

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
 - o Especially 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,

 10/23/2025
Sign Date

JAMES AIKEN
Print Name

 10-23-25
Sign Date

LINDA AIKEN
Print Name

UNABLE TO ATTEND NOV BLOCK PARTY, BUT
WE ARE FULLY AGAINST MARY AVE HOUSING PROJECT!

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Mina Fotouhi

Print Name

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Barbara L Barron 10-10-25
Sign Date

Richard P. Barron Jr. 10-10-2025
Sign Date

Barbara L Barron
Print Name

RICHARD P. BARRON JR.
Print Name

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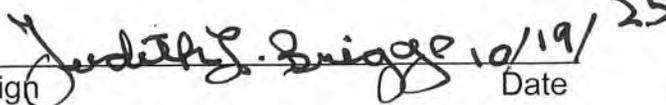
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 Sign _____ Date 10/19/25

Sign _____ Date _____

Judith L. Briggs

 Print Name

 Print Name

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Iwao Shintani
Sign _____ Date _____

Miye Shintani
Sign _____ Date _____

Iwao Shintani
Print Name

MIYE SHINTANI
Print Name

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Sign 10/24/25
Date

Larry Lien

Print Name



Sign 10/24/25
Date

Janey Lien

Print Name

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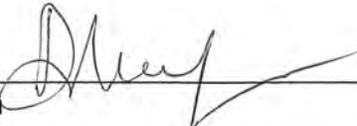
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Sign

17 Oct 2025

Date



Sign

Date

RAM MOHAN SRINASTHY

Print Name

DHANU VEERAPAM

Print Name

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P. Bhanu P 10/26/25
Sign Date

BHANU PRAKASH P
Print Name

A. Krishna Veni _____
Sign Date

KRISHNA VENI ANIAM
Print Name

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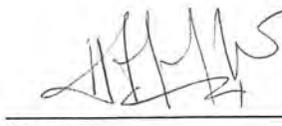
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Shuaihua Chen

Print Name

Imelda Bambang

Print Name

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Sincerely,

Susan Tsao 10/17/2025
Sign Date

Sign Date

SUSAN TSAO
Print Name

Print Name

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Sign

10/16/25

Date



Sign

10/18/25

Date

Irene Liando

Print Name

Ming-Juan Chen

Print Name

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Sign Date

Ranjan Desai 10/12/2025
Sign Date

Print Name

RANJAN DESAI
Print Name
Ranjan Desai
10335 Mary Ave
Cupertino CA 95014-1339
Santa Cruz SPCA

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THOMAS BUCCIONE
Print Name

Print Name

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PLEASE DO NOT APPROVE THIS. IT WILL NOT WORK!

Sincerely,

Barbara A. Jones

Sign Date

Sign Date

BARBARA A. JONES

Print Name

Print Name

LIVING ON CASTINE SINCE IT OPENED. MARY WOULD BE WORTHLESS TO ME.

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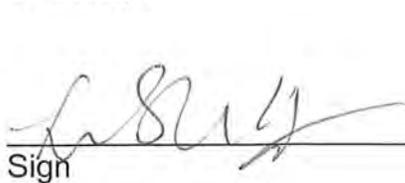
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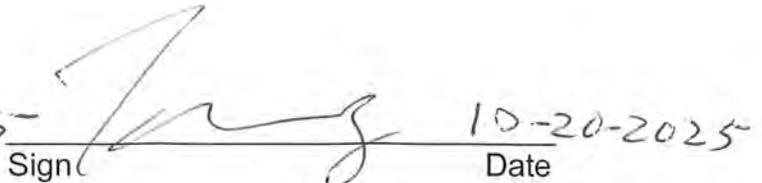
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Sign

10-20-2025
Date


Sign

10-20-2025
Date

LIN SHAN HUANG
Print Name

TON Churo Huang
Print Name

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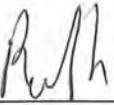
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Sign
10/20/2025
Date

Robertson Ku

Print Name



Sign
10/10/2025
Date

Xianghui Liu

Print Name

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Sign

26th Oct 2025

Date

Supreeth Rao

Print Name



Sign

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Date

Suvarna Joshi

Print Name

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Supreeth Rao
Print Name



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Suvarna Joshi
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Sign Linda Stephens Date 10/22/25

Print Name Linda Stephens

Sign Greg Stephens Date 10/28/25

Print Name Greg Stephens

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

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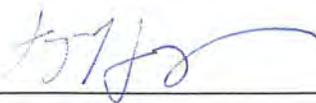
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As our representative of the Cupertino City Council, we ask that you do the proper thing by us. Protect Our Safety and Quality of Life! **VOTE NO on this location.** It isn't the right place!

Sincerely,

 10/27/25

Sign Date

Jason Huang

Print Name

 10/29/25

Sign Date

Marina Huang

Print Name

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

Subject: Concerns of Mary Ave Villas housing project

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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.

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

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Sign Date 10/27/25

ARIA KATZ

Print Name



Sign Date 10/27/25

Deborah A. Katz

Print Name

10/27/25

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

Subject: Concerns of Mary Ave Villas housing project

As residents of Anson Avenue we are very concerned about this project.

The project is estimated to remove **19.5 feet, or 26%** of its current width/public-right-of-way.

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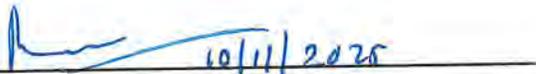
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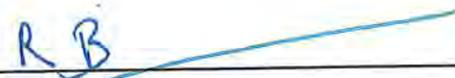
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_____ 10/11/2025

Sign Date Sign Date



Print Name Print Name

Envelop

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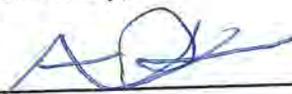
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Sign Date Sign Date



Print Name Print Name

Envelop



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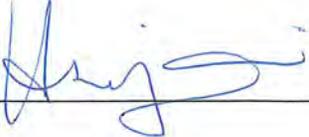
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Sign Date

10/12/2025

Sign Date

Hsu Jih Dai

Print Name

Print Name

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Mitzy Butte 10/11/25
Sign Date

Eric Butte 10-11-25
Sign Date

Mitzy Butte
Print Name

Eric Butte
Print Name

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Sign Date 10/8/2025

Alan Wei

Print Name



Sign Date 10/8/2025

Howard Wei

Print Name

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Patricia Cepeda 10-10-25
Sign Date

John Cepeda 10-10-25
Sign Date

Patricia Cepeda
Print Name

JOHN CEPEDA
Print Name

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Joshua Anne ^{10/12/25}
Sign Date

JOSHI ANNE
Print Name

Kusuma Anne ^{10/12/25}
Sign Date

KUSUMA ANNE
Print Name

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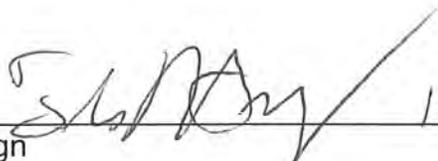
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Sincerely,



Sign Date 10/12/2025

Thomas Hwang

Print Name



Sign Date 10/12/2025

Yaping J. Liao

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.

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Sincerely,



10/12/21

Sign Date

Sign Date

SUNIL WADHWAN

Print Name

Print Name

Pr: 21428 METEOR DR. CUPERTINO, CA, 95014

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

As a long time resident of Cupertino and has been living here since 1981, I VOTE NO on this Housing Project! P/s. MOVE your project somewhere else! Mary Ave. is getting way too crowded and dangerous for seniors like me who consistently use Mary Ave to get to the freeways, Parks, etc.

Sincerely,

Hostiles

Sign

ELIZABETH STILES

Printed Name

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Stephen K. Proffitt 10/14/25
Sign Date

Arnita M. Proffitt 10/14/25
Sign Date

STEPHEN K. PROFFITT
Print Name

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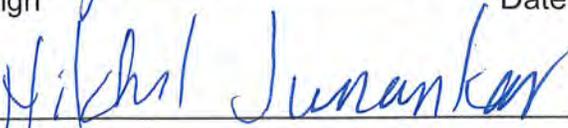
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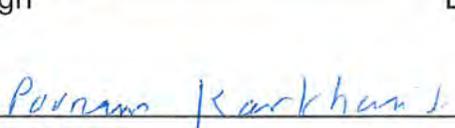
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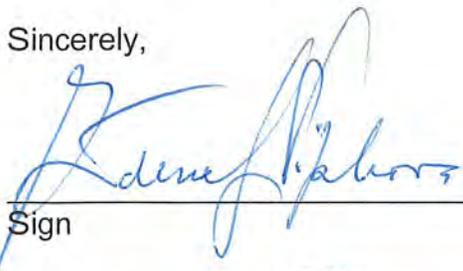
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Sign

10/13/25

Date

Sign

Date

ZDENA P. PIPKOVA

Print Name

Print Name

Print Name

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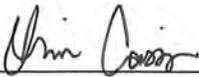
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Sign Date 10/10/25

IRWIN CASIANO

Print Name



Sign Date 10/12/2025

Victoria Piccio

Print Name

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Xingqin Lin 10/10/2025
 Sign Date

Xi Yang 10/10/2025
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XINGQIN LIN
 Print Name

XI YANG
 Print Name

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Sincerely,

Barbara A. Ross
 Sign _____ Date 10-12-2025

 Sign _____ Date _____

BARBARA A. ROSS
 Print Name _____

 Print Name _____

*I am losing my faith in CUPERTINO GOVERNMENT.
 I do not think you are making a good decision on this.*

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Sincerely,

Sandy Paddock 10/14/25
 Sign Date Sign Date

SANDY PADDOCK
 Print Name Print Name

10469 Mary Ave
 CUPERTINO CA 95014.

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Subject: Concerns of Mary Ave Villas housing project

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Date 10/13/25

Hung-Wei Tsai

Print Name



Date 10/13/25

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 Sign Date

KAH CHANG

 Print Name



 Sign Date

Michael CHANG

 Print Name

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Maria L. Lopez *9/8/25*

Sign

Date

Sign

Date

Maria L. Lopez

Print Name

Print Name

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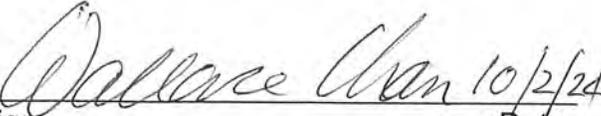
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Sign _____ Date 10/2/24

WALLACE CHAN
Print Name _____


Sign _____ Date 10/8/2025

HELENE CHAN 10/8/2025
Print Name _____

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Sign  Date 10/08/25

Print Name MANAS BAGODAN

Sign _____ Date

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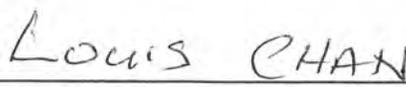
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 10/8/25

Sign Date

VRADEJ CHINDOKORWONG
Print Name

 10/8/25

Sign Date

LING M CHINDOKORWONG
Print Name

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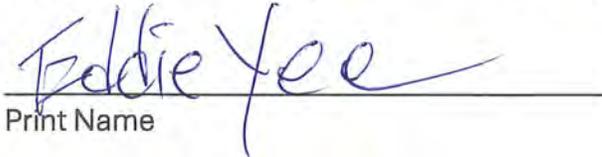
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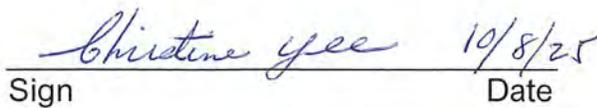
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Sign Date 10/8/25



Print Name



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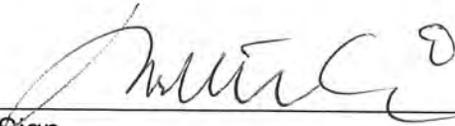
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Sign Date

WALTER LI

Print Name



Sign Date

MAY LI

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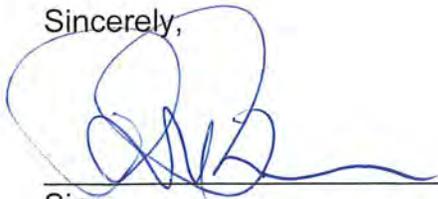
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Sincerely,



Sign Date

Sign Date

Dan Ramsauer

Print Name

Print Name

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Usha 10/8/25
Sign Date

Usha Jain
Print Name

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Edgardo M. del Rosario 10/9/25
Sign Date

Remedios V. del Rosario 10/9/25
Sign Date

EDGARDO M. del ROSARIO
Print Name

REMEDIOS V. DEL ROSARIO
Print Name

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Shuo-Hao Chen 10/8/2025
Sign Date

SHUO-HAO CHEN
Print Name

Su-Ling Liou 10/8/2025
Sign Date

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It will be too congested ; this place is being used by bicyclist and runners now.

*Luzu Egin Reader
10/09/2025*

*Lamy 2 Linder
10/09/20/25*

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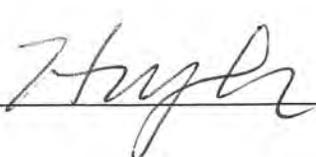
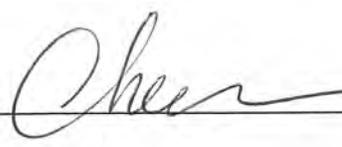
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<u>Phuoc Long HUYNH</u> Print Name		<u>Chung Ning HUYNH</u> Print Name	

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Ramachandran Krishnaswamy 10/18/2025

Sign _____ Date _____ Sign _____ Date _____

Ramachandran Krishnaswamy

Print Name _____ Print Name _____

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Louisa Mei Wong 10/8/2025
Sign Date

Anthony Wong 10/8/25
Sign Date

LOUISA MEI WONG
Print Name

ANTHONY WONG
Print Name

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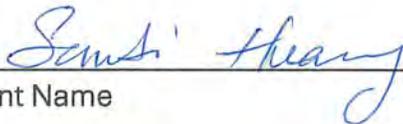
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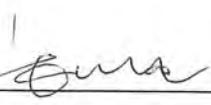
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Sincerely,



Sign Date 10/10/2025

Wing Yan Poon

Print Name



Sign Date 10/10/2025

An Chan

Print Name

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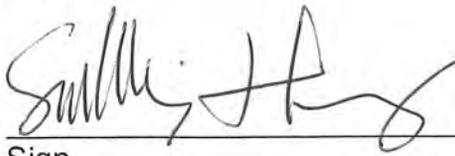
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Sign Date 10/8/2025

Su-Wei Huang

Print Name



Sign Date 10/8/2025

MICHAEL WAN

Print Name

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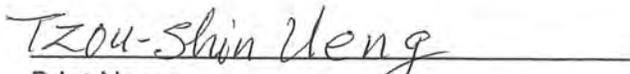
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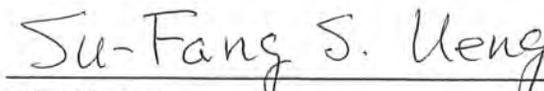
Sign Date 10/8/2025



Sign Date Oct 8, 2025



Print Name



Print Name

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Thomas R Capwell 10/9/25
 Sign Date

Athena Capwell 10/9/25
 Sign Date

THOMAS R CAPWELL
 Print Name

Athena Capwell
 Print Name

21103 GREENLEAF DR

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Sincerely,

MBandodkar
Sign

10/08/2025
Date

Nihar Bandodkar
Sign

10/08/2025
Date

Mrunal Bandodkar
Print Name

NIHAR BANDODKAR
Print Name

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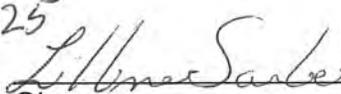
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Sign Date 10/08/2025

EDWARD SARBER
Print Name



Sign Date 10/8/2025

LILLINE SARBER
Print Name

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Hao Guo

Sign

10/8/2025

Date

Shu Liu

Sign

10/8/2025

Date

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Print Name

Shu Liu

Print Name

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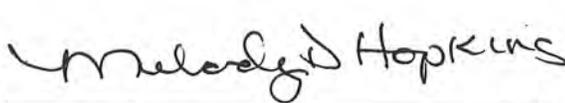
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Sign Date 10/08/25

JAY HOPKINS

Print Name

 10/7/25

Sign Date

Melody D. Hopkins

Print Name

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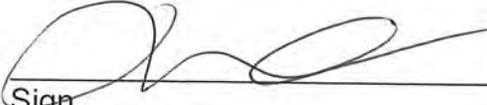
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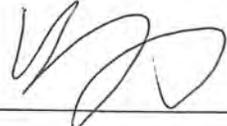
Sincerely,



Sign Date 10/8/2025

Michael Chu

Print Name



Sign Date 10/8/2025

Lucy Chu

Print Name

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Erna Trogisch 10-8-25

Sign Date Sign Date

Erna Trogisch

Print Name Print Name

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Subject: Concerns of Mary Ave Villas housing project

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Safety risks:

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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
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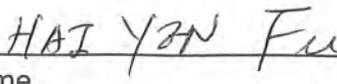
Sign Date 10/9/2025



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Gary W. Tietz 10/8/25
Sign Date

Mary Tietz 10/8/25
Sign Date

GARY W. TIETZ
Print Name

Mary Tietz
Print Name

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Mario D. D'Ortenzio 10-10-25
Sign Date

Arlene E. D'Ortenzio 10/10/25
Sign Date

MARIO D. D'ORTENZIO
Print Name

Arlene E. D'Ortenzio
Print Name

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Joseph Yee 10/9/2025
Sign Date

Joyce Yee 10/9/25
Sign Date

Joseph Yee
Print Name

Joyce I Yee
Print Name

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Mehdi Mortazavi
Sign _____ Date _____

Shahla Ehsasi
Sign _____ Date _____

Mehdi Mortazavi
Print Name

Shahla Ehsasi
Print Name

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John Goudey 10/9/25

 Sign Date

Carol

 Sign Date

John Goudey

 Print Name

Carol Goudey

 Print Name

21436 Rumford Dr.

✓

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Duleep Pillai 10/7/25
Sign Date

Duleep Pillai
Print Name

Reshmi AS 10/7/25
Sign Date

Reshmi Duleep
Print Name

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Ellis Wilkens

10/8/25

Sign Date

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Ellis Wilkens

Print Name

Print Name

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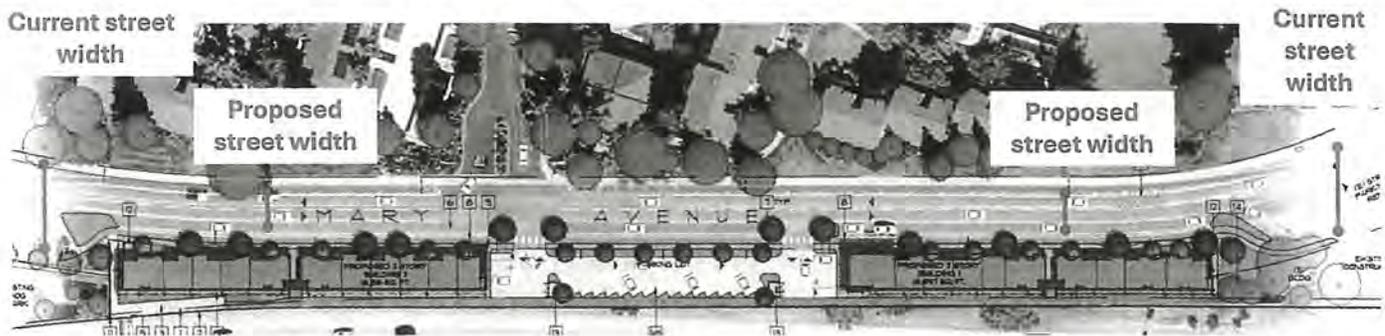
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Sign Jason Yee Date 10-8-25

Sign _____ Date _____

Jason Yee
Print Name

Print Name

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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
 - o Especially 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

10/8/2025

Date



Sign

10/9/2025

Date

ZHONG QING SHANG

Print Name

GUI FANG LIU

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
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Sincerely,


Sign _____ Date 10/10/25

Candice Yang
Print Name _____


Sign _____ Date 10/10/25

Richard Yang
Print Name _____

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Subject: Concerns of Mary Ave Villas housing project

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- (4) De Anza's new EVENT CENTER
- (5) De Anza's new Student Services Center.

From: [Peggy Griffin](#)
To: [Public Comments](#)
Cc: [Gian Martire](#)
Subject: 2025-07-15 City Council Meeting-ITEM11 Mary Ave ELI Housing Study Session
Date: Sunday, July 13, 2025 5:10:13 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 THIS EMAIL AS PART OF WRITTEN COMMUNICATION FOR THE ABOVE MEETING AGENDA ITEM.

Dear City Council and Staff,

Following questions/requests/comments regarding the Staff Report and Plan Set:

IMPORTANT – Power outages

Disabled people often have medical equipment that needs power either to run or to charge. I see solar panels but no reference to batteries for power outages. CPAP machines, hospital beds, elevators for wheelchair bound residents, charging for electric wheelchairs, lifts, etc. These are essential for everyday living. Loss of power can be very serious.

Q1: Can/will this project provide battery backup so at minimum, the elevators work?

Q2: Will the windows open in case power goes out on a very hot day?

DOG PARK AREA – parking across from it

Currently, there are parking spaces on the east side of Mary Ave directly across from the dog park.

Q3: Why are these being removed?

The bike lane could continue along the edge of the sidewalk as it does right now. Please preserve what few spaces that can be preserved on Mary Ave.

CONFUSION

There is a major confusion on the Plan Set regarding Mary Ave street parking

Q4: Are all the parking spaces on the east side of Mary Ave that are directly across from the ELI project being removed?

Page 3 of 16 (Overall Illustrated Plan), shows no parking on the east side of Mary Ave across from this ELI project BUT...

Page 11 of 16, Proposed ViewPoint A, right picture is the “after of Building #1” shows parking remaining on the east side of Mary Ave.

Page 11 of 16, Proposed ViewPoint B, right picture is the “after of Building #2) shows parking remaining on the east side of Mary Ave.

Page 12 of 16, Proposed ViewPoint C – same issue – shows parking remaining on east side

Disappointment with the Staff Report

Key facts are left out regarding this project. Minor details/numbers don't match the plan set. It refers to a non-existent Figure 1. Not to mention the following:

- The Staff Report just mentions diagonal parking spaces being removed and replaced with parallel parking. It does not mention that all the parallel street parking spaces will be dedicated to the project to provide a total of 55 spaces.
- There is no discussion or even a mention that Mary Ave will be re-configured in a major way as a result of this project.
- Since this is a BMR funded project, the units are typically available for 55 or 99 years but this is on public land, using public funds. I've heard these are "forever units" but I have not seen it in writing. This is a VERY important reason to support this project. Why is this not mentioned?

REQUEST1: For this Study Session, can staff provide "before" and "after" diagrams of Mary Ave showing all the changes they are proposing for this street?

REQUEST2: Please make sure as part of the lease agreement that the units are "forever units" and that the land will always remain publicly owned (not turned over to someone after so many years in exchange for developing this project)?

Thank you,
Peggy Griffin

Just for reference...

COMMENT #1 – Staff Report and Plan Set differ

- Staff Report says 20 units per building
- Plan Set says Building #1 has 19 units and Building #2 has 21 units

COMMENT #2 – Staff Report and Plan Set differ

- Staff Report says 18 units for disabled
- Plan Set says 19 units for disabled

COMMENT #3 – Missing "Figure 1"

- Staff Report says "...a Vicinity Map is provided as Figure 1" but there is no Figure 1
- Plan Set has a Vicinity Map on Page 1 of 16 (lower left corner)

From: [Mahesh Gurikar](#)
To: [City Council](#); [Tina Kapoor](#); [City Clerk](#); [Benjamin Fu](#); [Luke Connolly](#)
Subject: No new buildings on Mary Ave
Date: Thursday, July 10, 2025 2:40:55 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 Council Members

I am a long time resident of Cupertino and I live just off Mary Ave.

The city should not permit any new construction on west side of Mary Ave which will encroach on the current Mary Ave and parking slots. Memorial park hosts many events throughout the year which attracts lot of local and out of town visitors. Reducing the parking will make the situation worse for visitors.

Please do not permit any new construction on Mary Ave.

Thank you,
Mahesh Gurikar
Cupertino resident

From: [Trevor Lang](#)
To: [City Council](#); [City of Cupertino Planning Dept.](#); [Public Comments](#)
Subject: Public Comments on Application No.: ASA-2025-006 (Mary Avenue Housing Proposal)
Date: Tuesday, July 15, 2025 3:40:55 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.

Per "Notice of Public Hearing," regarding ASA-2025-006, please include my comments:

To Mr. Benjamin Fu, Director of Community Development, and to the Cupertino City Council:

I am writing to express my strong opposition to the proposed development of 40 extremely low-income and below-market-rate housing units for developmentally delayed individuals on city-owned property along Mary Avenue. As a father of two young children and a resident living near the proposed site, I am deeply concerned about the severe negative impacts this project would have on our neighborhood, particularly regarding **environmental health and safety for our community's most vulnerable residents.**

Mary Avenue is already a heavily burdened street, struggling to accommodate a significant volume of traffic and activity. We currently contend with a busy city service center on Mary Ave that generates constant truck and large service vehicle traffic carrying construction and landscaping equipment throughout the day. This existing congestion is further exacerbated by the newly-built townhomes and condominiums across from the heavily trafficked Memorial Park. This summer alone, Memorial Park has hosted weekly large city-sponsored events drawing hundreds of people, further straining the street's capacity. Beyond vehicular traffic, Mary Avenue serves as a crucial bicycle thoroughfare, connecting communities north and south of Highway 280 via the Mary Avenue bridge. Additionally, the popularity of the dog park next to the proposed development site brings many pet owners and their animals to the area, adding to the pedestrian activity.

Adding another 40 housing units, regardless of their specific purpose, will undeniably further congest Mary Avenue, a small, two-lane residential street that is already acting as a funnel for a large and diverse volume. **This increase in traffic poses significant safety risks for pedestrians, cyclists, and especially for the young children and developmentally delayed individuals who would reside at the proposed site and who may have unique vulnerabilities regarding street safety, spatial awareness, and response to traffic hazards.**

Beyond traffic, my opposition is rooted in serious environmental and public health concerns directly related to the site's proximity to **Highway 280:**

- **Air Quality and Elevated Health Risks for Vulnerable Populations:** The proposed site's adjacency to a major freeway (Highway 280) presents significant air quality concerns. California Air Resources Board (CARB) and California Department of Public Health (DPH) advisories strongly recommend a **500-foot buffer between freeways and sensitive land uses like residential housing** due to elevated levels of particulate matter and other air pollutants. Exposure to these pollutants is associated with increased rates of asthma, respiratory issues, cardiovascular disease, and impaired lung development in children. For developmentally delayed individuals, who may already have compromised

health or specific sensitivities, these risks are amplified. While certain CEQA exemptions aim to expedite affordable housing, these exemptions are **not intended to bypass critical health and safety assessments, especially when the proposed residents are among the community's most vulnerable**. The city has a moral and legal obligation to ensure the proposed housing provides a healthy living environment. I urge the city to provide a comprehensive **Health Risk Assessment** demonstrating how these significant health impacts will be mitigated to acceptable levels for *all* residents, and particularly for those with developmental disabilities who may experience heightened susceptibility.

- **Noise Pollution and Impact on Well-being:** The constant, high-level noise from Highway 280 would significantly impact the quality of life for residents of this proposed development and surrounding neighbors. The California Building Code (Title 24, Section 1207) establishes an interior noise standard of **45 dBA Ldn/CNEL for habitable rooms in multi-unit residential structures**. For developments in noise-critical areas like this one, an **acoustical analysis** is required to demonstrate compliance. For individuals with developmental delays, excessive noise can be particularly disruptive, affecting sleep, concentration, and potentially leading to sensory overload and behavioral challenges. The city must ensure that the proposed building design incorporates robust noise attenuation measures to meet, and ideally exceed, these standards, recognizing the specific needs of the future occupants.
- **Cumulative Environmental Impacts and the Spirit of CEQA:** While the project may claim a CEQA exemption due to its unit count, the spirit of CEQA is to identify and mitigate significant environmental impacts. The cumulative effect of this new development, combined with the existing city service center, dense housing, heavily trafficked park, and the proximity to a major freeway, will create unacceptable burdens on Mary Avenue's environment. **Exemptions are not meant to allow projects that create significant health and safety hazards, especially for populations requiring specialized care and consideration**. The city has a responsibility to conduct a thorough review that goes beyond a mere checklist, focusing on the real-world impacts on this specific, vulnerable population and the already strained local infrastructure.

I urge the city to reconsider this proposal. The existing environmental burdens and safety concerns on Mary Avenue make it an unsuitable location for a high-density residential development, particularly one intended for a vulnerable population. The city has a responsibility to ensure public safety and to prioritize the well-being of its most vulnerable citizens. I request that the city explore alternative locations that can more appropriately accommodate such a development without compromising the safety, health, and quality of life for our community.

Sincerely,

Trevor

Cupertino Resident and Property Owner

From: [Connie Cunningham](#)
To: [City Clerk](#); [City Council](#)
Cc: [Cupertino City Manager's Office](#)
Subject: 2025-07-15 CC Agenda Item 11, Mary Avenue project
Date: Tuesday, July 15, 2025 5:07:45 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.

2025-07-15 CC Agenda Item 11, Study Session, Mary Avenue project

Dear Mayor, Vice Mayor, Councilmembers and City Manager:

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

I am pleased to support the application to develop new ELI (Extremely Low Income) and BMR housing units for Developmentally Disabled Individuals (IDD) on City-owned property along Mary Avenue.

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.

Many families and individuals will be helped with this housing. It will also facilitate our goal to keep individuals from falling into homelessness. Many IDD individuals live with aging parents, therefore, these apartments will help them and will, also, help our community.

It is good to see that the issue of parking is discussed and can be resolved with careful thought.

I urge you to give comments to staff that will move this project forward.

Sincerely,

Connie L Cunningham

From: [Santosh Rao](#)
To: [City Council](#); [City Attorney's Office](#); [Tina Kapoor](#); [Benjamin Fu](#); [Luke Connolly](#); [Chad Mosley](#); [Gian Martire](#); [City Clerk](#)
Subject: Request to Review Mary Ave Villas in Light of Article 34 Applicability Due to City Financial Participation
Date: Wednesday, July 16, 2025 12:17:16 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 07/15/25 city council meeting agenda item on Mary Ave Villas.

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

To:
Mayor Liang Chao
Cupertino City Council

CC:
City Clerk

City Attorney

Interim City Manager Tina Kapoor

Director Fu, Community Development

Director Mosley, Public Works

Deputy Director Connolly, Planning

City Planner Martiere

Subject: Request to Review Mary Ave Villas in Light of Article 34 Applicability Due to City Financial Participation

Date: July 16, 2025

Dear Mayor Chao and Honorable Councilmembers,

I am writing to respectfully but urgently request that the City Council **reconsider its recent vote** approving the proposed **Mary Ave Villas** low-income housing project, and to **place this item back on the agenda** at the next regular City Council meeting.

I believe there are **serious legal and constitutional issues** that deserve fuller consideration before this project proceeds further — in particular, compliance with **Article 34 of the California Constitution**, which requires **voter approval** for certain types of publicly supported and funded low-income housing.

Article 34 Requirements

To ensure transparency and shared understanding, here is the **verbatim text** of Article XXXIV, Section 1:

"No low rent housing project shall hereafter be developed, constructed, or acquired in any manner by any state public body, as defined by law, whether for itself or for another, until a majority of the qualified electors of the city, town or county, as the case may be, in which it is proposed to be developed, constructed, or acquired, voting upon such issue, approve such project by majority vote."

This language makes clear that if the City is involved in the **development “in any manner”**—whether through **financing, leasing, or other material participation**—then **voter approval is constitutionally required**.

Case Law That Guides This Interpretation

The California courts have consistently affirmed that **public financing or subsidy**—even where the City does not directly own or construct the housing—can still qualify as “development” under Article 34. Relevant cases include:

- **Anderson v. City of Santa Barbara (1974)**: City’s financial involvement in a nonprofit-led project triggered Article 34.
- **City of Santa Clara v. Perry (1971)**: Land leases and financial support by the city constituted development requiring a vote.
- **Griffin v. County of Marin (1984)**: Below-market public financing qualified as “development.”
- **San Mateo County v. Boss (1971)**: Differentiated projects with **minimal city involvement**, clarifying that **passive land leasing without public financing** does not trigger Article 34.

Given this precedent, it would be prudent for the City to conduct a detailed review of whether **Mary Ave Villas** involves public financial support, land arrangements, or other forms

of development activity that would fall under the scope of Article 34.

I urge the Mayor and council to:

1. **Agendaize a reconsideration** of the Mary Ave Villas approval at your next council meeting.
2. **Review and evaluate** whether the City's involvement in the project rises to the level of "development" under Article 34 **given the funding by the city to the project.**
3. If so, consider placing the matter on the **November 2026 ballot** so that Cupertino voters have the opportunity to weigh in. Alternatively rescind all funding offered to Mary Ave Villas and any other similar project that would similarly trigger Article 34.
4. In the meantime, **pause further steps** that would advance the project until this constitutional question is properly addressed.

This is not about opposing affordable housing, but rather ensuring that **constitutional due process is followed** and that the **community is involved**, as Article 34 intends.

Thank you for your continued service to our community. I trust that the City Council will give this matter the thoughtful but urgent and careful consideration it deserves.

I also urge the city attorney to carefully review the above case law precedent and give your legal recommendation to council so as to not put the city in a place where it is exposed to risk of non-compliance to Article 34 of the California constitution.

Sincerely,

San Rao (Writing on behalf of myself only, as a Cupertino resident)

From: [Lina Meng](#)
To: [City Council](#); [City of Cupertino Planning Dept.](#); [Public Comments](#)
Subject: Public Comments on Application No.: ASA-2025-006 (Mary Avenue Housing Proposal)
Date: Tuesday, July 15, 2025 9:43:07 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 and City Council Members,

My name is Lina, a concerned resident of Cupertino. I attended the council meeting in person tonight but had to rush home to relieve my babysitter and did not have a chance to speak during special study Item 11 tonight regarding the proposed Mary Ave Villas project.

As a mother of two young children, our lives are deeply intertwined with Mary Avenue. We frequent the bike lanes, spend countless hours at Memorial Park—our city's main park for city-wide events—and our dog loves the dog park, all accessible via this very street. I write today, pleading for the safety and well-being of our community. I respectfully urge you to **reconsider and vote against** the proposed affordable housing development on Mary Avenue.

While I wholeheartedly support our city's need for more housing, the chosen location for this project presents critical challenges that cannot be overlooked.

First, **the sheer density and its impact on traffic and community flow are alarming.** Mary Avenue is already a heavily trafficked artery, burdened by 269 new residential units from Westport and Arroyo Village, with 40 more units from Mary Avenue Villas and another Westport facility in the pipeline. This street is at its absolute capacity, especially during school hours for Garden Gate Elementary. The project plans themselves confirm this, showing the complex will **cut into Mary Avenue, impacting existing bike lanes and removing street parking** to accommodate the new buildings and their on-site parking. Adding more units here, coupled with the parking lot's entrance directly across from Glenbrook Apartments, will create an unbearable parking nightmare and gridlock, pushing our community past its breaking point. The recent July 4th celebration, with cars parked all the way down Mary Avenue to this proposed site, clearly illustrates how quickly our existing capacity is overwhelmed. This increases the risk of motor vehicle collisions with pedestrians.

Second, **this project directly compromises the safety of our children and residents.** The plans indicate building into our precious bike lanes and existing parking spots. I often hold my breath as my kids navigate these lanes. What was once a relatively safe passage for them to get to school or Memorial Park, where hundreds gather for city events, will become a gauntlet of increased traffic and reduced safe space, directly jeopardizing our most vulnerable.

We need housing, yes, but not at the expense of our community's safety, health, and quality of life. I urge the City Council to explore alternative uses for this city-owned land, or to consider other, more suitable locations within Cupertino that do not compromise the well-being of our existing neighborhoods.

Thank you for listening to my concerns, and the concerns of many other families in Cupertino.

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 agendaing, 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 agenda'd 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, agenda'd 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)

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
 - o Especially 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

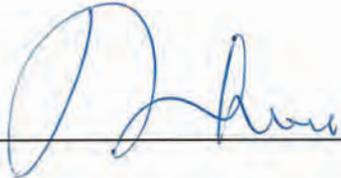
Please remember the uniqueness of Mary Ave and its diverse users.

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,

 _____ *Nov 16, 2025* _____  _____ *11/16/2025*
Sign Date Sign Date

SIMON REN

Print Name

Haiyuan Mao

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
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Sincerely,



11/1/2025

Sign

Date

Sign

Date

BASAVARAJ BANNAKAR

Print Name

Print Name

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Sincerely,

Pavitra B

11/4/2025

Sign

Date

Sign

Date

PAVITRA BANAKAR

Print Name

Print Name

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

Subject: Concerns of Mary Ave Villas housing project

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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 Trabookos 11-15-25

 Sign Date

 Sign Date

Kathryn Trabookos

 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

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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

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,

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=.](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



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

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.

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.

Add to: [Google Calendar](#)

85218008557@zoomcrc.com

Webinar ID: 852 1800 8557

Or, join by H.323

H.323: 144.195.19.161 (US West)
206.247.11.121 (US East)
115.114.131.7 (India Mumbai)
115.114.115.7 (India Hyderabad)
159.124.15.191 (Amsterdam Netherlands)
159.124.47.249 (Germany)
159.124.104.213 (Australia Sydney)
159.124.74.212 (Australia Melbourne)
159.124.168.213 (Canada Toronto)
159.124.196.25 (Canada Vancouver)

Webinar ID: 852 1800 8557



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55 Almaden Blvd
San Jose, CA 95113

[+1.888.799.9666](tel:+18887999666)

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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

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email: jcb@mosaiclawusa.com

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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

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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.

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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,

A handwritten signature in blue ink, appearing to read "Jordan Behmke".

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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- FIGURE 1: SITE LOCATION MAP
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FIGURE

- TABLE 1: SOIL ANALYTICAL DATA SUMMARY

APPENDICES

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

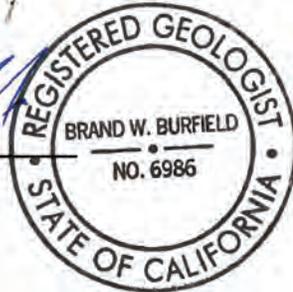


STATEMENT OF LIMITATIONS AND PROFESSIONAL CERTIFICATION

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



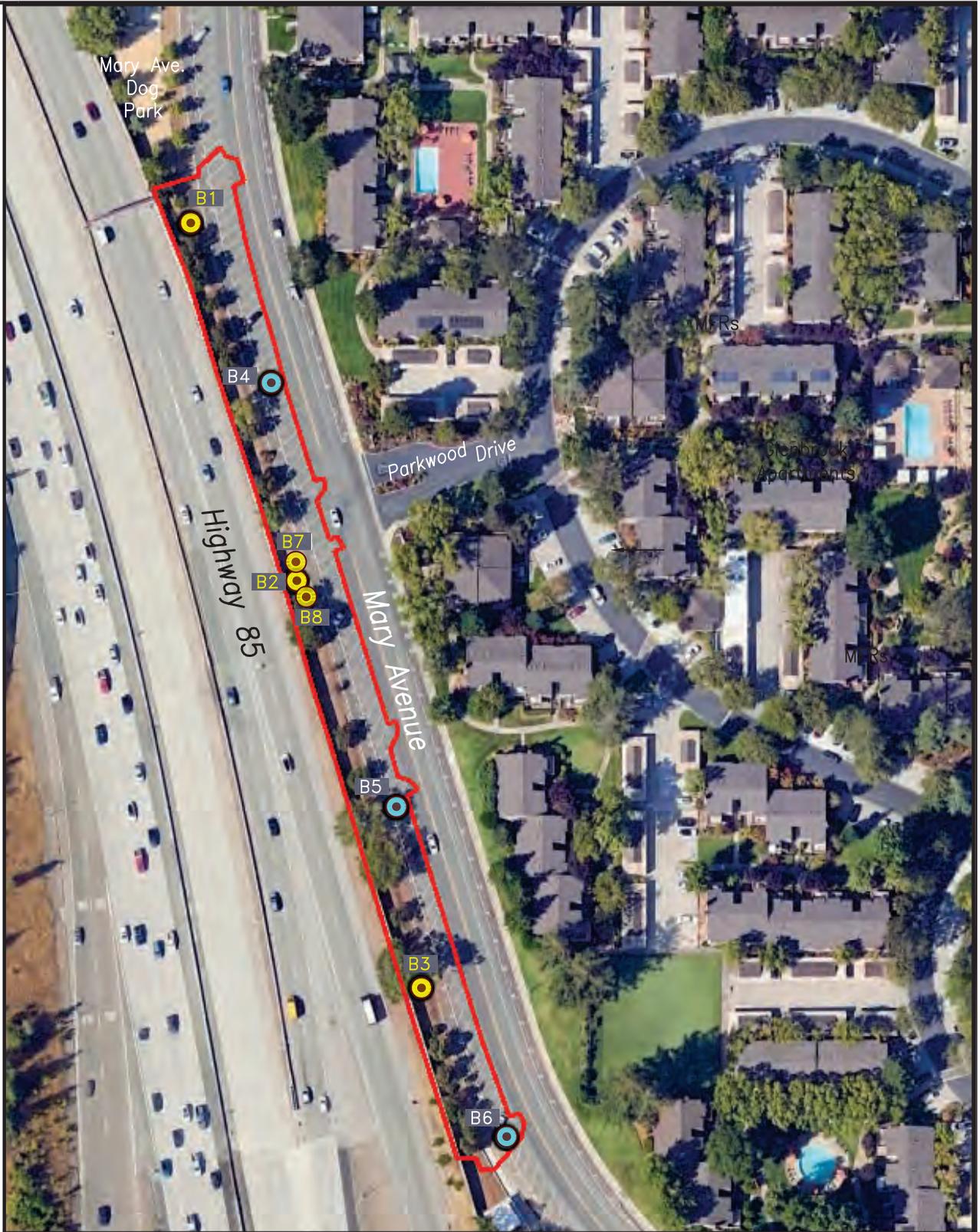
REFERENCE

U.S.G.S. CUPERTINO, CALIFORNIA,
7.5 MINUTE SERIES TOPOGRAPHIC MAP,
DATED 2021.



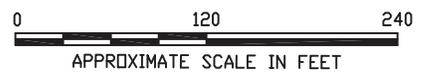
4703 Tidewater Avenue, Suite B
Oakland, California 94601
(510) 434-9200

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.

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.: 2
Title: SITE PLAN AND BORING LOCATION MAP		Approved By: F.P.	Project No.: 575-2869		



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. All 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

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 Slurry seal entire excavation and 2ft beyond on all sides of 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,

A handwritten signature in black ink, appearing to be "Lena Davidkov", written over a light blue rectangular background.

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

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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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	Result	Reporting		Units	Method	Notes
		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.

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

B2-0.5
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.

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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: 04/01/25 15:24
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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	"	"	"	"	"	"	

TCPL 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
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Lena Davidkov, Project Manager



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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
Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
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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:
04/01/25 15:24

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

Reported:
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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	"	"	"	"	

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Lena Davidkov, Project Manager



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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:
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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

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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

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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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Oakland CA, 94601

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
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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.

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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:
 04/01/25 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

LCS (25C0499-BS1)

Prepared: 03/28/25 Analyzed: 03/31/25

Lead 1.82 0.10 mg/l 2.00 91.1 75-125

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

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

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: 04/01/25 15:24
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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
LCS (25C0502-BS1)										
					Prepared: 03/28/25 Analyzed: 03/31/25					
Lead	38.5	0.025	mg/l	40.0		96.1	75-125			
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			
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	

SunStar Laboratories, Inc.

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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:
 04/01/25 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
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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



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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:
 04/01/25 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.

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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:
04/01/25 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.

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Lena Davidkov, Project Manager



Chain of Custody Record

PROVIDING QUALITY ANALYTICAL SERVICES NATIONWIDE
25712 Commercentre Drive, Lake Forest, CA 92630
949-297-5020

Client: INTERTEK / PSI
Address: 4703 Tidewater Ave Site 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 #: T25189 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 B1-6.5	3/18/25	8:24	soil	Ring									LEAD ARSEN											
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, 1058</u>					Total # of containers <u>1</u>					Chain of Custody seals <u>Y</u>					Received good condition/cold <u>Y</u>				
Relinquished by: (signature) <u>[Signature]</u> Date / Time <u>3/19/2025, 1545</u>					Received by: (signature) <u>[Signature]</u> Date / Time <u>3/20/25 10:44</u>					Turn around time: <u>STD</u>					Notes <u>*6010 for Lead and Arsenic.</u>									

Sample disposal Instructions: Disposal @ \$2.00 each _____ Return to client _____ Pickup _____

COC 161927

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	1.4 °C +/- the CF (+ 0.1°C) =	1.5 °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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
If NO:		
Samples received on ice?	<input type="checkbox"/> Yes	<input type="checkbox"/> No → Complete Non-Conformance Sheet
If on ice, samples received same day collected?	<input type="checkbox"/> Yes → Acceptable	<input type="checkbox"/> 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 COMMERCENTRE DR.
LAKE FOREST, CA 92630

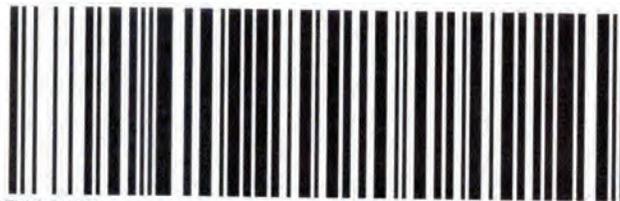
LAKE FOREST

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
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	
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	



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
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,

A handwritten signature in black ink, appearing to be 'Lena Davidkov', written over a light blue rectangular background.

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



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 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

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	

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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
---	---	-----------------------------

B7-0.5
T251707-01 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
---------	--------	-----------------	-------	----------	-------	----------	----------	--------	-------

SunStar Laboratories, Inc.

Metals by EPA 6010B

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Lead	8.0	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
---	---	------------------------------------

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	
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SunStar Laboratories, Inc.

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Lena Davidkov, Project Manager



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 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
---	---	------------------------------------

B8-2
T251707-04 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
---------	--------	-----------------	-------	----------	-------	----------	----------	--------	-------

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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Lena Davidkov, Project Manager



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 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
---	---	-----------------------------

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)										
Lead	ND	3.0	mg/kg							Prepared: 04/15/25 Analyzed: 04/17/25
LCS (25D0236-BS1)										
Lead	91.3	3.0	mg/kg	100		91.3	75-125			Prepared: 04/15/25 Analyzed: 04/17/25
Matrix Spike (25D0236-MS1)										
Lead	70.2	3.0	mg/kg	100	4.02	66.2	75-125			Source: T251701-01 Prepared: 04/15/25 Analyzed: 04/17/25 QM-07
Matrix Spike Dup (25D0236-MSD1)										
Lead	70.7	3.0	mg/kg	100	4.02	66.7	75-125	0.653	20	Source: T251701-01 Prepared: 04/15/25 Analyzed: 04/17/25 QM-07

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

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.

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Lena Davidkov, Project Manager



SunStar
Laboratories, Inc.

Chain of Custody Record

PROVIDING QUALITY ANALYTICAL SERVICES NATIONWIDE
25712 Commercentre Drive, Lake Forest, CA 92630
949-297-5020

Client: INTERTEK - 851
Address: 4703 TIDEWATER AVE SUITE B, OAKLAND CA 94601
Phone: (415) 525-0560 Fax: _____
Project Manager: Frank Ross

Date: 4/11/2025 Page: 1 of 1
Project Name: CHARITIES HOUSING - MARY CUPERTINO
Collector: Jorge Galde Client Project #: 575-2869
Batch #: 1251101 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 B9-0.5		11:42															
05 B9-0.5		10:44															
06 B9-0.5		10:57															
07 B10-0.5		12:09															
08 B10-0.5		12:21															
09 B11-0.5		11:07															
10 B11-0.5		11:17															
11 B12-0.5		12:36															
12 B12-0.5		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>			Chain of Custody seals <u>N/A</u>			Total # of containers <u>N/A</u>			Notes <u>Hold Testing for Samples B9-B12</u>					
Relinquished by: (signature) <u>[Signature]</u> Date / Time <u>4/14/2025, 15:45</u>			Received by: (signature) <u>[Signature]</u> Date / Time <u>4/15/25 11:11</u>			Received good condition/cold			Turn around time: <u>STD.</u>								

Sample disposal instructions: Disposal @ \$2.00 each

Return to client _____ Pickup _____

COC 161928

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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
If NO:			
Samples received on ice?	<input type="checkbox"/> Yes	<input type="checkbox"/> No →	Complete Non-Conformance Sheet
If on ice, samples received same day collected?	<input type="checkbox"/> Yes → Acceptable	<input type="checkbox"/> 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: PS 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 & [NO ANALYSES]				Hold
T251707-06 B9-2 [Soil] Sampled 04/11/25 10:57 (GMT-08:00) Pacific Time (US & [NO ANALYSES]				Hold
T251707-07 B10-0.5 [Soil] Sampled 04/11/25 12:09 (GMT-08:00) Pacific Time (US & [NO ANALYSES]				Hold



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



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

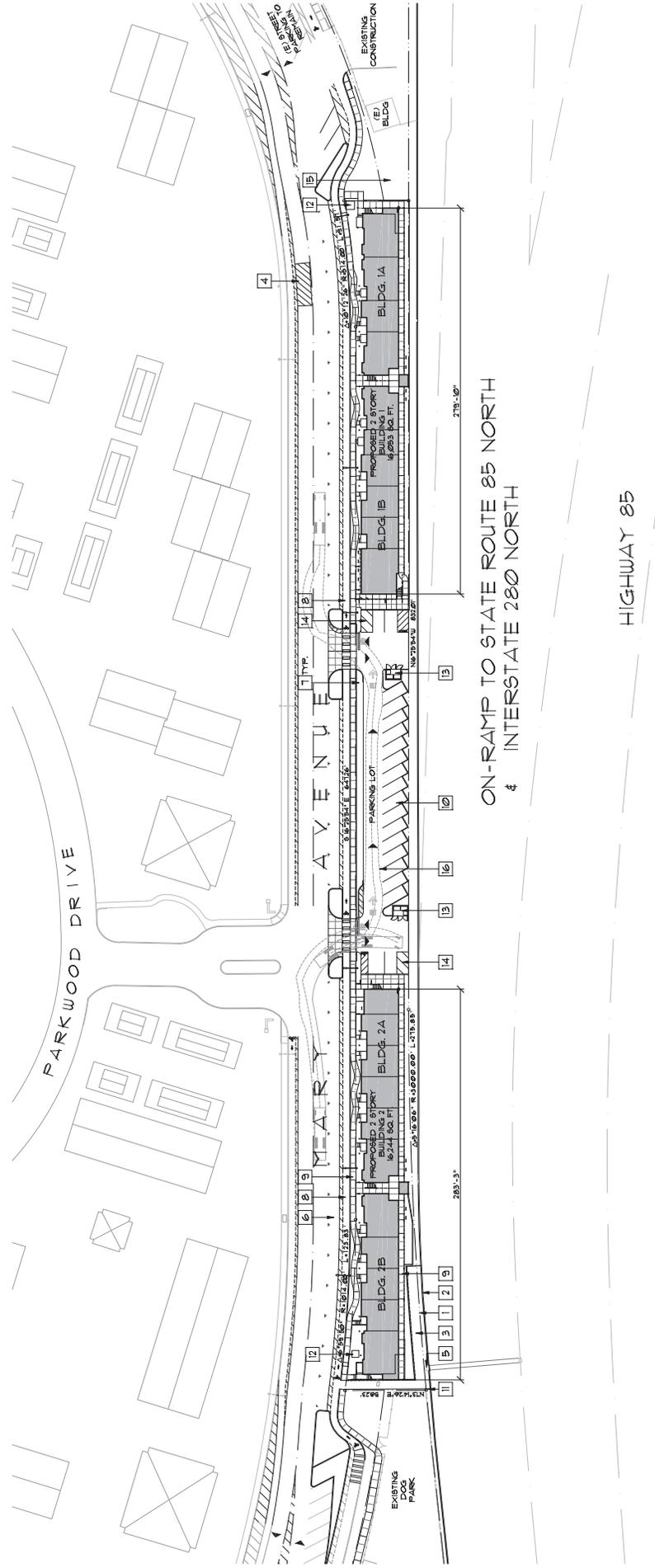


Figure 2
Site Circulation Plan

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), Bubb 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

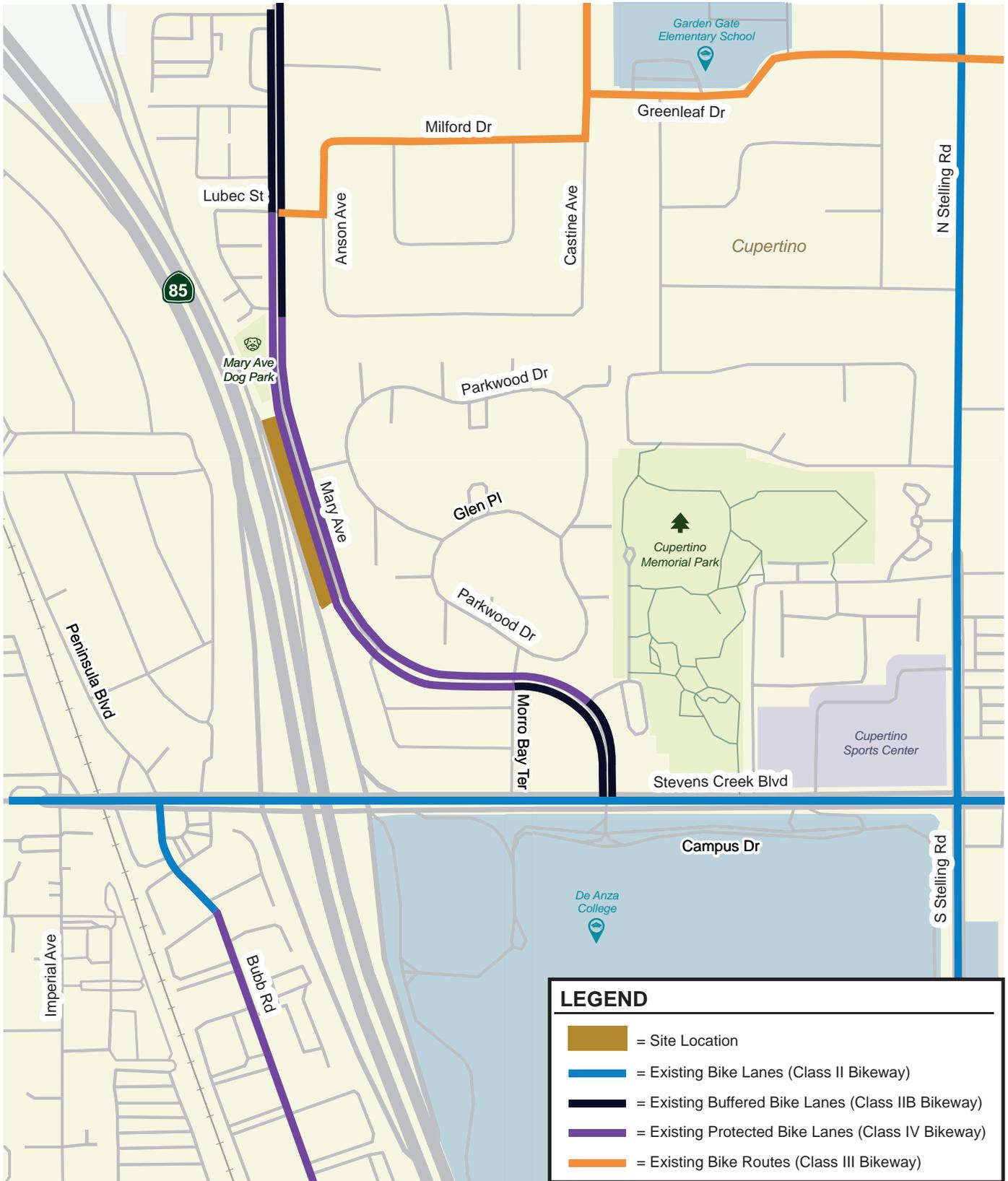


Figure 4
Existing Bicycle Facilities

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, *Highway Capacity Manual, 7th Edition* (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.

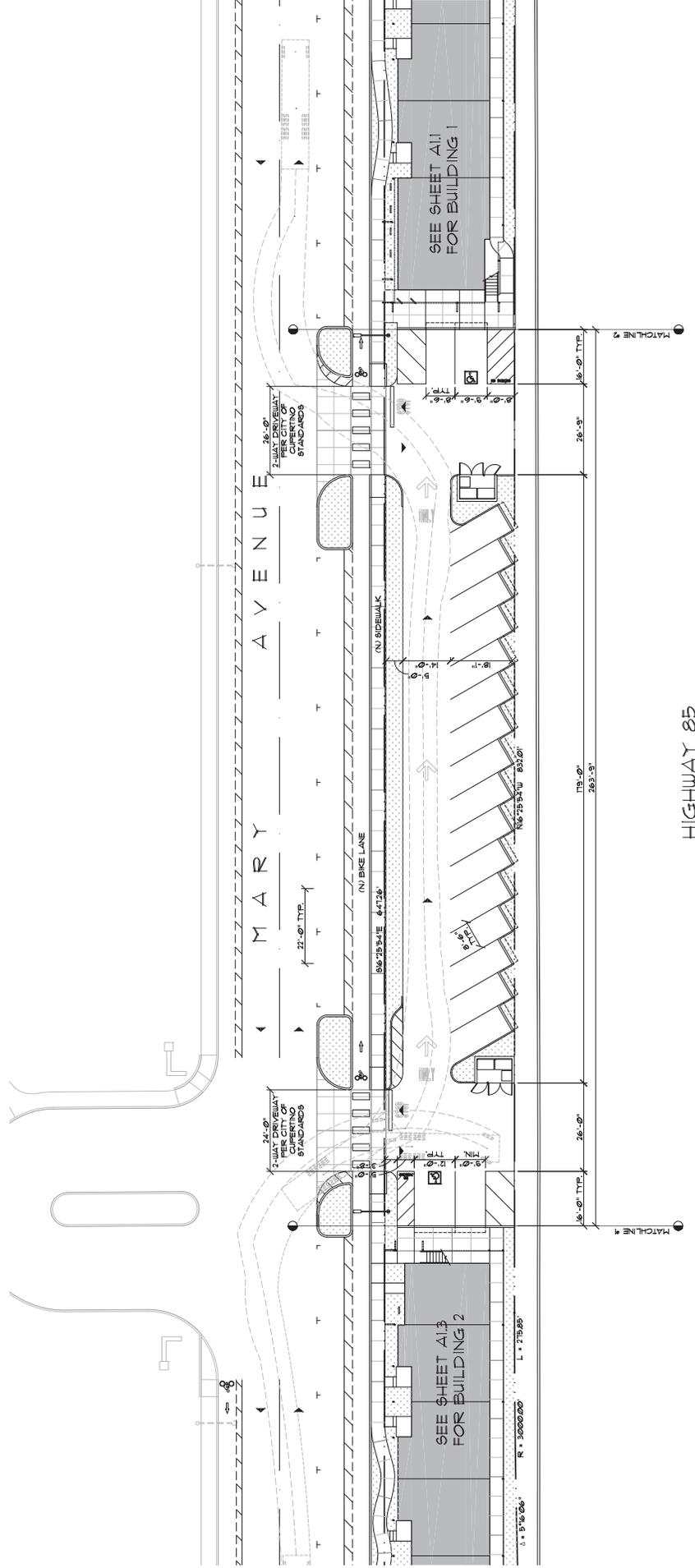
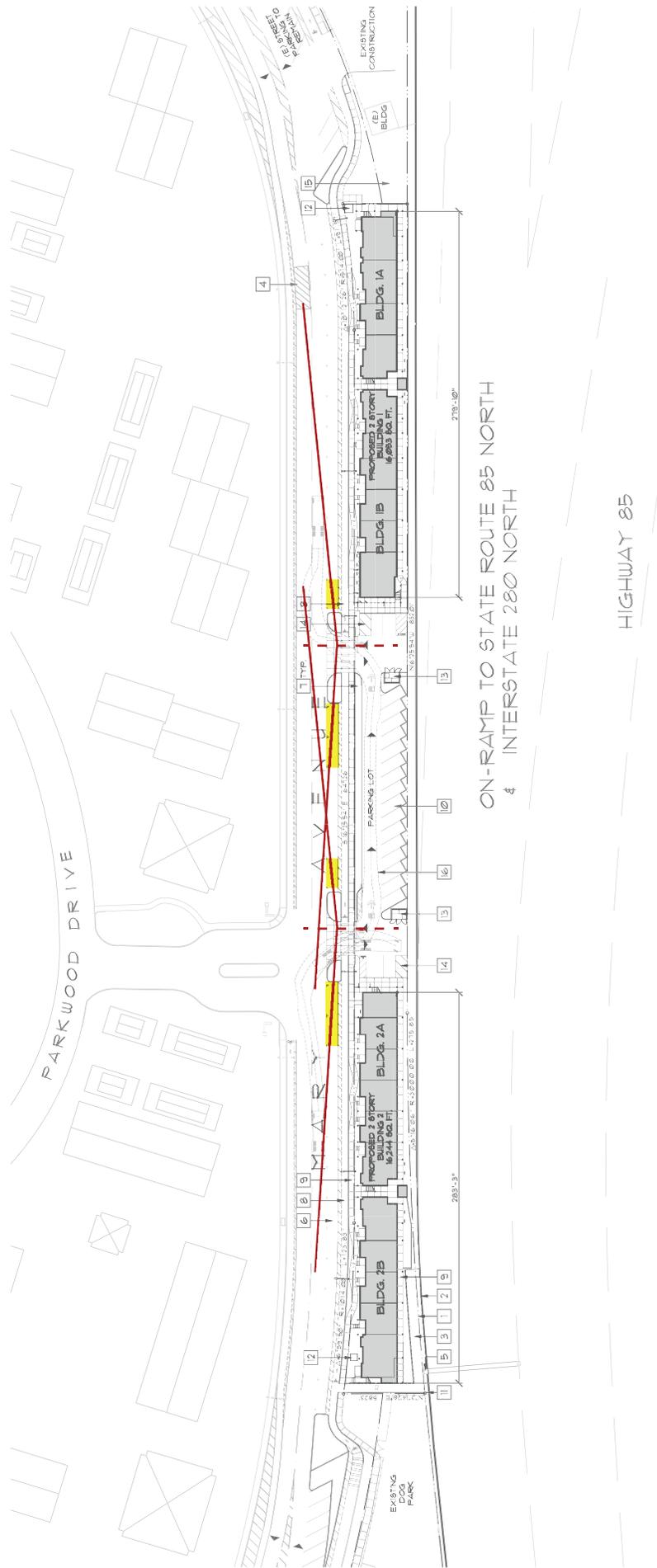


Figure 7
Proposed Parking Lot Plan



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

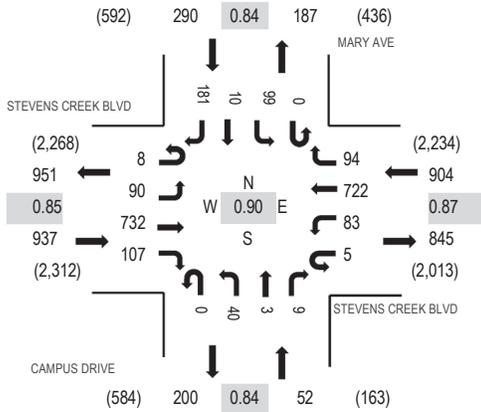
Location: 1 CAMPUS DRIVE & STEVENS CREEK BLVD AM

Date: Tuesday, October 7, 2025

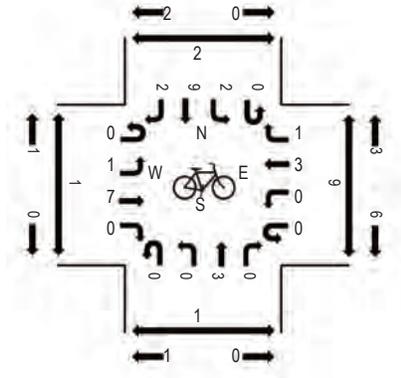
Peak Hour: 08:00 AM - 09:00 AM

Peak 15-Minutes: 08:15 AM - 08:30 AM

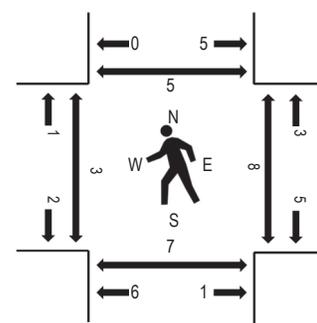
Peak Hour - Motorized Vehicles



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
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

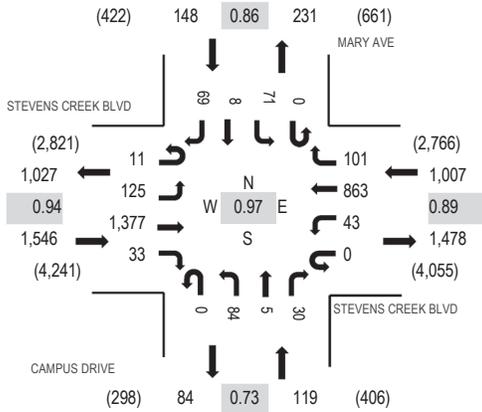
Location: 1 CAMPUS DRIVE & STEVENS CREEK BLVD PM

Date: Tuesday, October 7, 2025

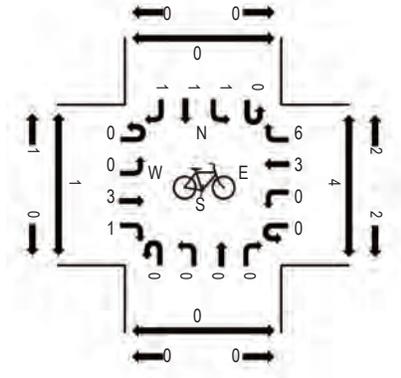
Peak Hour: 05:00 PM - 06:00 PM

Peak 15-Minutes: 05:15 PM - 05:30 PM

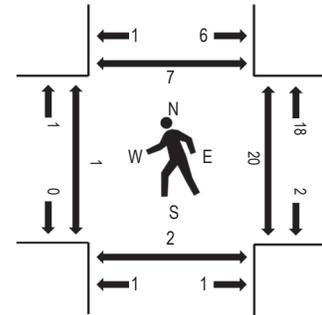
Peak Hour - Motorized Vehicles



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



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.

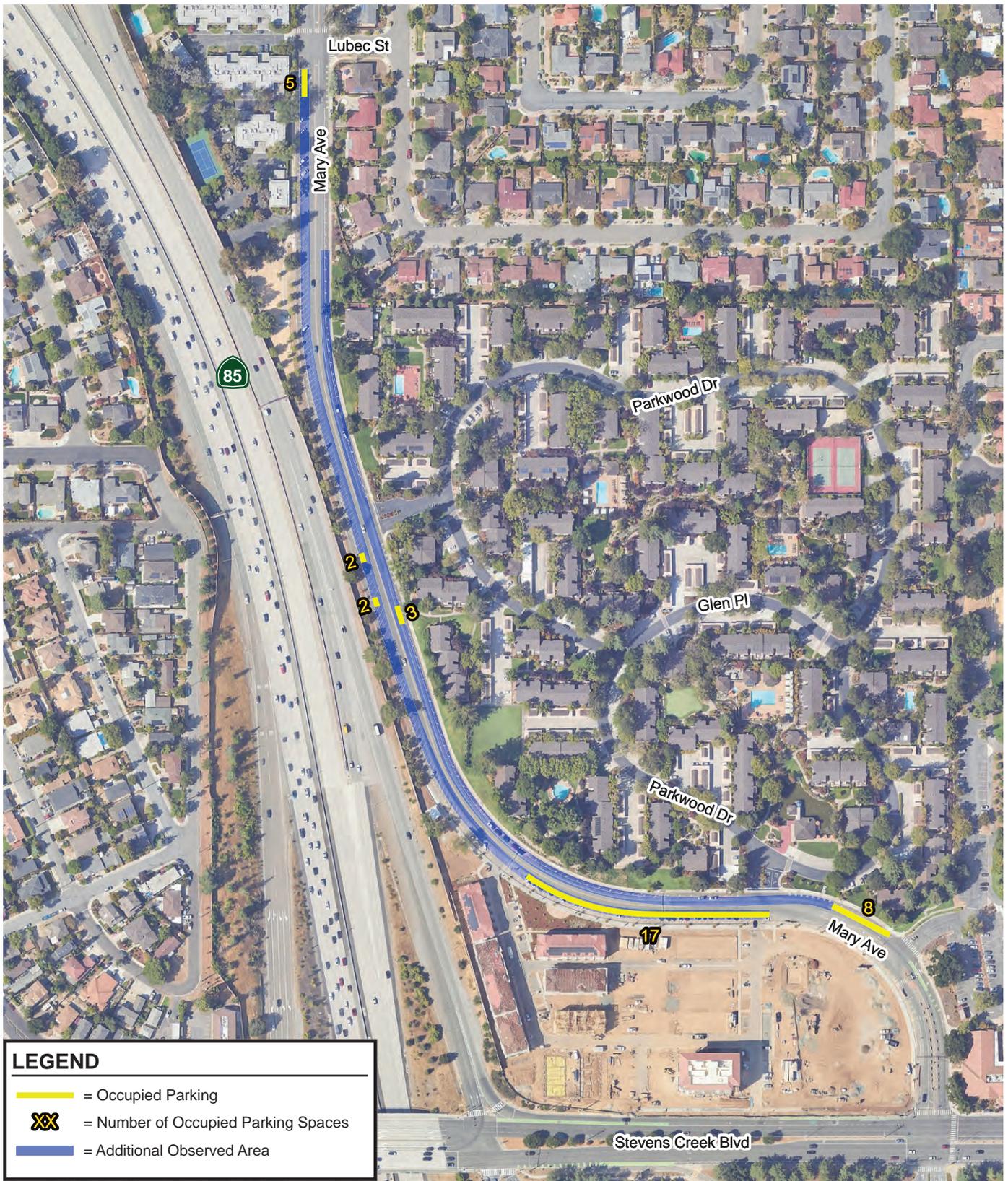


Figure 1
Mary Avenue Parking Summary

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

From: [Wangchen Long](#)
To: [Public Comments](#)
Subject: Mary Avenue Villas
Date: Tuesday, December 2, 2025 4:34:25 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 Cupertino City Council,

We are long time Cupertino residents, since 2001 to be exact. I moved to the bay area in 1993, and have worked and raised my kids here in Cupertino.

Currently we heard there's discussion on the Mary Avenue Villas, and we are quite concern whether there will be enough considerations for all sectors of the community, specifically for the special needs community.

Cupertino's school district accommodates for the special needs children. Do we accommodate this population when they grow up?

We strongly feel that a complete society would need to be inclusive, and thus we would like to ask you for your support to ensure there are housing options and possibilities for this population with special needs.

Best Regards,
Wangchen Long

From: [Neil Park-McClintick](#)
To: [City Council](#)
Cc: [Cupertino City Manager's Office](#); [City Clerk](#)
Subject: Support for Item 12
Date: Tuesday, December 2, 2025 4:11:36 PM

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Dear Cupertino City Council and Staff,

Please support the Mary avenue project **without further delay** by providing positive direction forward in today's study session.

This project represents the culmination of more than 15 years of housing advocacy in Cupertino for those with intellectual or developmental disabilities, including those diagnosed with autism, Down Syndrome, cerebral palsy, epilepsy, intellectual disability, and other conditions. This has been part of the city's work program now for 5 years.

The current financial climate for building homes is **exceptionally** challenging and unpredictable—never mind the additional challenges associated with building affordable homes for those with specific needs. The City should not introduce any additional process that could jeopardize this projects' viability.

In terms of process, there has already been three public outreach and engagement opportunities starting in July of last year, and two years of ongoing public engagement through the housing element process, for which Mary Avenue was included as a site.

From: [Kirsten Squarcia](#)
To: [City Clerk](#)
Subject: FW: Slides for Dec 2,2025 City Council - Agenda Item 12
Date: Tuesday, December 2, 2025 10:47:03 PM
Attachments: [City Council meeting Dec 2 2025.pptx](#)



Kirsten Squarcia

Interim Deputy City Manager/City Clerk

City Manager's Office

KirstenS@cupertino.gov

(408) 777-3225



From: Lina <lina.lang41@gmail.com>
Sent: Tuesday, December 2, 2025 4:03 PM
To: Kirsten Squarcia <KirstenS@cupertino.gov>
Cc: Roberta Murai <Robertamurai@aol.com>; Jordan Clancy Behmke <jcb@mosaiclawusa.com>
Subject: Slides for Dec 2,2025 City Council - Agenda Item 12

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.

Hi Kirsten,

Please see the following public comments for Agenda Item #12 tonight that I'd like to present.

Can you also pair me with Roberta Murai for public comments on agenda item #12? We will make a note on the blue cards too to speak sequentially.

Our neighborhood attorney, Jordan Behmke will be speaking remotely. Is there any way to group together with him as well? Or will we get separated because of the difference in attendance format?

Lastly, would neighbors be able to transfer their in-person speaking time to Mr. Behmke, should time run short and comments shrink to 2 or 1 min?

Thank you,

Mary Avenue Villas Housing

Project:

Don't take away our public space

(APN: 326-27-053)

City Council Meeting Study Session (Item 12)

Cupertino residents and citizens

Garden Gate Coalition





608

Verified signatures

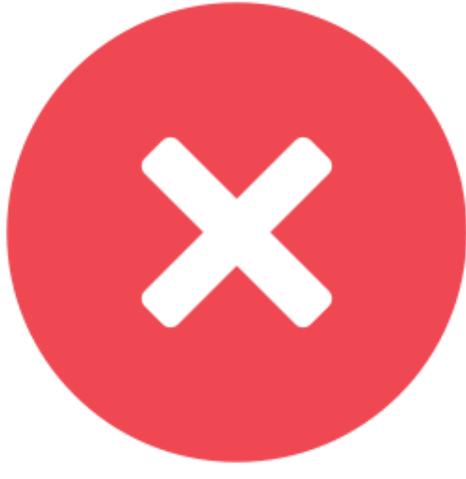
1. This Project Will Guarantee Accidents

- This project doesn't fit safely
 - It ignores **setback** requirements → unsafe!
Fire hazards!
 - Builds into the road
 - Will **narrow** traffic and bike lanes
 - Creates **safety** issues
 - Removes **89** parking spots in a bustling area that is still growing
 - Lacks **short term parking** spaces
 - Cars may stall or double park



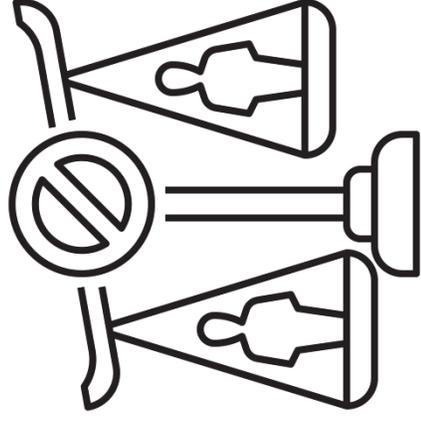
2. Stop the Process, Be Transparent: The City Didn't Ask Us First.

- Skipped steps in the process: missed vacation, SLA steps
- Parcel is not suitable to be transferred or sold.
 - Its validity is questionable.
- Community was **never given a chance** to weigh in on the decision to give away a piece of our public land before you started designing a building on it.



3. Ethical Concerns & Need for Impartiality: Request **Immediate Investigation of Conflicts of Interest.**

- Rotary Club affiliates within City leadership
- Pressured and rushed direction to City staff
- Compromised public trust
- 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.

From: [Santosh Rao](#)
To: [City Council](#); [City Clerk](#); [Tina Kapoor](#); [Benjamin Fu](#); [Chad Mosley](#); [Luke Connolly](#); [Gian Martire](#)
Subject: Request to Halt Negotiations or Disposition until SLA Process Is Completed in Accordance with 2025 HCD Precedent
Date: Tuesday, December 2, 2025 11:47:17 PM
Attachments: [ontario-sla-nov-061825.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.

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

Dear City Clerk,

Please include this letter in written communications for agenda item 12 for 12/2/25 council meeting and for the next upcoming council meeting.

Subject: Request to Halt Negotiations or Disposition until SLA Process Is Completed in Accordance with 2025 HCD Precedent

Dear Mayor Chao, Vice-Mayor Moore, Council Members, Attorney Andrews, CAO, CM Kapoor,

Please note the precedent in the below and attached HCD notice of violation to the city of Ontario dated June 18 2025. The precedent directly applies to the actions in progress currently in the city of Cupertino attempting to move forward with appointing a negotiator. take steps towards disposition and engaging in exclusive negotiations with a pre-determined buyer without first completing the SLA process and required notices and noticing period.

I write to respectfully urge the Council to **pause any efforts to approve a negotiator, enter into negotiation, or take any steps toward disposition or sale of public land** until the city has fully satisfied the notice, findings, and waiting-period requirements of the Surplus Land Act (SLA), including providing required documentation to HCD and observing the legally mandated notice/negotiation windows.

Background — Relevant Legal Obligation

Under the SLA (Gov. Code §§ 54220–54234), a local agency must first declare property “surplus” (not needed for public use), adopt a resolution to that effect, and then issue a formal Notice of Availability (NOA) to: (1) HCD; (2) any local public entities within the jurisdiction; and (3) developers on HCD’s list of those interested in surplus public land for affordable housing. [California Housing Dept.+2Banning, CA+2](#) After that NOA is issued, the city must allow a minimum statutory waiting period (60 days for responses) and, if any eligible entities respond, a mandated 90-day good-faith negotiation period before disposing of the land. [Banning, CA+2California Housing Dept.+2](#)

Furthermore, under recent amendments to the SLA (2024), if a local agency receives a Notice of Violation (NOV) from HCD for noncompliance, the agency is required to hold an open public meeting to evaluate the NOV — and the agency may not proceed with any disposal

until that process is complete. [Allen Matkins - Allen Matkins+2California Housing Dept.+2](#)

Precedent — HCD’s 2025 Finding Against City of Ontario

In a September 22, 2025 Follow-Up Notice of Violation addressed to Ontario’s City Manager, HCD found that Ontario had violated the SLA by disposing of a 2.368-acre parcel (APN 0218-111-12-0000) without first declaring the land surplus and without issuing the required notices. [California Housing Dept.+1](#)

HCD concluded that the disposition and the fact that the City had “exclusively negotiated with the Developer” prior to complying with SLA requirements—constituted a clear SLA violation. [California Housing Dept.+1](#) HCD also invoked applicable statutory penalties under Gov. Code § 54230.5 for the first-time violation (30 % of the disposition value) and warned that future violations would trigger even higher penalties (50 % of the disposition value). [California Housing Dept.+1](#)

The Ontario case demonstrates that **HCD is actively enforcing SLA compliance** including penalizing cities that attempt to circumvent the required surplus-land process by negotiating in advance with a favored developer, or disposing of land without the required surplus declaration and notice.

Risk of Noncompliance and Fiscal/Legal Consequences

Given the recent Ontario finding:

- Proceeding with negotiations, designating a "negotiator," or otherwise taking substantive steps toward disposition before completing the full SLA process would risk very likely violation of state law.
- Noncompliance may expose the City to substantial financial penalties (per SLA enforcement provisions) and reputational risk.
- Such action may also frustrate the primary public-purpose objective of the SLA: to give first priority to affordable-housing proponents or other public entities, rather than to private developers selected in advance.

Pause and Complete SLA Process Before Any Further Action

In light of the above, I respectfully request that the Council adopt a temporary moratorium on any of the following steps until the SLA-required process has been fully observed and documented, and until any required findings and waiting periods have been completed:

- Appointment of a negotiator or negotiation team
- Entering into or approving formal negotiations with any private developer
- Any pre-disposition activity regarding sale or lease of the land (including drafting term sheets, letters of intent, exclusivity agreements, or similar)
- Any vote toward approval of disposition, transfer, or sale of the land

At minimum, the city should first:

1. Declare the parcel “surplus” or exempt surplus after written findings with evidence via a formal Council resolution;
2. Issue a NOA to HCD, local public entities, and certified developers per SLA requirements;
3. Observe the 60-day notice period, await any responses, and if responses are received allow full 90-day good-faith negotiations;
4. Submit documentation of the notice and negotiation process, and any recorded restrictions or covenants, to HCD for review per SLA guidelines. [California Housing Dept.+2Banning, CA+2](#)

Conclusion

The state’s recent 2025 decision in the Ontario case makes clear that SLA compliance is no longer optional, and that state enforcement can and will penalize cities that attempt to circumvent the process.

Given the potential legal and financial risks, and the public’s interest in transparent, fair, and affordable-housing–oriented land disposition, I strongly urge the Council to suspend any further steps toward negotiation or sale until full compliance with SLA has been completed and documented.

Thank you for your consideration of this request.

Respectfully,

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

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

651 Bannon Street, Suite 400, Sacramento, CA 95811
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



June 18, 2025

Scott Ochoa, City Manager
City of Ontario
303 E. B Street
Ontario, CA 91764

SENT VIA EMAIL TO: sochoa@ontarioca.gov

Dear Scott Ochoa:

RE: City of Ontario's Surplus Land Disposition of a 2.368-Acre Portion of the Property Located at the Southeast Corner of East Riverside Drive and Ontario Avenue (APN 0218-111-12-0000) – Notice of Violation

The California Department of Housing and Community Development (HCD) hereby issues this Notice of Violation, pursuant to Government Code sections 54230.5, 65585, and 65585.1, to the City of Ontario (City) regarding the City's disposition of a 2.368-acre portion of the property located at the southeast corner of East Riverside Drive and Ontario Avenue in the City of Ontario, with Assessor's Parcel Number (APN) 0218-111-12-0000 (Property).

Pursuant to Government Code section 65585.1, subdivision (a), HCD must notify a local agency if it finds that the local agency is in violation of the Surplus Land Act (SLA), and HCD may notify the California Office of the Attorney General that a local agency is in violation of the SLA.

The City has 60 days from receipt of this letter to cure or correct the violations noted herein.¹ If the City does not cure or correct all such violations by August 18, 2025, a penalty will be assessed to the City equal to 30 percent of the disposition value.² In the event of a sale, the disposition value is the greater of the final sale price of the land or the fair market value of the surplus land at the time of the sale.³ HCD may also pursue additional remedies authorized under Government Code sections 65585 and 65585.1.

¹ Gov. Code, § 54230.5, subd. (a)(1).

² *Ibid.*

³ Gov. Code, § 54230.5, subd. (a)(2).

Background

HCD initially received a Notice of Alleged Violation (enclosed) pursuant to Section 502 of the SLA Guidelines on March 14, 2025, from UNITE HERE Local 11 (Local 11) regarding the City's approval of a Disposition and Development Agreement (DDA) for sale of the Property. Local 11 provided prior correspondence, including a letter to the City requesting information on how the action complied with the SLA, prior to the City Council taking action to authorize the sale and disposition of the Property at a public meeting on February 18, 2025.

On March 21, 2025, HCD requested a meeting with the City to discuss the alleged violations. On April 8, 2025, HCD met with City staff, who asserted that disposition was undertaken pursuant to the Economic Opportunity Law.⁴ The City is also in the process of developing this Property in addition to 190 acres of adjacent City-owned lands for the Ontario Regional Sports Complex. The City shared during the conversation that close of escrow and disposition of the Property to Ontario Ranch Hotels, LLC (Developer) was completed on April 4, 2025.

On April 10, 2025, the City provided HCD documentation regarding the disposition, which includes the City Council's action to approve the DDA between the City and the Developer at a public meeting on February 18, 2025. The documentation includes a resolution describing the City's "exclusive negotiations" with the Developer for sale and development of the Property as a "luxury 5-star hotel" with 227 guest rooms. The terms and conditions of the DDA also require the Developer to convey to the City approximately 25,489 square feet area of easements for right-of-way and temporary construction purposes. While the documentation included a summary report of written findings claiming that the disposition met the statutory requirements of the Economic Opportunity Law, no such findings or statements were made with respect to meeting the statutory requirements of the SLA. The City further confirmed details of the disposition during a follow-up conversation with HCD on May 5, 2025 and by providing the close of escrow documentation on May 13, 2025. The additional documentation notes an approximate net payment of \$979,219.51 to the City, based upon the easements value and closing costs being credited against the Property's fair market value.

Analysis

Based on a review and analysis of the City's documentation and subsequent disposition of the Property, HCD finds that the City violated the SLA, as discussed below.

⁴ Gov. Code, § 52201.

The City Did Not Make the Land Available Pursuant to the SLA

Government Code section 54221, subdivision (b)(1) states:

“*Surplus land*’ means land owned in fee simple by any local agency for which the local agency’s governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency’s use. Land shall be declared either ‘surplus land’ or ‘exempt surplus land,’ as supported by written findings, before a local agency may take any action to dispose of it consistent with an agency’s policies or procedures. A local agency, on an annual basis, may declare multiple parcels as ‘surplus land’ or ‘exempt surplus land.’” (Emphasis added.)

In addition, Government Code section 54222 requires the following:

“[A]ny local agency disposing of surplus land... shall send, before disposing of that property or participating in negotiations to dispose of that property with a prospective transferee, a written notice of availability of the property to all of the following: (a)(1) **A written notice of availability for developing low- and moderate-income housing** shall be sent to any local public entity, as defined in Section 50079 of the Health and Safety Code, that has jurisdiction where the surplus land is located. Housing sponsors, as defined by Section 50074 of the Health and Safety Code, that have notified the Department of Housing and Community Development of their interest in surplus land shall be sent a notice of availability for the purpose of developing low- and moderate-income housing. All notices shall be sent by electronic mail, or by certified mail, and shall include the location and a description of the property.” (Emphasis added.)

Government Code section 54230.5, subdivision (b)(1) further states:

“Before agreeing to terms for the disposition of surplus land, a local agency shall provide to the Department of Housing and Community Development a description of the notices of availability sent, and negotiations conducted with any responding entities, in regard to the disposal of the parcel of surplus land and a copy of any restrictions to be recorded against the property pursuant to Section 54222.5, 54233, or 54233.5, whichever is applicable, in a form prescribed by the Department of Housing and Community Development.” (Emphasis added.)

The City’s approval of a DDA between the City and the Developer for sale and development of the Property as a hotel on February 18, 2025, and close of escrow on

April 4, 2025, qualify as a disposition of surplus land under the SLA. When the Property qualifies as surplus land, then the City must send notices of availability (NOA) for developing low- and moderate-income housing to all entities required under Government Code section 54222 prior to disposing of or participating in negotiations to dispose of the Property. The City must also provide to HCD a description of the NOAs sent and negotiations conducted with any of the responding entities above, in addition to a copy of any restrictions to be recorded against the property, pursuant to the above requirements. Similarly, the SLA also requires that exempt surplus land determinations be supported by written findings and documentation. All local agency reporting requirements for surplus land and exempt surplus land are described further in Section 400 of the SLA Guidelines.⁵

However, the City has not provided any such documentation to HCD regarding this transaction prior to exclusively negotiating with the Developer, entering into a subsequent DDA with the Developer, and closing escrow. The documentation provided to date, including the public meeting held on February 18, 2025, makes no reference of the Property as surplus land or exempt surplus land and does not include any written findings pursuant to the SLA. Thus, the City has not complied with these key provisions of the SLA prior to disposing of the Property.

Economic Opportunity Law Does Not Relieve the City of SLA Requirements

During the meeting on April 8, 2025, the City claimed that it met statutory requirements by disposing of the Property under the Economic Opportunity Law, or Government Code section 52201. The City's documentation includes written findings, stating that the disposition will "(i) [strengthen] the City's land use and social structure, (ii) [alleviate] economic and physical blight on the Property and in the surrounding community, (iii) generate property tax revenue, (iv) produce new jobs, (v) stimulate economic vitality and (vi) continue to inspire additional investment within the Ontario Sports Empire."

The Economic Opportunity Law, in relevant part, states that "[a] city, county, or city and county **may** sell or lease property to create an economic opportunity."⁶ (Emphasis added.) The use of the word "may," instead of "shall," indicates that the City is not required to utilize the Economic Opportunity statutes, whereas the SLA includes mandatory requirements for local agencies, stating: "Land **shall** be declared either 'surplus land' or 'exempt surplus land,' as supported by written findings, before a local

⁵ Updated Surplus Land Act Guidelines available at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/final-updated-surplus-land-act-guidelines-2024.pdf>.

⁶ Gov. Code, § 52201, subd. (a)(1).

agency may take any action to dispose of it consistent with an agency's policies or procedures.”⁷ (Emphasis added).

Notably, the City was aware of HCD's position on this precise issue before finalizing the disposition of the Property. Local 11's March 14, 2025 Notice of Alleged Violation, which was provided to the City, references a similar letter that HCD issued to the City of Moreno Valley.⁸ As Local 11 points out, “HCD rejected the claims that the SLA conflicts with the Economic Opportunity Law....” HCD reached out to the City just a week later, on March 21, 2025, but the City disposed of the Property on April 4, 2025, just days before meeting with HCD on April 8, 2025. The City should have paused and consulted with HCD upon receipt of Local 11's letter and again when HCD reached out to schedule a meeting. Instead, the City moved forward with the disposition.

Further, HCD is not aware of, nor has the City provided, any statutory or decisional authorities standing for the proposition that disposition of the Property under Economic Opportunity Law excuses or exempts the City from complying with SLA requirements. As such, HCD finds that disposition of the Property and any surplus land under the Economic Opportunity Law is in violation of the SLA.

Conclusion and Next Steps

Based on the information provided, HCD finds that the City's disposition of the Property is in violation of the SLA because the City failed to make the surplus land available for affordable housing, and the City has not provided any documentation demonstrating compliance with, or exemption from, the SLA before disposing of the Property. The City further violated the SLA by exclusively negotiating with the Developer and by subsequently moving forward with a disposition and sale of the Property.

As discussed above, under Government Code section 542320.5, subdivision (a)(1), the City has 60 days following receipt of this letter, or August 18, 2025, to cure or correct the violations noted herein, or it will be assessed a penalty equal to 30 percent of the disposition value. The City may have few options to cure or correct the violations, and HCD invites the City to discuss further. Pursuant to Section 502 of the SLA Guidelines, HCD has informed Local 11 of the violations noted herein.

Furthermore, should the City proceed to dispose of additional surplus land or exempt surplus land that would constitute subsequent violations of the SLA, including under the Economic Opportunity Law, the City will be assessed a penalty equal to 50 percent of the applicable disposition values.⁹

⁷ Gov. Code, § 54221, subd. (b)(1).

⁸ City of Moreno Valley Notice of Violation available at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/moreno-valley-nov-101823.pdf>.

⁹ Gov. Code, § 54230.5, subd. (a)(1).

Scott Ochoa, City Manager
Page 6

If the City or its representatives have any questions or need additional technical assistance regarding the SLA, please contact Linda Ly, Senior Housing Policy Specialist, at Linda.Ly@hcd.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Zisser', with a long horizontal flourish extending to the right.

David Zisser
Assistant Deputy Director
Local Government Relations and Accountability

Enclosure

cc: Jennifer McLain Hiramoto, Executive Director, Economic Development Agency
Rudy Zeledon, Executive Director, Community Development Agency
Ruben Duran, City Attorney, Best Best & Krieger LLP

LAW OFFICE OF JORDAN R. SISSON

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jordan@jrsissonlaw.com
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March 14, 2025

VIA U.S. MAIL, EMAIL & ONLINE PORTAL: https://calhcd.service-now.com/csp?id=sc_cat_item&sys_id=91e19b8ac31955109a97251ce0013105

Department of Housing and Community Development (HAUPortal@hcd.ca.gov)
Division of Housing Policy Development
Housing Accountability Unit
651 Bannon Street, Suite 400
Sacramento, CA 95811

**RE: POTENTIAL VIOLATION OF SURPLUS LAND ACT;
ITEM 12, CITY OF ONTARIO CITY COUNCIL MEETING FEBRUARY 18, 2025;
DDA FOR 2.3-ACRE PROPERTY LOCATED AT E. RIVERSIDE DR./VINEYARD AVE.**

Dear Housing Accountability & Enforcement Unit (“HAU”):

On behalf of UNITE HERE Local 11 (“Local 11”), this office respectfully writes to the California Department of Housing and Community Development (“HCD”) requesting its investigation of a potential violation of the Surplus Land Act (Gov. Code §§ 54220–54234) (“SLA”)¹ involving the City of Ontario (“City”) disposition of a 2.368-acre property located at the corner of East Riverside Drive and Vineyard Avenue (i.e., APN 0218-111-12-0000) (“Property”).

On February 18, 2025, the City Council approved a Disposition and Development Agreement (“DDA”) for the sale of the City-owned Property to Ontario Ranch Hotels, LLC (“Developer”), citing the Economic Opportunity Law (Gov. Code §§ 52200-52201).² Before the City approved the DDA, Local 11 submitted written and verbal comments raising questions about whether the City complied with the SLA. (See Local 11 letter dated February 18, 2025 [attached hereto].) As raised in these comments, Local 11’s research has not found any confirmation that the Property was first made available to housing sponsors via a written notice of availability (“NOA”). (See e.g., Gov. Code § 54222; HCD SLA Guidelines § 201.) Nor has Local 11’s research found any confirmation that the City made appropriate exempt surplus land findings during a regular public meeting. (See e.g., Gov. Code § 54221(b)(1); SLA Guidelines §§ 103(c), 400(e).) These types of SLA issues, if verified, have been the subject of Notice of Violations (“NOV(s)”) issued by HCD for other jurisdictions, including

¹ Inclusive of SLA Guidelines (8/1/24) <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/final-updated-surplus-land-act-guidelines-2024.pdf>.

² See City Council Agenda (2/18/25) Agenda, Item 12, https://granicus_production_attachments.s3.amazonaws.com/ontarioca/8b1c31aa587d3d63597574d77713d4830.pdf; Id., Agenda Report, <https://d2kbkoa27fdvtw.cloudfront.net/ontarioca/ccfc6d371db4ae6a268fd028108a650c0.pdf>; Id., Resolution, https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/3152722/PH_13_Ontario_Ranch_Hotels_DDA_02_RESO_RM.pdf; Id., Summary Report, https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/3096019/Ontario_Ranch_Hotels_LLC_52201_Summary_Report_ED_Opp_03.pdf.

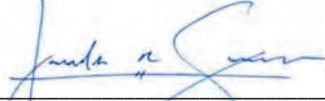


an NOV issued to the City of Moreno Valley, where HCD rejected the claims that the SLA conflicts with Economic Opportunity Law (Gov. Code §52200-52203).³

The City approved the DDA over objections made by the public, including Local 11's request that the City stay its action until after seeking technical advice from HCD. To date, we have yet to receive any legally sufficient explanation from the City of whether and how the City's DDA approval has complied with the SLA requirements to make land available for housing development or declared it properly exempt. Local 11 supports housing laws intended to promote genuine housing, particularly affordable housing projects. Therefore, Local 11 respectfully requests that HCD review our attached comment letter and investigate whether the City's approval of the DDA complied with the SLA and HCD Guidelines.

We thank you in advance for your consideration of this matter. Please do not hesitate to contact me directly if you have any questions regarding this matter.

Sincerely,



Jordan R. Sisson, Esq.
Attorney for UNITE HERE Local 11

ATTACHMENT: UNITE HERE Local 11 Letter (2/18/24)

CC: (email only)

Sheila Mautz, City Clerk (SMautz@ontarioca.gov)

Scott Ochoa, City Manager (sochoa@ontarioca.gov)

Jennifer McLain Hiramoto, Exec. Director Econ. Dev. (JHiramoto@ontarioca.gov)

³ City of Moreno Valley (10/18/2023) Notice of Violation RE Northwest Corner of Alessandro Boulevard and Nason Street, <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/moreno-valley-nov-101823.pdf>; see also San Bernardino (5/24/2023) Notice of Violation RE 295 Carousel Mall, <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/San-Bernardino-Carousel-Mall-Follow-Up-Letter-052423.pdf>; Roseville (12/4/2023) Notice of Violation RE 6382 Phillip Road, <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/roseville-nov-sla-120423.pdf>; Anaheim (12/8/21) Notice of Violation RE 2000 East Gene Autry Way, <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/anaheim-surplus-land-act-nov-120821.pdf>.

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February 18, 2025

VIA EMAIL:

City Council, City of Ontario
303 East B Street, Ontario, CA 91764
publiccomments@ontarioca.gov

**RE: Item 12, City Council Meeting February 18, 2025;
Disposition and Development Agreement for Land Sale and 227-Room Hotel;
UNITE HERE Local 11 Comments**

Dear Mayor Leon and Honorable City Councilmembers:

On behalf of UNITE HERE Local 11 (“Local 11”), this office respectfully provides the following comments¹ to the City of Ontario (“City”) regarding the proposed Disposition and Development Agreement (“DDA”) between the City and Ontario Ranch Hotels, LLC (“Developer”). The DDA would allow for the sale of a 2.368-acre City-owned property located at the corner of East Riverside Drive and Vineyard Avenue (i.e., APN 0218-111-12-0000) (“Site” or “Property”) in anticipation of a 227-room, 5-star luxury hotel (“Project”). According to the staff report for the above-referenced item,² the Project was considered in the Ontario Regional Sports Complex (“ORSC”) Environmental Impact Report (i.e., SCH No. 2023110328) (“EIR”),³ which was certified and approved by the City Council on July 16, 2024. (Agenda Report, p. 2.)

Upon review of the relevant documents, Local 11 has several concerns with the DDA, including several live issues with the DDA and the proposed 227-room hotel’s compliance with the Surplus Land Act (“SLA”), the California Environmental Quality Act (“CEQA”),⁴ and the City’s zoning code. As further explained below, it is unclear if the City has complied with the SLA requirement to make land available for housing development or declared it properly exempt. Additionally, it seems that the prior EIR only considered a 100-room hotel in a different location. So too, the significantly larger hotel is likely to exacerbate vehicle miles traveled (“VMT”) and associated greenhouse gas (“GHG”) impacts, which could be further mitigated through feasible mitigation measures not considered. Furthermore, the staff report fails to provide and/or explain critical information about key financial aspects of the DDA or explain why the City does not require a hotel-specific conditional use permit (“CUP”) at this time, as required under the City’s zoning code.

For these reasons, Local 11 respectfully asks the City to stay action on the DDA until all SLA requirements have been satisfied, a CEQA-compliant review has been conducted, a hotel-specific mandatory commuter trip reduction program is added, and there is an opportunity for the public to vet key financial studies associated with the DDA along with all entitlements for the hotel Project.

¹ Herein, page citations are either the stated pagination (i.e., “p. #”) or PDF-page location (i.e., “PDF p. #”).

² Inclusive of the “[Agenda Report](#)” dated 2/18/25, “[Summary Report](#)” regarding the DDA, “[Exhibit A](#)” Property view, [DDA](#), and the proposed “[DDA Resolution](#)”.

³ Inclusive of the Draft EIR (“[DEIR](#)”), Final EIR (“[FEIR](#)”), and Mitigation Monitoring Requirements Program (“[MMRP](#)”).

⁴ Including “CEQA Guidelines” codified at 14 Cal. Code. Regs. § 15000 et seq.



I. LOCAL 11'S STANDING

Local 11 represents more than 25,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California and Phoenix—including approximately 450 members who live and/or work in Ontario. The union has a First Amendment right to petition public officials in connection with matters of public concern, including compliance with applicable zoning rules and CEQA, just as developers, other community organizations, and individual residents do. Protecting its members' interest in the environment, including advocating for the environmental sustainability of development projects and ensuring the availability of housing and hotels (in compliance with state and local rules), is part of Local 11's core function. Recognizing unions' interest and union members' interest in these issues, California courts have consistently upheld unions' standing to litigate land use and environmental claims. (See *Bakersfield Citizens v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1198.) Furthermore, Local 11 has public interest standing to challenge the Project Approvals given the City's public duty to comply with applicable zoning and CEQA laws, which Local 11 seeks to enforce. (See e.g., *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 914-916, n.6; *La Mirada Avenue Neighborhood Assn. of Hollywood v. City of Los Angeles* (2018) 22 Cal.App.5th 1149, 1158-1159; *Weiss v. City of Los Angeles* (2016) 2 Cal.App.5th 194, 205-206; *Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 166, 169-170.)

II. SPECIFIC ISSUES WITH THE DDA & PROJECT

1. IT IS UNCLEAR IF THE CITY HAS COMPLIED WITH THE SURPLUS LAND ACT

The Surplus Land Act (Gov. Code §§ 54220-54234) ("SLA"), inclusive of its guidelines ("SLA Guidelines") prepared by the Department of Housing and Community Development ("HCD"), aims to make local public land that is no longer needed for government purposes available for building affordable homes.⁵ The SLA applies to all cities, including charter cities. (See *Anderson v. City of San Jose* (2019) 42 Cal.App.5th 683.) Generally, before disposing of surplus land, a local agency must send a written notice of availability ("NOA") of the property to HCD, any local public entity within the jurisdiction where the surplus local land is located, and affordable housing sponsors who have notified HCD. (See Gov. Code § 54222; HCD SLA Guidelines §201.) While there are exceptions to this requirement, a local agency's determination that land is exempt surplus land must be supported by written findings during a regular public meeting of the agency, with those findings sent to the HCD. (See Gov. Code § 54221(b)(1); SLA Guidelines §§ 103(c) and 400(e).)

Here, the City is proposing the disposition of the City-owned Property, but the available documentation reviewed by Local 11 does not mention whether the Property was subject to a NOA or declared exempt. Nor is it clear whether the Property falls within any of the categories of "exempt surplus land" under Gov. Code § 54221(f)(1). While subdivision (c) notes an exemption for land exchanged for "another property necessary for the agency's use", it is unclear how and whether that exemption would apply to the DDA, which references a proposed exchange of 25,489 square feet (0.585 acres) non-exclusive, right-of-way remained owned by the land owner (i.e., 7-25

⁵ See HCD Public Lands for Affordable Housing Development (identifying land acquisition as one of the biggest challenges to new affordable housing, and outlining several actions taken by the state to enhance the SLA, such as Executive Order N-06-19 [Gov. Newsom, 2019], AB 1486 [Ting, 2019], AB 1255 [Robert Rivas, 2019]), <https://www.hcd.ca.gov/planning-and-community-development/public-lands-affordable-housing-development>.

feet adjacent to dirt sidewalk area) and temporary construction easement would apply.⁶ The sidewalk is less than one-fourth the size of the 2.368-acre Property,⁷ and there appears to be ample space within existing rights-of-way (i.e., dirt side walk and road) to access existing utility lines along Riverside Drive.⁸ Furthermore, future street improvements (e.g., street, sewer, traffic signal, utility lines, etc.) are already anticipated along Vineyard right-of-way (i.e., five-lane with 8-foot multi-use trail) as subject to the previously approved ORSC.⁹

In sum, it is unclear how this significantly smaller temporary construction easement is necessary here to qualify as exempt, which would nevertheless have to be declared exempted at a regular public meeting.

2. THE DDA'S PROPOSAL OF A 227-ROOM HOTEL WAS NOT ANALYZED UNDER THE PRIOR EIR

Under CEQA, once an EIR has been prepared, a subsequent or supplement EIR is required for granting a later discretionary approval when there have been: (i) substantial changes to the project, (ii) substantial changes in the circumstances involving the project, or (iii) significant new information involving the project. (See Pub. Res. Code § 21166; CEQA Guidelines § 15162.) Projects not contemplated or not within the geographic area may require additional CEQA analysis.¹⁰ Here, the DDA contemplates a 227-room hotel, which the staff report suggests was covered by the previously certified EIR.¹¹ However, the EIR does not mention the DDA or the proposed 227-room hotel Project. Instead, the EIR contemplated a mere 100-room hotel located in planning area ("PA") 3, and anticipated retail uses within PA2 (i.e., where the City-owned Property is located).¹² It is unclear if the City is now contemplating a single larger hotel in a different location (i.e., a 227-room hotel in PA2) or is considering two hotels (i.e., 227-rooms in PA2 plus the 100-room hotel in PA3). As discussed below, even a single larger hotel would likely have exacerbated impacts not analyzed or mitigated under the certified EIR. Therefore, the proposed 227-room hotel development appears

⁶ See Agenda Report, p. 2; Exhibit A (area generally located along sidewalk area); DDA, PDF p. 7, 59, 78 (section 1.1.49, Exhs. A-1 & D-1).

⁷ For example, this SLA exemption has been cited by other agencies exchanging relatively comparable properties. (See e.g., Capitola Planning Commission Agenda Report (4/4/24), p. 1 [5,592-sf property [Soquel Union Elementary School District] in exchange for 4,284-sf property [City of Capitola]], <https://mccmeetingspublic.blob.core.usgovcloudapi.net/capitolaca-meet-7a1699cfde7f4d0f8d2bce5df22a5e22/ITEM-Attachment-003-fa130eb7dab849d0a07fab4d3f57eaa1.pdf>.

⁸ See GoogleMaps, https://www.google.com/maps/place/S+Vineyard+Ave+%26+E+Riverside+Dr,+Ontario,+CA+91761/@34.019553,-117.6108423,3a,60y,275.55h,90.32t/data=!3m7!1e1!3m5!1sg62gK6vh1vo5oTVRplSt-w!2e0!6shttps%3F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fcb_client%3Dmaps_sv.tactile%26w%3D900%26h%3D600%26pitch%3D-0.31853410523336834%26panoid%3Dg62gK6vh1vo5oTVRplSt-w%26yaw%3D275.5462992542434!7i16384!8i8192!4m6!3m5!1s0x80c334cd1f399d7b:0x14ca414b23038095!8m2!3d34.0195981!4d-117.610924!16s%2F%2F11gdzt7tpb?entry=ttu&g_ep=EgoyMDI1MDIxMi4wIKXMDSoJLDEwMjExNDU1SAFQAw%3D%3D.

⁹ See DEIR, PDF p. 101, 117, 127-136, 151-159, 692; see also [Agenda Report](#) (7/16/24, Item 20, p. 4).

¹⁰ See e.g., *Concerned Citizens of Costa Mesa, Inc. v 32nd Dist. Agric. Ass'n* (1986) 42 C3d 929, 937 (plans for approved amphitheater project changed to increase seating significantly, expand the site, and reorient the stage to face nearby residences); *Save Berkeley's Neighborhoods v Regents of Univ. of Cal.* (2020) 51 CA5th 226, 237 (claim that university changed project described in campus long-range development plan by approving increases in student enrollment well beyond development plan and EIR projections, without considering whether further CEQA review was required, alleged violation of CEQA).

¹¹ See Summary Report, p. 1; Agenda Report, p. 2; DDA, PDF p. 60 [Exh. B Scope of Development].

¹² DEIR, PDF pp. 32, 41-43, 114-117 (project components and planning areas), 176-178 (listing the project approvals); MMRP, PDF p. 7.

to reflect substantial changes to the project, meaning that further CEQA review should be required before the City approves the DDA.

3. EXACERBATED GHG/VMT IMPACTS CAN BE FURTHER MITIGATED

As mentioned above, the staff report suggests the proposed action was covered by the prior FEIR, including the Council finding that “all environmental impacts” have been addressed within the prior EIR and that “no new or additional mitigation measures or alternatives are required.” (Proposed Resolution, p. 3.) However, the prior EIR contemplated only a 100-room hotel, including assessing VMTs and GHGs associated with the hotel use.¹³ By more than doubling that size, the anticipated Project would possibly significantly increase the amount of VMTs and GHGs (including those deriving from mobile emissions) associated with the hotel use (i.e., new or exacerbated impacts). These are impacts going above and beyond those previously found significant and unavoidable.¹⁴ As it relates to hotel-related development within PAs 2 and 3, the EIR largely relies on mitigation measures GHG-4 (i.e., point system under City’s Community Climate Action Plan (“CCAP”)) and TRAF-1a (development of Transportation Demand Management (“TDM”)).¹⁵ (See excerpts below.)

GHG-4 The City of Ontario shall require applicants to design and construct buildings in Planning Areas 2, 3, and 4 to achieve a 100-point score with the 2022 Community Climate Action Plan (CCAP), Table 6, “Screening Table for Implementing GHG Performance Standards for Commercial, Office, Medical, Hotel, Industrial, and Retail Development, 2030.” Alternatively, the analysis of development projects can be done through emissions calculations to demonstrate equivalent reductions using CalEEMod or a similar tool. Projects that do not use the CCAP Screening Tables to demonstrate consistency with the 2022 CCAP must demonstrate that they will generate annual GHG emissions that do not exceed the following emission screening thresholds from the CCAP:

- 1. For residential development completed between 2020 and 2030, the project shall not produce GHG emissions greater than 5.85 MTCO 2e/dwelling unit.*
- 2. For residential development completed after 2030, the project shall not produce GHG emissions greater than 1.53 MTCO 2e/dwelling unit.*
- 3. For nonresidential developments of all types completed between 2020 and 2030, the project shall not produce GHG emissions greater than 8.84 MTCO2e/2,500 square feet of conditioned space.*
- 4. For nonresidential developments of all types completed after 2030, the project shall not produce GHG emissions greater than 3.61 MTCO 2e/2,500 square feet of conditioned space.*

For projects that include both residential and nonresidential space, the residential and nonresidential components must be assessed separately against their respective applicable thresholds

###

¹³ DEIR, [Appendix D1](#) (Air Quality GHG Modeling), PDF pp. 4, 31, 683; DEIR, [Appendix L1](#) (VMT Memorandum), PDF pp. 9, 34; FEIR, PDF p. 171.

¹⁴ See e.g., [CEQA Findings of Fact and Statement of Overriding Considerations](#), pp. 105-109, 115-119, 137, 141-142.

¹⁵ *Ibid.*, see also MMRP, pp. 23, 30,

TRAF-1a Commercial/Hospitality TDM Measures. Applicants for commercial and hotel development in Planning Areas 2, 3, and 4 shall prepare Transportation Demand Management (TDM) measures analyzed under a VMT-reduction methodology consistent with the California Air Pollution Control Officers Association's (CAPCOA) Final Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (2021) and approved by the City of Ontario. Measures shall include but are not limited to:

- *Implement a voluntary commute trip reduction program for employees.*
- *Implement an employee parking cash-out program for employees.*
- *Collaborate with the City to support transit service expansion.*
- *Comply with requirements detailed in the Parking Management Plan, including providing parking validation for retail and hospitality visitors.*

(See ORSC EIR, MMRP, pp. 23, 30.)

While the ORSC EIR stated there were no other feasible mitigation measures,¹⁶ additionally feasible mitigation measures do seem available to reduce the impacts *exacerbated* by the larger hotel Project¹⁷—especially measures that can minimize VMTs and associated GHG mobile emissions recommended by the California Air Pollution Control Officers Association (“CAPCOA”) and other public agencies (e.g., Governor’s Office of Planning and Research (“OPR”), the Southern California Association of Governments (“SCAG”), South Coast Air Quality Management District (“SCAQMD”), and the California Air Resources Board (“CARB”)).¹⁸ For example, the City could require a mandatory rather than merely voluntary commute trip reduction program (“CTRP”), provide subsidized transit passes, include bike/scooter-share facilities, and other strategies.¹⁹ CAPCOA estimates that a mandatory CTRP is more than six times more effective at reducing GHG impacts (i.e., up to 26%) as compared to a voluntary CTRP (i.e., up to 4%).²⁰ Furthermore, it is unclear why some of the 227 rooms could not accommodate some form of on-site housing, such as affordable or

¹⁶ Ibid., 109, 119

¹⁷ To the extent impacts are part of the existing baseline conditions, it is nevertheless proper to evaluate a development’s *exacerbating effects* on existing impacts. (See *Clews Land & Livestock, LLC v. City of San Diego* (2017) 19 Cal.App.5th 161, 194 [quoting *California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 377, 388].)

¹⁸ See CAPCOA (Dec. 2021) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, pp. 31-32, 73, 76, 80-96, https://www.airquality.org/ClimateChange/Documents/Final%20Handbook_AB434.pdf; CAPCOA (Aug. 2010) Quantifying GHGs and Mitigation, pp. 64-74, <https://www.contracosta.ca.gov/DocumentCenter/View/34123/CAPCOA-2010-GHG-Quantification-PDF>; OPR (Dec. 2018) Technical Advisory, pp. 27, https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf; SCAG (Dec. 2019) Final Program EIR, pp. 2.0-18 – 2.0-71 (see project-level mitigation measures for air quality, GHG, and transportation impacts), https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocal_complete.pdf?1607981618; SCAG (Apr. 2024), Program EIR, pp. A-7 – A-48, https://scag.ca.gov/sites/main/files/file-attachments/exhibit_a_mmrp_508_final.pdf?1712003625; CARB 2022 Scoping Plan, 4, 7, 24, 29 & Appendix D, pp. 23, <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents>; CARB’s 2017 Scoping Plan, Appendix B-Local Action, pp. 1-8, 7-9 & Appendix D, p. 2, https://www.arb.ca.gov/cc/scopingplan/app_b_local_action_final.pdf.

¹⁹ See e.g., CAPCOA (Dec. 2021), supra fn. 16, pp. 83; CAPCOA (Aug. 2010), supra fn. 16, p. 66.

²⁰ CAPCOA (Dec. 2021), supra fn. 16, at pp. 83, 86.

work-force housing. Therefore, we urge the City to consider a more robust, hotel-specific mandatory commuter reduction program that could include:

- Specific performance level to be reached (e.g., specific VMT or average daily trip reduction or both);
- Specified participation level (e.g., 100% of employees);
- Participation in guaranteed ride programs for employees who need to respond to emergencies arising when normal public transit is infeasible;
- Incentivize employee carpool/vanpool access to preferential parking spaces or hotel valet service or both;
- Subsidized transit passes for hotel workers and patrons;
- Provide end-of-trip facilities; and
- Dedicated shuttle service for hotel patrons toward nearby destinations.²¹

4. MISSING INFORMATION AND PROJECT PIECEMEALING

The staff report also fails to explain and/or provide other key information. For example, the staff report cites a Thompson & Thompson Real Estate Valuation and Consulting, Inc. appraisal, which is not included. (See Summary Report, p. 3.) This is significant because the staff report does not explain to the public numerous key issues with the DDA, for example: (1) how was the fair market value of the City-owned property determined to be “\$14.00 per square foot”; (2) what is the difference between the City’s purchase price (i.e., \$1.4 million) and the estimated reuse value of the Property to the Developer, which is admittedly valued “significantly higher”; and (3) how much increased “revenue” is the City expecting from the new hotel (e.g., property tax, TOT, etc.). (Id.) Furthermore, as part of the City’s action in July 2024, the Property was rezoned CCS,²² which requires a hotel CUP under section 5.03.250 of the City’s Development Code, which requires (among other things) a market feasibility study²³—also not mentioned or provided in the staff report.

Additionally, the increased hotel component and failure to consider the CUP here raises the concern of whether the City is improperly piecemealing the Project and project approvals. Under CEQA, the City must assess “the whole of an action” and not improperly piecemeal a project’s analysis whereby the full impacts of a development are masked by chopping up the overall project into smaller development projects. (CEQA Guidelines §§ 15003(h), 15378(a).²⁴) This analysis must include all phases of the project and all reasonably foreseeable consequences of the project. (Id., § 15126.²⁵) This analysis should be prepared as early as feasible in the planning process and before the City commits to any action. (Id., § 15004(b).) Here, the prior EIR looked at only a 100-room hotel—not a 227-room hotel—and the City seems to be considering committing to the larger hotel Project without conducting a subsequent CEQA analysis and evaluating a CUP.

²¹ See e.g., Santa Monica Municipal Code § 9.5.130(B)(2)(b); <https://www.octa.net/getting-around/rideshare/oc-rideshare/employers/guaranteed-ride-home-program/>; <https://www.ci.healdsburg.ca.us/AgendaCenter/ViewFile/Item/3098?fileID=21731>.

²² see July Resolution, PDF pp. 1-2.

²³ Dev. Code, PDF p. 17, 44, 54, 130-132.

²⁴ See also *Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454; *San Joaquin Raptor/Wildlife Rescue Center v. Cnty. of Stanislaus* (1994) 27 Cal.App.4th 713, 730.

²⁵ See also *Laurel Heights Improvement Ass’n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 396-398; *City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454.

III. CONCLUSION

In sum, Local 11 is concerned that the City may not be following normal SLA rules that would make the City Parcels available to housing developers. Local 11 is also concerned about the City's reliance on an inadequate CEQA review and mitigation that seems to have never contemplated the DDA or a 227-room hotel at the Property (among other concerns). Local 11 respectfully urges the City to stay action on the DDA until the issues mentioned above are adequately addressed.

Local 11 reserves the right to supplement these comments at future hearings and proceedings for this Project. (See *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 [CEQA litigation not limited only to claims made during EIR comment period].) This office requests, to the extent not already on the notice list, all notices of CEQA actions and any approvals, Project CEQA determinations, or public hearings to be held on the Project under state or local law requiring local agencies to mail such notices to any person who has filed a written request for them. (See Pub. Res. Code §§, 21092.2, 21167(f) and Gov. Code § 65092.) Please send notice by electronic and regular mail to the address identified on page one of this letter.

Thank you for consideration of these comments. We ask that this letter is placed in the administrative record for the Project.

Sir -----



Jordan R. Sisson, Esq.
Attorney for UNITE HERE Local 11

From: [Kirsten Squarcia](#)
To: [City Clerk](#)
Subject: FW: Slides for tonight
Date: Tuesday, December 2, 2025 10:47:28 PM
Attachments: [City Council 11-18-25-v2.pptx](#)



Kirsten Squarcia

Interim Deputy City Manager/City Clerk

City Manager's Office

KirstenS@cupertino.gov

(408) 777-3225



From: orrinmahoney@comcast.net <orrinmahoney@comcast.net>
Sent: Tuesday, December 2, 2025 1:57 PM
To: Kirsten Squarcia <KirstenS@cupertino.org>
Subject: Slides for tonight

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.

Kirsten,

If I end up speaking tonight, I want to use the same slides as a few weeks ago.

Best,

Orrin

Project Background

State of the City Address 2019 (Lunchtime Event)

ELI Housing for the Developmentally Disabled

- Consider Underutilized City Land for ELI Housing
- Work with Nonprofits to Get Funding for Housing that is Reserved for those with Developmental Disabilities.



45-unit apartment building in Minneapolis-Saint Paul for adults with developmental disabilities, funded by Jewish Housing and Programming (J-HAP), Open to All Faiths.



With all the wealth in Silicon Valley we need to Find a Way to Do This

Play (k)



30:54 / 56:54

Scroll for details



The Coalition

- Driven by a coalition of organizations:
 - Rotary Club of Cupertino - Project lead
 - Charities Housing - Project Manager and property manager
 - Housing Choices - Advocate and future case management
 - West Valley Community Services - Other housing services

Today's Plan

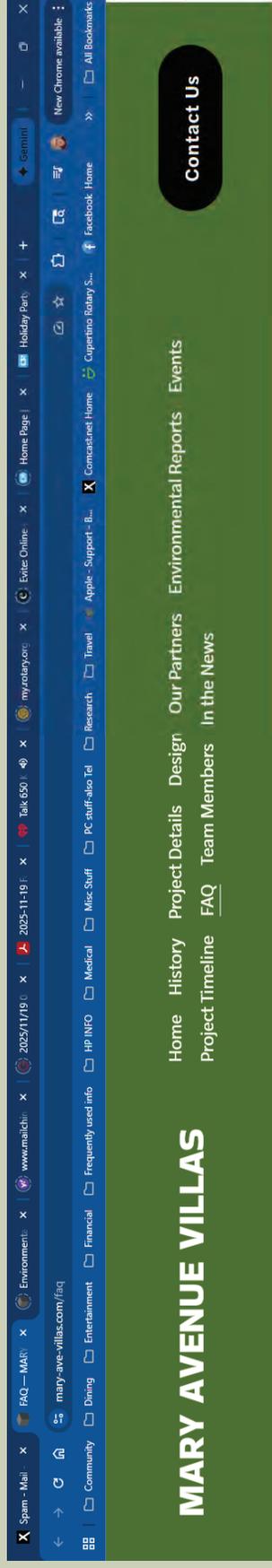


- 40 Units of affordable housing
- 19 Units targeted for Adults with Intellectual and Developmental Disabilities (I/DD)
- Uses “surplus land” to reduce costs

Community Outreach

- First Meeting 7/3/24
- Second Meeting 1/28/25
- Third Meeting 9/11/25

Response to Community Issues



The screenshot shows the top portion of the Mary Avenue Villas website. The navigation menu includes: Home, History, Project Details, Design, Our Partners, Environmental Reports, and Events. Below this, there are sub-links for Project Timeline, FAQ, Team Members, and In the News. A prominent black button with white text says "Contact Us". The browser's address bar shows the URL "mary-ave-villas.com/faq".

Frequently Asked Questions

Project Overview:

Mary Avenue Villas is a 40-unit, 100% affordable housing community in Cupertino, California, developed by Charities Housing in partnership with the Cupertino Rotary and Housing Choices Coalition. Situated on a 0.79-acre long, narrow lot adjacent to Highway 85 and Mary Avenue Dog Park, the project features (2) two-story, wood-framed buildings, each equipped with its own elevator. An at-grade parking lot will be centrally located between the buildings. The development will offer a diverse unit mix, including studio, one-bedroom, two-bedroom, and three-bedroom apartment units to accommodate various household needs and targeted population. The current design will include a Community Room for the residents, as well as an office, and meeting spaces for resident programs and services.



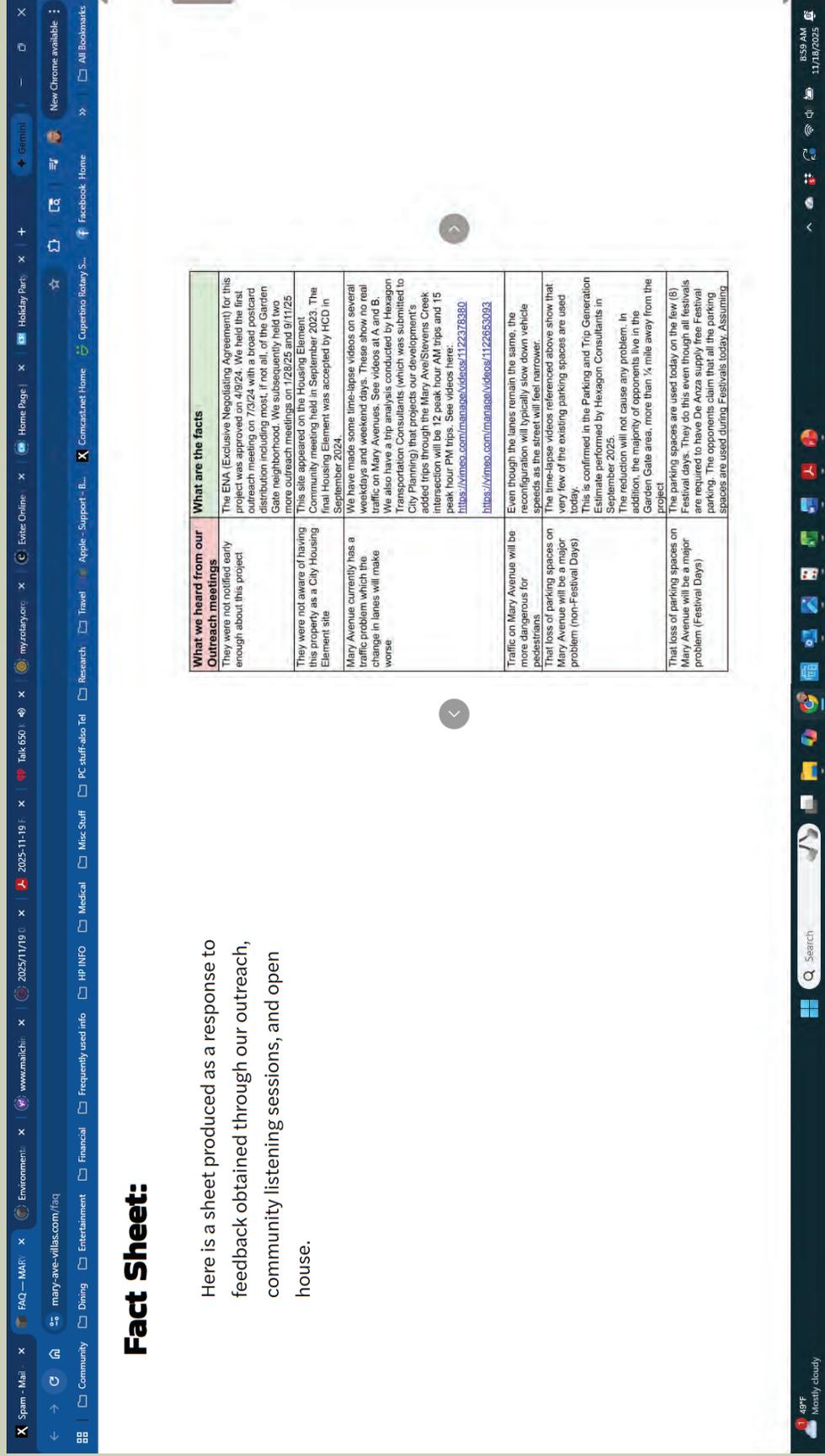
The screenshot shows the bottom portion of the browser window, including the Windows taskbar and system tray. The taskbar contains icons for various applications like Microsoft Edge, File Explorer, and Word. The system tray shows the date and time as "11/18/2025 8:51 AM".

Response to Community Issues

Fact Sheet:

Here is a sheet produced as a response to feedback obtained through our outreach, community listening sessions, and open house.

What we heard from our Outreach meetings	What are the facts
They were not notified early enough about this project	The ENA (Exclusive Negotiating Agreement) for this project was approved on 4/9/24. We held the first outreach meeting on 7/3/24 with a broad postcard distribution including most, if not all, of the Garden Gate neighborhood. We subsequently held two more outreach meetings on 7/29/25 and 9/11/25
They were not aware of having this property as a City Housing Element site	This site appeared on the Housing Element Community meeting held in September 2023. The Housing Element was accepted by HCD in September 2024.
Mary Avenue currently has a traffic problem which the change in lanes will make worse	We have made some time-lapse videos on several weekdays and weekend days. These show no real traffic on Mary Avenues. See videos at A and B. We also have a trip analysis conducted by Hexagon Transportation Consultants (which was submitted to City Planning) that projects our development's added trips through the Mary Ave/Slevens Creek intersection will be 12 peak hour AM trips and 15 peak hour PM trips. See videos here: https://vimeo.com/manage/videos/1122378580 https://vimeo.com/manage/videos/1122653093
Traffic on Mary Avenue will be more dangerous for pedestrians	Even though the lanes remain the same, the reconfiguration will typically slow down vehicle speeds as the street will feel narrower.
That loss of parking spaces on Mary Avenue will be a major problem (non-Festival Days)	The time-lapse videos referenced above show that very few of the existing parking spaces are used today. This is confirmed in the Parking and Trip Generation Estimate performed by Hexagon Consultants in September 2025. The reduction will not cause any problem. In addition, the majority of opponents live in the Garden Gate area, more than 1/2 mile away from the project.
That loss of parking spaces on Mary Avenue will be a major problem (Festival Days)	The parking spaces are used today on the few (8) Festival days. They do this even though all festivals are required to have De Anza supply free Festival parking. The opponents claim that all the parking spaces are used during Festivals today. Assuming



Independent Living

What Services will Housing Choices Provide?

- Support clients in applying for the 19 set-aside IDD units by completing applications, managing finances, accessing resources, and guiding them through every step of the move-in process.
- Provide on-site Resident Coordination services, including:
 - Weekly check-ins with residents and property management
 - Monthly community events and regular social gatherings
 - Assist with lease compliance, accommodations, modifications, inspections, and re-certifications.
 - Mediate conflicts with neighbors, property management, and service providers; attend IPP meetings
 - Connect residents to nearby services and programs that strengthen their circle of support and stability.

Over 90% of Housing Choices' residents have stayed housed for 5+ years.



19 Total IDD units :

- 17 Extremely Low Income (ELI):
 - 3 studios at 30% AMI
 - 14 one-bedroom units at 30% AMI
- 2 Very Low Income (VLI):
 - 2 two-bedroom units at 50% AMI

Who Qualifies for the IDD Apartments?

- Individuals, and their families, receiving services from the San Andreas Regional Center (SARC). SARC is a nonprofit contracted by the State of California to support people with intellectual and developmental disabilities.
 - If a client receives services from another Regional Center, Housing Choices may help secure a courtesy vendorization.
- Preference for those who live in Cupertino.

How Much is Rent?

Rent will be 30% of the household income.

There will be income maximum limits at 30% and 50% AMI depending on unit size.

Housing Element Site

Table B4-8 Priority Housing Sites in Residential Zones - Additional Site Details

Site ID	APN	Location	Existing Use	Owner Interest	Current Lease	Age of Building/Condition	Discussion
8	316 23 026	20111 Stevens Creek Blvd	Office building	Yes, active conversation with property owner, conversations with interested developer in Fall 2023.	n/a	1982	Site 8 is a 1.78-acre parcel located in the Heart of the City Special Area – Central Special Area, which is a mix of commercial and residential uses. Site 8 is located on the north side of Stevens Creek Boulevard approximately one mile east of De Anza College. Existing uses on the site include a dentist's office and associated parking, adjacent to Site 1. The building was constructed in 1982 and has had minimal upgrades. Neighboring uses include commercial and single-family uses. The property is on the same block 11051 N. Blaney, which has an application on file for a 5-story, 85-unit/acre apartment development. Developers have contacted the City about the possibility of redeveloping this site. The site would also be eligible for by-right residential development under AB 2011 (2022) prior to the completion of the rezoning. The improvement-land value ratio for this site is 0.80 so development on this site is considered feasible.
9	326 32 050	20883 Stevens Creek Blvd	Office building	No response received	n/a	1981	Site 9 is a 0.83-acre parcel located in the Heart of the City – Crossroads Special Area, which is a mix of commercial and residential uses. Site 9 is located approximately 0.25 miles east of De Anza College. Existing uses on the site include an office building. The building is occupied by a tech company and was constructed in 1981. The site is across the street from a pipeline project (Blanchi) and two vacant commercial buildings (former Fontana's Restaurant and Pizza Hut) that are strong redevelopment candidates. Neighboring uses include commercial uses, with single-family uses and amenities in close proximity. The site would also be eligible for by-right residential development under AB 2011 (2022) prior to the completion of the rezoning. The improvement-land value ratio for this site is 19.72 so development on this site may be a challenge; however, due to the nearby presence of a pipeline project and the potential for redevelopment of other nearby parcels in this corridor, it is estimated that this will not be a barrier to redevelopment. Current trends are showing there is a lot of interest in developing near this site. Redevelopment of small, dated buildings is occurring across the street which includes an SB330 preliminary application to redevelop three existing buildings (two restaurants and one larger format commercial building) with associated
10	326 27 053	Mary Ave site	Vacant	Yes, City Owned	n/a	n/a	Site 10 is located in the Garden Gate neighborhood and is located east of Highway 85. Presently, the site is a new parcel carved out from unused right-of-way, owned by the City of Cupertino, adjacent to Highway 85 that includes some on-street parking. Neighboring uses include multi-family residential uses, a dog park, condominiums and Highway 85. In response to an October 2022 RFP for projects for this property, the site has an active proposal for a 40-unit, two-story affordable (100% Low and Very Low Income) housing project developed by Cupertino Rotary Housing Corporation, Housing Choices Coalition, and Charities Housing. The project will include 18 units for residents with intellectual or developmental disabilities. This site does not have a current assessed land or improvement value, so an improvement-land value ratio could not be calculated for this site.
11	323 36 018	11025 N De Anza Blvd	Vacant	Yes	n/a	1960	Site 11 is a 0.52-acre parcel located in the Homestead Road Special Area, which is predominantly multi-family homes and commercial uses. Site 11 is located north of Interstate 230 at the northwest corner of Homestead Road and Sunnyside-Saratoga Road. The small commercial structure that previously occupied this site was recently demolished and the site is now vacant. The owner has expressed an interest in redeveloping the site. Neighboring uses include multi-family homes and a variety of commercial structures. The property is close to the Apple Campus and close to bus lines on De Anza and Homestead Rd. The site would also be eligible for by-right residential development under AB 2011 (2022) prior to the completion of the rezoning. The improvement-land value ratio for this site is 0 due to the lack of improvements on the site, so development is considered feasible.
12	316 04 064	19820 Homestead Rd	Single Family Residential	Yes	n/a	1954, borderline dilapidated	Site 12 is a 0.44-acre site located in the Homestead Road Special Area, which is predominantly multi-family homes and commercial uses located immediately north of Interstate 280. Existing uses on Site 12 include a single-family home that was built in 1954 and is borderline dilapidated. The owner has expressed an interest in redeveloping the site. Neighboring uses include similar single-family homes. The improvement-land value ratio for this site is 0.02 so development is considered feasible.

From: [Paul Krupka](#)
To: [Public Comments](#)
Cc: [Brian Avery](#); [Lina Meng](#)
Subject: Public Comment – Special Meeting on December 12, 2025 – Study Session on the Mary Avenue Project (“Project”)
Date: Thursday, December 11, 2025 3:01:00 PM
Attachments: [krupka Georgia t 50.png](#)
[Cupertino CC re Mary Avenue Villas 121125 f.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 City Council Members:

Please accept and consider my attached public comment letter during your deliberations on December 12, 2025.

Thank you!

Sincerely,

Paul Krupka

Paul J. Krupka, PE
(he/him/his)
KRUPKA CONSULTING
Trusted Advisor | Transportation
650.504.2299
paul@pkrupkaconsulting.com

krupka.

krupka.

December 11, 2025

City Council Members
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014

by email only > publiccomment@cupertino.gov

RE: Public Comment – Special Meeting on December 12, 2025 – Study Session on the Mary Avenue Project (“Project”)

Dear City Council Members:

I am supporting Brian Avery, owner of the Glenbrook Apartments, and Lina Meng, a neighbor, both of whom represent the Garden Gate Neighborhood Group, in providing transportation advisory services and a professional opinion on the Mary Avenue Villas Project. I offer the following information and comments for your consideration.

Qualifications

I am a registered Civil Engineer and Traffic Engineer in California and have over 40 years of diverse experience across all phases of project delivery, including preliminary assessment, conceptual planning, feasibility analysis, design, and construction. I have demonstrated expertise in transportation, traffic, and transit planning, engineering, and design related to transit-oriented development, transit facilities, parking facilities, roadway and highway improvements, large and small development projects, neighborhood, community, downtown, city, subarea, county, and sub-regional plans, and transit and highway corridors.

Comments

I have visited the Project site and surroundings, observed traffic and parking activities, surveyed peak parking occupancy on Mary Avenue and at Memorial Park, and reviewed recent photographic evidence of related parking conditions during Memorial Park events. I have reviewed the [Transportation Study for Proposed Affordable Housing Project on Mary Avenue](#) (Hexagon Transportation Consultants, Inc., November 13, 2025, the Memorial Park Specific Plan (City of Cupertino, February 2024), including the Memorial Park Parking Study (City of Cupertino, January 2024), the Westport Mixed-Use Project Environmental Impact Report Addendum No. 1 (PlaceWorks, December 2024), and information on current and planned development at De Anza College.

The Project will have a significant impact by removing 89 spaces of public on-street parking on Mary Avenue (95 spaces with recommended Project changes in the aforementioned [Transportation Study](#)), amid heavy observed demand for this parking (upwards of 60 percent occupied) during many major events at Memorial Park. This 37+% reduction in on-street parking supply will affect residents who rely on it, spreading parking demand further into residential neighborhoods. This impact was documented in the formal Project application in April 2025. It was acknowledged in the aforementioned Transportation Study. Still, it was seemingly dismissed with this simple conclusion – “With the Project, there would be 152 on-street

KRUPKA CONSULTING

431 Yale Drive | San Mateo, CA | 94402
650.504.2299 | paul@pkrupkaconsulting.com | pkrupkaconsulting.com

parking spaces..., which would still provide enough spaces to meet the anticipated parking demand...along the project frontage.” The anticipated parking demand noted was only 37 spaces, which reflects a non-Memorial Park event condition.

My peak parking occupancy survey on Saturday, November 1, 2025, found a demand of 42 spaces (17% occupied (42/241)) on Mary Avenue (total parking supply of 241 spaces). The photographic evidence I cited above indicated a demand of approximately 140 spaces (58% occupied) during Memorial Park events. **With the Project, this level of demand would equal 96% of the total parking supply (146 spaces).**

Other approved and planned developments will exacerbate this significant impact.

- **Memorial Park enhancements**, intended to serve existing and new patrons, *will increase parking demand in the neighborhood and on Mary Avenue*. While the aforementioned parking study did not include Mary Avenue, it cited “Maintain Current Parking Configuration along Mary Avenue” as a recommended management strategy.
- **Completion of the Westport Mixed-Use Project** will reduce residential and retail areas, associated vehicle trips, and the total parking supply, but *will require accommodating the resulting parking demand off-site along Mary Avenue*.
- **The replacement of the Flint Center at De Anza College** will enhance opportunities for public and on-campus entertainment and *increase public reliance on off-site parking on Mary Avenue*.

Conclusion

The project's significant impact has not been adequately studied to determine appropriate mitigations.

It is in your community's best interests that you strongly consider doing so.

I appreciate your consideration.

Sincerely,
KRUPKA CONSULTING



Paul Krupka, P.E.
Owner

Cc: Brian Avery
Lina Meng

From: [Hal and Janet Van Zoeren](#)
To: [Public Comments](#); [City Council](#); [City Clerk](#); [Cupertino City Manager's Office](#); [bcc: Cupertino ForAll](#); [Hal and Janet Van Zoeren](#); [Connie Cunningham](#); [Andy Lief](#); [Saadati Louise](#); [Kathy Robinson](#); [Kiran Varshneya](#); [Orrin Mahoney](#); [Gia Pham HCC](#); [Housing Choices](#)
Subject: Mary Avenue Villas, a Cupertino community created project
Date: Thursday, December 11, 2025 11:19:51 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 Cupertino City Council Members,

As you most likely know, a few individuals have fired up a group of heartless NIMBYs by feeding them misinformation regarding the Mary Avenue Villas project and the characteristics of those it would benefit. In their quest to kill the project, these community members and their naive followers **keep trying to delay the project by adding to their numbers and falsely claiming**

- Mary Avenue will no longer be a safe place to
 - Drive
 - Bicycle
 - Walk or
 - Exist
- The decrease in parking spaces will be detrimental to those who can now park along Mary Avenue and, therefore, will create a problem for the adjacent neighborhoods
- The health and welfare of the residents of Mary Avenue Villas will be compromised by
 - Air pollution from the adjacent freeway
 - Soil pollution
 - No where for fire trucks and EMT vehicles to park during their assumed to be frequently needed visits to these villas

It will not be possible to placate these false excuses for the supposed concerns of this NIMBY group. Those spreading these lies choose not to listen to the facts that dispute them. They simply do not want the Mary Avenue Villas project in their backyard or anywhere near it, and they continue using these false claims as ammunition to defeat it.

This is sad because the people who need affordable housing like this are members of our Cupertino community, many have family here, and may have grown up attending school here as well. They will benefit from continuing to live near their supportive families and friends and the local amenities that they use. It was also sad to hear one of the NIMBYs attempt to spread to others his fear of living near the people who might live in the villas if they are developed. Sad as well has been hearing the ignorant attempts of NIMBYs, who clearly lack familiarity with people who have IDD, to inappropriately characterize people with IDD, how impaired their mobility is, and how dangerous it will be for others to live near people with IDD and how dangerous for the villas residents it will be for them to live on Mary Ave due to the unsafe traffic conditions this project will create.

People with IDD are members of our Cupertino Family at large. They attend our schools, live in our neighborhood, shop at our stores, go to our library, our churches, and our colleges. They walk our streets and ride our buses. As a representative of Cupertino, do you want to take the position that our community members with IDD are dangerous and unworthy of housing in this city? I find it hard to believe you want that, so please do not give in to this vocal minority group of troublemakers!

Finding a way to create housing in Cupertino to meet the needs of people with IDD has been an enormous task. Some of us began working on it for over 25 years! However, within the last 5 years or so, many Cupertino community members have united together to meet this challenge. The feasible plan they have developed has involved the cooperative efforts of the Housing Choices Coalition, the Cupertino Rotary, and Charities Housing Developers, who together have formed a leading partnership. They have received additional help and expertise from West Valley Community Services, several past Cupertino mayors and past city managers, several city staff members, and many other Cupertino citizens. The incredibly unique plan that has been developed is designed to create affordable housing well-needed by people with IDD and or with similar economic status in Cupertino. Our Cupertino community has worked together to do this!

Not only have these community members and groups found a way to make the project affordable, but they have identified a site that will meet other needs of Mary Avenue Villas' future residents as well, many of whom cannot drive and do not own cars. The villas will be near bus routes, grocery stores, drug stores, Quinlin Center, the Cupertino library, parklands, the senior center, West Valley Community Services, DeAnza Community College, and a bus route to The College of Adaptive Arts, located at West Valley Community College. In addition, many of the people living in the Mary Ave Villas will be able to receive services from West Valley Community Services and or the San Andreas Regional Center via the Housing Choices programs, the Independent Living Skill programs, or the Supported Living Services programs.

This community project will benefit the community at large by housing some of its most economically deprived residents. **Please do not allow the very vocal, self-centered members of our community to use their false claims to delay this project while they continue to seek a way to kill it.**

As Cupertino City Council members, you have shown your support for the IDD community by your recent presentation of awards to both the Parents Helping Parents and The Friends of Children with Special Needs organizations, and by awarding approximately 4 million dollars toward the community's Mary Avenue Villas project. Our community has very much appreciated this support! As a community, **we are also counting on you to keep this project moving forward in a timely fashion.**

Thank you for your support!

Most sincerely,

Janet and Harold Van Zoeren

From: [Paul Krupka](#)
To: [Public Comments](#)
Cc: [Brian Avery](#); [Lina Meng](#)
Subject: Public Comment – Special Meeting on December 12, 2025 – Study Session on the Mary Avenue Project (“Project”)
Date: Thursday, December 11, 2025 3:01:00 PM
Attachments: [krupka Georgia t 50.png](#)
[Cupertino CC re Mary Avenue Villas 121125 f.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 City Council Members:

Please accept and consider my attached public comment letter during your deliberations on December 12, 2025.

Thank you!

Sincerely,

Paul Krupka

Paul J. Krupka, PE
(he/him/his)
KRUPKA CONSULTING
Trusted Advisor | Transportation
650.504.2299
paul@pkrupkaconsulting.com

krupka.

krupka.

December 11, 2025

City Council Members
City of Cupertino
10300 Torre Avenue
Cupertino, CA 95014

by email only > publiccomment@cupertino.gov

RE: Public Comment – Special Meeting on December 12, 2025 – Study Session on the Mary Avenue Project (“Project”)

Dear City Council Members:

I am supporting Brian Avery, owner of the Glenbrook Apartments, and Lina Meng, a neighbor, both of whom represent the Garden Gate Neighborhood Group, in providing transportation advisory services and a professional opinion on the Mary Avenue Villas Project. I offer the following information and comments for your consideration.

Qualifications

I am a registered Civil Engineer and Traffic Engineer in California and have over 40 years of diverse experience across all phases of project delivery, including preliminary assessment, conceptual planning, feasibility analysis, design, and construction. I have demonstrated expertise in transportation, traffic, and transit planning, engineering, and design related to transit-oriented development, transit facilities, parking facilities, roadway and highway improvements, large and small development projects, neighborhood, community, downtown, city, subarea, county, and sub-regional plans, and transit and highway corridors.

Comments

I have visited the Project site and surroundings, observed traffic and parking activities, surveyed peak parking occupancy on Mary Avenue and at Memorial Park, and reviewed recent photographic evidence of related parking conditions during Memorial Park events. I have reviewed the [Transportation Study for Proposed Affordable Housing Project on Mary Avenue](#) (Hexagon Transportation Consultants, Inc., November 13, 2025, the Memorial Park Specific Plan (City of Cupertino, February 2024), including the Memorial Park Parking Study (City of Cupertino, January 2024), the Westport Mixed-Use Project Environmental Impact Report Addendum No. 1 (PlaceWorks, December 2024), and information on current and planned development at De Anza College.

The Project will have a significant impact by removing 89 spaces of public on-street parking on Mary Avenue (95 spaces with recommended Project changes in the aforementioned [Transportation Study](#)), amid heavy observed demand for this parking (upwards of 60 percent occupied) during many major events at Memorial Park. This 37+% reduction in on-street parking supply will affect residents who rely on it, spreading parking demand further into residential neighborhoods. This impact was documented in the formal Project application in April 2025. It was acknowledged in the aforementioned Transportation Study. Still, it was seemingly dismissed with this simple conclusion – “With the Project, there would be 152 on-street

KRUPKA CONSULTING

431 Yale Drive | San Mateo, CA | 94402
650.504.2299 | paul@pkrupkaconsulting.com | pkrupkaconsulting.com

parking spaces..., which would still provide enough spaces to meet the anticipated parking demand...along the project frontage.” The anticipated parking demand noted was only 37 spaces, which reflects a non-Memorial Park event condition.

My peak parking occupancy survey on Saturday, November 1, 2025, found a demand of 42 spaces (17% occupied (42/241)) on Mary Avenue (total parking supply of 241 spaces). The photographic evidence I cited above indicated a demand of approximately 140 spaces (58% occupied) during Memorial Park events. **With the Project, this level of demand would equal 96% of the total parking supply (146 spaces).**

Other approved and planned developments will exacerbate this significant impact.

- **Memorial Park enhancements**, intended to serve existing and new patrons, *will increase parking demand in the neighborhood and on Mary Avenue*. While the aforementioned parking study did not include Mary Avenue, it cited “Maintain Current Parking Configuration along Mary Avenue” as a recommended management strategy.
- **Completion of the Westport Mixed-Use Project** will reduce residential and retail areas, associated vehicle trips, and the total parking supply, but *will require accommodating the resulting parking demand off-site along Mary Avenue*.
- **The replacement of the Flint Center at De Anza College** will enhance opportunities for public and on-campus entertainment and *increase public reliance on off-site parking on Mary Avenue*.

Conclusion

The project's significant impact has not been adequately studied to determine appropriate mitigations.

It is in your community's best interests that you strongly consider doing so.

I appreciate your consideration.

Sincerely,
KRUPKA CONSULTING



Paul Krupka, P.E.
Owner

Cc: Brian Avery
Lina Meng

From: [Hal and Janet Van Zoeren](#)
To: [Public Comments](#); [City Council](#); [City Clerk](#); [Cupertino City Manager's Office](#); [bcc: Cupertino ForAll](#); [Hal and Janet Van Zoeren](#); [Connie Cunningham](#); [Andy Lief](#); [Saadati Louise](#); [Kathy Robinson](#); [Kiran Varshneya](#); [Orrin Mahoney](#); [Gia Pham HCC](#); [Housing Choices](#)
Subject: Mary Avenue Villas, a Cupertino community created project
Date: Thursday, December 11, 2025 11:19:51 AM

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Dear Cupertino City Council Members,

As you most likely know, a few individuals have fired up a group of heartless NIMBYs by feeding them misinformation regarding the Mary Avenue Villas project and the characteristics of those it would benefit. In their quest to kill the project, these community members and their naive followers **keep trying to delay the project by adding to their numbers and falsely claiming**

- Mary Avenue will no longer be a safe place to
 - Drive
 - Bicycle
 - Walk or
 - Exist
- The decrease in parking spaces will be detrimental to those who can now park along Mary Avenue and, therefore, will create a problem for the adjacent neighborhoods
- The health and welfare of the residents of Mary Avenue Villas will be compromised by
 - Air pollution from the adjacent freeway
 - Soil pollution
 - No where for fire trucks and EMT vehicles to park during their assumed to be frequently needed visits to these villas

It will not be possible to placate these false excuses for the supposed concerns of this NIMBY group. Those spreading these lies choose not to listen to the facts that dispute them. They simply do not want the Mary Avenue Villas project in their backyard or anywhere near it, and they continue using these false claims as ammunition to defeat it.

This is sad because the people who need affordable housing like this are members of our Cupertino community, many have family here, and may have grown up attending school here as well. They will benefit from continuing to live near their supportive families and friends and the local amenities that they use. It was also sad to hear one of the NIMBYs attempt to spread to others his fear of living near the people who might live in the villas if they are developed. Sad as well has been hearing the ignorant attempts of NIMBYs, who clearly lack familiarity with people who have IDD, to inappropriately characterize people with IDD, how impaired their mobility is, and how dangerous it will be for others to live near people with IDD and how dangerous for the villas residents it will be for them to live on Mary Ave due to the unsafe traffic conditions this project will create.

People with IDD are members of our Cupertino Family at large. They attend our schools, live in our neighborhood, shop at our stores, go to our library, our churches, and our colleges. They walk our streets and ride our buses. As a representative of Cupertino, do you want to take the position that our community members with IDD are dangerous and unworthy of housing in this city? I find it hard to believe you want that, so please do not give in to this vocal minority group of troublemakers!

Finding a way to create housing in Cupertino to meet the needs of people with IDD has been an enormous task. Some of us began working on it for over 25 years! However, within the last 5 years or so, many Cupertino community members have united together to meet this challenge. The feasible plan they have developed has involved the cooperative efforts of the Housing Choices Coalition, the Cupertino Rotary, and Charities Housing Developers, who together have formed a leading partnership. They have received additional help and expertise from West Valley Community Services, several past Cupertino mayors and past city managers, several city staff members, and many other Cupertino citizens. The incredibly unique plan that has been developed is designed to create affordable housing well-needed by people with IDD and or with similar economic status in Cupertino. Our Cupertino community has worked together to do this!

Not only have these community members and groups found a way to make the project affordable, but they have identified a site that will meet other needs of Mary Avenue Villas' future residents as well, many of whom cannot drive and do not own cars. The villas will be near bus routes, grocery stores, drug stores, Quinlin Center, the Cupertino library, parklands, the senior center, West Valley Community Services, DeAnza Community College, and a bus route to The College of Adaptive Arts, located at West Valley Community College. In addition, many of the people living in the Mary Ave Villas will be able to receive services from West Valley Community Services and or the San Andreas Regional Center via the Housing Choices programs, the Independent Living Skill programs, or the Supported Living Services programs.

This community project will benefit the community at large by housing some of its most economically deprived residents. **Please do not allow the very vocal, self-centered members of our community to use their false claims to delay this project while they continue to seek a way to kill it.**

As Cupertino City Council members, you have shown your support for the IDD community by your recent presentation of awards to both the Parents Helping Parents and The Friends of Children with Special Needs organizations, and by awarding approximately 4 million dollars toward the community's Mary Avenue Villas project. Our community has very much appreciated this support! As a community, **we are also counting on you to keep this project moving forward in a timely fashion.**

Thank you for your support!

Most sincerely,

Janet and Harold Van Zoeren

From: [Jordan Clancy Behmke](#)
To: [Public Comments](#)
Subject: Additional Objections To Mary Avenue Project
Date: Friday, December 12, 2025 11:11:55 AM
Attachments: [December 12 2025 Objection to Mary Ave Cupertino Project 12 12 25 jcb.pdf](#)

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Dear Mayor Chao, Vice Mayor Moore, and Councilmembers:

Please note this item was recently changed on today's agenda to allow comment thus this submitted slightly after the meeting.

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

email: jcb@mosaiclawusa.com

website: www.mosaiclawusa.com

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December 12, 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 2**
Special Meeting on December 12, 2025 at 9:00 a.m.
APN: 326-27-053 (the "Property")

Dear Mayor Chao, Vice Mayor Moore, and Councilmembers:

Thank you for accepting my previous written and oral objections at the December 2, 2025 City Council meeting on the Mary Avenue Project. 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.

There are a couple of additional points I would like to highlight as the City Council considers voting on continuing this project and potentially assigning someone to negotiate the sale or lease of the land.

This letter is submitted slightly late as the status of this item was only changed to allow comments early this morning.

1. **Negotiating the Sale or Lease of this Parcel Is Inappropriate at this time As The Right of Way Issues Have Not Been Addressed**

This should be done before a negotiator is appointed, as it will equip the negotiator with a precise understanding of the parcel's boundaries, rights, and limitations—ensuring they can negotiate effectively and transparently without overpromising or facing unforeseen obstacles that could derail the deal or expose the City to legal risks.

Even the most skilled negotiator cannot succeed if placed in an untenable position, where the rights they describe during negotiations do not align with what can ultimately be delivered. To prevent this, the City must first complete the mandatory processes under Streets and Highways Code §8300 et seq., which explicitly require public hearings and opportunities for public comment on any changes to rights of way. Rushing to appoint a negotiator before fulfilling these steps not only violates procedural safeguards but also undermines the integrity of the negotiation process itself.

This Project demands rigorous adherence to the City's own municipal code and applicable state laws governing the vacation of public land (including the Surplus Land Act, Gov't Code §§54220-54234), alterations to rights of way (Streets and Highways Code §8300 et seq.), and the disposal of public property (Brown Act). These changes involve public land, rights of way, and the potential sale or lease of

City assets, making full compliance non-negotiable. Approving the Project or selecting a negotiator prematurely reverses the logical sequence—putting the cart before the horse—and severely limits meaningful public input, as the City would already be contractually committed, rendering subsequent hearings perfunctory at best.

By prioritizing the completion of the right of way process, the City upholds transparency, protects taxpayer interests, and maximizes the Project's long-term viability. Until these essential procedural requirements are fully satisfied, my Clients strongly urge the City Council to vote no on proceeding further, allowing time to conduct the necessary hearings, gather public feedback, and establish clear parameters before any negotiation begins.

2. 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 site's documented contamination with hazardous substances renders it profoundly unsuitable for development, particularly as a housing project targeted at individuals with disabilities, who are disproportionately vulnerable to the insidious health effects of such toxins. Multiple expert reports confirm elevated levels of lead—exceeding both Residential and Construction Worker Environmental Screening Levels (ESLs)—along with arsenic above Construction Worker ESLs and detectable concentrations of pesticides 4,4-DDE and 4,4-DDT. The Subsurface Investigation Report, prepared by Intertek PSI and dated April 4 and 24, 2025 (collectively, the "Subsurface Investigation Report," attached as Exhibit A), explicitly classifies the site's soil as hazardous waste under California standards, stating on page 8 that "the soil represented by these samples would be classified as hazardous by the State of California." A subsequent peer review Memorandum from Baseline Environmental Consulting, dated May 16, 2025 (the "Memorandum," attached as Exhibit B), corroborates these findings, noting on page 2 that lead concentrations surpass safe thresholds for both residential occupants and workers, while affirming the soil's hazardous designation for disposal.

These contaminants pose severe, long-term risks that are amplified for people with disabilities, many of whom already contend with compromised immune systems, neurological sensitivities, or other vulnerabilities that heighten susceptibility to environmental toxins.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC3033466/>

Lead, for instance, has no safe exposure level and is notorious for causing permanent intellectual disabilities, learning deficits, behavioral disorders, and IQ loss—even at low doses—through damage to the brain and central nervous system.

<https://www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health>

Children and adults exposed to lead often experience exacerbated developmental disabilities, including deficits in cognition, attention, memory, and executive function, with effects persisting into adulthood and increasing the likelihood of lifelong impairments.

<https://pubmed.ncbi.nlm.nih.gov/28257404/>

Arsenic compounds this threat by inducing cognitive dysfunction, memory impairment, and intellectual disabilities, with chronic exposure linked to reduced IQ, mental retardation, and a spectrum of developmental anomalies encompassing physical, psychological, sensory, and speech impairments.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC4321597/>

While they were present in smaller concentrations the pesticides 4,4-DDE and 4,4-DDT, persistent breakdown products of banned insecticides, further endanger vulnerable groups by disrupting neurodevelopment, impairing cognitive performance, and affecting the central nervous system, immune function, and liver—potentially leading to increased infection susceptibility and chronic health adversities in those with pre-existing conditions.

<https://www.ncbi.nlm.nih.gov/books/NBK590079/>
<https://pubmed.ncbi.nlm.nih.gov/articles/PMC11404404/>

For individuals with disabilities, these risks are not abstract; compromised immune systems—prevalent in many such populations—render them acutely susceptible to toxin-induced immunosuppression, heightening vulnerability to infections, chronic inflammation, and even cancer.

<https://pubmed.ncbi.nlm.nih.gov/articles/PMC8325494/>

Heavy metals like lead and pesticides can directly impair white blood cell activity, disrupt hormonal balance, and trigger autoimmune responses, transforming low-level exposures into cascading health crises for those already managing fragile physiologies.

<https://immusehealth.com/news/post/impact-environmental-toxins-immunity>

The site's proximity to Highways 85 and 280 exacerbates this peril, as ongoing traffic emissions will likely deposit additional airborne pollutants, including particulate matter and hydrocarbons, that accumulate in soil and amplify toxin bioavailability—further straining residents' health and undermining any partial remediation efforts.

The Memorandum underscores the inadequacy of superficial measures, recommending comprehensive further testing and, at minimum, remedial actions such as soil capping and minimized excavation. Yet, as detailed on page 3, these steps alone are insufficient without robust engineering controls, institutional safeguards, and regulatory oversight to prevent exposure risks for future occupants. Critically, both reports mandate the preparation of a Soil Management Plan (SMP) and Site-Specific Health and Safety Plan (SSHSP) prior to redevelopment, alongside the Applicant's entry into a Remedial Action Agreement with the Santa Clara County Department of Environmental Health to oversee remediation. The Subsurface Investigation Report echoes this, emphasizing 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." Alarming, none of these expert-recommended actions have been implemented, leaving construction workers, neighboring residents, and future disabled occupants exposed to immediate and enduring hazards during site disturbance and long-term habitation.

Given the project's emphasis on housing for people with disabilities—a group inherently more at risk from environmental toxins due to immunological and physiological vulnerabilities—the City must exercise utmost caution and mandate full compliance with these safeguards.

<https://www.niehs.nih.gov/health/topics/agents/arsenic>

Approving the lease and disposition agreement without first engaging the Department of Environmental Health to evaluate remediation feasibility for sensitive residential use would be irresponsible, potentially condemning residents to avoidable health deterioration. An environmental action plan must also address highway-adjacent pollutant accumulation to ensure holistic protection. Since the Applicant has failed to initiate these vital steps, my Clients implore the City to reject the agreement outright. At the very least,

postpone the decision and direct the Applicant to secure the required Remedial Action Agreement, thereby prioritizing public health over expediency and safeguarding this vulnerable community from preventable harm.

The City has a solemn duty—both moral and legal—to ensure that housing intended for individuals with disabilities is not only built on land that is demonstrably safe. Placing this vulnerable population on a site already classified as California hazardous waste, where lead levels exceed residential screening thresholds and remediation remains incomplete and unapproved, is the opposite of protective stewardship. Rather than force a compromised project forward on contaminated ground, the responsible path is to reject the current lease and disposition agreement and immediately redirect efforts toward identifying and securing an alternative, uncontaminated parcel elsewhere in Cupertino. Suitable vacant or underutilized sites exist within the City’s inventory that do not require multi-year hazardous-waste oversight, soil export as hazardous material, or perpetual institutional controls. Prioritizing a clean site would allow the project to deliver truly affordable, accessible housing to disabled residents without exposing them to lifelong health risks, without burdening taxpayers with future remediation liabilities, and without undermining public trust. The needs of Cupertino’s disabled community deserve a location that safeguards their health from day one—not one that gambles with it.

3. 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 City cannot responsibly approve this Project when the Transportation Assessment we are relying on—prepared by Hexagon Transportation Consultants and submitted November 13, 2025 (attached as Exhibit C)—is fundamentally inaccurate, outdated, and materially incomplete. That document entirely fails to analyze the imminent and dramatic change in parking behavior that will occur on January 6, 2026, when De Anza College eliminates free visitor parking and begins charging for all spaces (see <https://www.deanza.edu/parking/#oneday> and the College’s official announcement at <https://www.instagram.com/p/DPsXkeTERd/>). For decades, Mary Avenue and surrounding residential streets have served as the primary overflow parking area for thousands of De Anza students, staff, and visitors who currently park for free on campus. Once paid parking is enforced, the a non-negligible number of those vehicles will be displaced directly onto Mary Avenue and adjacent neighborhood streets—exactly the location where the Project now proposes to narrow the roadway, shrink the bike lane, and eliminate existing on-street parking spaces.

Although the Transportation Assessment was finalized while this policy change was publicly confirmed, it contains no modeling, no data, and no mitigation measures whatsoever for the thousands of additional vehicles that will soon compete for the very parking and roadway capacity the Project intends to remove. The Assessment’s brief mention of “festival days” at De Anza is irrelevant and grossly inadequate; the new paid-parking regime will create festival-level congestion every single weekday and weekend alike. The result will potentially be chronic gridlock, illegal parking on sidewalks and lawns, blocked driveways, compromised emergency-vehicle access, and a sharply elevated risk of pedestrian and cyclist collisions—precisely in a neighborhood that is about to add dozens of new residents, many of whom rely on wheelchairs, walkers, or other mobility aids.

Approving the lease or sale of the lot on the strength of a traffic study that is already demonstrably obsolete would be indefensible. It would expose the City to legitimate claims of arbitrary and capricious decision-making, violate basic principles of CEQA and the City’s own General Plan circulation policies, and place existing residents and future disabled tenants in harm’s way. My clients therefore urge the Council to reject the Project outright until a revised, post-January 2026 traffic impact analysis—

incorporating actual observed parking displacement from the new De Anza policy—has been prepared, publicly circulated, and independently peer-reviewed. Anything less is not caution; it is recklessness.

Residents who use wheelchairs, power scooters, or have severe mobility, visual, or cognitive impairments typically require far more frequent paratransit shuttles (such as VTA ACCESS and Outreach), private accessible vans, non-emergency medical transport, ride-hailing vehicles equipped with ramps, and delivery services for groceries, medical supplies, and oxygen tanks. Each of these vehicles requires extended curbside dwell time—often 10–20 minutes or more—to safely load and unload passengers and equipment. The Project’s proposal to eliminate existing on-street parking and narrow Mary Avenue will leave zero legal space for these essential vehicles can use without blocking travel lanes, bike lanes, or neighboring driveways.

4. We Again Urge the City to Consider Any Appearance of Self-Dealing and Recuse Themselves if Necessary

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.

5. 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:

1. Enter into a Remedial Action Agreement with the Department of Environmental Health;
2. 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
3. Consider finding an alternative and safer site for this project.

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. The City must also investigate whether there is a better suited site in the City that won't pose an environmental danger to its constituents or decrease the quality of life of the neighborhood by increasing traffic and reducing the safety.

All of this must be completed before we consider appointing a negotiator to sell or lease this parcel.

Based on the foregoing, my Clients respectfully and vehemently urge the councilmembers to vote no or implement an alternative action plan as set forth above.



Sincerely,

A handwritten signature in blue ink, appearing to read "JCB", is positioned above the typed name.

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

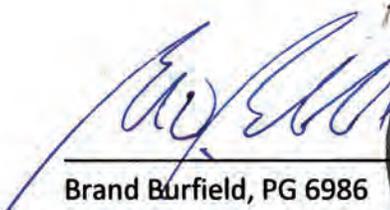
- APPENDIX A: CITY OF CUPERTINO ENCROACHMENT PERMIT
APPENDIX B: LABORATORY REPORT

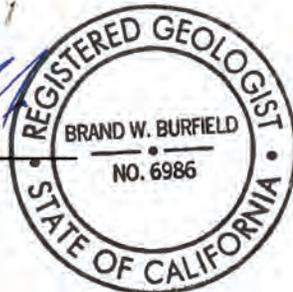


STATEMENT OF LIMITATIONS AND PROFESSIONAL CERTIFICATION

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



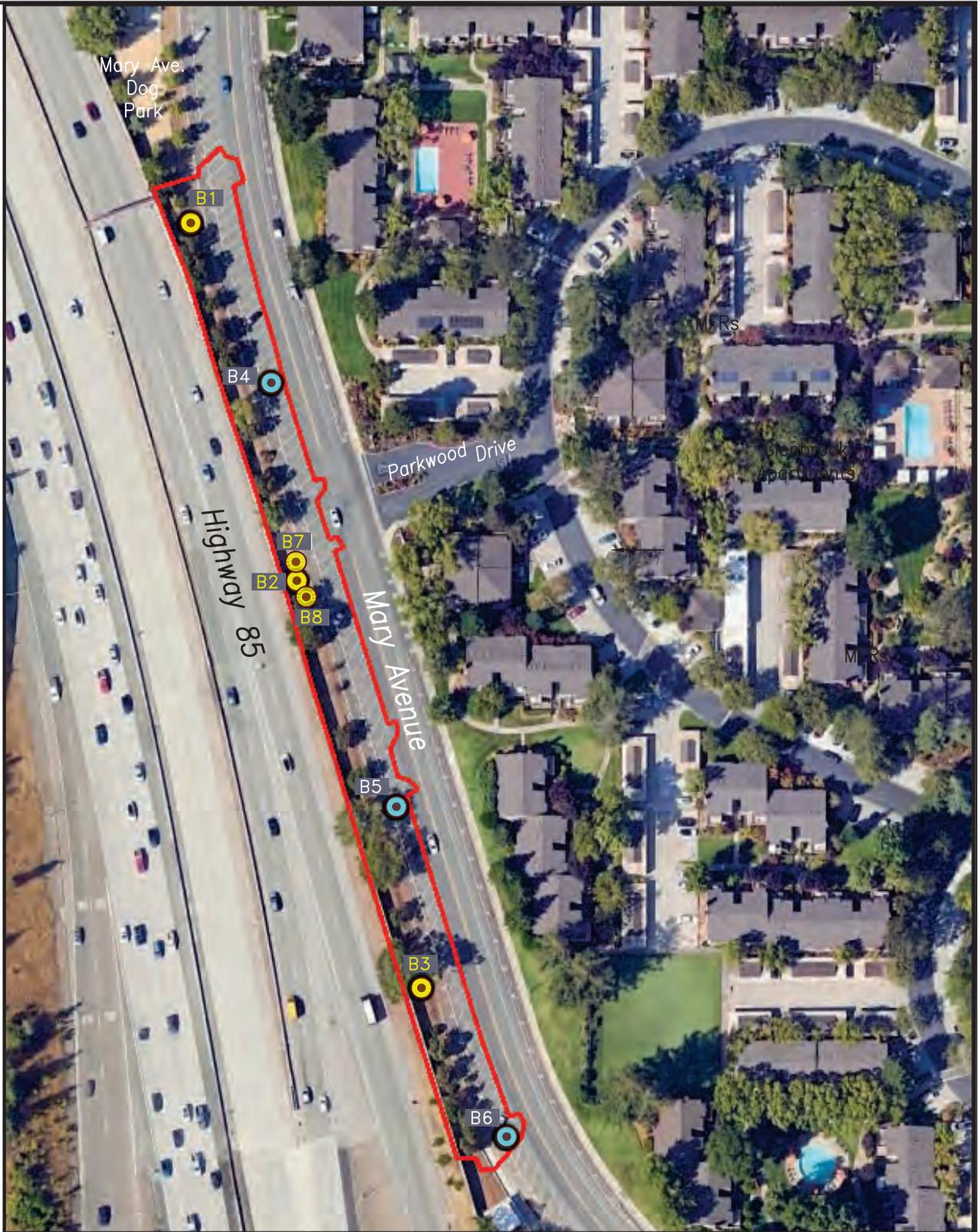
REFERENCE

U.S.G.S. CUPERTINO, CALIFORNIA,
7.5 MINUTE SERIES TOPOGRAPHIC MAP,
DATED 2021.

intertek psi
Total Quality. Assured.

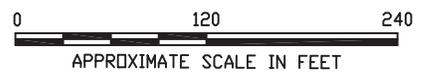
4703 Tidewater Avenue, Suite B
Oakland, California 94601
(510) 434-9200

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.

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.: 2
Title: SITE PLAN AND BORING LOCATION MAP		Approved By: F.P.	Project No.: 575-2869		



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. All 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 Slurry seal entire excavation and 2ft beyond on all sides of 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,

A handwritten signature in black ink, appearing to read "Lena Davidkov", is written over a light blue rectangular background.

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

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.



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

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
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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: 04/01/25 15:24
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Sample ID: B6-2

Laboratory ID: T251304-12

Analyte	Result	Reporting		Units	Method	Notes
		Limit				
Lead	5.07	3.00		mg/kg	EPA 6010b	

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Lena Davidkov, Project Manager



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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.

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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

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

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Project Number: 575-2869
Project Manager: Frank Poss

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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

" " " "

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Lena Davidkov, Project Manager



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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	"	"	"	"	"	"	

TCPL 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
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Lena Davidkov, Project Manager



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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

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Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
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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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Oakland CA, 94601

Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
04/01/25 15:24

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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Lena Davidkov, Project Manager

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Project: Charities - Cupertino
Project Number: 575-2869
Project Manager: Frank Poss

Reported:
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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	"	"	"	"	

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Lena Davidkov, Project Manager



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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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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
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

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
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

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

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

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	"	"	"	"	"	"	

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Lena Davidkov, Project Manager



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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
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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

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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							
LCS (25C0499-BS1)		Prepared: 03/28/25 Analyzed: 03/31/25								
Lead	1.82	0.10	mg/l	2.00		91.1	75-125			
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			
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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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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 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
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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			

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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

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
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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	

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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:
04/01/25 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.

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Lena Davidkov, Project Manager



Chain of Custody Record

PROVIDING QUALITY ANALYTICAL SERVICES NATIONWIDE
 25712 Commercentre Drive, Lake Forest, CA 92630
 949-297-5020

Client: INTERTEK / PSI
 Address: 4703 Tidewater Ave Site 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 #: T25189 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 B1-6.5	3/18/25	8:24	soil	Ring									LEAD	ARSENIC					
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, 1058</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, 1545</u>					Received by: (signature) <u>[Signature]</u> Date / Time <u>3/20/25 10:44</u>					Chain of Custody seals <u>Y</u>					Received good condition/cold <u>Y</u>				
Relinquished by: (signature) <u>[Signature]</u> Date / Time <u>3/19/2025, 1545</u>					Received by: (signature) <u>[Signature]</u> Date / Time <u>3/20/25 10:44</u>					Turn around time: <u>STD</u>									

Sample disposal Instructions: Disposal @ \$2.00 each _____ Return to client _____ Pickup _____

COC 161927

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	1.4 °C +/- the CF (+ 0.1°C) =	1.5 °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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
If NO:		
Samples received on ice?	<input type="checkbox"/> Yes	<input type="checkbox"/> No → Complete Non-Conformance Sheet
If on ice, samples received same day collected?	<input type="checkbox"/> Yes → Acceptable	<input type="checkbox"/> 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 COMMERCENTRE DR.
LAKE FOREST, CA 92630

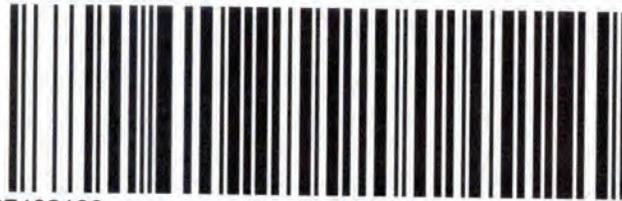
LAKE FOREST

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
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	
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	



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
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,

A handwritten signature in black ink, appearing to be "Lena Davidkov", written over a light blue rectangular background.

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



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

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
 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
---	---	-----------------------------

B7-0.5
T251707-01 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
---------	--------	-----------------	-------	----------	-------	----------	----------	--------	-------

SunStar Laboratories, Inc.

Metals by EPA 6010B

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Lead	8.0	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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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
---	---	------------------------------------

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.

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: 04/18/25 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



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
---	---	------------------------------------

B8-2
T251707-04 (Soil)

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
---------	--------	-----------------	-------	----------	-------	----------	----------	--------	-------

SunStar Laboratories, Inc.

Metals by EPA 6010B

Lead	5.5	3.0	mg/kg	1	25D0236	04/15/25	04/17/25	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



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
---	---	-----------------------------

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

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:
04/18/25 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



**SunStar
Laboratories, Inc.**

Chain of Custody Record

PROVIDING QUALITY ANALYTICAL SERVICES NATIONWIDE
25712 Commercentre Drive, Lake Forest, CA 92630
949-297-5020

Client: INTERTEK - 851
Address: 47103 TIDEWATER AVE SUITE B, DAKLAND (A994601)
Phone: (415) 525-0560 Fax: _____
Project Manager: Frank Ross

Date: 4/11/2025 Page: 1 of 1
Project Name: CHARITIES HOUSING - MARY CUPERTINO
Collector: Jorge Galde Client Project #: 575-2869
Batch #: 1251101 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 B9-0.5		11:42															
05 B9-0.5		10:44															
06 B9-0.5		10:57															
07 B10-0.5		12:09															
08 B10-0.5		12:21															
09 B11-0.5		11:07															
10 B11-0.5		11:17															
11 B12-0.5		12:36															
12 B12-0.5		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>			Chain of Custody seals <u>N/A</u>			Total # of containers <u>N/A</u>			Notes <u>Hold Testing for Samples B9-B12</u>					
Relinquished by: (signature) <u>[Signature]</u> Date / Time <u>4/14/2025, 15:45</u>			Received by: (signature) <u>[Signature]</u> Date / Time <u>4/15/25 11:11</u>			Received good condition/cold			Turn around time: <u>STD.</u>								

Sample disposal instructions: Disposal @ \$2.00 each _____

Return to client _____ Pickup _____

COC 161928

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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
If NO:			
Samples received on ice?	<input type="checkbox"/> Yes	<input type="checkbox"/> No →	Complete Non-Conformance Sheet
If on ice, samples received same day collected?	<input type="checkbox"/> Yes → Acceptable	<input type="checkbox"/> 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: PS 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 (US &				Hold
[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)

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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.

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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.

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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



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

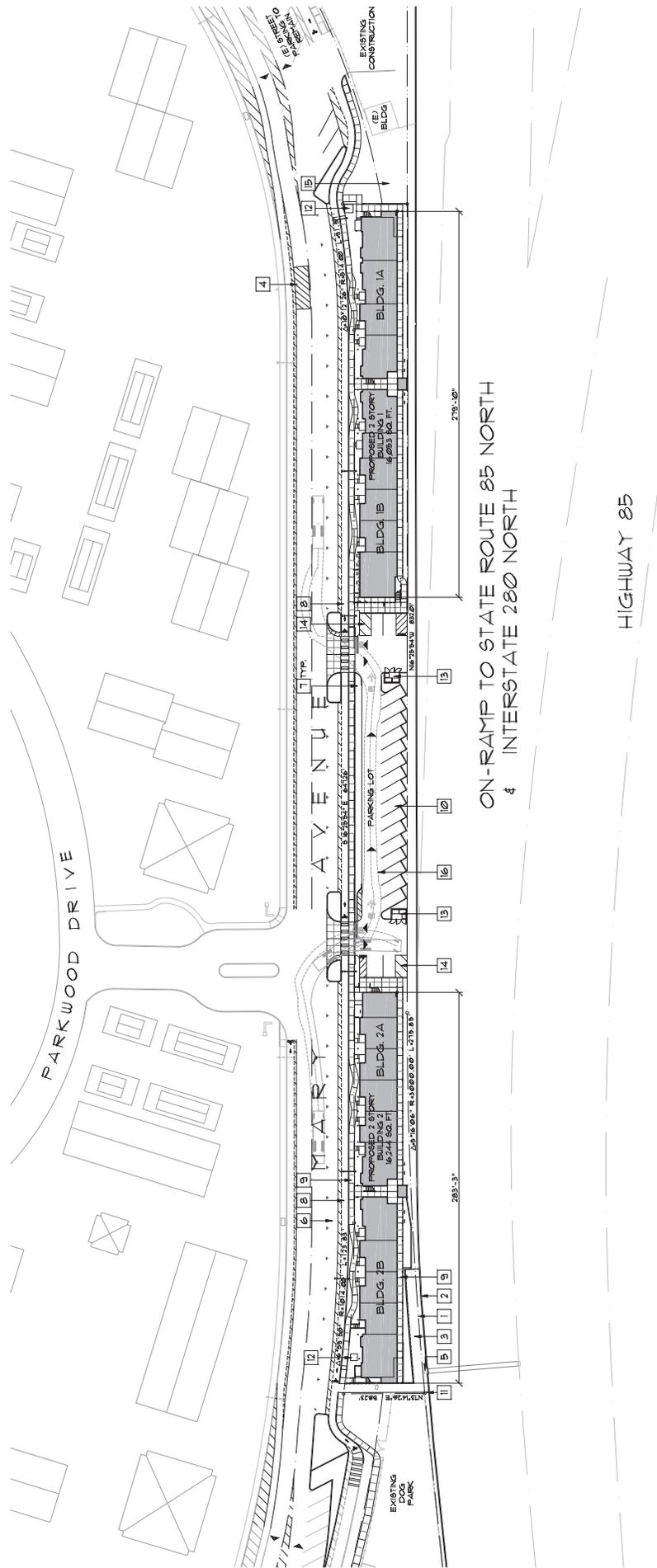


Figure 2
Site Circulation Plan

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), Bubb 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

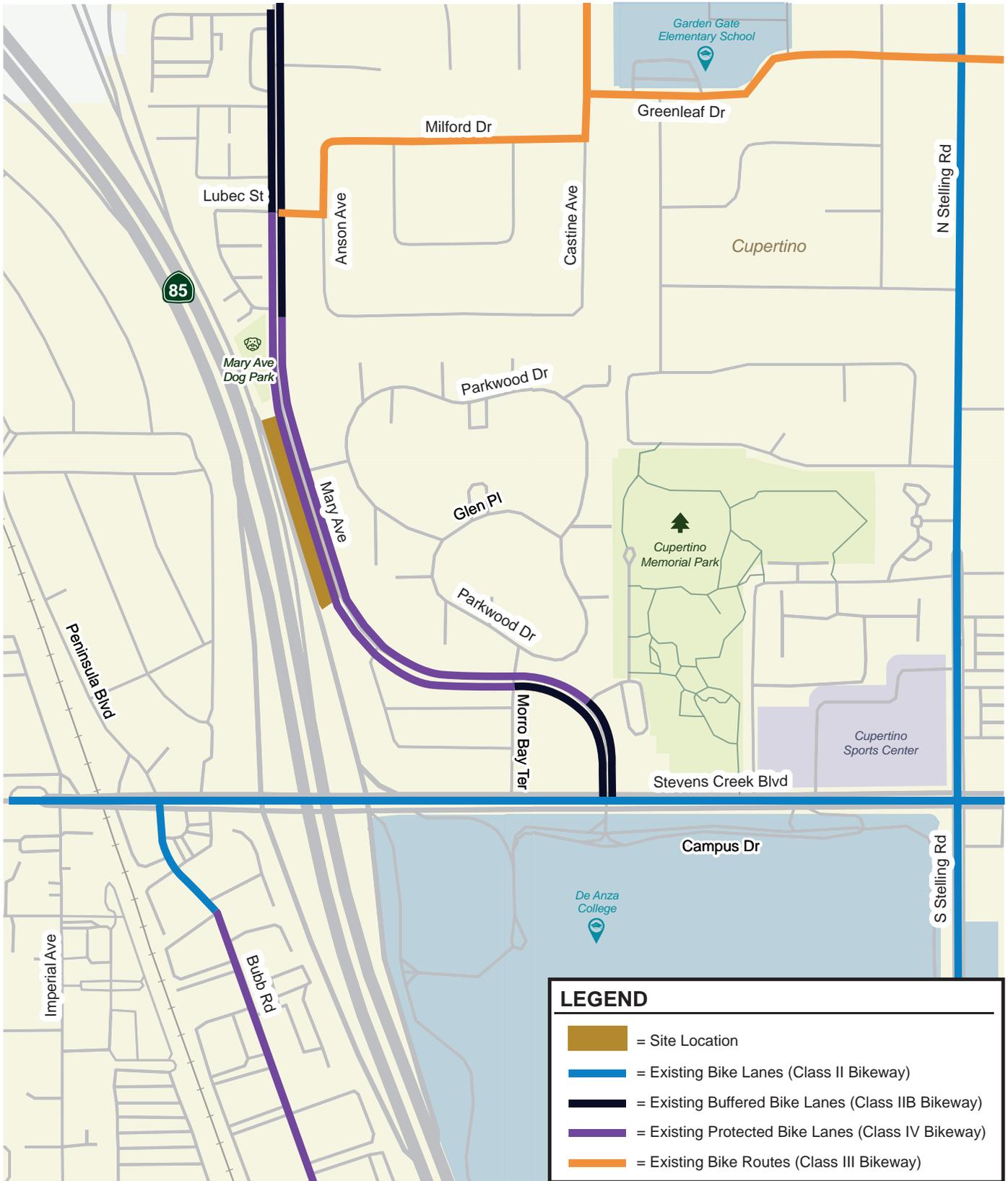


Figure 4
Existing Bicycle Facilities

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, *Highway Capacity Manual, 7th Edition* (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.

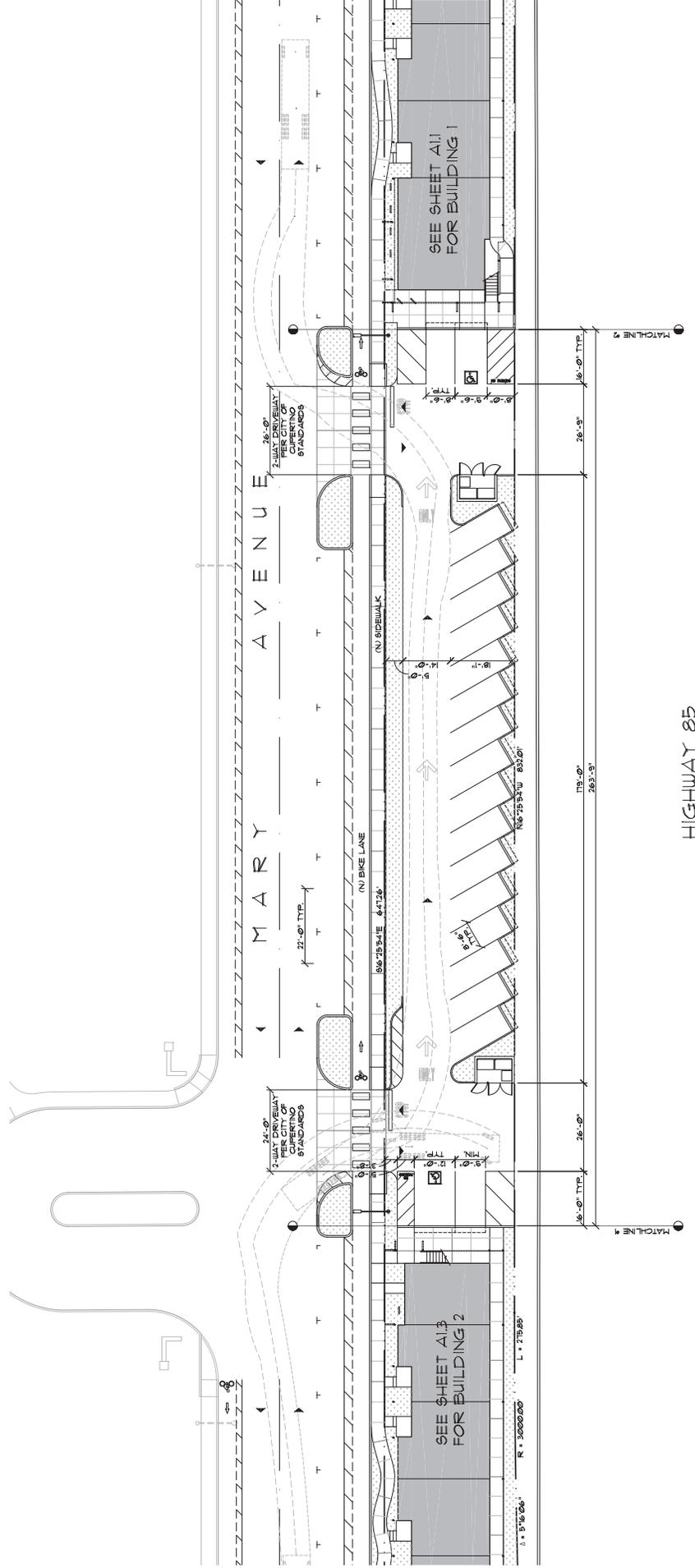
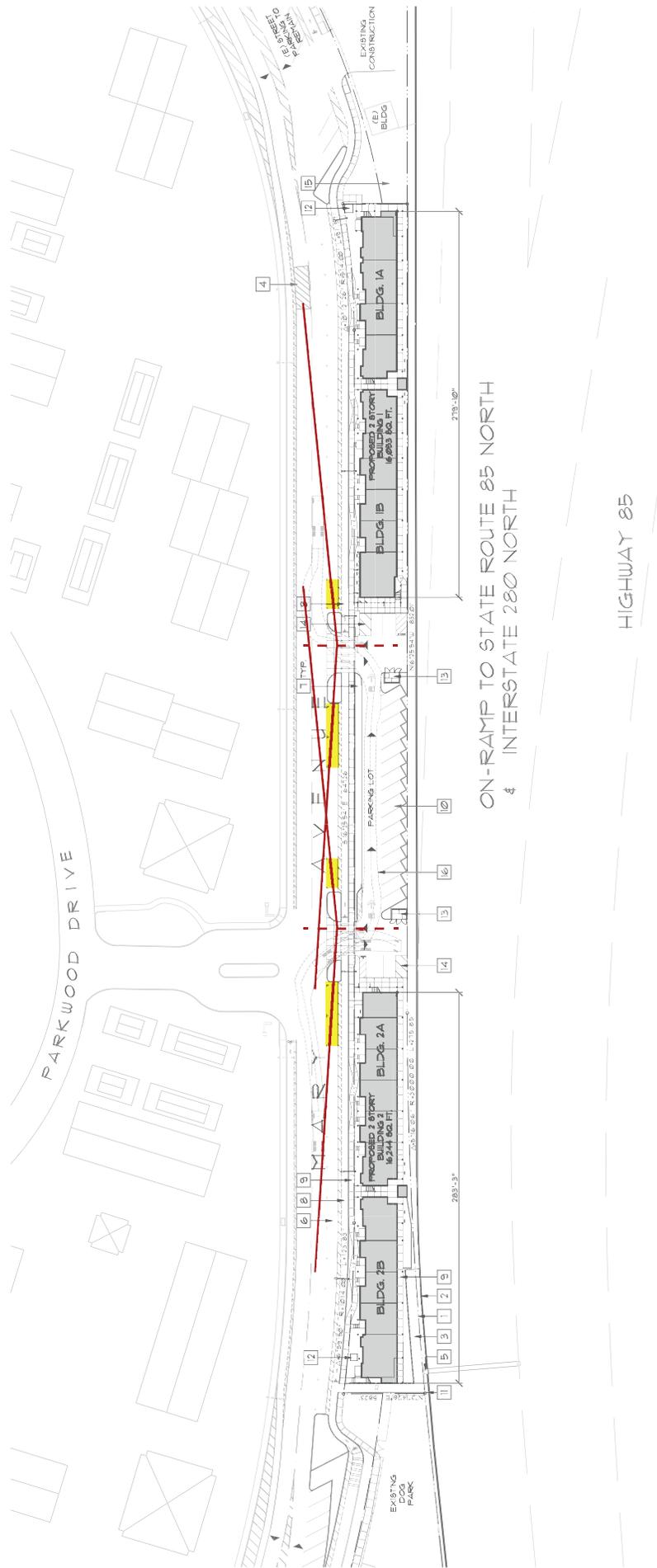


Figure 7
Proposed Parking Lot Plan



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

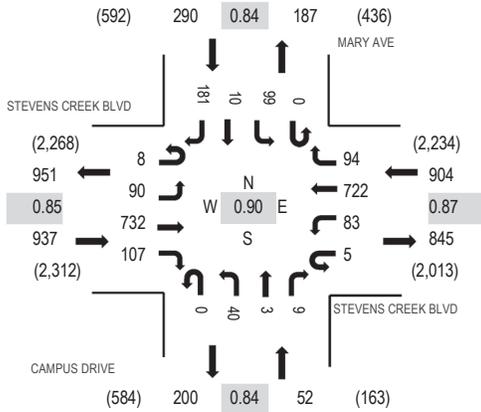
Location: 1 CAMPUS DRIVE & STEVENS CREEK BLVD AM

Date: Tuesday, October 7, 2025

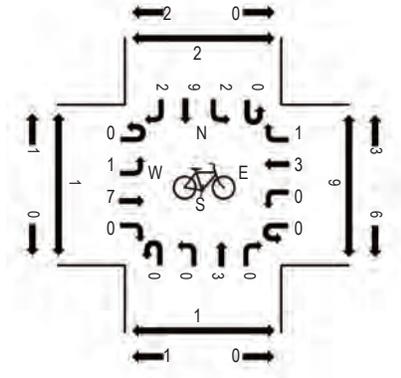
Peak Hour: 08:00 AM - 09:00 AM

Peak 15-Minutes: 08:15 AM - 08:30 AM

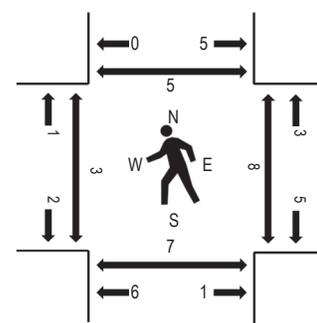
Peak Hour - Motorized Vehicles



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
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

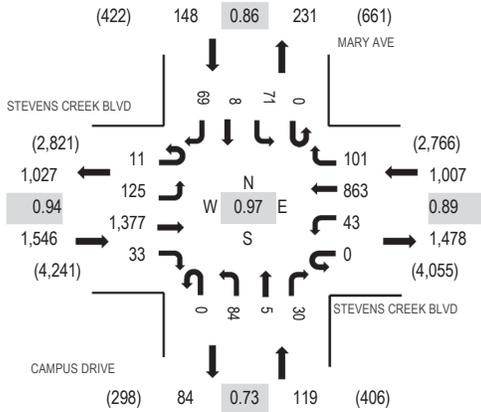
Location: 1 CAMPUS DRIVE & STEVENS CREEK BLVD PM

Date: Tuesday, October 7, 2025

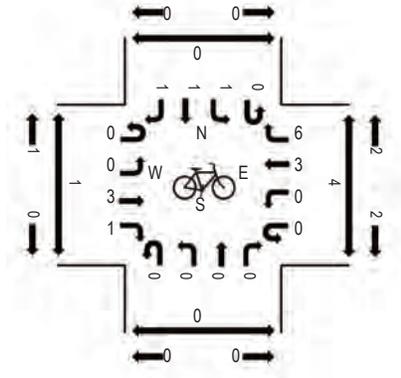
Peak Hour: 05:00 PM - 06:00 PM

Peak 15-Minutes: 05:15 PM - 05:30 PM

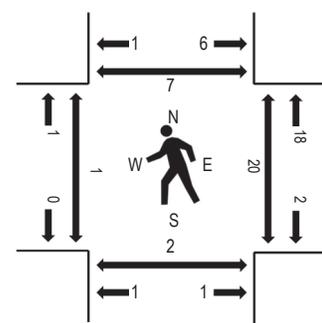
Peak Hour - Motorized Vehicles



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
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



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

