ND	89.1	30-120	4.99	30	
Heptachlor	27.5	5.0	"	40.0	ND	68.8	30-120	8.58	30	
Aldrin	21.5	5.0	"	40.0	ND	53.8	30-120	14.3	30	
Dieldrin	31.5	5.0	"	40.2	ND	78.4	30-120	8.03	30	
Endrin	33.0	5.0	"	40.2	ND	82.0	30-120	6.84	30	
4,4'-DDT	23.3	5.0	"	40.4	ND	57.7	30-120	11.7	30	
Surrogate: Tetrachloro-meta-xylene	5.13		"	10.0		51.3	35-140			
Surrogate: Decachlorobiphenyl	5.11		"	10.0		51.1	35-140			

SunStar Laboratories, Inc.



Lena Davidkov, Project Manager

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

Notes and Definitions

S-GC Surrogate recovery outside of established control limits. The data was accepted based on valid recovery of the remaining surrogate(s).

S-03 The surrogate recovery was below acceptance criteria in the sample because of a possible matrix effect. The surrogate recovery was within acceptance criteria in the method blank and LCS.

R-07 Reporting limit for this compound(s) has been raised to account for dilution necessary due to high levels of interfering compound(s) and/or matrix effect.

R-01 The Reporting Limit has been raised to account for dilution necessary due to matrix interference.

QM-07 The spike recovery and/or RPD was outside acceptance limits for the MS and/or MSD. The batch was accepted based on acceptable LCS recovery.

QB-01 The method blank contains analyte at a concentration above the MRL; however, concentration is less than 10% of the sample result, which is negligible according to method criteria.

DET Analyte DETECTED

ND Analyte NOT DETECTED at or above the reporting limit

NR Not Reported

dry Sample results reported on a dry weight basis

RPD Relative Percent Difference

SunStar Laboratories, Inc.



Lena Davidkov, Project Manager

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Chain of Custody Record

Client: INTERTEK / PSI
 Address: 4703 Tidewater Ave Suite B, Oakland CA 94611
 Phone: (510) 434-9200 Fax: _____
 Project Manager: Frank Ross

Date: 3/18/2025 Page: 1 Of 1
 Project Name: Charities - Cupertino
 Collector: Jorge Balder Client Project #: 575-2869
 Batch #: T251869 EDF #: _____

Sample ID	Date Sampled	Time	Sample Type	Container Type	8260	8260 + OXY	8260 BTEX, OXY only	8270	8021 BTEX	8015M (gasoline)	8015M (diesel)	8015M Ext./Carbon Chain	6010/7000 Title 22 Metals	6020 ICP-MS Metals	8081 (PEST)	Laboratory ID #	Comments/Preservative	Total # of containers	
01 B1-0.5	3/18/25	8:24	Soil	Ring															
02 B1-2		8:32																	
03 B2-0.5		8:50																	
04 B2-2		8:58																	
05 B3-0.5		9:25																	
06 B3-2		9:30																	
07 B4-0.5		9:48																	
08 B4-2		10:00																	
09 B5-0.5		10:38																	
10 B5-2		10:50																	
11 B6-0.5		11:47																	
12 B6-2		12:00																	
Relinquished by: (signature) <u>[Signature]</u> Date / Time <u>3/19/25 10:58</u>					Received by: (signature) <u>[Signature]</u> Date / Time <u>3/19/2025, 10:58</u>					Total # of containers <u>Y</u>					Notes <u>*6010 for Lead and Arsenic.</u>				
Relinquished by: (signature) <u>[Signature]</u> Date / Time <u>3/19/2025, 15:45</u>					Received by: (signature) <u>[Signature]</u> Date / Time <u>3/20/25 10:44</u>					Chain of Custody seals <u>OK/N/A</u>					Seals intact? <u>OK/N/A</u>				
Relinquished by: (signature) <u>[Signature]</u> Date / Time <u>3/19/2025, 15:45</u>					Received by: (signature) <u>[Signature]</u> Date / Time <u>3/20/25 10:44</u>					Received good condition/cold <u>Y</u>					Turn around time: <u>STD</u>				

SAMPLE RECEIVING REVIEW SHEET

Batch/Work Order #: T251304
 Client Name: Intertek/PSI Project: Charities - Cupertino

Delivered by: ☐ Client ☐ SunStar Courier ☒ GLS ☐ FedEx ☐ Other

If Courier, Received by: _____ Date/Time Courier Received: _____
 Lab Received by: Paul Date/Time Lab Received: 3/20/25 10:44

Total number of coolers received: 1 Thermometer ID: SC-1 Calibration due: 11/19/2025

Temperature: Cooler #1	<u>1.4</u> °C +/- the CF (+ 0.1°C) =	<u>1.5</u> °C corrected temperature
Temperature: Cooler #2	°C +/- the CF (+ 0.1°C) =	°C corrected temperature
Temperature: Cooler #3	°C +/- the CF (+ 0.1°C) =	°C corrected temperature
Temperature criteria = ≤ 6°C (no frozen containers)		Within criteria? ☒ Yes ☐ No ☐ N/A
If NO:		
Samples received on ice?	☐ Yes	☐ No → Complete Non-Conformance Sheet
If on ice, samples received same day collected?	☐ Yes → Acceptable	☐ No → Complete Non-Conformance Sheet

Custody seals intact on cooler/sample ☒ Yes ☐ No* ☐ N/A

Sample containers intact ☒ Yes ☐ No*

Sample labels match Chain of Custody IDs ☒ Yes ☐ No*

Total number of containers received match COC ☒ Yes ☐ No*

Proper containers received for analyses requested on COC ☒ Yes ☐ No*

Proper preservative indicated on COC/containers for analyses requested ☐ Yes ☐ No* ☒ N/A

Complete shipment received in good condition with correct temperatures, containers, labels, volumes preservatives and within method specified holding times ☒ Yes ☐ No*

* Complete Non-Conformance Receiving Sheet if checked Cooler/Sample Review - Initials and date: PR 3/20/25

Comments:



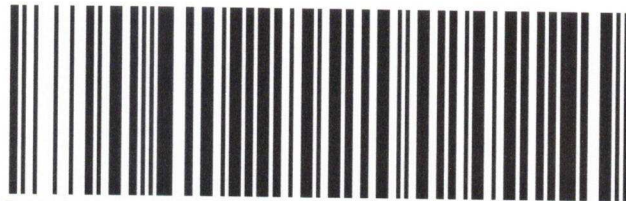
800-322-5555
www.gls-us.com

Ship From

SUN STAR LABS
WEST SACRAMENTO OFFICE
3140 BEACON BLVD
SUITE A
WEST SACRAMENTO, CA 95691

Tracking #: 562730926**PDS****Ship To**

SUNSTAR LABORATORIES-SOUTH
SAMPLE RECEIVING
25712 COMMERCE CENTRE DR.
LAKE FOREST, CA 92630

LAKE FOREST**S16025E****COD:** \$0.00**Weight:** 0 lb(s)**Reference:**

27402130

Delivery Instructions:**Signature Type:** NOT REQUIRED**NWK CA906-GD0**

Print Date: 3/7/2025 2:22 PM

Package 8 of 25

LABEL INSTRUCTIONS:

Do not copy or reprint this label for additional shipments - each package must have a unique barcode.

Step 1: Use the "Print Label" button on this page to print the shipping label on a laser or inkjet printer.

Step 2: Fold this page in half.

Step 3: Securely attach this label to your package and do not cover the barcode.

TERMS AND CONDITIONS:

By giving us your shipment to deliver, you agree to all of the General Logistics Systems US, Inc. (GLS) service terms & conditions including, but not limited to; limits of liability, declared value conditions, and claim procedures which are available on our website at www.gls-us.com.

WORK ORDER

T251304

Client: PSI -- Oakland

Project Manager: Lena Davidkov

Project: Charities - Cupertino

Project Number: 575-2869

Report To:

PSI -- Oakland

Frank Poss

4703 Tidewater Ave Ste B

Oakland, CA 94601

Date Due: 03/27/25 17:00 (5 day TAT)

Received By: Paul Berner

Date Received: 03/20/25 10:44

Logged In By: Angel Aguirre

Date Logged In: 03/20/25 11:28

Samples Received at: 1.5°C

Custody Seals Yes Received On Ice Yes

Containers Intact Yes

COC/Labels Agree Yes

Preservation Confirmed No

Analysis	Due	TAT	Expires	Comments
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T251304-01 B1-0.5 [Soil] Sampled 03/18/25 08:24 (GMT-08:00) Pacific Time (US

&

6010 Individual Metals	03/27/25 15:00	5	09/14/25 08:24	Pb and As Only
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8081 Pesticides	03/27/25 15:00	5	04/01/25 08:24	
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T251304-02 B1-2 [Soil] Sampled 03/18/25 08:32 (GMT-08:00) Pacific Time (US

&

6010 Individual Metals	03/27/25 15:00	5	09/14/25 08:32	Pb and As Only
------------------------	----------------	---	----------------	----------------

8081 Pesticides	03/27/25 15:00	5	04/01/25 08:32	
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T251304-03 B2-0.5 [Soil] Sampled 03/18/25 08:50 (GMT-08:00) Pacific Time (US

&

6010 Individual Metals	03/27/25 15:00	5	09/14/25 08:50	Pb and As Only
------------------------	----------------	---	----------------	----------------

8081 Pesticides	03/27/25 15:00	5	04/01/25 08:50	
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T251304-04 B2-2 [Soil] Sampled 03/18/25 08:58 (GMT-08:00) Pacific Time (US

&

6010 Individual Metals	03/27/25 15:00	5	09/14/25 08:58	Pb and As Only
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8081 Pesticides	03/27/25 15:00	5	04/01/25 08:58	
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T251304-05 B3-0.5 [Soil] Sampled 03/18/25 09:25 (GMT-08:00) Pacific Time (US

&

6010 Individual Metals	03/27/25 15:00	5	09/14/25 09:25	Pb and As Only
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8081 Pesticides	03/27/25 15:00	5	04/01/25 09:25	
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WORK ORDER

T251304

Client: PSI -- Oakland	Project Manager: Lena Davidkov
Project: Charities - Cupertino	Project Number: 575-2869

Analysis	Due	TAT	Expires	Comments
T251304-06 B3-2 [Soil] Sampled 03/18/25 09:30 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	03/27/25 15:00	5	09/14/25 09:30	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 09:30	
T251304-07 B4-0.5 [Soil] Sampled 03/18/25 09:48 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	03/27/25 15:00	5	09/14/25 09:48	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 09:48	
T251304-08 B4-2 [Soil] Sampled 03/18/25 10:00 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	03/27/25 15:00	5	09/14/25 10:00	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 10:00	
T251304-09 B5-0.5 [Soil] Sampled 03/18/25 10:38 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	03/27/25 15:00	5	09/14/25 10:38	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 10:38	
T251304-10 B5-2 [Soil] Sampled 03/18/25 10:50 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	03/27/25 15:00	5	09/14/25 10:50	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 10:50	
T251304-11 B6-0.5 [Soil] Sampled 03/18/25 11:47 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	03/27/25 15:00	5	09/14/25 11:47	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 11:47	
T251304-12 B6-2 [Soil] Sampled 03/18/25 12:00 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	03/27/25 15:00	5	09/14/25 12:00	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 12:00	

WORK ORDER

T251304

Client: PSI -- Oakland

Project Manager: Lena Davidkov

Project: Charities - Cupertino

Project Number: 575-2869

Report To:

PSI -- Oakland
Frank Poss
4703 Tidewater Ave Ste B
Oakland, CA 94601

Date Due: 03/27/25 17:00 (5 day TAT)

Received By: Paul Berner

Date Received: 03/20/25 10:44

Logged In By: Angel Aguirre

Date Logged In: 03/20/25 11:28

Samples Received at: 1.5°C
Custody Seals Yes Received On Ice Yes
Containers Intact Yes
COC/Labels Agree Yes
Preservation Confirmed No

Analysis	Due	TAT	Expires	Comments
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T251304-01 B1-0.5 [Soil] Sampled 03/18/25 08:24 (GMT-08:00) Pacific Time (US

&

6010 Individual Metals	03/27/25 15:00	5	09/14/25 08:24	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 08:24	

T251304-02 B1-2 [Soil] Sampled 03/18/25 08:32 (GMT-08:00) Pacific Time (US

&

6010 Individual Metals	03/27/25 15:00	5	09/14/25 08:32	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 08:32	

T251304-03 B2-0.5 [Soil] Sampled 03/18/25 08:50 (GMT-08:00) Pacific Time (US

&

6010 Individual Metals	03/27/25 15:00	5	09/14/25 08:50	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 08:50	

T251304-04 B2-2 [Soil] Sampled 03/18/25 08:58 (GMT-08:00) Pacific Time (US

&

6010 Individual Metals	03/27/25 15:00	5	09/14/25 08:58	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 08:58	
STLC Pb	04/01/25 15:00	2	09/14/25 08:58	
STLC Leaching Procedure Metals	04/01/25 15:00	2	09/14/25 08:58	
TCLP Leaching Procedure Metals	04/01/25 15:00	2	09/14/25 08:58	
TCLP Pb	04/01/25 15:00	2	09/14/25 08:58	

WORK ORDER

T251304

Client: PSI -- Oakland	Project Manager: Lena Davidkov
Project: Charities - Cupertino	Project Number: 575-2869

Analysis	Due	TAT	Expires	Comments
T251304-05 B3-0.5 [Soil] Sampled 03/18/25 09:25 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	03/27/25 15:00	5	09/14/25 09:25	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 09:25	
T251304-06 B3-2 [Soil] Sampled 03/18/25 09:30 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	03/27/25 15:00	5	09/14/25 09:30	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 09:30	
T251304-07 B4-0.5 [Soil] Sampled 03/18/25 09:48 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	03/27/25 15:00	5	09/14/25 09:48	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 09:48	
T251304-08 B4-2 [Soil] Sampled 03/18/25 10:00 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	03/27/25 15:00	5	09/14/25 10:00	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 10:00	
T251304-09 B5-0.5 [Soil] Sampled 03/18/25 10:38 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	03/27/25 15:00	5	09/14/25 10:38	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 10:38	
T251304-10 B5-2 [Soil] Sampled 03/18/25 10:50 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	03/27/25 15:00	5	09/14/25 10:50	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 10:50	
T251304-11 B6-0.5 [Soil] Sampled 03/18/25 11:47 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	03/27/25 15:00	5	09/14/25 11:47	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 11:47	
T251304-12 B6-2 [Soil] Sampled 03/18/25 12:00 (GMT-08:00) Pacific Time (US &				
6010 Individual Metals	03/27/25 15:00	5	09/14/25 12:00	Pb and As Only
8081 Pesticides	03/27/25 15:00	5	04/01/25 12:00	



25712 Commercentre Drive
Lake Forest, California 92630
949.297.5020 Phone
949.297.5027 Fax

18 April 2025

Frank Poss
PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland, CA 94601
RE: Charities - Cupertino

Enclosed are the results of analyses for samples received by the laboratory on 04/15/25 11:11. If you have any questions concerning this report, please feel free to contact me.

Sincerely,

Lena Davidkov
Project Manager



25712 Commercentre Drive
Lake Forest, California 92630
949.297.5020 Phone
949.297.5027 Fax

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/18/25 15:21

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
B7-0.5	T251707-01	Soil	04/11/25 10:17	04/15/25 11:11
B7-2	T251707-02	Soil	04/11/25 10:27	04/15/25 11:11
B8-0.5	T251707-03	Soil	04/11/25 11:34	04/15/25 11:11
B8-2	T251707-04	Soil	04/11/25 11:42	04/15/25 11:11

SunStar Laboratories, Inc.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Lena Davidkov, Project Manager

PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/18/25 15:21

DETECTIONS SUMMARY

Sample ID: B7-0.5

Laboratory ID: T251707-01

Analyte	Result	Reporting	Units	Method	Notes
		Limit			
Lead	8.0	3.0	mg/kg	EPA 6010b	

Sample ID: B7-2

Laboratory ID: T251707-02

Analyte	Result	Reporting	Units	Method	Notes
		Limit			
Lead	5.4	3.0	mg/kg	EPA 6010b	

Sample ID: B8-0.5

Laboratory ID: T251707-03

Analyte	Result	Reporting	Units	Method	Notes
		Limit			
Lead	7.0	3.0	mg/kg	EPA 6010b	

Sample ID: B8-2

Laboratory ID: T251707-04

Analyte	Result	Reporting	Units	Method	Notes
		Limit			
Lead	5.5	3.0	mg/kg	EPA 6010b	

SunStar Laboratories, Inc.



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Lena Davidkov, Project Manager



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Lake Forest, California 92630
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PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/18/25 15:21

B7-0.5
T251707-01 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
---------	--------	--------------------	-------	----------	-------	----------	----------	--------	-------

SunStar Laboratories, Inc.

Metals by EPA 6010B

Lead	8.0	3.0	mg/kg	1	25D0236	04/15/25	04/17/25	EPA 6010b	
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SunStar Laboratories, Inc.

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Lena Davidkov, Project Manager



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4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/18/25 15:21

B7-2

T251707-02 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Metals by EPA 6010B

Lead	5.4	3.0	mg/kg	1	25D0236	04/15/25	04/17/25	EPA 6010b	
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SunStar Laboratories, Inc.

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Lena Davidkov, Project Manager



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PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/18/25 15:21

B8-0.5
T251707-03 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
---------	--------	--------------------	-------	----------	-------	----------	----------	--------	-------

SunStar Laboratories, Inc.

Metals by EPA 6010B

Lead	7.0	3.0	mg/kg	1	25D0236	04/15/25	04/17/25	EPA 6010b	
------	-----	-----	-------	---	---------	----------	----------	-----------	--

SunStar Laboratories, Inc.

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Lena Davidkov, Project Manager



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PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/18/25 15:21

B8-2

T251707-04 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
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SunStar Laboratories, Inc.

Metals by EPA 6010B

Lead	5.5	3.0	mg/kg	1	25D0236	04/15/25	04/17/25	EPA 6010b	
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SunStar Laboratories, Inc.

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Lena Davidkov, Project Manager



25712 Commercentre Drive
Lake Forest, California 92630
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PSI -- Oakland
4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/18/25 15:21

Metals by EPA 6010B - Quality Control

SunStar Laboratories, Inc.

Analyte	Result	Reporting Limit	Units	Spike Level	Source Result	%REC	%REC Limits	RPD	RPD Limit	Notes
---------	--------	--------------------	-------	----------------	------------------	------	----------------	-----	--------------	-------

Batch 25D0236 - EPA 3050B

Blank (25D0236-BLK1)

Prepared: 04/15/25 Analyzed: 04/17/25

Lead	ND	3.0	mg/kg							
------	----	-----	-------	--	--	--	--	--	--	--

LCS (25D0236-BS1)

Prepared: 04/15/25 Analyzed: 04/17/25

Lead	91.3	3.0	mg/kg	100		91.3	75-125			
------	------	-----	-------	-----	--	------	--------	--	--	--

Matrix Spike (25D0236-MS1)

Source: T251701-01

Prepared: 04/15/25 Analyzed: 04/17/25

Lead	70.2	3.0	mg/kg	100	4.02	66.2	75-125			QM-07
------	------	-----	-------	-----	------	------	--------	--	--	-------

Matrix Spike Dup (25D0236-MSD1)

Source: T251701-01

Prepared: 04/15/25 Analyzed: 04/17/25

Lead	70.7	3.0	mg/kg	100	4.02	66.7	75-125	0.653	20	QM-07
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SunStar Laboratories, Inc.

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Lena Davidkov, Project Manager



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4703 Tidewater Ave Ste B
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/18/25 15:21

Notes and Definitions

QM-07 The spike recovery and/or RPD was outside acceptance limits for the MS and/or MSD. The batch was accepted based on acceptable LCS recovery.

DET Analyte DETECTED

ND Analyte NOT DETECTED at or above the reporting limit

NR Not Reported

dry Sample results reported on a dry weight basis

RPD Relative Percent Difference

SunStar Laboratories, Inc.

The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

Lena Davidkov, Project Manager



Chain of Custody Record

PROVIDING QUALITY ANALYTICAL SERVICES NATIONWIDE
25712 Commerce Centre Drive, Lake Forest, CA 92630
949-297-5020

Client: INTERTEK - 851
Address: 47103 TIDEWATER AVE SUITE B, OAKLAND CA 94601
Phone: (415) 525-0560 Fax: _____
Project Manager: FRANK POISS

Date: 4/11/2025 Page: 1 of 1
Project Name: CHARITIES HOUSING - MARY LEPTINE
Collector: Jorge Galde Client Project #: 575-2869
Batch #: 1251109 EDF #: _____

Sample ID	Date Sampled	Time	Sample Type	Container Type	8260	8260 + OXY	8260 BTEX, OXY only	8270	8021 BTEX	8015M (gasoline)	8015M (diesel)	8015M Ext./Carbon Chain	6010/7000 Title 22 Metals	6020 ICP-MS Metals	Laboratory ID #	Comments/Preservative	Total # of containers
01 B7-0.5	4/11/25	10:17	Soil	Rings													
02 B8-0.5		10:27															
03 B8-0.5		11:34															
04 B8-2		11:42															
05 B9-0.5		10:44															
06 B9-2		10:57															
07 B10-0.5		12:09															
08 B10-2		12:21															
09 B11-0.5		11:07															
10 B11-2		11:17															
11 B12-0.5		12:36															
12 B12-2		12:45															
Relinquished by: (signature) <u>[Signature]</u> Date / Time <u>4/14/25 10:02</u> Received by: (signature) <u>[Signature]</u> Date / Time <u>4/14/25, 10:02</u>																	
Relinquished by: (signature) <u>[Signature]</u> Date / Time <u>4/14/25, 15:45</u> Received by: (signature) <u>Cis/Matthew</u> Date / Time _____																	
Relinquished by: (signature) <u>[Signature]</u> Date / Time _____ Received by: (signature) <u>[Signature]</u> Date / Time <u>4/15/25 11:11</u>																	
Sample disposal instructions: Disposal @ \$2.00 each _____ Return to client _____ Pickup _____																	
Turn around time: <u>STD.</u>																	
Total # of containers _____																	
Chain of Custody seals _____																	
Seals intact? <u>Y</u>																	
Received good condition/cold _____																	
Notes: <u>"Hold Testing for Samples B9-B12"</u>																	

SAMPLE RECEIVING REVIEW SHEET

Batch/Work Order #: T251701

Client Name: Intertek PSI

Project: Charities Housing - Mary Cupertino

Delivered by: ☐ Client ☐ SunStar Courier ☒ GLS ☐ FedEx ☐ Other

If Courier, Received by: _____ Date/Time Courier Received: _____

Lab Received by: Paul Date/Time Lab Received: 4-15-25 11:11

Total number of coolers received: 1 Thermometer ID: SC-1 Calibration due: 11/19/2025

Temperature: Cooler #1	<u>4.1</u>	°C +/- the CF (+ 0.1°C) =	<u>4.2</u>	°C corrected temperature
Temperature: Cooler #2		°C +/- the CF (+ 0.1°C) =		°C corrected temperature
Temperature: Cooler #3		°C +/- the CF (+ 0.1°C) =		°C corrected temperature
Temperature criteria = ≤ 6°C (no frozen containers)		Within criteria?		☒ Yes ☐ No ☐ N/A
If NO:				
Samples received on ice?	☐ Yes	☐ No → Complete Non-Conformance Sheet		
If on ice, samples received same day collected?	☐ Yes → Acceptable	☐ No → Complete Non-Conformance Sheet		

Custody seals intact on cooler/sample ☒ Yes ☐ No* ☐ N/A

Sample containers intact ☒ Yes ☐ No*

Sample labels match Chain of Custody IDs ☒ Yes ☐ No*

Total number of containers received match COC ☒ Yes ☐ No*

Proper containers received for analyses requested on COC ☒ Yes ☐ No*

Proper preservative indicated on COC/containers for analyses requested ☐ Yes ☐ No* ☒ N/A

Complete shipment received in good condition with correct temperatures, containers, labels, volumes preservatives and within method specified holding times ☒ Yes ☐ No*

* Complete Non-Conformance Receiving Sheet if checked Cooler/Sample Review - Initials and date: OS 4-15-25

Comments:

WORK ORDER

T251707

Client: PSI -- Oakland

Project Manager: Lena Davidkov

Project: Charities - Cupertino

Project Number: 575-2869

Report To:

PSI -- Oakland
Frank Poss
4703 Tidewater Ave Ste B
Oakland, CA 94601

Date Due: 04/22/25 17:00 (5 day TAT)

Received By: Paul Berner

Date Received: 04/15/25 11:11

Logged In By: Alexis Marroquin

Date Logged In: 04/15/25 15:46

Samples Received at: 4.2°C
Custody Seals Yes Received On Ice Yes
Containers Intact Yes
COC/Labels Agree Yes
Preservation Confirmed Yes

Analysis	Due	TAT	Expires	Comments
----------	-----	-----	---------	----------

T251707-01 B7-0.5 [Soil] Sampled 04/11/25 10:17 (GMT-08:00) Pacific Time (US

&
6010 Pb 04/22/25 15:00 5 10/08/25 10:17

T251707-02 B7-2 [Soil] Sampled 04/11/25 10:27 (GMT-08:00) Pacific Time (US

&
6010 Pb 04/22/25 15:00 5 10/08/25 10:27

T251707-03 B8-0.5 [Soil] Sampled 04/11/25 11:34 (GMT-08:00) Pacific Time (US

&
6010 Pb 04/22/25 15:00 5 10/08/25 11:34

T251707-04 B8-2 [Soil] Sampled 04/11/25 11:42 (GMT-08:00) Pacific Time (US

&
6010 Pb 04/22/25 15:00 5 10/08/25 11:42

T251707-05 B9-0.5 [Soil] Sampled 04/11/25 10:44 (GMT-08:00) Pacific Time (US

Hold

&
[NO ANALYSES]

T251707-06 B9-2 [Soil] Sampled 04/11/25 10:57 (GMT-08:00) Pacific Time (US

Hold

&
[NO ANALYSES]

T251707-07 B10-0.5 [Soil] Sampled 04/11/25 12:09 (GMT-08:00) Pacific Time

Hold

(US &
[NO ANALYSES]

WORK ORDER

T251707

Client: PSI -- Oakland	Project Manager: Lena Davidkov
Project: Charities - Cupertino	Project Number: 575-2869

Analysis	Due	TAT	Expires	Comments
T251707-08 B10-2 [Soil] Sampled 04/11/25 12:21 (GMT-08:00) Pacific Time (US & [NO ANALYSES]				Hold
T251707-09 B11-0.5 [Soil] Sampled 04/11/25 11:07 (GMT-08:00) Pacific Time (US & [NO ANALYSES]				Hold
T251707-10 B11-2 [Soil] Sampled 04/11/25 11:17 (GMT-08:00) Pacific Time (US & [NO ANALYSES]				Hold
T251707-11 B12-0.5 [Soil] Sampled 04/11/25 12:36 (GMT-08:00) Pacific Time (US & [NO ANALYSES]				Hold
T251707-12 B12-2 [Soil] Sampled 04/11/25 12:45 (GMT-08:00) Pacific Time (US & [NO ANALYSES]				Hold

Exhibit B



MEMORANDUM

Date: 16 May 2025 **Job No.:** 23308-04

To: Gian Martire, Senior Planner, City of Cupertino

From: Cem Atabek, Baseline Environmental Consulting

Subject: **Peer Review of Subsurface Investigation Reports, Undeveloped Land West of Mary Avenue and Parkwood Drive, Cupertino, California**

Baseline Environmental Consulting (Baseline) has performed a peer review on behalf of the City of Cupertino (City) for the Draft Subsurface Investigation Report dated 4 April 2025 and the Subsurface Investigation Report dated 24 April 2025, both prepared by Intertek PSI, for the undeveloped land west of Mary Avenue and Parkwood Drive identified as Santa Clara County Assessor's Parcel Number 326-27-030 in Cupertino, California (Site). Baseline's peer review presented below was performed to evaluate the adequacy of the Additional Phase II to ensure compliance with the requirements of Section 17.04.040(B) of the City's Municipal Code. The Site is currently developed with a landscaped area and paved parking area and is proposed to be redeveloped for residential land use (the project).

DRAFT SUBSURFACE INVESTIGATION REPORT

The Draft Subsurface Investigation Report describes sampling and analysis of soil that was performed at the Site to evaluate potential contamination from aerially deposited lead (ADL) and past agricultural use of the Site. Soil samples were collected from three borings (B1 to B3) located within the landscaped area and three borings (B4 to B6) located within the paved parking area of the Site. Soil samples were collected from depths of 0.5 and 2 feet below the ground surface (bgs), and the samples were analyzed for organochlorine pesticides (OCPs), arsenic, and lead. Soluble lead was also analyzed in one sample based on the elevated concentration of total lead detected in the sample, as discussed further below. Based on our review of the Draft Subsurface Investigation Report, it appears that appropriate soil sampling and laboratory analytical methods were performed.

The soil sample results were compared to the San Francisco Bay Regional Water Quality Board Environmental Screening Levels (ESLs) for Residential Exposure (Residential ESLs) and Construction Workers Exposure (Construction Worker ESLs) and hazardous waste thresholds. Baseline notes that the Construction Worker ESL for arsenic presented in Table 1 of the Draft Subsurface Investigation Report is 2.0 milligrams per kilogram (mg/kg); however, this ESL is based on cancer risk and there is a lower Construction Worker ESL for arsenic (0.98 mg/kg)

Memorandum

May 16, 2025

Page 2

which is based on the non-cancer hazard. Typically, the lower of the ESLs for cancer risk and non-cancer hazard is referenced as the appropriate ESL.

The Draft Subsurface Investigation Report indicates that arsenic concentrations detected at the Site were below established background arsenic concentrations for Santa Clara Valley of up to 20 mg/kg and references the December 2011 background arsenic study titled *Establishing Background Arsenic in Soil of the Urbanized San Francisco Bay Region* by Dylan Duverge. Baseline notes that this 2011 background arsenic study lists a range of arsenic concentrations detected in the northern Santa Clara Valley as being up to 20 mg/kg; however, it concludes that 11 mg/kg is an appropriate upper estimate (99th percentile) of regional background concentrations of arsenic, and 11 mg/kg is typically referred to as a screening level for naturally occurring background arsenic in the Bay Area. The concentration of arsenic detected at the Site range from 3.51 to 7.25 mg/kg, and therefore these arsenic concentrations appear to be naturally occurring background concentrations.

The Draft Subsurface Investigation Report indicates that based on the concentrations detected, arsenic and OCPs are not contaminants of concern, while lead is considered to be a contaminant of concern. Lead was detected in seven of the soil samples with concentrations that are typical of background conditions with the exception of the soil sample collected from boring B2 (near the center of the landscaped area on the Site) at 2 feet (sample ID B2-2), which was reported to contain 680 mg/kg of lead, exceeding the Residential ESL (80 mg/kg) and Construction Worker ESL (160 mg/kg). To evaluate whether the soil represented by sample B2-2 would be a hazardous waste, when excavated, the sample was analyzed for soluble lead by the Waste Extraction Test (WET) and Toxicity Characteristic Leaching Potential (TCLP) methods. Soluble lead analyzed by the WET method was detected at a concentration of 18 milligrams per liter (mg/L), which exceeds the Soluble Threshold Limit Concentration (STLC) of 5 mg/L. Soluble lead analyzed by the TCLP method was detected at a concentration of 1.1 mg/L, which is below the TCLP threshold of 5 mg/L. Based on the total and soluble lead results, the soil represented by sample B2-2 would be classified as non-Resource Conservation and Recovery Act (non-RCRA) hazardous waste (or California hazardous waste) for waste disposal purposes.

The Draft Subsurface Investigation Report recommended additional soil sampling in the area of boring B2 prior to Site redevelopment to further define the extent of lead impacted soil and minimize the volume of soil being removed from the property as a California hazardous waste. The Draft Subsurface Investigation Report recommended that if soil represented by sample B2-2 would not be below a proposed building, as the new building would create a cap to eliminate contact with lead impacted soil, the soil represented by this sample should be excavated and removed from the property.

Memorandum

May 16, 2025

Page 3

Baseline notes that while capping of lead impacted soil beneath buildings would reduce the likelihood of exposure for future Site occupants, this remedial approach is not adequate without appropriate engineering controls, institutional controls, and regulatory oversight to ensure that the lead impacted soil would not create an exposure concern for future Site occupants or construction/maintenance workers. For situations where contaminated soil is capped, regulatory agencies typically require the establishment of a deed restriction and implementation of operation and maintenance activities to ensure that future Site occupants and construction/maintenance workers are aware of the remedial cap and contaminated soil conditions, and to ensure that the contaminated soil would remain capped and not be disturbed without appropriate precautions.

The Draft Subsurface Investigation Report also recommends that a Soil Management Plan (SMP) and a Site-Specific Health and Safety Plan (SSHSP) be prepared prior to conducting any soil excavation as part of redevelopment of the subject property due to the detected concentrations of arsenic and lead. Baseline generally agrees with these recommendations; however, Baseline notes that response actions such as preparation and implementation of an SMP are typically not performed (or required by regulatory agencies) to address naturally occurring background concentrations of metals. The health and safety of construction workers is ultimately the responsibility of the contractor. The project applicant should provide the project contractor with the results of all soil sampling performed at the Site, and the contractor must prepare and implement an appropriate SSHSP that addresses potential exposure to soil as required by California Code of Regulations Title 8.

Subsurface Investigation Report

The Subsurface Investigation Report describes sampling and analysis of soil that was performed at the Site including the sampling and analytical results discussed in the Draft Subsurface Investigation Report, and additional sampling performed to evaluate the extent of lead impacted soil identified by sample B2-2. Two borings, B7 and B8, were advanced approximately 10 feet north and south of boring B2, respectively. Soil samples were collected from depths of 0.5 and 2 feet bgs, and the samples were analyzed for lead. Based on our review of the Subsurface Investigation Report, it appears that appropriate soil sampling and laboratory analytical methods were performed.

The analytical results from the soil samples collected from borings B7 and B8 revealed background concentrations of lead, indicating that the elevated lead is a localized condition in the area of boring B-2. The Subsurface Investigation Report also recommended that if soil represented by sample B2-2 would not be below a proposed building, the soil represented by this sample should be excavated and removed from the property. The Subsurface Investigation Report recommended that an SMP and SSHSP should be prepared for the proposed project that have appropriate stipulations associated with the lead impacted soil.

Memorandum

May 16, 2025

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Baseline notes that the lateral extent of lead impacted soil appears to have been defined to the north and south of boring B-2, however the vertical extent of lead impacted soil in the area of boring B2 has not been defined. Lead contamination from ADL is typically confined to the upper few feet of soil, and excavation of lead impacted soil at the Mary Avenue Dog Park (located adjacent to the north of the Site) extended to a maximum depth of below 2 feet bgs,¹ which suggests that the impacts from lead at the Site may also be limited to the upper few feet of soil. The lateral extent of lead impacted soil was also not defined to the east or west of boring B-2, however boring B-2 was located very close to the western Site boundary, and the east-west dimension of the Site is relatively narrow (approximately 50 to 60 feet).

Baseline considers the detection of lead at a concentration exceeding the Residential ESL and Construction Worker ESL in sample B2-2 to be a potentially unacceptable health risk for construction workers and future residential occupants of the Site. Section 17.04.050(B) of the City's Municipal Code indicates:

If a Focused or other Phase II ESA, as required pursuant to Section 17.04.040(B)(1), identifies an unacceptable or a potentially unacceptable health risk, the project applicant shall, depending on the contaminant, contact either the Environmental Protection Agency (EPA), Department of Toxic Substances Control (DTSC), Regional Water Quality Control Board (RWQCB) or local Certified Unified Program Agency (CUPA). The project applicant shall enter into a regulatory agency oversight program with an appropriate regulatory agency, or an established voluntary oversight program alternative with an appropriate regulatory agency, as determined by the City, and follow the regulatory agency's recommended response actions until the agency reaches a no further action determination, prior to issuance of any permit for a project that allows ground disturbing activity.

Based on the requirements of the City's Municipal Code, Baseline recommends that the project applicant enter into a Remedial Action Agreement with the Santa Clara County Department of Environmental Health as an appropriate regulatory agency to oversee soil remediation at the Site.

Baseline recommends approval of the permit application for the project from a hazardous materials contamination standpoint, with the following conditions:

Remediation of lead impacted soil at the Site should be performed in accordance with an SMP prepared and implemented under regulatory agency oversight. The SMP should be prepared and certified by a qualified Environmental Professional, and should be submitted to the City

¹ TRC, 2013. Environmental Services, Soil Removal Completion Report, Cupertino Dog Park, Cupertino, California, December 18.

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and the regulatory oversight agency for review and approval. The SMP should include the following:

- A description of the precise extent of proposed contaminated soil removal, proposed remediation goals, and detailed procedures for soil handling, soil characterization for off-Site disposal or on-Site re-use, confirmation sampling and analysis, and importing of clean fill material.
- Measures to prevent potential exposure of the surrounding public to contaminants that could be released in fugitive dust (e.g., dust control procedures, air monitoring protocols, and air monitoring action levels) during the removal of contaminated soil and other construction activities, in addition to preventing potential exposure of future Site occupants to contaminated soil.
- Notification procedures and response actions that would be taken if previously unidentified soil contamination or underground features of environmental concern (e.g., sumps, underground storage tanks) are identified during project construction activities.
- A requirement that all remedial excavation and contaminated soil handling and disposal activities be overseen by a qualified Environmental Professional, and that all confirmation and waste characterization soil sampling be performed by a qualified Environmental Professional.

The excavation and off-Site disposal of contaminated soil and confirmation sampling results should be documented in a Completion Report prepared and certified by a qualified Environmental Professional which should be submitted to the regulatory oversight agency for review and approval, and the project applicant should provide the City with written evidence that the regulatory oversight agency has issued a no further action determination for the Site prior to the City issuing any permits that would allow other ground disturbing activity (beyond soil remediation) at the Site.

Exhibit C



HEXAGON TRANSPORTATION CONSULTANTS, INC.

Memorandum

Date: November 13, 2025
To: Mr. Andy Lief, Charities Housing
From: Kai-Ling Kuo, Andrea Lin
Subject: Transportation Study for Proposed Affordable Housing Project on Mary Avenue in Cupertino, California

Hexagon Transportation Consultants, Inc. has completed a transportation study for the proposed affordable housing project on Mary Avenue in Cupertino, California. The project proposes affordable housing between the SR 85 soundwall and Mary Avenue. The project proposes constructing 2 two-story buildings with a total of 40 dwelling units (19 affordable disabled housing units and 21 affordable housing units) and 20 on-site parking spaces (18 regular spaces and 2 accessible spaces) on a 0.8-acre site. Access to the buildings would be provided via 2 two-way driveways on Mary Avenue. The project site location and site plan are shown in Figure 1 and Figure 2, respectively.

Scope of Study

This study was conducted for the purpose of identifying the potential transportation impacts and operational issues related to the proposed development. The transportation impacts of the project were evaluated following the standards and methodologies established in the City of Cupertino's Transportation Study (TS) Guidelines (January 2025). This study consists of a California Environmental Quality Act (CEQA) vehicle miles traveled (VMT) analysis and a transportation analysis per the TS Guidelines.

As discussed below, the project would result in an increase in net vehicle trip generation of 163 daily trips, which is within the definition of a Tier 2 project (projects with trip generation between 110 and 1,000 daily vehicle trips and less than 100 peak hour trips). Based on the City's TS Guidelines, a Tier 2 transportation analysis requires an off-site intersection operations analysis, review of General Plan consistency, a parking supply evaluation, a site access and circulation assessment, and a safety assessment. The intersection operations analysis includes an analysis of weekday AM and PM peak-hour traffic conditions at the intersection of Mary Avenue and Stevens Creek Boulevard.

VMT Analysis

Transportation impacts under CEQA are measured using VMT. The City of Cupertino TS Guidelines provide VMT exemption screening criteria for development projects. If a project meets the City's screening criteria, the project is expected to result in a less-than-significant VMT impact and a detailed CEQA VMT analysis is not required.

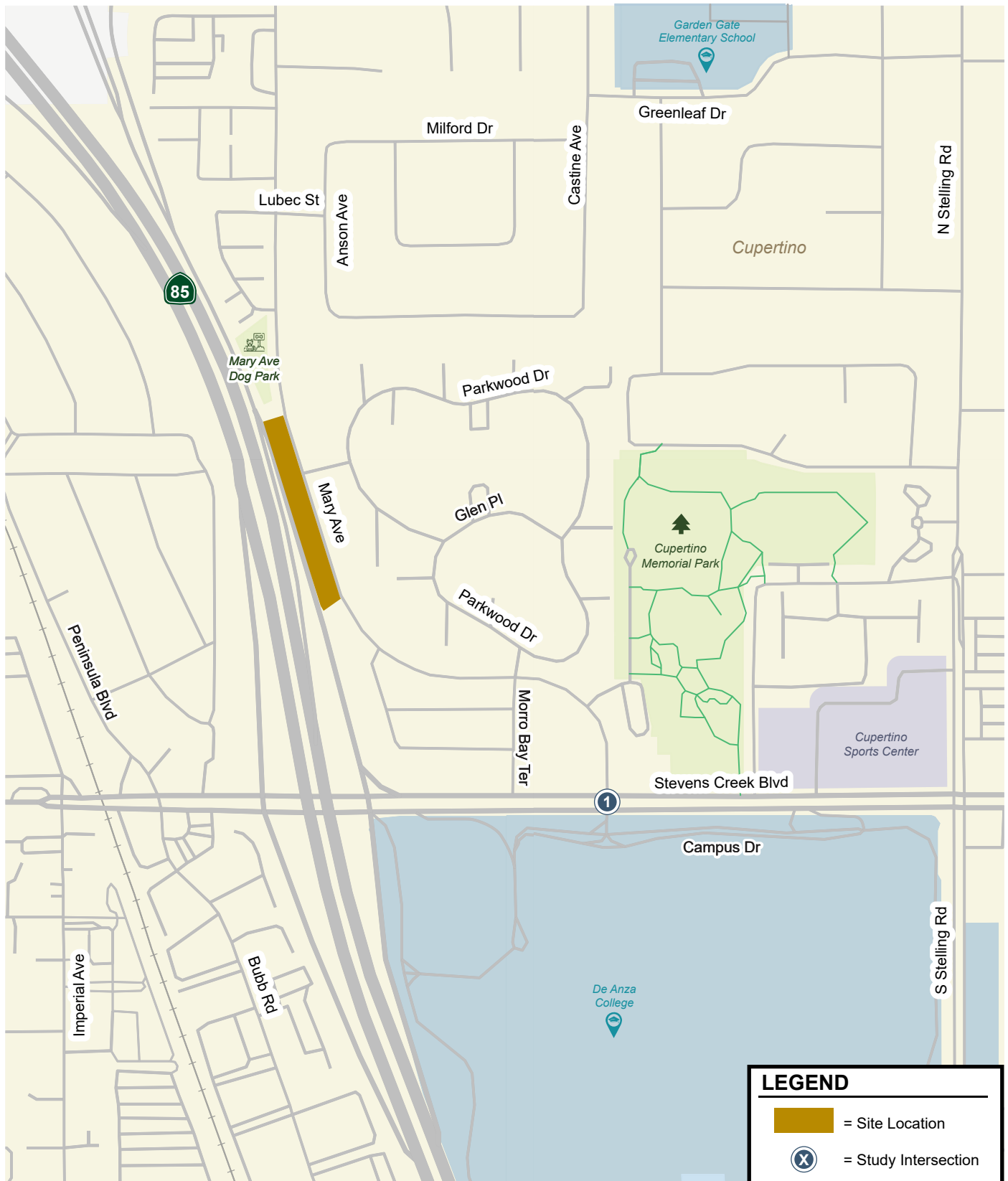


Figure 1
Site Location and Study Intersection

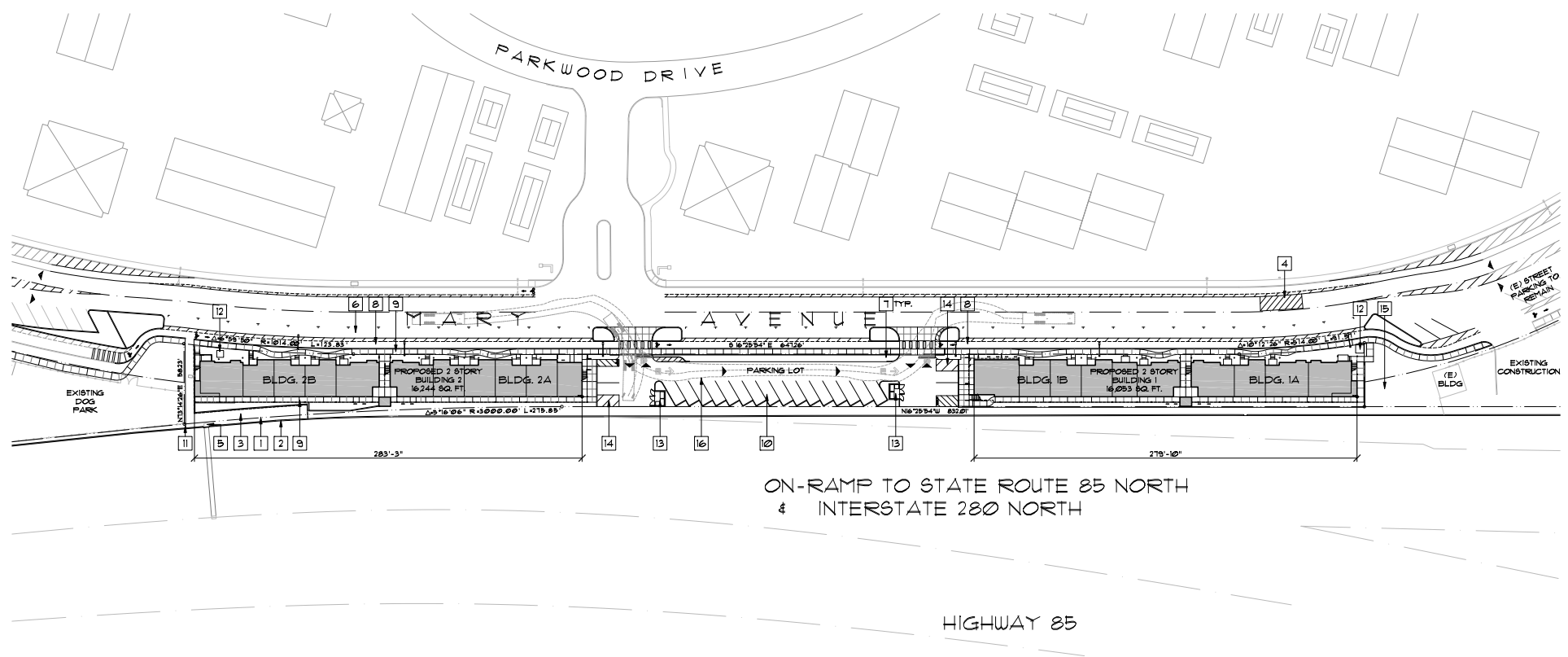


Figure 2
Site Circulation Plan

Per the TS Guidelines, a project may be screened out if it meets one or more of the following criteria: (1) a project located within one-quarter mile of a High-Quality Transit Corridor or transit stop as defined by CEQA; (2) local-serving retail of 50,000 square feet or less; or (3) land-use projects consisting of 100% affordable housing. The project would provide 100% affordable housing; thus, it is expected to result in a less-than-significant VMT impact and would not require detailed VMT analysis.

Existing Transportation System

The existing transportation system in the project study area is described below. Included are descriptions of the existing roadway network, pedestrian and bicycle facilities, and transit services.

Existing Roadway Network

Regional access to the project site is provided via SR 85. Local access to the site is provided via Stevens Creek Boulevard, Stelling Road, and Mary Avenue. These facilities are described below.

SR 85 is a six-lane freeway with two mixed-flow lanes and one high-occupancy vehicle (HOV) lane in each direction in the vicinity of the project site. SR 85 extends north through Mountain View, connecting with US 101, and south through San Jose, connecting again with US 101. Access to the project site is provided via its interchange with Stevens Creek Boulevard.

Stevens Creek Boulevard is an east-west roadway classified as a boulevard (arterial) in the City's General Plan. It extends from Ridgeway Drive in the west to Bascom Avenue in the east. In the vicinity of the project site, Stevens Creek Boulevard has 6 lanes with left turn/U-turn pockets at intersections, a landscaped median, buffered bike lanes in each direction, and sidewalks along both sides of the roadway. On-street parking is prohibited on both sides of the roadway, and the posted speed limit is 35 miles per hour (mph). Access to the project site is provided via its intersection with Mary Avenue/Campus Drive.

Stelling Road is a north-south roadway classified as an avenue (major collector) in the City's General Plan. It extends past Homestead Road in the north and past Prospect Road to the south. In the vicinity of the project site, Stelling Road has 4 lanes with left turn/U-turn pockets at intersections, a landscaped median, sidewalks along both sides of the roadway, and striped bike lanes in each direction. On-street parking is prohibited on both sides of the street. The posted speed limit is 35 mph. Access to the project site is provided via its intersection with Stevens Creek Boulevard.

Mary Avenue is a two-lane north-south local street classified as a neighborhood connector in the City's General Plan. It extends from Meteor Drive in the north to Campus Drive in the south. Mary Avenue has sidewalks on the east side of the street and on the west side of the street for the most part, except along the project frontage. It has buffered and protected (Class IV) bike lanes on both sides of the roadway. On-street parking is allowed on both sides of the street north of Morro Bay Terrace. The parking is diagonal on the west side and parallel on the east side. The project would remove parking on the east side and change the west side to parallel parking. The posted speed limit is 30 mph. Mary Avenue provides direct access to the project site.

Existing Transit Services

Existing transit service to the City of Cupertino is provided by the Santa Clara Valley Transportation Authority (VTA). The VTA bus routes in the project vicinity and the bus stops near the project site are summarized in Table 1 and shown in Figure 3.

The closest bus stop is located about 2,100 feet away near the intersection of Mary Avenue and Stevens Creek Boulevard. The nearby bus stop located at De Anza College is about 2,600 feet from the project site. The bus stops on Stevens Creek Boulevard at Stelling Road are more than a half mile from the project site.

Table 1
Existing Transit Services

Route	Route Description	Weekday Hours of Operation	Headways ¹ (minutes)	Nearby Bus Stops	Walking Distance from Nearest Stop to Project Site (feet)
Local Routes					
Route 51	Moffett Field/Ames Research Center - West Valley College	5:50 AM to 8:00 PM	30	Mary Ave at Stevens Creek Boulevard	2,100
Route 55	Old Ironsides Station - De Anza College	5:20 AM to 10:50 PM	30	Stelling Road at Stevens Creek Boulevard	3,600
Route 25 ²	De Anza College - Alum Rock via Valley Medical Center	5:45 AM to 10:30 PM	30	Stelling Road at Stevens Creek Boulevard	3,700
Frequent Routes					
Route 23	De Anza College - Alum Rock via Stevens Creek Boulevard	4:50 AM to 1:30 AM	15	De Anza College (Campus Road)	2,600
Rapid 523	San Jose State University - Lockheed Martin via De Anza Boulevard	5:20 AM to 11:30 PM	20	Stelling Road at Stevens Creek Boulevard	3,700
Notes: 1. Headways during weekday peak periods as of October 2025. 2. Route 25 provides frequent service between Alum Rock Station and Santa Clara Valley Medical Center and less frequent service between Alum Rock Station and De Anza College.					

Existing Bicycle Facilities

The bicycle facilities that exist in the project vicinity (see Figure 4) include bike lanes and bike routes. Bike lanes are lanes on roadways designated for use by bicycles with special lane markings, pavement legends, and signage. Bike routes are signed bike routes where bicyclists share a travel lane with motorists.

Bike lanes are present on Mary Avenue (Class IV parking-protected on a portion of the west side between Lubec Street and Morro Bay Terrace and on a portion of the east side between the north end of Mary Avenue Dog Park and the Cupertino Memorial Park parking lot entrance, and Class IIB buffered lanes on the rest of the street), Stevens Creek Boulevard (Class II), Bubba Road (Class IV), and Stelling Road (Class II). A bike route in the area connects the project to local schools like Garden Gate Elementary school. In the project vicinity, the route is present along Lubec Street (east of Mary Avenue), Anson Avenue (north of Lubec Street) Milford Drive, Castine Avenue (north of Milford Drive) and Greenleaf Drive.

Existing Pedestrian Facilities

Pedestrian facilities consist of sidewalks, ADA compliant curb ramps, and crosswalks at many of the nearby intersections. In the vicinity of the project site, continuous sidewalks exist along the east side of Mary Avenue and both sides of Stevens Creek Boulevard, Campus Drive, and Stelling Road. There is no sidewalk on the west side of Mary Avenue along the project frontage and the Dog Park. There are two high-visibility crosswalks across Mary Avenue at unsignalized intersections along the street: one at Lubec Street north of the site and the other at the driveway for the Cupertino Memorial Park parking lot, south of the site, with rapid rectangular flashing beacons (RRFB). At the signalized intersection of Mary Avenue and Stevens Creek Boulevard, high-visibility crosswalks are provided across the north, south, east and west legs of the intersection.



Figure 3
Existing Transit Services

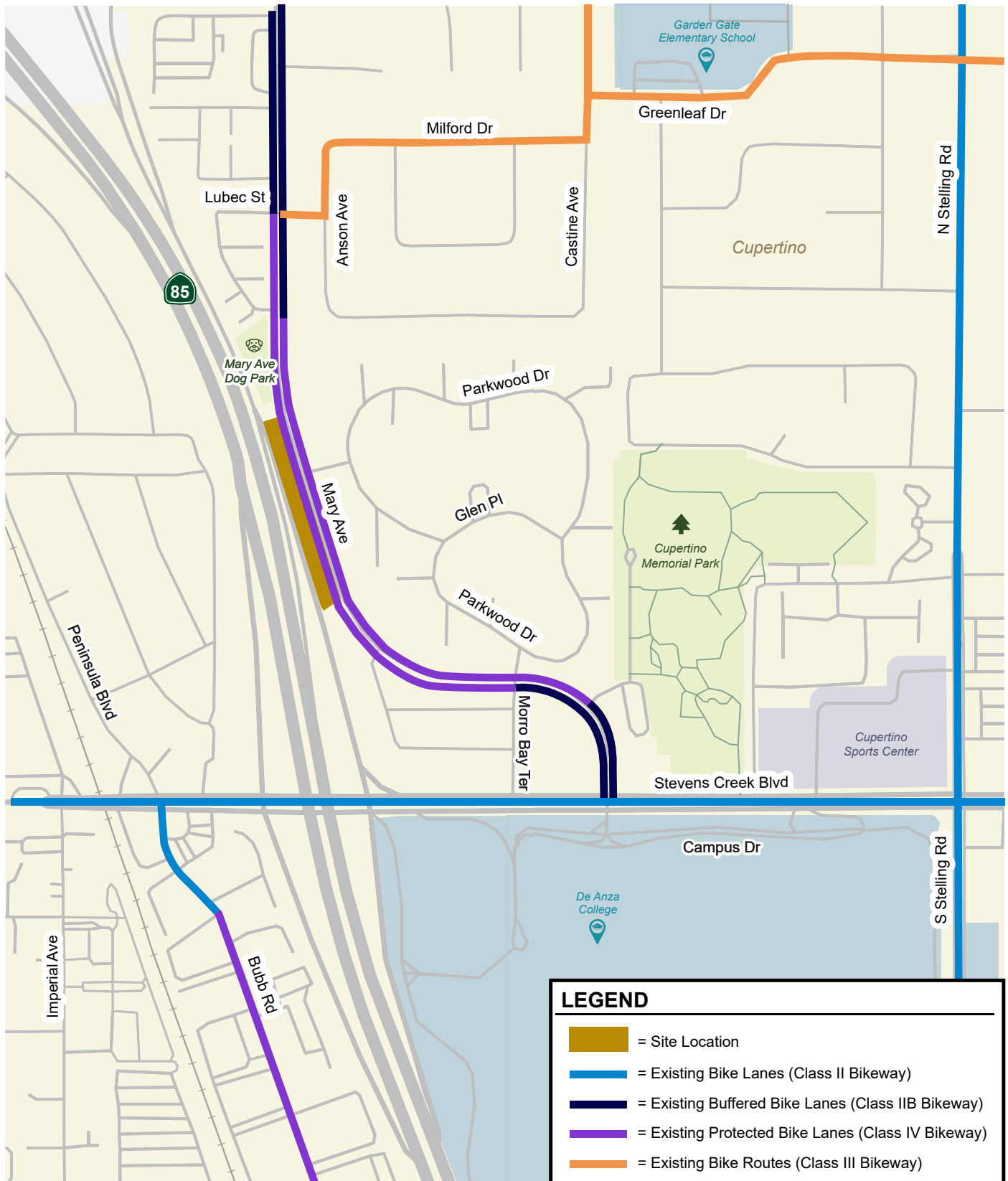


Figure 4
Existing Bicycle Facilities

Project Trip Estimates

The magnitude of traffic produced by a new development and the locations where that traffic would appear were estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic traveling to and from the proposed residential development was estimated for the AM and PM peak hours. As part of the project trip distribution and assignment, directions to and from which the project trips would travel were estimated and project trips generated were assigned to specific streets and intersections. These procedures are described below:

Trip Generation

Through empirical research, data have been collected that show trip generation rates for many types of land uses. The data are published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 12th Edition. ITE does not have a category for developmentally disabled housing. The closest category for estimating trips generated by this land use is "Senior Adult Housing" as most residents of the project would likely not own cars and care takers or assistants would generate most of the trips. Using this category to represent the developmentally disabled housing units is likely a slight over-estimate of generated traffic because residents would not have cars.

Thus, trips that would be generated by the project were estimated using the ITE average trip rates for "Senior Adult Housing - Multifamily" (ITE Land Use 252) for the developmentally disabled units and "Affordable Housing" (ITE Land Use 223) for the proposed affordable housing units.

The proposed project is estimated to generate 163 daily vehicle trips, with 12 trips (3 inbound and 9 outbound) during the AM peak hour and 15 trips (9 inbound and 6 outbound) during the PM peak hour (see Table 2).

Table 2
Project Trip Generation Estimates

Land Use	Size	Daily Rate ¹	Daily Trips	AM Peak Hour				PM Peak Hour			
				Rate	In	Out	Total	Rate	In	Out	Total
Proposed											
Disabled Housing ¹	19 d.u.	3.25	62	0.19	1	3	4	0.25	3	2	5
Affordable Housing ²	21 d.u.	4.81	101	0.36	2	6	8	0.46	6	4	10
Total Project Trips			163		3	9	12		9	6	15

Notes

d.u. = dwelling units

¹ Trip generation rate for the proposed housing for the developmentally disabled is based on the ITE's *Trip Generation Manual*, 12th Edition rates for Land Use Code 252 "Senior Adult Housing - Multifamily."

² Trip generation rate for the proposed affordable are based on the ITE's *Trip Generation Manual*, 12th Edition rates for Land Use Code 223 "Affordable Housing."

Trip Distribution and Assignment

The trip distribution pattern for the project was estimated based on the existing travel patterns on the surrounding roadway network and the locations of complementary land uses. The peak-hour trips generated by the project were assigned to the roadway system based on the trip distribution pattern, directions of approach and departure, and the roadway network connections. Project trip distribution and trip assignment are shown in Figure 5. For a conservative analysis, it is assumed that all trips from the project site would pass through the study intersection at Mary Avenue and Stevens Creek Boulevard.



Figure 5
Project Trip Distribution and Assignment

Intersection Traffic Operations

This section presents the methods used to determine traffic conditions at the study intersection and the traffic effects of the project.

Scope of Analysis

This study analyzes the traffic effects of the project at the Mary Avenue/Campus Drive and Stevens Creek Boulevard intersection during the weekday AM and PM peak hours of commute traffic. Traffic conditions at the study location were analyzed for the weekday AM (7:00 AM to 9:00 AM) and PM (4:00 PM to 6:00 PM) peak hours of commute traffic. These periods represent the most congested traffic conditions on the surrounding street network during a typical weekday.

Intersection traffic conditions were evaluated for the following scenarios:

- **Existing Conditions.** Existing AM and PM peak-hour traffic volumes were obtained from new turning movement counts conducted on a typical weekday, October 7, 2025 (see Appendix A).
- **Existing Plus Project Conditions.** Existing plus project traffic volumes were estimated by adding to the existing traffic volumes the additional traffic generated by the project (see Figure 5). Existing plus project conditions were evaluated relative to existing conditions to determine potential project adverse effects.

Intersection Level of Service Analysis Methodology

Traffic conditions at the study intersection were evaluated using level of service (LOS). Level of service is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays.

The City of Cupertino evaluates level of service at signalized intersections based on the latest *Highway Capacity Manual (HCM)* level of service methodology. For the study, the intersection levels of service were analyzed using Synchro software in accordance with the *HCM 7th Edition* methodology. The HCM method evaluates signalized intersection operations based on average control delay time for all vehicles at an intersection. The correlation between average control delay and level of service is shown in Table 3.

Signalized study intersections are typically subject to the local municipalities' level of service standards. The City's TS Guidelines (2025) do not provide level of service standards for signalized intersections. For this study, an LOS D standard was applied to the study intersection based on the 2021 TS Guidelines.

Definition of Adverse Intersection Operational Effects

For most major intersections, a development is said to create an adverse effect on traffic conditions at a study intersection if for either hour, any of the following conditions occur:

1. The level of service at signalized intersections degrades from an acceptable level (LOS D or better) under no-project conditions to an unacceptable LOS E or F under project conditions.
2. The project would deteriorate already unacceptable operations at a signalized intersection by increasing the average critical delay by four or more seconds and increasing the critical volume-to-capacity (v/c) ratio by 0.01 or more; **or** increase the v/c ratio by 0.01 or more at an intersection with unacceptable operations when the change in critical delay is negative (i.e. decreases). This can occur if the critical movements change.

Table 3
Signalized Intersection Level of Service Definitions Based on Average Control Delay

Level of Service	Description	Average Control Delay per Vehicle (sec.)
A	Signal progression is extremely favorable. Most vehicles arrive during the green phase and do not stop at all. Short cycle lengths may also contribute to the very low vehicle delay.	10.0 or less
B	Operations characterized by good signal progression and/or short cycle lengths. More vehicles stop than with LOS A, causing higher levels of average vehicle delay.	10.1 to 20.0
C	Higher delays may result from fair signal progression and/or longer cycle lengths. Individual failures may begin to appear at this level. The number of vehicles stopping is significant, though some vehicles may still pass through the intersection without stopping.	20.1 to 35.0
D	The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable signal progression, long cycle lengths, or high volume-to-capacity (V/C) ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	This is considered to be the limit of acceptable delay. These high delay values generally indicate poor signal progression, long cycle lengths, and high volume-to-capacity (V/C) ratios. Individual cycle failures occur frequently.	55.1 to 80.0
F	This level of delay is considered unacceptable by most drivers. This condition often occurs with oversaturation, that is, when arrival flow rates exceed the capacity of the intersection. Poor progression and long cycle lengths may also be major contributing causes of such delay.	greater than 80.0
Source: Transportation Research Board, <i>Highway Capacity Manual, 7th Edition</i> (Washington, D.C., 2022)		

The 2025 TS Guidelines also provide a deficiency criterion for intersection vehicle queuing as part of evaluating the project's effect on traffic operations. An adverse effect on signalized intersection operations would occur if for either peak hour:

1. The project traffic would cause 95th percentile vehicle queues to exceed the existing or planned length of a turn pocket, or
2. Where a queue exceeds the available storage without the project, project traffic would increase the queue by more than 50 feet.

Lane Configurations and Traffic Volumes

The existing lane configurations at the study intersections are shown on Figure 6.

The traffic volumes for the existing conditions and existing plus project conditions are shown in Figure 6 and described above for the analysis scenarios.



Figure 6
Existing Lane Configuration and Study Traffic Volumes

Intersection Levels of Service

The results of the intersection level of service analysis (see Table 4) show that the study intersection would operate at an acceptable level of service under existing and existing plus project conditions. The intersection level of service calculation report is included in Appendix B.

Table 4
Intersection Level of Service Summary

# Intersection	LOS Standard	Control	Peak Hour	Existing		Existing plus Project		
				Delay ¹ (sec)	LOS	Delay ¹ (sec)	LOS	Change in Delay
1 Mary Ave/Campus Dr & Stevens Creek Blvd	D	Signal	AM	31.6	C	31.6	C	0.0
			PM	27.0	C	27.2	C	0.2

Notes:
1. Average delay (seconds per vehicle) is reported for signalized intersections.

Intersection Queuing Analysis

Typically, vehicle queuing analysis is done for high-demand movements at intersections where the project would add a substantial number of trips to the left-turn movements (10 or more peak hour vehicle trips per lane). The project would not be adding 10 or more peak hour vehicle trips per lane to any turning movement (see Figure 5). Thus, it is not expected that the addition of the project would negatively affect the existing queuing conditions.

General Plan Consistency

The project is located on Mary Avenue, which is a local street. This street is not identified on the City's High Injury Network. The project would not conflict with the General Plan policies because the project would not affect access to roadways, transit, bicycle, or pedestrian facilities.

Pedestrian Facilities

The existing pedestrian facilities in the project vicinity provide good connectivity with continuous sidewalks from the project site to nearby points of interest, including bus stops, schools, and parks. High-visibility crosswalks across Mary Avenue are provided at the unsignalized intersections at Lubeck Street to the north and at Cupertino Memorial Park driveway to the south.

There is currently no sidewalk along the project frontage. The project would construct a new 4.5-foot-wide sidewalk along its frontage on Mary Avenue to connect to the existing sidewalk to the south and the dog park to the north. The new sidewalk is consistent with the existing sidewalk configuration within the adjacent neighborhood. The sidewalk would be buffered from traffic by a 5-foot-wide bike lane, 2.5-foot buffer, and parallel street parking. Walkways from the street frontage would provide direct access to the buildings.

The project would not affect the existing pedestrian access in the area. The project would provide adequate pedestrian facilities on site connecting pedestrians to the rest of the City's pedestrian facilities.

Bicycle Facilities

The project proposes re-aligning the existing bike lane along the project frontage and converting the angled street-parking spaces to parallel street-parking spaces. The proposed bike lane would be 5 feet wide, which meets the minimum recommendation of 5 feet for lateral clearance of bike lanes listed in the VTA bicycle technical guidelines. The bike lane would be protected from vehicular traffic by 8-foot-wide parallel parking spaces and a 2.5 foot striped buffer between the bike lane and the

parking spaces. The project would introduce two driveways along the west side of Mary Avenue that would cross the bike lane. The project proposes using a different paving material to signal to drivers to slow down and look out for cyclists and pedestrians. The landscaping planters and curb islands next to the driveways would also provide adequate line of sights for cyclists and pedestrians.

The project proposes two pairs of reverse curves to create a lateral shift of the bike lane at the north and south ends of the project site to connect the proposed bike lane to the existing bike lane. The National Association of City Transportation Officials (NACTO) design guidelines for Bike Transitions, which are adapted from the *Urban Bikeway Design Guide, Third Edition*, was used to evaluate the proposed reverse curves. For an urban street, a design speed of 10 mph could be assumed for protected bike lanes. For an approach speed of 10 mph, NACTO recommends a minimum edge radius of 18 feet. At the north end of the site, the curve radii are less than 18 feet, which cannot accommodate a travel speed of 10 mph. At the south end of the site, the curve radii are greater than 18 feet.

Recommendation: To accommodate a design speed of 10 mph for the bike lane per NACTO's guidelines, the turn radii of the reserve curves on the north end of the project site should be a minimum of 18 feet and signage should be added ahead of the curves to inform cyclists to slow down to 10 mph.

The proposed bicycle lane would connect to the existing bicycle lane on Mary Avenue; thus the proposed project would not conflict with any planned facilities identified in the City of Cupertino 2016 Bicycle Transportation Plan.

Transit Services

As previously stated, the closest bus stop serves Local Route 51 and is located about 2,100 feet away at the intersection of Mary Avenue and Stevens Creek Boulevard. The nearby bus stop for Frequent Route 23 is located at De Anza College and is about 2,600 feet from the project site. The bus stops in both directions can be accessed via the existing pedestrian network. Any small increase in transit trips is expected to be accommodated by the existing transit capacity.

Parking

Vehicle Parking

The City of Cupertino minimum parking requirement for medium density multi-family housing per the City's Zoning Code (Table 19.124.040(A)) is two parking spaces per dwelling unit. Because the project would provide 100% affordable housing, the project can qualify for the State Density Bonus Law. Per public Resources Code Section 65915(p)(2), the City may not impose minimum vehicular parking ratios for developments that include at least 20% low-income units that exceed 0.5 spaces per unit.

Therefore, for the proposed 40 dwelling units, the project would be required to provide 20 parking spaces per the State Density Bonus Law. Additionally, approximately half of the dwelling units provided by the project would be for developmentally disabled residents that would not own cars or drive. The project proposes a total of 20 parking spaces in an on-site parking lot. Thus, the project meets the State Density Bonus Law parking requirements.

Bicycle Parking

The City's zoning code requires medium density multi-family developments to provide one long-term (Class I Facility) bicycle parking space per 2 residential units and one short-term (Class II Facility) bicycle parking space per 10 residential units. For the proposed 40 units, the project would be required to provide 20 long-term and 4 short-term bicycle parking spaces. The project proposes 16 inverted-U bike racks (which provide 2 bicycle parking spaces per inverted-U bike rack): 4 bike racks

in front of Building 1 near the community room, 3 bike racks north of Building 1, 1 rack in front of Building 2 near the manager's office, 4 bike racks behind Building 1 near the elevators, and 4 bike racks behind Building 2 near the elevators. The 8 proposed bike racks in front of buildings would provide 16 short-term parking spaces for public use, which would meet the short-term bicycle parking requirement. The 8 bike racks behind the buildings near the elevators could provide 16 parking spaces for residents. However, these spaces are not protected. Thus, the project does not meet the minimum requirements for long-term bicycle parking spaces.

Recommendation: To meet the city's requirements, the project should provide 20 long-term bicycle parking spaces. These long-term bicycle parking spaces should be provided in bicycle lockers (fully enclosed space accessible only by the owner of the bicycle), restricted access rooms (locked room or enclosure accessible only to the owners), or enclosed cages (chain link enclosures with a lock).

Removal of On-Street Parking

The project would convert the angled street-parking spaces to parallel street-parking spaces on its frontage along Mary Avenue and remove the parallel street-parking spaces on the east side of the street across from the project frontage. This would remove 84 angled street-parking spaces on the west side and 38 parallel street-parking spaces on the east side (approximately 950 feet) and add 33 parallel parking spaces to the west side of Mary Avenue, which would result in a net loss of 89 street-parking spaces.

Hexagon previously conducted a parking study (see Appendix C) to identify the current parking supply and demand of the on-street parking on Mary Avenue between Lubec Street and Stevens Creek Boulevard. There are currently 171 diagonal parking spaces provided along the west side and 70 parallel parking spaces provided on the east side, for a total of 241 on-street parking spaces. The parking study found the existing peak parking demand was 37 parking spaces (26 spaces on the west side of Mary Avenue and 11 spaces on the east side of Mary Avenue) with 7 occupied spaces along the project frontage.

As stated previously, the project meets the vehicular parking requirements per the State Density Bonus Law with the proposed parking on site. Additionally, approximately half of the dwelling units provided by the project would be for developmentally disabled residents that would not own cars or drive. Therefore, the project is not expected to increase parking demand for on street parking.

With the project, there would be 152 on-street parking spaces (with 33 parallel parking spaces along the project frontage), which would still provide enough spaces to meet the anticipated parking demand (37 total spaces and 7 spaces along the project frontage).

Site Access and Circulation

A review of the project site plan was performed to identify the adequacy of site access and on-site circulation. This review is based on the site plan dated May 9, 2025 (see Figure 2 and Figure 7). Vehicle access to the site would be provided via two driveways along Mary Avenue.

Driveway Design and Operations

The project proposes two driveways on Mary Avenue: one located opposite Parkwood Drive and the other about 180 feet south of that driveway. Two driveways are necessary because the project proposes angled on-site parking. The site is not wide enough to provide 90-degree parking.

Per the City's Standard Details 1-20, driveway width for commercial/high density residential should be between 24 and 32 feet. The driveway to the north (near Building 2) would be 24 feet wide and the driveway to the south (near Building 1) would be 26 feet wide, which meets the City's requirements for driveway width.

The project-generated trips that are estimated to access both driveways are 12 trips during the AM peak hour (3 inbound and 9 outbound) and 15 trips during the PM peak hour (9 inbound and 6 outbound). Due to the low number of AM and PM peak hour project-generated trips, operational issues related to vehicle queuing or delays, or with potential pedestrian or bicycle traffic would be minimal at the project driveways.

The distance between the first 90-degree parking stall and the street edge for both of the driveways is 24 feet. Thus, there is enough room for one inbound vehicle to queue in the driveway without blocking the traffic on Mary Avenue. The maximum number of vehicles that would enter a driveway is 9 inbound vehicles during the PM peak hour, which is equivalent to approximately one vehicle every 6 minutes. Thus, no inbound queuing issues are expected at the project driveways.

Driveway Sight Distance

The project driveways should be free and clear of any obstructions to provide adequate sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and vehicles and bicycles traveling along Mary Avenue. Any landscaping and signage should be located in such a way to ensure an unobstructed view for drivers exiting the site and turning onto Mary Avenue. Providing the appropriate sight distance reduces the likelihood of a collision at a driveway and provides drivers with the ability to locate sufficient gaps in traffic.

The project proposes trees that would be planted along the Mary Avenue frontage near the driveways. Per the City's Standard Details 7-2, the canopies of the trees should be at least 8.5 feet in height so that they do not impede the view of exiting drivers. If additional frontage improvements, such as signage or additional landscaping, are proposed, they should be located so that the view of exiting drivers is not impeded or not exceed 3.5 feet in height, per the City's Standard Details 7-2.

The minimum acceptable sight distance is considered the Caltrans stopping sight distance. Sight distance requirements vary depending on roadway speeds. Mary Avenue has a speed limit of 30 mph, so the Caltrans stopping sight distance is 250 feet (based on a design speed of 35 mph). Accordingly, a driver must be able to see 250 feet along Mary Avenue to stop and avoid a collision. Based on the site plan and narrow travel lanes on Mary Avenue, on-street parking next to the project driveways would potentially block the line of sight of exiting drivers (see Figure 8).

Recommendation: To ensure drivers exiting the project driveways have adequate lines of sight, it is recommended that two parallel parking spaces on the north side of each driveway and one parking space on the south side of the project driveways be removed. If the driveways are changed to one-way as recommended below, only the parking spaces next to the outbound driveway (south driveway) need to be removed. The on-street parking supply would still be adequate with the reduction of these six parallel parking spaces.

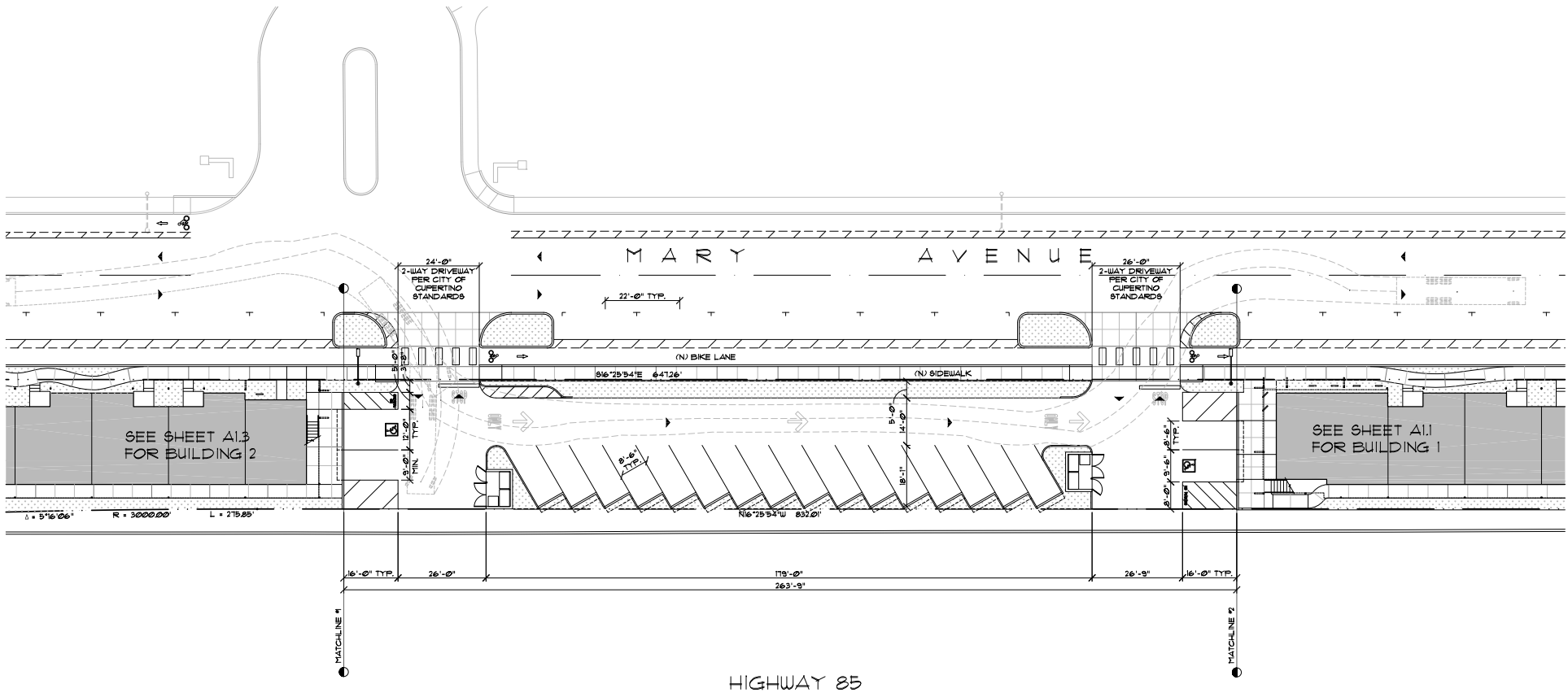
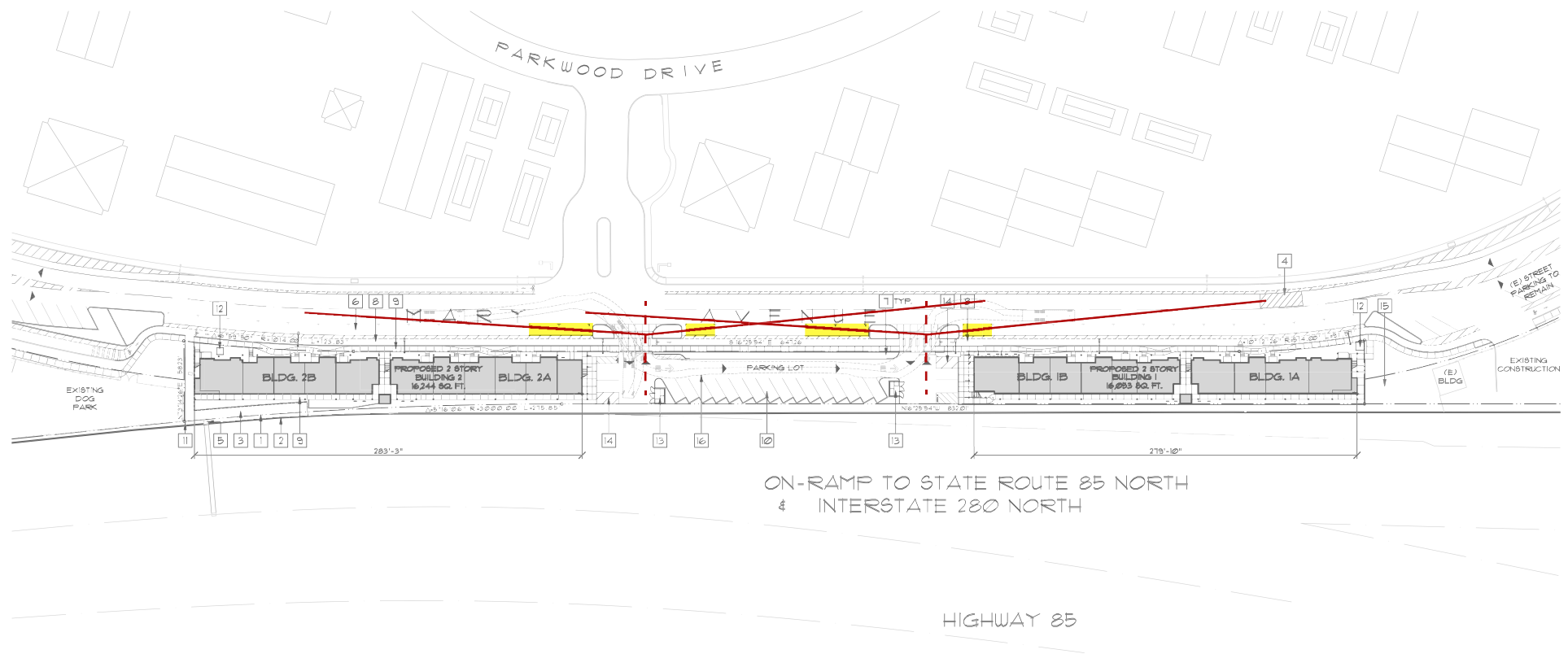


Figure 7
Proposed Parking Lot Plan



LEGEND

= Recommended Parallel Parking Spaces to be Removed

Figure 8
Sight Distance

On-Site Circulation and Stall Dimensions

On-site vehicular circulation was reviewed in accordance with generally accepted traffic engineering standards. The project would provide an on-site surface parking lot (20 parking spaces) with a one-way aisle. In the parking lot, there would be two 90-degree parking spaces on the north end, two 90-degree parking spaces on the south end, and 16 angled parking spaces (60 degrees) along the west side of the parking lot (see Figure 7).

The driveways to access the parking lot would be two-way driveways that are 24 feet wide and 26 feet wide with a 26-foot-wide drive aisle to access the 90-degree parking spaces. The drive aisle to access the 60-degree angled parking spaces would be a one-way aisle that is 14 feet wide.

Recommendation: For improved circulation, it is recommended that the driveways are one-way, with the north driveway for inbound only and the south driveway for outbound only.

Per the City of Cupertino's Zoning Code Table 19.124.040(B), the minimum parking stall dimensions should be 8.5 feet wide and 18 feet long. Two-way drive aisles to access 90-degree parking spaces should be a minimum of 22 feet wide. The 90-degree parking spaces on the north and south ends of the parking lot would be a minimum of 8.5 feet wide and 16 feet long and would be accessed by a drive aisle that is 26 feet wide. The parking spaces include a 2-foot overhang into the walkway in front of the spaces, which effectively would provide a 6-foot walkway (sufficient for pedestrians to travel through). Based on the site plan, the proposed 90-degree parking spaces would meet the City's minimum stall dimensions.

Per Table 19.124.040(B), a one-way aisle to access 60-degree angle parking spaces should be a minimum of 13 feet wide. Based on the proposed parking lot plan, the 60-degree angle parking spaces would be 8.5 feet wide, 18 feet long, and have a one-way aisle that is 14 feet wide. Thus, the project's angled parking spaces would meet the City's minimum requirements.

Emergency Vehicle Access and Circulation

The City of Cupertino Fire Department requires a minimum driveway width of 20 feet, requires turnarounds for driveways more than 150 feet in length, and requires a minimum of 13.5 feet of vertical clearance. The project site has a maximum depth of 42 feet from Mary Avenue. Therefore, Mary Avenue would serve as the project's fire access road.

Garbage Truck Access and Circulation

Concrete trash pads/enclosures are shown in the parking lot. All garbage collection activities would occur on-site. Garbage trucks would need to pull into one of the driveways, perform garbage collection activities, back out onto Mary Avenue, and pull into the other driveway to perform the rest of the garbage collection activities. The truck would encroach onto the opposite travel lane when turning into and out of the driveways. However, because of the relatively low volumes on Mary Avenue, it is not expected that this would cause any operational issues. Figure 7 shows site access and circulation for garbage trucks.

Safety Assessment

The project would not alter any streets in the area. The project driveways and the internal aisles on site are designed in accordance with city standards. The project would generate mostly passenger vehicles, and the surrounding roadway system is designed to accommodate these vehicles. Therefore, the project would not worsen existing geometric hazards or create new geometric hazards.

Conclusions

The transportation analysis for the Mary Avenue Affordable Housing Project resulted in the following conclusions:

- **Trip Generation.** The proposed project is estimated to generate 163 new daily vehicle trips, with 12 trips (3 inbound and 9 outbound) during the AM peak hour and 15 trips (9 inbound and 6 outbound) during the PM peak hour.
- **Intersection Operation.** The Mary Avenue and Stevens Creek Boulevard intersection would operate at an acceptable level of service under existing and existing plus project conditions.
- **Site Access and Circulation.** The site access and circulation review resulted in the following recommendations:
 - Long-term Bicycle Parking. To meet the city's requirements, the project should provide 20 long-term bicycle parking spaces. These long-term bicycle parking spaces should be provided in bicycle lockers (fully enclosed space accessible only by the owner of the bicycle), restricted access rooms (locked room or enclosure accessible only to the owners, or enclosed cages (chain link enclosures with a lock).
 - Sight Distance. To ensure drivers exiting the project driveways have adequate lines of sight, it is recommended that two parallel parking spaces on the north side of each driveway and one parking space on the south side of the project driveways be removed. If the driveways are changed to one-way as recommended below, only parking spaces next to the outbound driveway need to be removed.
 - Site Circulation. It is recommended that the driveways be one-way access, with the north driveway for inbound only and the south driveway for outbound only.
 - Bike Lane. To accommodate a design speed of 10 mph for the bike lane, the turn radii of the reserve curves on the north end of the project site should be a minimum of 18 feet and signage should be added ahead of the curves to inform cyclists to slow down to 10 mph.

ATTACHMENTS

Appendix A – Traffic Counts

Appendix B – Intersection Level of Service Calculations

Appendix C – Parking Study

Appendix A

Traffic Counts



ALL TRAFFIC DATA SERVICES

(303) 216-2439

www.alltrafficdata.net

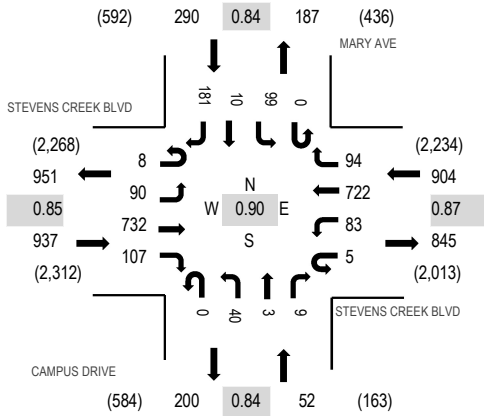
Location: 1 CAMPUS DRIVE & STEVENS CREEK BLVD AM

Date: Tuesday, October 7, 2025

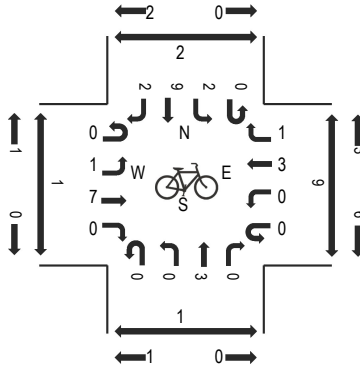
Peak Hour: 08:00 AM - 09:00 AM

Peak 15-Minutes: 08:15 AM - 08:30 AM

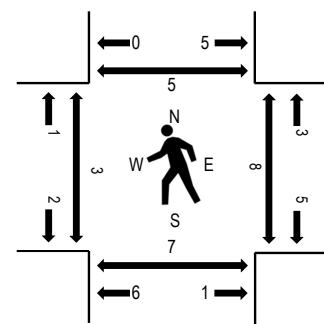
Peak Hour - Motorized Vehicles



Peak Hour - Bicycles



Peak Hour - Pedestrians



Note: Total study counts contained in parentheses.

Traffic Counts - Motorized Vehicles

Interval Start Time	STEVENS CREEK BLVD Eastbound				STEVENS CREEK BLVD Westbound				CAMPUS DRIVE Northbound				MARY AVE Southbound				Total	Rolling Hour	Pedestrian Crossings			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right			West	East	South	North
7:00 AM	1	13	67	10	0	5	88	12	0	3	0	0	0	3	0	16	218	1,098	0	1	2	1
7:15 AM	1	15	66	3	1	3	115	7	0	1	0	1	0	5	1	15	234	1,403	0	3	0	0
7:30 AM	0	10	82	6	2	4	130	6	0	4	0	2	0	30	0	20	296	1,773	0	0	1	1
7:45 AM	4	24	94	14	1	7	129	22	0	3	0	0	0	22	1	29	350	1,975	0	2	0	1
8:00 AM	1	17	129	19	1	16	208	34	0	10	0	3	0	27	2	56	523	2,183	0	0	1	1
8:15 AM	0	25	202	25	1	28	196	19	0	14	2	4	0	27	4	57	604	2,090	2	5	3	0
8:30 AM	4	28	155	27	2	17	167	18	0	7	1	1	0	34	3	34	498	2,034	0	0	3	2
8:45 AM	3	20	246	36	1	22	151	23	0	9	0	1	0	11	1	34	558	2,069	1	3	0	2
9:00 AM	0	13	142	39	1	44	116	21	0	12	1	6	0	9	3	23	430	2,020	0	5	0	1
9:15 AM	0	10	190	58	0	46	160	20	0	17	1	7	0	8	1	30	548		2	5	0	1
9:30 AM	0	16	220	45	0	21	152	11	0	17	2	10	0	8	1	30	533		1	4	0	2
9:45 AM	0	20	167	45	1	24	157	24	0	18	1	5	0	18	3	26	509		0	3	0	3
Count Total	14	211	1,760	327	11	237	1,769	217	0	115	8	40	0	202	20	370	5,301		6	31	10	15
Peak Hour	8	90	732	107	5	83	722	94	0	40	3	9	0	99	10	181	2,183		3	8	7	5



ALL TRAFFIC DATA SERVICES

(303) 216-2439

www.alltrafficdata.net

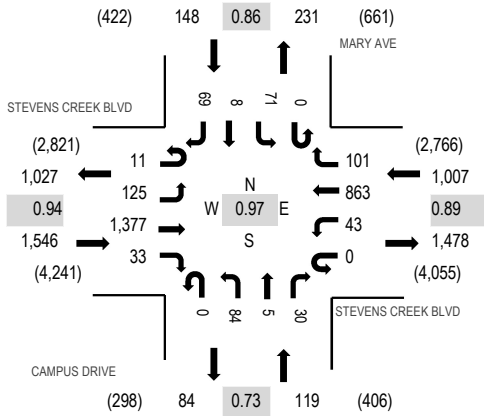
Location: 1 CAMPUS DRIVE & STEVENS CREEK BLVD PM

Date: Tuesday, October 7, 2025

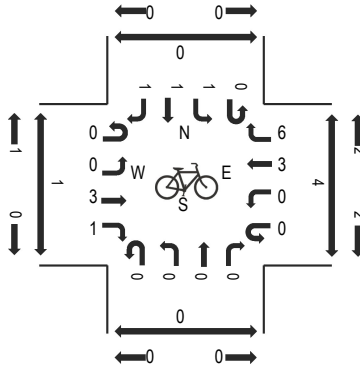
Peak Hour: 05:00 PM - 06:00 PM

Peak 15-Minutes: 05:15 PM - 05:30 PM

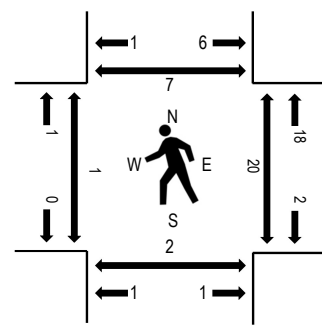
Peak Hour - Motorized Vehicles



Peak Hour - Bicycles



Peak Hour - Pedestrians



Note: Total study counts contained in parentheses.

Traffic Counts - Motorized Vehicles

Interval Start Time	STEVENS CREEK BLVD Eastbound				STEVENS CREEK BLVD Westbound				CAMPUS DRIVE Northbound				MARY AVE Southbound				Total	Rolling Hour	Pedestrian Crossings			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right			West	East	South	North
4:00 PM	5	34	370	18	0	17	200	20	0	16	3	21	0	12	0	23	739	2,666	0	9	2	1
4:15 PM	0	23	247	16	0	9	197	22	0	29	2	11	0	16	2	16	590	2,637	2	3	1	0
4:30 PM	1	19	340	18	0	9	186	17	0	20	0	14	0	17	1	17	659	2,773	1	6	0	1
4:45 PM	1	20	394	16	0	7	165	16	0	9	0	12	0	25	0	13	678	2,781	0	1	0	1
5:00 PM	4	40	383	4	0	8	188	28	0	20	1	6	0	9	5	14	710	2,820	0	2	0	0
5:15 PM	3	26	345	14	0	9	235	26	0	19	2	6	0	21	1	19	726	2,728	0	1	1	5
5:30 PM	1	29	297	7	0	12	221	17	0	25	1	12	0	20	1	24	667	2,757	1	13	0	2
5:45 PM	3	30	352	8	0	14	219	30	0	20	1	6	0	21	1	12	717	2,667	0	4	1	0
6:00 PM	7	26	268	16	1	14	163	42	0	28	1	17	0	16	3	16	618	2,349	1	12	0	0
6:15 PM	4	44	305	20	2	15	229	39	0	39	3	16	0	16	3	20	755		1	6	0	2
6:30 PM	4	31	248	14	2	6	183	29	0	18	2	9	0	18	1	12	577		1	5	1	0
6:45 PM	2	23	159	2	1	6	149	13	0	11	1	5	0	15	1	11	399		1	2	1	3
Count Total	35	345	3,708	153	6	126	2,335	299	0	254	17	135	0	206	19	197	7,835		8	64	7	15
Peak Hour	11	125	1,377	33	0	43	863	101	0	84	5	30	0	71	8	69	2,820		1	20	2	7

Appendix B

Intersection Level of Service Calculations

HCM 7th Signalized Intersection Summary
1: Campus Dr/Mary Ave & Stevens Creek Blvd

Existing AM
1 - Ex AM

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	98	732	107	88	722	94	40	3	9	99	10	181
Future Volume (veh/h)	98	732	107	88	722	94	40	3	9	99	10	181
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Lane Width Adj.	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	109	813	119	98	802	104	44	3	10	110	11	201
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	141	1207	176	128	1193	154	129	143	478	143	787	793
Arrive On Green	0.08	0.27	0.27	0.07	0.26	0.26	0.04	0.38	0.38	0.08	0.42	0.42
Sat Flow, veh/h	1781	4502	655	1781	4578	590	3456	379	1264	1781	1870	1585
Grp Volume(v), veh/h	109	614	318	98	595	311	44	0	13	110	11	201
Grp Sat Flow(s),veh/h/ln	1781	1702	1752	1781	1702	1764	1728	0	1643	1781	1870	1585
Q Serve(g_s), s	5.3	14.3	14.5	4.8	14.0	14.1	1.1	0.0	0.4	5.4	0.3	6.5
Cycle Q Clear(g_c), s	5.3	14.3	14.5	4.8	14.0	14.1	1.1	0.0	0.4	5.4	0.3	6.5
Prop In Lane	1.00		0.37	1.00		0.33	1.00		0.77	1.00		1.00
Lane Grp Cap(c), veh/h	141	913	470	128	887	460	129	0	621	143	787	793
V/C Ratio(X)	0.77	0.67	0.68	0.77	0.67	0.68	0.34	0.00	0.02	0.77	0.01	0.25
Avail Cap(c_a), veh/h	510	1929	993	490	1891	980	368	0	621	510	787	793
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	40.2	29.1	29.2	40.6	29.5	29.6	41.8	0.0	17.4	40.2	15.0	12.7
Incr Delay (d2), s/veh	8.6	0.9	1.7	9.2	0.9	1.7	1.6	0.0	0.1	8.5	0.0	0.8
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.6	5.8	6.2	2.4	5.7	6.0	0.5	0.0	0.2	2.7	0.1	2.3
Unsig. Movement Delay, s/veh												
LnGrp Delay(d), s/veh	48.8	30.0	30.9	49.8	30.4	31.3	43.4	0.0	17.4	48.7	15.1	13.5
LnGrp LOS	D	C	C	D	C	C	D		B	D	B	B
Approach Vol, veh/h	1041			1004			57			322		
Approach Delay, s/veh	32.2			32.6			37.5			25.6		
Approach LOS	C			C			D			C		
Timer - Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	11.6	38.2	10.9	28.4	7.8	42.0	11.6	27.7				
Change Period (Y+Rc), s	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5				
Max Green Setting (Gmax), s	25.5	21.5	24.5	50.5	9.5	37.5	25.5	49.5				
Max Q Clear Time (g_c+I1), s	7.4	2.4	6.8	16.5	3.1	8.5	7.3	16.1				
Green Ext Time (p_c), s	0.2	0.0	0.2	7.4	0.0	0.7	0.2	7.1				
Intersection Summary												
HCM 7th Control Delay, s/veh	31.6											
HCM 7th LOS	C											

HCM 7th Signalized Intersection Summary

1: Campus Dr/Mary Ave & Stevens Creek Blvd

Existing PM
2 - Ex PM

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		  			  		 					
Traffic Volume (veh/h)	136	1377	33	43	863	101	84	5	30	71	8	69
Future Volume (veh/h)	136	1377	33	43	863	101	84	5	30	71	8	69
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Lane Width Adj.	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	151	1530	37	48	959	112	93	6	33	79	9	77
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	188	2210	53	67	1684	196	165	72	393	103	555	637
Arrive On Green	0.11	0.43	0.43	0.04	0.36	0.36	0.05	0.29	0.29	0.06	0.30	0.30
Sat Flow, veh/h	1781	5128	124	1781	4637	540	3456	250	1373	1781	1870	1585
Grp Volume(v), veh/h	151	1016	551	48	703	368	93	0	39	79	9	77
Grp Sat Flow(s),veh/h/ln	1781	1702	1848	1781	1702	1773	1728	0	1623	1781	1870	1585
Q Serve(g_s), s	8.0	23.3	23.3	2.6	15.9	16.0	2.5	0.0	1.7	4.2	0.3	2.9
Cycle Q Clear(g_c), s	8.0	23.3	23.3	2.6	15.9	16.0	2.5	0.0	1.7	4.2	0.3	2.9
Prop In Lane	1.00		0.07	1.00		0.30	1.00		0.85	1.00		1.00
Lane Grp Cap(c), veh/h	188	1467	797	67	1236	644	165	0	465	103	555	637
V/C Ratio(X)	0.80	0.69	0.69	0.72	0.57	0.57	0.56	0.00	0.08	0.77	0.02	0.12
Avail Cap(c_a), veh/h	510	2426	1317	250	1930	1005	413	0	465	324	555	637
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	42.0	22.2	22.2	45.8	24.6	24.6	44.8	0.0	25.1	44.7	23.9	18.1
Incr Delay (d2), s/veh	7.8	0.6	1.1	13.3	0.4	0.8	3.0	0.0	0.4	11.3	0.1	0.4
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	3.9	9.0	9.9	1.4	6.3	6.7	1.1	0.0	0.7	2.2	0.2	1.1
Unsig. Movement Delay, s/veh												
LnGrp Delay(d), s/veh	49.8	22.8	23.3	59.1	25.0	25.4	47.8	0.0	25.4	56.0	24.0	18.5
LnGrp LOS	D	C	C	E	C	C	D		C	E	C	B
Approach Vol, veh/h	1718			1119			132			165		
Approach Delay, s/veh	25.3			26.6			41.2			36.7		
Approach LOS	C			C			D			D		
Timer - Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	10.0	32.0	8.1	45.9	9.1	33.0	14.6	39.4				
Change Period (Y+Rc), s	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5				
Max Green Setting (Gmax), s	17.5	22.5	13.5	68.5	11.5	28.5	27.5	54.5				
Max Q Clear Time (g_c+I1), s	6.2	3.7	4.6	25.3	4.5	4.9	10.0	18.0				
Green Ext Time (p_c), s	0.1	0.1	0.0	16.2	0.1	0.2	0.4	9.0				
Intersection Summary												
HCM 7th Control Delay, s/veh				27.0								
HCM 7th LOS				C								

HCM 7th Signalized Intersection Summary
1: Campus Dr/Mary Ave & Stevens Creek Blvd

Existing+Project AM
3 - Ex+P AM

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		  			  		 					
Traffic Volume (veh/h)	100	732	107	88	722	95	40	3	9	103	10	186
Future Volume (veh/h)	100	732	107	88	722	95	40	3	9	103	10	186
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Lane Width Adj.	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	111	813	119	98	802	106	44	3	10	114	11	207
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	144	1206	175	131	1191	156	129	142	473	147	785	793
Arrive On Green	0.08	0.27	0.27	0.07	0.26	0.26	0.04	0.37	0.37	0.08	0.42	0.42
Sat Flow, veh/h	1781	4502	655	1781	4567	600	3456	379	1264	1781	1870	1585
Grp Volume(v), veh/h	111	614	318	98	597	311	44	0	13	114	11	207
Grp Sat Flow(s),veh/h/ln	1781	1702	1752	1781	1702	1762	1728	0	1643	1781	1870	1585
Q Serve(g_s), s	5.5	14.4	14.5	4.8	14.0	14.2	1.1	0.0	0.4	5.6	0.3	6.7
Cycle Q Clear(g_c), s	5.5	14.4	14.5	4.8	14.0	14.2	1.1	0.0	0.4	5.6	0.3	6.7
Prop In Lane	1.00		0.37	1.00		0.34	1.00		0.77	1.00		1.00
Lane Grp Cap(c), veh/h	144	912	469	131	888	460	129	0	615	147	785	793
V/C Ratio(X)	0.77	0.67	0.68	0.75	0.67	0.68	0.34	0.00	0.02	0.77	0.01	0.26
Avail Cap(c_a), veh/h	509	1925	991	489	1886	977	368	0	615	509	785	793
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	40.3	29.2	29.3	40.6	29.6	29.6	41.9	0.0	17.6	40.2	15.1	12.8
Incr Delay (d2), s/veh	8.5	0.9	1.7	8.2	0.9	1.8	1.6	0.0	0.1	8.4	0.0	0.8
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.7	5.8	6.2	2.4	5.7	6.1	0.5	0.0	0.2	2.8	0.1	2.4
Unsig. Movement Delay, s/veh												
LnGrp Delay(d), s/veh	48.7	30.1	31.0	48.8	30.5	31.4	43.5	0.0	17.7	48.5	15.2	13.6
LnGrp LOS	D	C	C	D	C	C	D		B	D	B	B
Approach Vol, veh/h	1043			1006			57			332		
Approach Delay, s/veh	32.3			32.5			37.6			25.6		
Approach LOS	C			C			D			C		
Timer - Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	11.9	37.9	11.1	28.4	7.8	42.0	11.7	27.8				
Change Period (Y+Rc), s	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5				
Max Green Setting (Gmax), s	25.5	21.5	24.5	50.5	9.5	37.5	25.5	49.5				
Max Q Clear Time (g_c+I1), s	7.6	2.4	6.8	16.5	3.1	8.7	7.5	16.2				
Green Ext Time (p_c), s	0.2	0.0	0.2	7.4	0.0	0.7	0.2	7.1				
Intersection Summary												
HCM 7th Control Delay, s/veh				31.6								
HCM 7th LOS				C								

HCM 7th Signalized Intersection Summary
1: Campus Dr/Mary Ave & Stevens Creek Blvd

Existing PM
4 - Ex+P PM

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		  			  		 					
Traffic Volume (veh/h)	141	1377	33	43	863	105	84	5	30	73	8	73
Future Volume (veh/h)	141	1377	33	43	863	105	84	5	30	73	8	73
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Lane Width Adj.	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	157	1530	37	48	959	117	93	6	33	81	9	81
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	194	2210	53	67	1658	202	165	71	391	105	555	643
Arrive On Green	0.11	0.43	0.43	0.04	0.36	0.36	0.05	0.29	0.29	0.06	0.30	0.30
Sat Flow, veh/h	1781	5128	124	1781	4612	561	3456	250	1373	1781	1870	1585
Grp Volume(v), veh/h	157	1016	551	48	707	369	93	0	39	81	9	81
Grp Sat Flow(s),veh/h/ln	1781	1702	1848	1781	1702	1769	1728	0	1623	1781	1870	1585
Q Serve(g_s), s	8.3	23.3	23.3	2.6	16.1	16.2	2.5	0.0	1.7	4.3	0.3	3.1
Cycle Q Clear(g_c), s	8.3	23.3	23.3	2.6	16.1	16.2	2.5	0.0	1.7	4.3	0.3	3.1
Prop In Lane	1.00		0.07	1.00		0.32	1.00		0.85	1.00		1.00
Lane Grp Cap(c), veh/h	194	1467	797	67	1224	636	165	0	463	105	555	643
V/C Ratio(X)	0.81	0.69	0.69	0.72	0.58	0.58	0.56	0.00	0.08	0.77	0.02	0.13
Avail Cap(c_a), veh/h	510	2426	1317	250	1930	1003	413	0	463	324	555	643
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	41.8	22.2	22.2	45.8	24.9	24.9	44.8	0.0	25.2	44.6	23.9	17.9
Incr Delay (d2), s/veh	7.7	0.6	1.1	13.3	0.4	0.8	3.0	0.0	0.4	11.1	0.1	0.4
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	4.0	9.0	9.9	1.4	6.4	6.8	1.1	0.0	0.7	2.2	0.2	1.2
Unsig. Movement Delay, s/veh												
LnGrp Delay(d), s/veh	49.6	22.8	23.3	59.1	25.3	25.7	47.8	0.0	25.5	55.7	24.0	18.3
LnGrp LOS	D	C	C	E	C	C	D		C	E	C	B
Approach Vol, veh/h	1724			1124			132			171		
Approach Delay, s/veh	25.4			26.9			41.2			36.3		
Approach LOS	C			C			D			D		
Timer - Assigned Phs	1	2	3	4	5	6	7	8				
Phs Duration (G+Y+Rc), s	10.2	31.9	8.1	45.9	9.1	33.0	15.0	39.1				
Change Period (Y+Rc), s	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5				
Max Green Setting (Gmax), s	17.5	22.5	13.5	68.5	11.5	28.5	27.5	54.5				
Max Q Clear Time (g_c+I1), s	6.3	3.7	4.6	25.3	4.5	5.1	10.3	18.2				
Green Ext Time (p_c), s	0.1	0.1	0.0	16.2	0.1	0.2	0.4	9.0				
Intersection Summary												
HCM 7th Control Delay, s/veh	27.2											
HCM 7th LOS	C											

Appendix C

Parking Study



HEXAGON TRANSPORTATION CONSULTANTS, INC.

Memorandum

Date: September 8, 2025

To: Mr. Andy Lief, Charities Housing

From: Gary K. Black
Nivedha Baskarapandian

Subject: Parking Study and Trip Generation Estimate for the Proposed Affordable Housing Project on Mary Avenue in Cupertino, California

Hexagon Transportation Consultants, Inc. has completed a parking study and trip generation estimate for the proposed affordable housing project on Mary Avenue in Cupertino, California. The project proposes affordable housing between the CA-85 soundwall and Mary Avenue and would provide 19 units for the developmentally disabled and 21 affordable units. Between Lubec Street and Stevens Creek Boulevard, 171 diagonal parking spaces are provided along the west side, and 70 parallel parking spaces are provided on the east side of Mary Avenue.

First Parking Counts

Parking counts were completed to determine the current maximum occupied parking spaces on Mary Avenue between Lubec Street and Stevens Creek Boulevard

Vehicle parking counts were conducted along Mary Avenue on the following dates and times to determine the parking demand of the existing parking spaces (see Attachment 1). These times were chosen based on predicted usage of the existing parking spaces from the neighboring park and other surrounding uses.

- Saturday April 12, 2025, from 12:00-1:00 PM
- Tuesday April 15, 2025, from 12:00-1:00 AM, 2:00-3:00 PM, and 7:00-8:00 PM
- Thursday April 17, 2025, from 12:00-1:00 AM, 2:00-3:00 PM, and 7:00-8:00 PM

The peak parking demand was found to be 24 spaces on the west side of Mary Avenue and six spaces on the east side of Mary Avenue between 2:00-3:00 PM on Thursday April 17, for a total of 30 occupied spaces.

Additional Parking Counts

The first set of parking counts did not denote where the cars were parked along the street. Therefore, additional counts were conducted. Counts were counted along Mary Avenue from Lubec Street and Stevens Creek Boulevard on Thursday April 24, 2025, from 2:00-3:00 PM which was determined to be the time most parking spaces were occupied (see Attachment 1). Figure 1 shows the summary of the additional parking counts.



Figure 1
Mary Avenue Parking Summary

The peak parking demand based on the additional count was found to be 26 spaces on the west side of Mary Avenue and 11 spaces on the east side of Mary Avenue, for a total of 37 spaces occupied on Mary Avenue between Lubec Street and Stevens Creek Boulevard.

Trip Generation Estimates

Hexagon prepared trip estimates for the proposed project using trip generation rates from the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 12th Edition, 2025* (see Table 1), Senior Adult Housing - Multifamily (Land Use 252) and Affordable Housing (Land Use 223). Developmentally disabled housing is not a category in the ITE manual. Senior Housing will perhaps over-estimate the number of trips, but best represents housing for people that are not going to work or school on a daily basis. Affordable Housing includes multifamily housing that is rented at below market rate. Eligibility to live in affordable housing can be a function of limited household income, resident age, or special needs. These ITE land use categories best represent the units proposed. The developmentally disabled units would be for residents who are unable to operate vehicles, and the affordable housing units would be for low-income residents.

Based on the trip generation rates, the project would generate 164 new daily trips, with 12 new trips (three inbound and nine outbound) during both the AM peak hour and 15 new trips (nine inbound and six outbound) during the PM peak hour. This small number of trips would not cause any noticeable change to traffic operations on Mary Avenue or other streets in the area.

Table 1 Trip Generation Estimates

Land Use	Size	Daily Rate ¹	Daily Trips	AM Peak Hour				PM Peak Hour			
				Rate	In	Out	Total	Rate	In	Out	Total
Proposed											
Disabled Housing ¹	19 d.u.	3.25	62	0.19	1	3	4	0.25	3	2	5
Affordable Housing ²	21 d.u.	4.87	102	0.36	2	6	8	0.46	6	4	10
Total Project Trips			164		3	9	12		9	6	15
Notes											
d.u. = dwelling units											
¹ Trip generation rate for the proposed housing for the developmentally disabled is based on the ITE's <i>Trip Generation Manual, 12th Edition</i> rates for Land Use Code 252 "Senior Adult Housing - Multifamily."											
² Trip generation rate for the proposed affordable are based on the ITE's <i>Trip Generation Manual, 12th Edition</i> rates for Land Use Code 223 "Affordable Housing."											

Conclusion

The results of the parking study and trip generation estimates are summarized below.

- On Mary Avenue between Lubec Street and Stevens Creek Boulevard, at most 37 vehicles were parked which occurred during a weekday from 2:00 -3:00 PM.
- The project would generate 164 new daily trips with 12 new trips during the AM peak hour and 15 new trips during the PM peak hour. This small number of trips would not cause any noticeable change to traffic operations on Mary Avenue or other streets in the area.

Attachment 1
Parking Counts

Parking Count- 25NB03(Cupertino)

Date: 4/12-4/17/25

Counters: Jo

Location: Mary Ave.

Weather: Fair

AUTO CENSUS

Traffic Monitoring and Analysis

445 Lily Ann Way

San Jose, CA 95123

Mary Avenue

Date	Time	West	East	Total
12-Apr	12-1pm	8	0	8
15-Apr	12-1am	1	0	1
15-Apr	2-3pm	21	8	29
15-Apr	7-8pm	1	0	1
17-Apr	12-1am	1	0	1
17-Apr	2-3pm	24	6	30
17-Apr	7-8pm	3	1	4

Mary One
4/23/25

Lake St.

W

F

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2 pm 26 8

2:30 26 8

3:00 26 8

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House
Painters

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occupied for
the hour.

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x
x

17

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26

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Stenens Creek

Trail to Stevens Creek is $\frac{1}{2}$ mile long.