AB 130 QUALIFICATION MEMORANDUM

Date	February 18, 2026
To	Emi Sugiyama, Senior Planner (EmiS@cupertino.gov) Community Development, City of Cupertino 10300 Torre Avenue, Cupertino, CA 95014
From	Nick Towstopiat, Project Manager Kristy Weis, Vice President & Principal Project Manager
Subject	10857 Linda Vista Drive Residential Project – AB 130 Qualification

I. Background and Purpose

Assembly Bill (AB) 130 exempts qualifying housing projects from the provisions of the California Environmental Quality Act (CEQA). AB 130 became effective on June 30, 2025 and is codified in Public Resources Code (PRC) Section 21080.66. The purpose of this memorandum is to provide substantial evidence documenting whether the proposed project meets the conditions and requirements for a statutory exemption pursuant to AB 130/PRC Section 21080.66.

II. Project Location

The approximately 2.51-net acre project site is an infill site comprised of four parcels located at 10857, 10867, 10877, and 10887 Linda Vista Drive (Assessor's Parcel Numbers [APNs] 356-06-001, 356-06-002, 356-06-003, and 356-06-004) in an urbanized area in the city of Cupertino. The city of Cupertino is approximately 38 miles southeast of the city and county of San Francisco. Cupertino is on the western edge of Santa Clara County and north of the city of Saratoga, south of the city of Sunnyvale, and west of the city of San José. Regional access to the project site is provided by Highway 85 to the east and Stevens Creek Boulevard to the north.

The site currently contains four single-family residences, vacant/undeveloped areas, and four unpaved gravel driveways. Adjacent land uses include recreational uses to the north and west (i.e., Stevens Creek Trail, a golf course, and Cupertino Hills Swim and Racquet Club), and single-family residential uses to the east and south. Additional single-family residential uses are present north of the project site, adjacent to the recreational facilities. A vicinity map with the project site's location is shown on Figure 1. An aerial photograph of the project site and surrounding land uses is shown on Figure 2.

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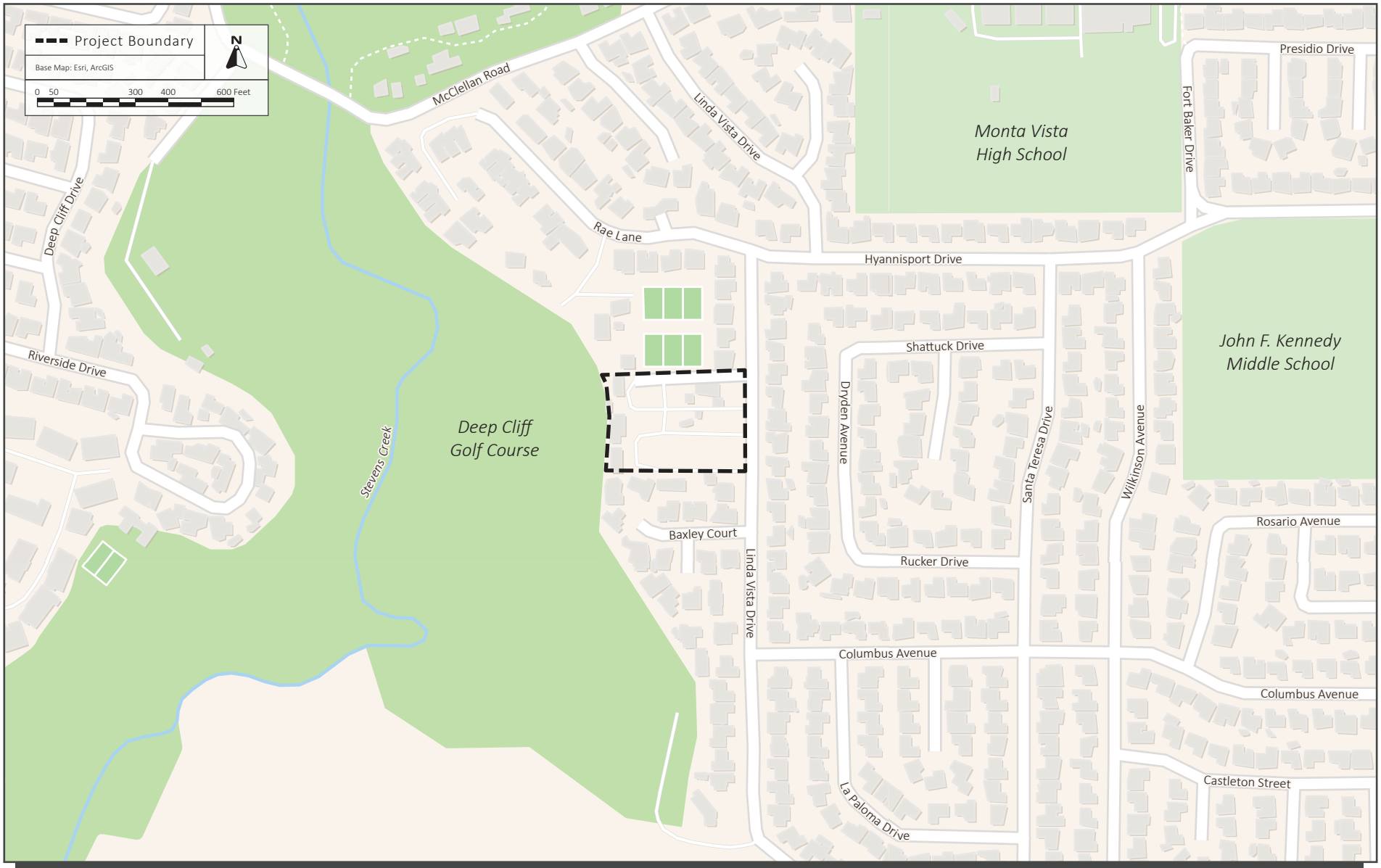

VICINITY MAP | FIGURE 1

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AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2

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III. Project Description

The project site is designated as Priority Housing Sites 29 through 32 in city of Cupertino's 6th Cycle Housing Element Update. In May 2024, the site was rezoned from R1-7.5 to R3/TH. The applicant submitted a preliminary application under the Housing Crisis Act of 2019 (SB 330) on October 9, 2024, vesting the development standards in effect at that time and limiting the application of new, non-objective design standards. Accordingly, the project is subject to the regulations in place when the preliminary application was submitted.

The proposed project includes the demolition of the existing improvements on-site and construction of a residential development that would include 51 townhouse units across 10, three-story buildings. The project would result in the provision of 10 townhouse units with deed-restrictions at median and moderate levels of income affordability. In addition, the project would result in the completion of the planned improvements to pave the remaining portion of a public street (Evulich Court) in the center of the site that would provide access via five shared driveways leading to the individual townhouse units. The applicant proposes to subdivide the property as condominium units with shared interest in the common areas. To accommodate the proposed project, the applicant would utilizing waivers and incentives allowed under the State Density Bonus law to waive requirements of the General Plan and zoning designations to: increase the maximum height of the buildings, increase the maximum floor area ratio (FAR), reduce the street-side side-yard setback requirement, reduce the minimum size requirements for private outdoor space, and reduce the minimum parking space size. The primary project components are described below.

Primary Project Components

Residential Development

The project proposal includes 51 townhouse condominium units that would be split between 10 residential buildings (Buildings 1 through 10). Each building would be three stories and reach a maximum height of approximately 38 feet above the proposed grade on-site (or approximately 41 feet above the existing grade on-site) and have a floor area ratio (FAR) of 1.36. The ground floor of each unit would contain a private, two-car garage.

Residential Amenities

The project includes an average of approximately 200 square feet of private usable open space per unit. In addition, the project includes approximately 30,782 square feet of common landscaped area, not including landscaped areas within required setbacks, throughout the site, comprising of landscaped areas in front of each unit and around the perimeter of the site. This common landscaped area also contains two paseos - one between Buildings 3 and 4 and another between Buildings 8 and 9 – with seating and gathering areas. These paseos would be reserved for residents and their guests and would be accessible via pedestrian connections from Evulich Court.

Site Access and Parking

The project would result in the removal of all the existing driveways and driveway curb cuts. The project proposes the extension of the paved portion of Evulich Court through the center of the site, which is an area currently dedicated to the city of Cupertino for a public street. Five private driveways would connect to Evulich Court and provide direct access to the private garages on the ground floor of each unit. The private driveways would be 22 feet wide. Evulich Court would have a width of 20 feet adjacent to the intersection with Linda Vista Drive and would expand to a width of 36 feet near the intersections with the private driveways in the interior of the site. The wider portion of the extended segment of Evulich Court would include space for 10 on-street parking stalls. Evulich Court, the public street, would end in a cul-de-sac on the western portion of the site; however, fire trucks and other large vehicles would be able to use the westernmost private driveway to turn around.

The project would include a total of 102 on-site parking spaces, all of which would be located in the private garages of each unit. The private garages would also provide long-term bicycle storage spaces for each unit. The project would also include 12 short-term bicycle parking spaces on racks adjacent to the paseo entrances on Evulich Court. Pedestrian access to the project site would continue to be provided via sidewalks (which would be reconstructed as part of the project, as described below) on Linda Vista Drive. In addition, the project would include the construction of new sidewalks on the extended, paved segment of Evulich Court that would connect to the on-site pedestrian walkways leading to each of the units.

Utility and Right-of-Way Improvements

The proposed project includes the construction of lateral connections from the new buildings to the two new eight-inch water sanitary sewer lines that would be installed in the extended segment of Evulich Court. These new lines would connect with the existing eight-inch water main and eight-inch sanitary sewer main in Linda Vista Drive. The project would also include the construction of an approximately 160-foot extension from the existing 12-inch storm drain main line in Linda Vista Drive to the south allowing for two new lateral connections from the proposed buildings to be made. The project would include the installation of a new fire hydrant on Linda Vista Drive adjacent to the project frontage north of Evulich Court and two new fire hydrants on Evulich Court.

The project would include the demolition and reconstruction of portions of the existing sidewalk on Linda Vista Drive along the site frontage. The project would also include the replacement of an existing streetlight on Linda Vista Drive adjacent to the frontage of the site, south of Evulich Court, retrofit of an existing streetlight on Linda Vista Drive across from the frontage of the site, north of Evulich Court, and installation of two new streetlights on Evulich Court. The project would include the dedication of the portion of the site containing the extended segment of Linda Vista Drive to the city of Cupertino. A conceptual site plan is shown on Figure 3 and the proposed utility improvements are shown below on Figure 4 below.

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Source: SDG Architects, Inc., January 12, 2026.

CONCEPTUAL SITE PLAN | FIGURE 3

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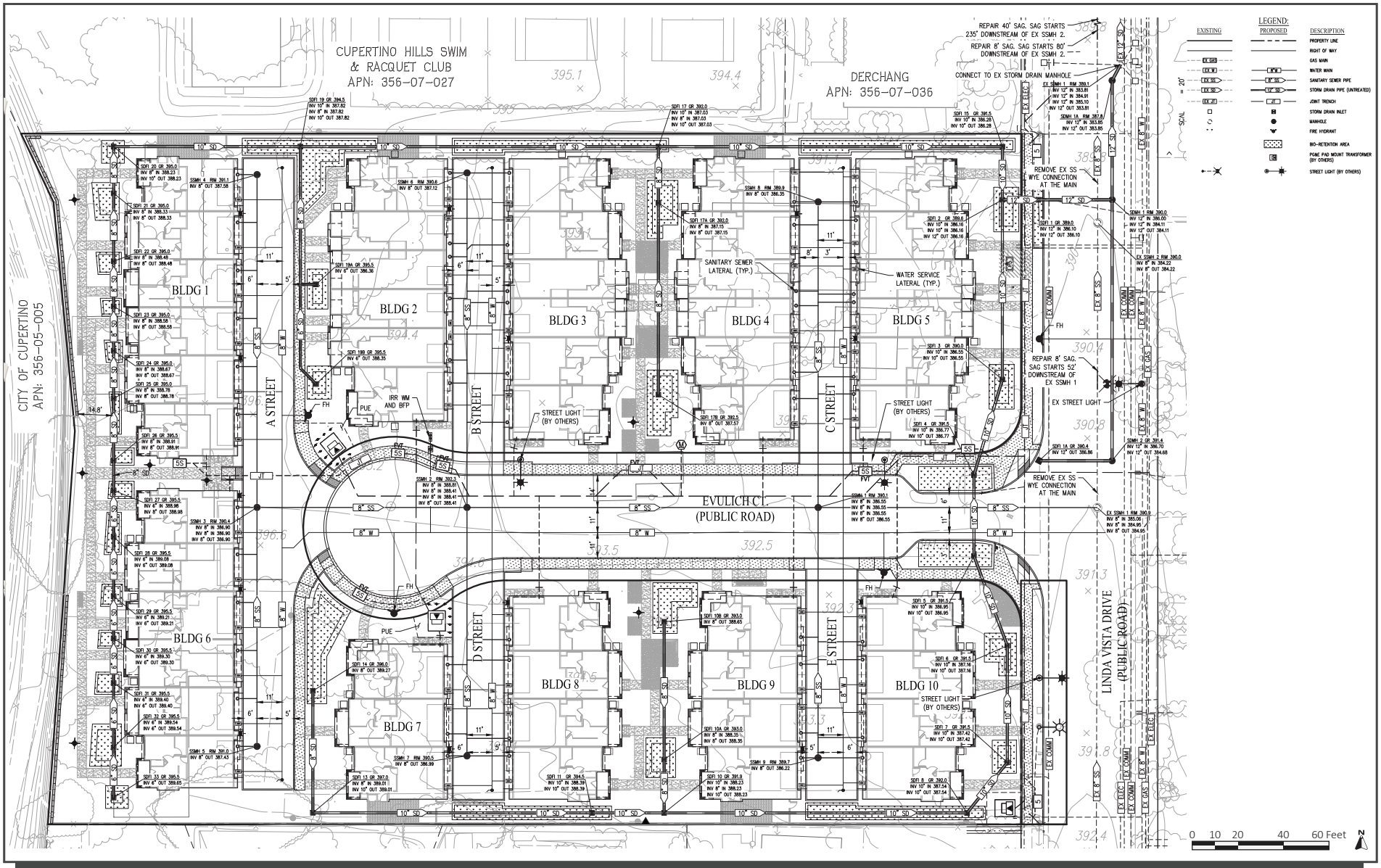

UTILITY PLAN

FIGURE 4

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Landscaping

There are 36 trees on-site, including nine protected trees as defined in Section 14.18.050 of the CMC, and six off-site trees with canopies that hang over the site (five of which are considered protected trees).[1] The project proposal includes the removal of 35 trees on-site (including nine protected trees) and planting of 50 on-site replacement trees. No off-site trees would be affected by the project. In addition to the replacement trees, the project would include other landscaping, including shrubs and groundcover. The landscaping would incorporate low to moderate water use plants and California native species.

Stormwater Treatment

The proposed project would result in an increase of impervious area by 66,994 square feet (or 61 percent) compared to existing conditions. To control the amount of stormwater runoff from the site, the project would include approximately 4,900 square feet of bioretention facilities throughout the site where stormwater would be directed.

Green Building and Energy Efficiency Measures

The project would be built in accordance with the California Green Building Standards Code (CALGreen) requirements. The project would incorporate green building features, including drought-tolerant landscaping, water-efficient fixtures, electric vehicle charging infrastructure, and high-efficiency appliances. The project would be all-electric.

Construction

Project construction activities would include demolition, site preparation, grading and excavation, building construction, architectural coatings, and paving. The total duration of construction on-site would be approximately 39 months; however, there could be overlap in the construction of site improvements (e.g., utility trenching and street improvements) and the proposed buildings which would result in a shorter overall timeline. The project would require excavation at a maximum depth of 10 feet below the ground surface for utility trenching. Construction would require up to 2,500 cubic yards of soil to be exported from the site. Construction materials would be staged on-site.

[1] Section 14.18.050 of the CMC defines protected trees as, A) Heritage trees in all zoning districts; B) All mature specimen trees of the following species on private property: 1.Quercus (native oak tree species), including: 1a. Quercus agrifolia (Coast Live Oak), 1b. Quercus lobata (Valley Oak), 1c. Quercus kelloggii (Black Oak), 1d. Quercus douglasii (Blue Oak), 1e. Quercus wislizeni (Interior Live Oak); 2. Aesculus californica (California Buckeye); 3. Acer macrophyllum (Big Leaf Maple); 4. Cedrus deodara (Deodar Cedar); 5. Cedrus atlantica 'Glauca' (Blue Atlas Cedar); 6. Umbellularia californica (Bay Laurel or California Bay); and 7. Platanus racemosa (Western Sycamore).; C) Approved development trees(s); and D) Approved privacy protection planting in R-1 zoning districts.

IV. AB 130 Qualification

AB 130 includes specific conditions and requirements that must be met for a project to be exempt from CEQA. The project's conformance with each of the eligibility conditions for housing projects under AB 130 are discussed in detail in Table 1 below. The project's conformance with each requirement under AB 130 are discussed in detail in Table 2 below.

Table 1: Project Qualification with AB 130 Conditions

Statutory Exemption Condition	Does the Project Meet this Condition?			Analysis
	Yes	No	N/A	
1. The project meets the definition of a "housing development project" pursuant to Government Code Sections 65905.5(b) and 65589.5(h)(2). [PRC Section 21080.66(a)]	☒	☐	☐	The project meets the definition of a "housing development project" pursuant to Government Code Sections 65905.5(b) and 65589.5(h)(2) as it contains residential units only. As noted in Section III. Project Description, the project consists of the construction of 51 residential units. Therefore, the project is consistent with this condition.
2. The project is within the appropriate maximum lot size. [PRC Section 21080.66 (a) (1)]	☒	☐	☐	As noted in Section III. Project Description, the project site is 2.51 acres in size, which is less than the 20-acre maximum lot size condition. Therefore, the project is consistent with this condition.
3. The project is located in an incorporated municipality or urban area. [PRC Section 21080.66 (a) (2)]	☒	☐	☐	The project site is located within the limits of the city of Cupertino, an incorporated municipality. Therefore, the project is consistent with this section.
4. The project site meets any of the following criteria for previous development on- and surrounding the site: ▪ The site has been previously developed with an urban use; ▪ At least 75 percent of the perimeter of the site adjoins parcels developed with urban uses; ▪ At least 75 percent of the area within a one-quarter mile radius of the site is developed with urban uses; or	☒	☐	☐	The site currently contains four single-family residences and an unpaved gravel driveway. Adjacent land uses include recreational uses to the north and west, and single-family residential uses to the east and south. In addition, surrounding land uses within one-quarter mile of the site are developed with urban uses. For the reasons described above, the project meets this condition.

Statutory Exemption Condition	Does the Project Meet this Condition? Yes	No	N/A	Analysis
▪ At least three sides of the site are developed with urban uses and at least two-thirds of the site's perimeter adjoins parcels that are developed with urban uses (for sites with four sides) [PRC Section 21080.66 (a) (3)]				
5. The project is consistent with the existing General Plan or Zoning for the site, and any applicable local coastal program. [PRC Section 21080.66 (a) (4)]	☒	☐	☐	The project site has a General Plan land use designation for the site is Residential – Medium/High Density and a zoning designation of Multi-Family Residential/Townhome (R3/TH). The TH combining district allows for construction of townhomes on-site, and the required residential density for the site's land use designation is between 20.01 to 35 units per acre. The project would result in a development density of approximately 20.3 dwelling units per acre, which is consistent with this requirement and the density requirements established for this designation in the General Plan. The project is consistent with the objective design requirements in the CMC, except that it would utilize five waivers allowed under the State Density Bonus law to: increase the maximum height of the buildings, increase the maximum FAR, reduce the street-side side-yard setback requirement, reduce the minimum size requirements for private outdoor space, and reduce the minimum parking space size. These waivers and incentives are allowed by law; therefore, the project would be consistent with the existing General Plan and Zoning for the site. The project site is inland and not subject to a local coastal program. For the reasons discussed above, the project meets this condition.
6. The project includes at least 15 dwelling units per acre. [PRC Section 21080.66 (a) (5)]	☒	☐	☐	The project site is in a metropolitan county (i.e., Santa Clara County). As discussed in Section III. Project Description, the project would result in a

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Statutory Exemption Condition	Does the Project Meet this Condition?			Analysis
	Yes	No	N/A	
				density of approximately 20.3 dwelling units per acre. Therefore, the project meets this condition.
7. The project is not located on a site that is any of the following: an area of the coastal zone; either prime farmland or farmland of statewide importance; wetlands; within a Very High Fire Hazard Severity Zone; a hazardous waste site included on the Cortese list; within a delineated earthquake fault zone; within a special flood hazard area; within a regulatory floodway; lands identified for conservation; habitat for protected species; or lands under a conservation easement. [PRC Section 21080.66 (a) (6)]	☒	☐	☐	The project site is located at 10857, 10867, 10877, and 10887 Linda Vista Drive in Cupertino, approximately 19 miles from the Pacific Ocean and 8.5 miles from the San Francisco Bay. The proposed development would not be located in a coastal zone or subject to a certified local coastal program. The site is currently developed with a residential use and is not designated as Prime Farmland or Farmland of Statewide Importance.[2] There are no wetlands on-site.[3] The California Department of Forestry and Fire Protection (CAL FIRE) is responsible for designating fire hazard severity zones in State Responsibility Areas and recommending designations for Local Responsibility Areas. Most of the project site is located within a Very High Fire Hazard Severity Zone, except for the northeast corner of the site which is in a High Fire Hazard Severity Zone.[4] Per PRC Section 21080.66 (a) (6), the project must satisfy the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code. A project can be located within a Very High Fire Hazard Severity Zone if it adopts fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development. The project would implement various strategies and measures to reduce potential risks associated with wildfire, including: • Designing the project to comply with Chapter 7A of the California Building Code,

[2] California Department of Conservation. *Santa Clara County Important Farmland 2022*. Accessed December 9, 2025.
[3] United States Fish and Wildlife Service. *National Wetland Inventory.* Accessed December 9, 2025. https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/
[4] CAL FIRE. Santa Clara County State Responsibility Area Fire Hazard Severity Zones. February 24, 2025.

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Statutory Exemption Condition	Does the Project Meet this Condition?			Analysis
	Yes	No	N/A	
				• Installing non-combustible landscaping material around the perimeter of the site, • Installing fire sprinklers in each covered porch and deck area within 30 feet of the property line, and • Utilizing exterior building materials with enhanced fire resistance ratings within 30 feet of the property line. To accommodate the design of the project, the project received approval of alternative means or methods from the Santa Clara County Fire Department to reduce the typically required 30-foot setback from adjacent buildings. The Santa Clara County Fire Department accepted this request after considering the location of the site and the design measures proposed by the project to reduce potential wildfire risk.[5] Based on a review of the project plans and proposed design features, the Santa Clara County Fire Department has determined that appropriate fire hazard mitigation measures have been incorporated by the project. The site is not: identified as a hazardous site on the Cortese list;[6, 7, 8, 9] or located within an earthquake fault zone,[10] special flood hazard area,[11] or regulatory floodway.[12] The project site is not identified for conservation or under a conservation easement. The Santa Clara Valley Habitat Plan boundaries cover a small portion of Cupertino;

[5] Santa Clara County Fire Department. *Fire Prevention Plan Review Comments*. January 27, 2026.
[6] California Department of Toxic Substances Control. "EnviroStor Database." Accessed December 9, 2025. https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=10857+linda+vista+drive
[7] State Water Board. "Geotracker." Accessed December 9, 2025. https://geotracker.waterboards.ca.gov/map/?myaddress=California&from=header&cqid=7253385245
[8] State Water Board. "List of solid waste disposal sites identified by Water Board with waste constituents above hazardous waste levels outside the waste management unit." Accessed December 9, 2025. https://calepa.ca.gov/wp-content/uploads/2016/10/SiteCleanup-CorteseList-CurrentList.pdf
[9] State Water Board. *List of "active" CDO and CAO from Waterboard.* Accessed December 9, 2025. https://calepa.ca.gov/wp-content/uploads/2016/10/SiteCleanup-CorteseList-CDOCAOList.xlsx
[10] California Department of Conservation. "Earthquake Zones of Required Investigation." Accessed December 10, 2025. https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/
[11] Federal Emergency Management Agency. Flood Insurance Rate Map: Number 06085C0216H. May 18, 2009.
[12] Ibid.

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Statutory Exemption Condition	Does the Project Meet this Condition?			Analysis
	Yes	No	N/A	
				however, the project site is approximately 1.4 miles west of the boundaries of the plan and is not covered by the requirements of the Santa Clara Valley Habitat Plan.[13] The site is partially developed with urban uses and does not contain any sensitive habitat (such as wetlands) that would be habitat for protected species. In addition, a Technical Biological Report was prepared for the project site which concluded that there was no habitat for special status plant species on-site and that the project would not result in the loss of habitat for special status animal species.[14]
8. If demolition is required, the project only involves demolition of structure(s) not placed on a national, state, or local historic register. [PRC Section 21080.66 (a) (7)]	☒	☐	☐	The project site, including the existing building on-site, are not listed in the National Register of Historic Places,[15] California Register of Historic Properties,[16] or the current list of Cupertino historically significant resources.[17] Therefore, the project meets this condition.
9. The project excludes Transient Lodging. [PRC Section 21080.66 (a) (8)]	☒	☐	☐	No hotel, motel, bed and breakfast inn, or other transient lodging such as a residential hotel or short-term lodging is proposed on the project site. For these reasons, the project meets this condition.

[13] Santa Clara Valley Habitat Agency. "Santa Clara Valley Habitat Plan Geobrowser v2.0." Accessed December 10, 2025. https://scvha.maps.arcgis.com/apps/webappviewer/index.html?id=f2268679c2fa49489e3f7d6e8377837e
[14] Live Oak Associates, Inc. *10857 Linda Vista Drive Project Technical Biological Report*. August 5, 2025.
[15] National Parks Service. *National Register of Historic Places*. Accessed December 10, 2025.
[16] California Department of Parks and Recreation. *California Historical Resources*. Accessed December 10, 2025.
[17] City of Cupertino. *General Plan Amendment, Housing Element Update, and Associated Rezoning EIR.* Table 4.4-2, Cultural Resources in the Project Study Area and Vicinity. 2015.

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Table 2: Project Conformance with AB 130 Requirements

Statutory Exemption Requirement	Does the Project Meet this Condition?			Analysis
	Yes	No	N/A	
1. Tribal Consultation has been completed. [PRC Section 21080.66 (b)]	☒	☐	☐	Sacred Lands File Search A request for a Sacred Lands File (SLF) search was submitted to the Native American Heritage Commission (NAHC) on December 3, 2025. The results of the SLF search shared by the NAHC on December 10, 2025, were negative. Native American Tribal Consultation The proposed project was deemed complete on March 19, 2025 and the applicant requested to process a statutory exemption under AB 130 on September 12, 2025. On September 25, 2025, the city of Cupertino notified the 25 tribal contacts traditionally or culturally affiliated with the project area about the proposed project via certified mail and/or email. The Muwekma Ohlone Tribe of the San Francisco Bay Area responded with a request to consult on the project; however, no formal consultation meeting with the tribe transpired after repeated outreach attempts by the city of Cupertino. A response was also received from representatives of Tamien Nation to initiate the formal consultation process. A meeting was held on December 3, 2025 between city of Cupertino staff and representatives of Tamien Nation to discuss the project, potential sensitivity of the area, and measures that would reduce potential impacts to cultural and tribal cultural resources, if present on-site. The tribal consultation period concluded on January 6, 2026 without mutual agreement for alternative conditions having been reached. Subsequent to that date, Tamien Nation provided alternative conditions, but did not confirm that those conditions were specific to this project. On February 13, 2026, the city of Cupertino provided a final notice to Tamien Nation that the project would be subject to the standard conditions described below. As no agreement on alternative conditions was reached through consultation with Tamien Nation, the city of Cupertino will require implementation

Statutory Exemption Requirement	Does the Project Meet this Condition?			Analysis
	Yes	No	N/A	
				of the binding conditions of approval outlined in PRC Section 21080.66 (b) (4) and the permit conditions outlined in Chapter 17.04 of the Cupertino Municipal Code regarding archaeological educational materials that must be distributed to contractors and construction crews prior to initiation of ground disturbing activities. Therefore, the project meets this condition.
2. A Phase I Environmental Assessment has been prepared for the project or required as a condition of approval. [PRC Section 21080.66 (c)]	☒	☐	☐	A Phase I Environmental Site Assessment (Phase I ESA)[18] and Limited Phase II Subsurface Investigation Report (Phase II)[19] were completed for the proposed project on January 10, 2024 and October 18, 2023, respectively. The Phase I ESA identified one Recognized Environmental Condition (REC), which was the presence of multiple Underground Storage Tanks (USTs) on-site. In addition, one Other Environmental Concern (OEC) was identified regarding the site's historic use for agricultural activities which could have resulted in the remnants of organochlorine pesticides (OCPs), lead, and arsenic in the shallow soil on-site. The Phase II prepared for the project determined that arsenic and lead were not detected above the known background level concentrations or applicable environmental screening limits (ESLs). Therefore, arsenic and lead concentrations in the soil on-site were not determined to be a significant concern. In addition, OCPs were either not detected above laboratory limits or were detected below the Residential Direct Exposure ESLs. The Phase II also sampled the soils for potential contaminants that would have indicated a past release from the USTs on-site; however, the Phase II concluded that there were no signs of a significant release from the USTs that were previously utilized on-site.

[18] AEI Consultants. *Phase I Environmental Site Assessment, 10857, 10867, 10877 and 10887 Linda Vista Drive*. January 10, 2024.
[19] AEI Consultants. *Limited Phase II Subsurface Investigation Report, 10857, 10867, 10877 and 10887 Linda Vista Drive.* October 18, 2023.

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Statutory Exemption Requirement	Does the Project Meet this Condition?			Analysis
	Yes	No	N/A	
				A peer review of the Phase I ESA and Phase II was completed on May 30, 2025.[20] The peer review confirmed the applied methodologies in the reports were appropriate and recommended the following measures: 1) Documented removal of the two USTs should be conducted. The formerly abandoned-in-place USTs should be removed and properly disposed of, and the surrounding soils should be assessed through sampling and analytical testing. 2) A Soil Management Plan should be developed to establish response measures for addressing unknown subsurface conditions encountered during construction. Following the conclusion of the Phase I and Phase II ESAs, the property owner obtained clearances and permits to remove the two USTs in 2025, thereby addressing recommendation 1. Based on the soil sampling conducted after removal of the USTs were completed, no evidence of prior petroleum release on-site was found. Therefore, preparation of the Soil Management Plan as noted in recommendation 2 would not be necessary. As a Condition of Approval, if any unanticipated structure or evidence of contamination is discovered during construction activities on-site, the project shall halt work in the area of the discovery and a qualified professional shall prepare a Soil Management Plan. The Soil Management Plan (if required) shall be reviewed and approved by the city of Cupertino's third-party consultant. This would ensure that any potential contaminants of concern in the soil on-site, if present, are handled appropriately and risks to construction workers, future residents on-site, and the environment are reduced to a less than significant level and being mitigated to levels required by current federal and state statutory and

[20] Farallon Consulting. *Third Party Review – 10857 10867, 10877 and 10887 Linda Vista Drive.* May 30, 2025.

Statutory Exemption Requirement	Does the Project Meet this Condition?			Analysis
	Yes	No	N/A	
				regulatory standards. For these reasons, the project meets this condition.
3. The project site is located more than 500 feet from a freeway or, if the project is located within 500 feet of a freeway, the project includes the required design measures. [PRC Section 21080.66 (c) (2)]	☐	☐	☒	The nearest freeway to the project site is State Route 85, which is located approximately 0.8 miles (or over 4,200 feet) east of the project site. Therefore, this requirement is not applicable to the project.
4. The project does not contain 100 percent affordable units or, if the project contains 100 percent affordable units or is over 85 feet in height above grade, the project will comply with prevailing wage requirements. [PRC Section 21080.66 (d) (1)]	☐	☐	☒	As noted in Section III. Project Description, the proposed project would include 51 residential units, 10 (or approximately 20 percent) of which would be affordable units, with a maximum height of 38 feet. Therefore, the requirements of this section do not apply.

V. Conclusion

As documented in Section IV. AB 130 Qualification, with the identified conditions of approval, the project qualifies for a statutorily exemption pursuant to AB 130. Accordingly, this document finds that a Notice of Exemption is appropriate for the proposed project pursuant to CEQA Guidelines Section 15062.