

A P P E N D I X D

PHASE I ENVIRONMENTAL SITE  
ASSESSMENT







**PHASE I ENVIRONMENTAL  
SITE ASSESSMENT REPORT**

**10145 NORTH DE ANZA BOULEVARD**  
10145 North De Anza Boulevard  
Cupertino, California 94402

August 23, 2013  
Partner Project No. 13-107473.1



Prepared for

**SHASHI GROUP, LLC**

August 23, 2013

Mr. Christopher Herthel  
Shashi Group, LLC

Subject: Phase I Environmental Site Assessment  
10145 North De Anza Boulevard  
Cupertino, California 94402  
Partner Project No. 13-107473.1

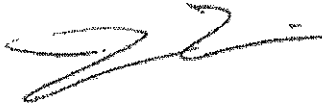
Dear Mr. Herthel:

Partner Engineering and Science, Inc. (Partner) is pleased to provide the results of the *Phase I Environmental Site Assessment* (Phase I ESA) report of the abovementioned address (the "subject property"). This assessment was performed in general conformance with the scope and limitations as detailed in the ASTM Practice E1527-05 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.

This assessment included a site reconnaissance as well as research and interviews with representatives of the public, property ownership, site manager, and regulatory agencies. An assessment was made, conclusions stated, and recommendations outlined.

We appreciate the opportunity to provide environmental services to Shashi Group, LLC. If you have any questions concerning this report, or if we can assist you in any other matter, please contact me at 310-615-4500.

Sincerely,



Jenny Redlin, REPA  
Relationship Manager

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## EXECUTIVE SUMMARY

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Partner Engineering and Science, Inc. (Partner) has performed a Phase I Environmental Site Assessment (ESA) in general accordance with the scope of work and limitations of ASTM Standard Practice E1527-05, the Environmental Protection Agency Standards and Practices for All Appropriate Inquiries (AAI) (40 CFR Part 312) and set forth by Shashi Group, LLC for the property located at 10145 North De Anza Boulevard in the City of Cupertino, Santa Clara County, California (the "subject property"). The Phase I Environmental Site Assessment is designed to provide Shashi Group, LLC with an assessment concerning environmental conditions (limited to those issues identified in the report) as they exist at the subject property.

### *Property Description*

The subject property is located at the southwestern intersection corner of North De Anza Boulevard and Alves Drive and consists of a single-parcel flat and level site and is known as the 10145 North De Anza Boulevard. The subject property parcel is accessed via a dedicated curb cut in-and-out driveway from the frontage street (North De Anza Boulevard) on the overall east as well as a share entrance at the northwest corner and is developed for commercial restaurant uses. Please refer to the table below for further description of the subject property:

<b>Address:</b>	10145 North De Anza Boulevard
<b>Assessor's Parcel Number (APN):</b>	326-34-043
<b>Nature of Use:</b>	Commercial restaurant
<b>Number of Buildings:</b>	1
<b>Number of Floors:</b>	1
<b>Type of Construction:</b>	Type V - Block masonry and wood framed
<b>Building Square Footage (SF):</b>	5,570 (Assessor)
<b>Land Acreage (Ac):</b>	0.68 Ac (Assessor)
<b>Date of Construction:</b>	1973 (Assessor)
<b>Current Tenants:</b>	Single restaurant tenant known as Mandarin Gourmet Restaurant.

The subject property is currently developed for commercial restaurant uses with a single one-story single-tenant building accessed directly from the exterior. The present-day tenant uses the space for restaurant activities. The balance of the developed portions of the subject property is developed with asphalt-paved surface parking areas, concrete walkways and maintained landscaping.

According to available historical sources, the subject property was tree crop agricultural lands and a rural residence between at least 1939 and 1956 and was fallow or dry-crop agricultural and residential lands in at least 1965 prior to the beginning of subject property development in 1972-73. The present day building was completed in 1973.

The overall subject property is located in a generally in a mixed commercial and residential area of eastern Cupertino and is bordered by the frontage street Alves Drive to the north with an Aloft Hotel (10165 N De Anza) directly beyond; to the east by N De Anza Boulevard with residential properties beyond to the northeast having 10141 and 10151 Parlett Place addresses, a church known as St. Josephs of Cupertino (10110, 10120, 10130 N De Anza) to the east and an office building (10020 N De Anza) to the southeast; an office building and parking (10001-10101 N De Anza) to the south; and a restaurant (10118 N De Anza) and grocery store (10123 N De Anza) to the west.

Information specific to the subject property regarding the depth to groundwater and direction of groundwater flow was not available. Information regarding the depth to groundwater and direction of groundwater flow was obtained from a vicinity Leaking Underground Storage Tank (LUST) site known as Valco 76 Station located at 19550 Stevens Creek Boulevard. Groundwater monitoring monitored most recently on November 8, 2012 indicated the depth to groundwater varied between 75.21 and 79.99 feet below top of casing (btoc). Groundwater flow was noted to the northeast at a gradient of 0.002 ft/ft. Similar conditions are expected at the subject property. Similar conditions are anticipated at the subject property.

### ***Findings***

A *recognized environmental condition (REC)* refers to the presence or likely presence of any hazardous substance or petroleum product on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term REC includes hazardous substances and petroleum products even under conditions that might be in compliance with laws. The term is not intended to include "de minimis" conditions that do not present a threat to human health and/or the environment and that would not be subject to an enforcement action if brought to the attention of appropriate governmental agencies. The following was identified during the course of this assessment:

- Partner did not identify any recognized environmental conditions during the course of this assessment.

A *historical recognized environmental condition (HREC)* refers to an environmental condition that would have been considered a REC in the past, but which is no longer considered a REC based on subsequent assessment or regulatory closure. The following was identified during the course of this assessment:

- Partner did not identify any historical recognized environmental conditions during the course of this assessment.

An *environmental issue* refers to environmental concerns identified by Partner, which do not qualify as RECs; however, require discussion. The following was identified during the course of this investigation:

- Due to the age of the subject property building/buildings, there is a potential that asbestos-containing materials (ACMs) are present. Overall, all suspect ACMs and painted surfaces were observed in good condition and do not pose a health and safety concern to the occupants of the subject property at this time.

### *Conclusions, Opinions and Recommendations*

Partner has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-05 of 10145 North De Anza Boulevard in the City of Cupertino, Santa Clara County, California (the "subject property"). Any exceptions to or deletions from this practice are described in Section 1.5 of this report.

This assessment has revealed no evidence of recognized environmental conditions in connection with the subject property. Based on the conclusions of this assessment, Partner recommends the following:

- An Operations and Maintenance (O&M) Program should be implemented in order to safely manage the suspect ACMs located at the subject property.

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## 1.0 INTRODUCTION

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Partner Engineering and Science, Inc. (Partner) has performed a Phase I Environmental Site Assessment (ESA) in general conformance with the scope and limitations of ASTM Standard Practice E1527-05 and the Environmental Protection Agency Standards and Practices for All Appropriate Inquiries (AAI) (40 CFR Part 312) for the property located at 10145 North De Anza Boulevard in the City of Cupertino, Santa Clara County, California (the "subject property"). Any exceptions to, or deletions from, this scope of work are described in the report.

### 1.1 Purpose

The purpose of this ESA is to identify existing or potential Recognized Environmental Conditions (as defined by ASTM Standard E-1527-05) affecting the subject property that: 1) constitute or result in a material violation or a potential material violation of any applicable environmental law; 2) impose any material constraints on the operation of the subject property or require a material change in the use thereof; 3) require clean-up, remedial action or other response with respect to Hazardous Substances or Petroleum Products on or affecting the subject property under any applicable environmental law; 4) may affect the value of the subject property; and 5) may require specific actions to be performed with regard to such conditions and circumstances. The information contained in the ESA Report will be used by Client to: 1) evaluate its legal and financial liabilities for transactions related to foreclosure, purchase, sale, loan origination, loan workout or seller financing; 2) evaluate the subject property's overall development potential, the associated market value and the impact of applicable laws that restrict financial and other types of assistance for the future development of the subject property; and/or 3) determine whether specific actions are required to be performed prior to the foreclosure, purchase, sale, loan origination, loan workout or seller financing of the subject property.

This ESA was performed to permit the *User* to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on scope of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. §9601) liability (hereinafter, the "*landowner liability protections*," or "*LLPs*"). ASTM Standard E-1527-05 constitutes "*all appropriate inquiry* into the previous ownership and uses of the *property* consistent with good commercial or customary practice" as defined at 42 U.S.C. §9601(35)(B).

### 1.2 Scope of Work

The scope of work for this ESA is in general accordance with the requirements of ASTM Standard E 1527-05. This assessment included: 1) a property and adjacent site reconnaissance; 2) interviews with key personnel; 3) a review of historical sources; 4) a review of regulatory agency records; and 5) a review of a regulatory database report provided by a third-party vendor.

If requested by Client, this report may also include the identification, discussion of, and/or limited sampling of asbestos-containing materials (ACMs), lead-based paint (LBP), mold, and/or radon.

### **1.3 Limitations**

Partner warrants that the findings and conclusions contained herein were accomplished in accordance with the methodologies set forth in the Scope of Work. These methodologies are described as representing good commercial and customary practice for conducting an ESA of a property for the purpose of identifying recognized environmental conditions. There is a possibility that even with the proper application of these methodologies there may exist on the subject property conditions that could not be identified within the scope of the assessment or which were not reasonably identifiable from the available information. Partner believes that the information obtained from the record review and the interviews concerning the subject property is reliable. However, Partner cannot and does not warrant or guarantee that the information provided by these other sources is accurate or complete. The conclusions and findings set forth in this report are strictly limited in time and scope to the date of the evaluations. The conclusions presented in the report are based solely on the services described therein, and not on scientific tasks or procedures beyond the scope of agreed-upon services or the time and budgeting restraints imposed by the Client. No other warranties are implied or expressed.

Some of the information provided in this report is based upon personal interviews, and research of available documents, records, and maps held by the appropriate government and private agencies. This report is subject to the limitations of historical documentation, availability, and accuracy of pertinent records and the personal recollections of those persons contacted.

This practice does not address requirements of any state or local laws or of any federal laws other than the all appropriate inquiry provisions of the LLPs. Further, this report does not intend to address all of the safety concerns, if any, associated with the subject property.

Environmental concerns, which are beyond the scope of a Phase I ESA as defined by ASTM include the following: ACMs, LBP, radon, and lead in drinking water. These issues may affect environmental risk at the subject property and may warrant discussion and/or assessment; however, are considered non-scope issues. If specifically requested by the Client, these non-scope issues are discussed in Section 6.3.

### **1.4 User Reliance**

Shashi Group, LLC engaged Partner to perform this assessment in accordance with an agreement governing the nature, scope and purpose of the work as well as other matters critical to the engagement. All reports, both verbal and written, are for the sole use and benefit of Shashi Group, LLC. Either verbally or in writing, third parties may come into possession of this report or all or part of the information generated as a result of this work. In the absence of a written agreement with Partner granting such rights, no third parties shall have rights of recourse or recovery whatsoever under any course of action against Partner, its officers, employees, vendors, successors or assigns. Any such unauthorized user shall be responsible to protect, indemnify and

hold Partner, Client and their respective officers, employees, vendors, successors and assigns harmless from any and all claims, damages, losses, liabilities, expenses (including reasonable attorneys' fees) and costs attributable to such Use. Unauthorized use of this report shall constitute acceptance of and commitment to these responsibilities, which shall be irrevocable and shall apply regardless of the cause of action or legal theory pled or asserted. Additional legal penalties may apply.

### 1.5 Limiting Conditions

The findings and conclusions contain all of the limitations inherent in these methodologies that are referred to in ASTM E1527-05.

Specific limitations and exceptions to this ESA are more specifically set forth below.

- Interviews with past or current owners, operators and occupants were not reasonably ascertainable and thus constitute a data gap. Based on information obtained from other historical sources (as discussed in Section 3.0), this data gap is not expected to alter the findings of this assessment.
- Partner requested information relative to deed restrictions and environmental liens, a title search, and completion of a pre-survey questionnaire from the Report User. This information was not provided at the time of the assessment.
- Our view of the ground surface was partially obstructed by parked cars and landscaping. This circumstance was beyond our control and concealed conditions. According to the site contact, no monitoring wells, drywells or other surface penetrations including evidence of test boring exists within the affected areas. As a result, no additional action is recommended at this time.
- Our view of the tenant interior areas was limited due to tenant activities and furnishings. This circumstance was beyond our control and concealed conditions. According to the site contact, no monitoring wells, drywells or other surface penetrations including evidence of test boring exists within the affected areas. As a result, no additional action is recommended at this time.

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## 2.0 SITE DESCRIPTION

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### 2.1 Site Location and Legal Description

The subject property is located at the southwestern intersection corner of North De Anza Boulevard and Alves Drive and consists of a single-parcel flat and level site and is known as the 10145 North De Anza Boulevard. The subject property parcel is accessed via a dedicated curb cut in-and-out driveway from the frontage street (North De Anza Boulevard) on the overall east as well as a share entrance at the northwest corner and is developed for commercial restaurant uses. Please refer to the table below for further description of the subject property:

<b>Address:</b>	10145 North De Anza Boulevard
<b>Assessor's Parcel Number (APN):</b>	326-34-043
<b>Nature of Use:</b>	Commercial restaurant
<b>Number of Buildings:</b>	1
<b>Number of Floors:</b>	1
<b>Type of Construction:</b>	Type V - Block masonry and wood framed
<b>Building Square Footage (SF):</b>	5,570 (Assessor)
<b>Land Acreage (Ac):</b>	0.68 Ac (Assessor)
<b>Date of Construction:</b>	1973 (Assessor)
<b>Current Tenants:</b>	Single restaurant tenant known as Mandarin Gourmet Restaurant.

A detailed legal description was not provided nor was one readily available to Partner from the Assessor. The parcel is identified by the County Assessor as Assessor Parcel Number (APN) 326-34-043. According to the Santa Clara County Tax Assessor's office the subject property is currently owned by BEH SAICH LLC, ANTON SAICH PROPS I LLC that has owned the subject property since February 6, 2001.

Please refer to Figure 1: Site Location Map, Figure 2: Topographic Map, Figure 3: Site Plan, and Appendix A: Site Photographs for the location and site characteristics of the subject property.

### 2.2 Current Property Use

The subject property is currently developed for commercial restaurant uses with a single notched rectangular-shaped one-story single-tenant building. The building is occupied in entirety by the Mandarin Gourmet Restaurant. Tenant interior partitions are framed with wood or metal studs and have both painted and unfinished drywall, and specialty finishes. Flooring consists of ceramic tile, carpeted or vinyl space flooring. Ceilings are typically dropped acoustic panel types with recessed lighting or exposed wood framing with pendant lighting. The balance of the

developed portions of the subject property is developed with asphalt-paved surface parking areas, concrete walkways and maintained landscaping.

The present day building was completed in 1973.

According to the City of Cupertino Community Development Department (Planning Division), the subject property is zoned "P (CG) Planned Developed with General Commercial overlay".

The subject property was not identified on any regulatory databases in Section 4.2.

### 2.3 Current Use of Adjoining Properties

The overall Property is located in a mixed commercial and residential area of eastern Cupertino. During the vicinity reconnaissance, Partner observed the following land use on properties in the immediate vicinity of the subject property:

#### *Immediately surrounding properties*

<b>North:</b>	The subject property is bounded on the north by Alves Drive with an Aloft Hotel (10165 N De Anza) directly beyond.
<b>South:</b>	The subject property is bounded on the south by an office building and parking (10001-10101 N De Anza).
<b>East:</b>	The subject property is bounded on the east by N De Anza Boulevard with residential properties beyond to the northeast having 10141 and 10151 Parlett Place addresses, a church known as St. Josephs of Cupertino (10110, 10120, 10130 N De Anza) to the east and an office building (10020 N De Anza) to the southeast.
<b>West:</b>	The subject property is bounded on the west by a restaurant (10118 N De Anza) and grocery store (10123 N De Anza) to the west.

The down gradient address to the north (10165 N De Anza Boulevard) is identified for a historical tenant and building that was demolished in 2012 on various regulatory databases as discussed in Section 4.2.

### 2.4 Physical Setting Sources

#### *2.4.1 Topography*

The subject property is developed on a basically flat and level setting. According to available topographic map information found in the *Cupertino, California* Quadrangle photo-revised most recently in 1991, the subject property is located at approximately 236 feet above mean sea level (MSL). A slight regional slope to the northeast was noted on the topographic map. The subject property is depicted as shaded urban lands. No surface waters are depicted as present on the subject property. No production wells or other significant surface features depicted on the USGS map.

No surface water is depicted as present on or adjacent to the subject property, nor are production wells or other significant surface features depicted on the USGS map.

Please refer to Figure 2: Topographic Map.

#### **2.4.2 Hydrology**

The Property is located in the northern end of the Santa-Clara Sub-Basin. Water bearing formations of the Santa Clara sub-basin include Pliocene to Holocene age continental deposits of unconsolidated to semi-consolidated gravel, sand, silt and clay. Two members form this group, the Santa Clara Formation of Plio-Pleistocene age and the younger alluvium of Pleistocene to Holocene age. Lithologic similarities make distinction between these two units difficult based on available well data. The combined thickness of these two units probably exceeds 1500 feet.

The Santa Clara Formation is of Plio-Pleistocene age and rests unconformably on impermeable rocks that mark the bottom of the groundwater sub-basin. The Santa Clara Formation is exposed only on the west and east sides of the Santa Clara Valley. Where exposed, it is composed of poorly sorted deposits ranging in grain size from boulders to silt. Well logs indicate that permeability increases from west to east and that in the central part of the valley permeability and grain size decrease with depth.

The Pleistocene to Holocene alluvium is the most important water bearing unit in the Santa Clara sub-basin. The permeability of the valley alluvium is generally high and principally all large production wells derive their water from it. Comprised generally of unconsolidated gravel, sand, silt, and clay it is deposited principally as series of convergent alluvial fans. It becomes progressively finer-grained at the central portions of the valley. A confined zone is created in the northern portion of the sub-basin where overlain by a clay layer of low permeability. The southern portion of the sub-basin is generally unconfined and contains no thick clay layers.

No settling ponds, lagoons, surface impoundments, wetlands or natural catch basins were observed at the Property during this investigation. The subject property is not located on a sole-source aquifer.

Information specific to the subject property regarding the depth to groundwater and direction of groundwater flow was not available. Information regarding the depth to groundwater and direction of groundwater flow was obtained from a vicinity Leaking Underground Storage Tank (LUST) site known as Vallco 76 Station located at 19550 Stevens Creek Boulevard. Groundwater monitoring monitored most recently on November 8, 2012 indicated the depth to groundwater varied between 75.21 and 79.99 feet below top of casing (btoc). Groundwater flow was noted to the northeast at a gradient of 0.002 ft/ft. Similar conditions are expected at the subject property. Similar conditions are anticipated at the subject property.

#### **2.4.3 Geology/Soils**

The Property is located within the Santa Clara Valley that is a northwest-southeast trending structural basin in the Central Coast Ranges of California and is bound on the southwest by the San Andreas Fault Zone and the Santa Cruz Coastal Mountains and on the northeast by the Santa Clara Fault, Calaveras Fault, and the Diablo Range. The geology consists of Franciscan-Knoxville, marine sedimentary rocks and Pliocene strata. The valley floor consists mostly of

Quaternary clay, sand and gravel with isolated areas of Tertiary volcanic rock. The valley floor was formed by the sediment runoff of many rivers and streams that entered the valley from both mountain ranges creating alluvial fans and flood plains. The estimated depth to bedrock at the subject property is approximately 500-600 feet below the ground surface.

Based on the Santa Clara County soil survey maps published by the USDA Soil Conservation Service (1998), the subject property is mapped as 140—Urban land-Flaskan complex, 0 to 2 percent slopes and consists of imported soils as well as natural sandy loam, very deep, well drained soils found on alluvial fans that formed in alluvial material from metamorphic or sedimentary rocks.

#### ***2.4.4 Flood Zone Information***

Partner performed a review of the Flood Insurance Rate Map, published by the Federal Emergency Management Agency. According to Community Panel Number 060339 0208H (06085C0208H), dated May 18, 2009, the subject property appears to be located in Flood Zone X500, an area located outside of the 100-year but within the 500-year flood plains.



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### 3.0 HISTORICAL INFORMATION

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Partner obtained historical use information about the subject property from a variety of sources. A chronological listing of the historical data found is summarized in the table below.

#### *Historical Use Information*

Period/Date	Source	Description/Use
1905	Historical topographic map	Undeveloped marsh lands
1943-1969	Historical topographic maps and Aerial Photographs	Undeveloped lands
1972-1976	Municipal records	Construction of the present-day buildings
1976-present	City Directory, aerial photographs, municipal records, observations, interviews	Multi-tenant office uses

According to available historical sources, the subject property was tree crop agricultural lands and a rural residence between at least 1939 and 1956 and was fallow or dry-crop agricultural and residential lands in at least 1965 prior to the beginning of subject property development in 1972-73. The present day building was completed in 1973.

#### 3.1 Aerial Photograph Review

Partner reviewed aerial photographs dated 1939, 1948, 1956, 1965, 1974, 1982, 1993, 1998, and 2005 were obtained from the EDR as part of a prior Partner report prepared in 2011. A summary of the previous uses of the subject property and surrounding properties is presented below. Please refer to Appendix D for copies of the aerial photographs reviewed for this assessment.

**Date:** 1939 **Scale:** 1"=555'

The subject property appears to be tree crop agricultural lands. Vicinity lands are agricultural or rural residential. A road in the vicinity of N De Anza Boulevard is depicted.

**Date:** 1948 **Scale:** 1"=555'

The subject property appears to be a rural residence along the southern perimeter with tree crop agricultural lands. Vicinity lands are agricultural or rural residential. A road in the vicinity of N De Anza Boulevard is depicted. Increased residential properties are depicted.

**Date:** 1956 **Scale:** 1"=555'

The subject property appears to be a rural residence along the southern perimeter with tree crop agricultural or fallow lands. Vicinity lands are agricultural or rural residential. A road in the vicinity of N De Anza Boulevard is depicted. Increased residential properties are depicted. A church is initially depicted across the street to the east.

**Date:** 1965 **Scale:** 1"=333'

The subject property appears to be a rural residence along the southern perimeter with tree crop agricultural or fallow lands. Vicinity lands are a combination of vacant, commercial and residential lands.

**Date:** 1974 **Scale:** 1"=611'

The subject property appears to be the present-day building and surface parking areas. Vicinity lands are a combination of vacant, commercial and residential lands.

**Date:** 1982 **Scale:** 1"=690'

The subject property appears to be the present-day building and surface parking areas. Vicinity lands are a combination of commercial and residential lands.

**Date:** 1993 **Scale:** 1"=666'

The subject property and adjoining properties are essentially unchanged from the previous photo except increased southerly development is depicted with the exception of increased commercial development.

**Date:** 1998 **Scale:** 1"=666'

The subject property and adjoining properties are essentially unchanged from the previous photo.

**Date:** 2005 **Scale:** 1"=604'

The subject property and adjoining properties are essentially unchanged from the previous photo.

Additional photos dated 1968, 1980 and 1987 were reviewed online at [www.historicaerials.com](http://www.historicaerials.com) but could not be reproduced due to copyright restrictions.

No evidence of environmentally sensitive uses was noted in the aerial photos reviewed.

### **3.2 Sanborn Fire Insurance Maps**

Sanborn maps were originally created in the late 1800s and early 1900s for assessing fire insurance liability in urbanized areas of the United States. These maps include detailed town and building information.

Sanborn Fire Insurance maps were requested from the EDR. Sanborn map coverage was not available for the subject property.

### **3.3 City Directories**

City directories have been produced for most urban and some rural areas since the late 1800s. The directories are generally not comprehensive and may contain gaps in time periods.

Partner reviewed historical city directories obtained from Cupertino Public Library on August 20, 2013 for past names and businesses that were listed for the subject property and adjacent properties. The findings are presented in the following table:

*City Directory Search for 10145 North De Anza Boulevard (Subject Property).*

Year(s)	Occupant Listed
1960, 1965, 1968, 1971, 1975	No listing.
1978, 1980, 1985, 1990	Bob's Big Boy restaurant
1995, 2000, 2005, 2010	Mandarin Gourmet

According to the city directory review, the subject property has been occupied by office tenants since at least 1975.

*City Directory Search for Adjacent Properties*

Year(s)	Occupant Listed
1960, 1965, 1968, 1971, 1975	De Anza Boulevard not listed.
1978	North-Clean Scene Car Wash (10165); East-Church (10110, 10130); South-Bank (10105); West-No listing.
1980, 1985, 1990	North-Clean Scene Car Wash (10165); East-Church (10110, 10120, 10130), Residences (Parlett Place); South-No listing (10105); West-Grocery, restaurant.
1995, 2000, 2005	North-Clean Scene Car Wash (10165); East-Church (10110, 10120, 10130), Residences (Parlett Place); South-Offices (10105); West-Grocery, restaurant.
2010	North-De Anza Car (10165); East-Church (10110, 10120, 10130), Residences (Parlett Place); South-Offices (10105); West-Grocery, restaurant.

Partner did not identify any apparent environmentally sensitive uses for either the subject property address or for any of the adjacent property addresses.

### 3.4 Historical Topographic Maps

Historical topographic maps dated 1937, 1943, 1944, 1955, 1956, 1962, 1963, 1965, 1966, 1969, 1975, 1980, and 1995 were reviewed online at [www.historicaerials.com](http://www.historicaerials.com) but could not be reproduced due to copyright restrictions. The maps dated 1937-1944 do not depict any on-site development. Maps beginning in 1955 depict a single structure believed to be a residence. The 1995 map is shaded representing urban lands.

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## 4.0 REGULATORY RECORDS REVIEW

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### 4.1 Regulatory Agencies

Partner contacted local agencies, such as environmental health departments, fire departments and building departments in order to determine any current and/or historic hazardous materials usage, storage and/or releases of hazardous substances on the subject property. Additionally, Partner researched information on the presence of activity and use limitations (AULs) at these agencies. As defined by ASTM E1527-05, AULs are the legal or physical restrictions or limitations on the use of, or access to, a site or facility: 1) to reduce or eliminate potential exposure to hazardous substances or petroleum products in the soil or groundwater on the subject property; or 2) to prevent activities that could interfere with the effectiveness of a response action, in order to ensure maintenance of a condition of no significant risk to public health or the environment. These legal or physical restrictions, which may include institutional and/or engineering controls (IC/ECs), are intended to prevent adverse impacts to individuals or populations that may be exposed to hazardous substances and petroleum products in the soil or groundwater on the property.

#### 4.1.1 Health Department

Partner reviewed records for the subject property from the Santa Clara County Department of Environmental Health (SCCDEH) on August 15, 2013.

No evidence of AULs on the subject property was found on file with the SCCDEH at the time of the assessment.

#### 4.1.2 Fire Department

Partner contacted the Santa Clara County Fire Department (SCCFD) on August 15, 2013 regarding historical USTs, ASTs and hazardous materials.

No records regarding the presence of significant quantities of hazardous materials or AULs on the subject property were reported with the SCCFD.

#### 4.1.3 Air Quality Management District

The Bay Area Air-Quality Management District acts as the air quality management agency in the subject property vicinity of the State of California. Partner contacted the agency for information regarding any Permits to Operate (PTO), Notices of Violation (NOV), or Notices to Comply (NTC) records for the subject property related to air emission equipment, which may include dry cleaning machines and underground storage tanks.

No records for the subject property address were reported.

#### ***4.1.4 Regional Water Quality Control Board***

The California Regional Water Quality Control Board (Region 2) acts as the regional water quality control agency in the State of California. Partner researched the RWQCB files in August 2013 for information regarding any releases to the subsurface that may have impacted or threatened a body of water. No records for the subject property addresses were reported.

#### ***4.1.5 Department of Toxic Substances Control***

The California Department of Toxic Substances Control (DTSC) acts as the toxic substances control agency in the State of California. Partner researched the online databases in August 2013 for records of the subject property. These records may contain evidence indicating current and/or historical hazardous materials usage, storage or releases.

No records regarding a release or the presence of AULs on the subject property were found on file with the DTSC.

#### ***4.1.6 Building Department***

Partner visited the City of Cupertino Building Department (CBD) on August 19, 2013 to request information regarding historical tenants and property use of the subject property.

Only a single sign permit for the subject property was found on file with the City of Cupertino at the time of the assessment. No records regarding a release or the presence of AULs on the subject property were found on file with the CBD. The date of construction was obtained from the Assessor.

#### ***4.1.7 Planning Department***

Partner visited the City of Cupertino Planning Department (CPD) on August 19, 2013 to request information regarding historical tenants and property use of the subject property.

Zoning information was obtained. The subject property is designated for industrial zoning and is designated "P (CG) Planned Developed with General Commercial overlay".

#### ***4.1.8 Oil and Gas Exploration***

Partner did not identify any current or past oil and/or gas exploration activities during review of aerial photographs of the subject property and vicinity. According to the State of California, Department of Conservation, Division of Oil, Gas and Geothermal Resources, Regional Wildcat Map W3-10, dated August 11, 2003, indicated no operating or abandoned oil or gas wells are on or adjacent to the subject property.

## **4.2 Mapped Database Records Search**

Information from standard federal, state, county, and city environmental record sources was provided by Environmental Data Resources (EDR). Data from governmental agency lists are

updated and integrated into one database, which is updated as these data are released. The information contained in this report was compiled from publicly available sources and the locations of the sites are plotted utilizing a geographic information system, which geocodes the site addresses. The accuracy of the geocoded locations is approximately +/-300 feet. Please refer to the radius map for a complete listing (Appendix E).

In some cases, location information supplied by the regulatory agencies is insufficient to allow the database companies to geocode facility locations. These facilities are listed under the non geocoded section within the EDR report. None of the non geocoded facilities appear to be located within the ASTM minimum search distance from the subject property.

Partner reviewed environmental database information provided by Environmental Data Resources (EDR).

The subject property is not identified on any regulatory databases.

The adjoining northerly down gradient property (10165 N De Anza Boulevard) is identified on the LUST, HIST LUST, UST, HIST UST, SWEEPS UST, HIST CORTESE database. The LUST case has been granted regulatory closure and as such the listing is not considered a significant environmental concern to the subject property.

No other adjoining properties were identified on any regulatory databases and no vicinity up-gradient facilities of further concern were noted within one-quarter mile of the subject property.

#### *Federal NPL*

The National Priorities List (NPL) is the Environmental Protection Agency (EPA) database of uncontrolled or abandoned hazardous waste sites identified for priority remedial actions under the Superfund Program.

No NPL sites are located within 1-mile of the subject property.

#### *Federal CERCLIS List*

The Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) list is a compilation of sites that the EPA has investigated or is currently investigating for a release or threatened release of hazardous substances.

A single CERCLIS site is listed within ½-mile of the subject property. The cross-gradient facility is located beyond ¼-mile from the subject property. No evidence of regional contamination extending to the subject property was identified. Based on gradient and the relative intervening distance from the subject property the listed facility is not considered a significant environmental concern to the subject property.

### ***Federal CERCLIS NFRAP Sites List***

The CERCLIS No Further Remedial Action Planned (NFRAP) List is a compilation of sites that the EPA has investigated, and has determined that the facility does not pose a threat to human health or the environment, under the CERCLA framework.

No CERCLIS-NFRAP sites are listed within 1/2-mile of the subject property.

### ***Federal RCRA Generator List***

The RCRA program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Generators database is a compilation by the EPA of reporting facilities that generate hazardous waste.

The subject property is not identified on the RCRA database.

Three RCRA Generator facilities are listed within 1/4-mile of the subject property. All are located beyond 1/8-mile from the subject property and based on relative intervening distance are not expected to represent significant environmental concerns to the subject property.

Five facilities located beyond 1/8-mile were identified on the RCRA NONGEN database. Based on the relative intervening distance the facilities are not expected to represent significant environmental concerns to the subject property.

### ***Federal RCRA CORRACTS Facilities List***

The RCRA CORRACTS database is the EPA's list of TSD facilities subject to corrective action under RCRA.

A single RCRA CORRACTS site is listed within one-mile of the subject property. The down gradient facility is located beyond 1/2-mile from the subject property. No evidence of regional contamination extending to the subject property was identified. Based on gradient and the relative intervening distance from the subject property the listed facility is not considered a significant environmental concern to the subject property.

### ***Federal Resource Conservation and Recovery Act (RCRA) TSD Facilities List***

The RCRA Treatment, Storage and Disposal (TSD) database is a compilation by the EPA of reporting facilities that treat, store or dispose of hazardous waste.

No RCRA TSD sites are listed within 1/2-mile of the subject property.

### ***Federal Institutional Controls/Engineering Controls (IC/EC)***

The Federal IC/EC database is designed to assist the EPA in collecting, tracking, and updating information, as well as reporting on the major activities and accomplishments of the various Brownfield grant programs. The IC/EC sites are superfund sites that have either engineering or an institutional control in place. The data includes the control and the media contaminated.

No Federal IC/EC sites were found within ½-mile of the subject property.

***Federal Emergency Response Notification System (ERNS)***

The Emergency Response Notification System (ERNS) is a national database used to collect information on reported release of oil or hazardous substances.

No ERNS sites were listed on the subject property or on the adjacent properties.

***State and Tribal Priority Lists***

The California Department of Toxic Substances Control (DTSC) maintains a State Priority List (SPL) and Tribal Priority List (TPL) of sites considered to be actually or potentially contaminated and presenting a possible threat to human health and the environment. This database is also called RESPONSE.

The subject property is not listed as a State/Tribal (RESPONSE) site. A single RESPONSE site was identified within one mile of the subject property. The facility is located beyond ½-mile from the subject property and based on the distance from the subject property is not considered a significant environmental concern to the subject property.

***State/Tribal Equivalent CERCLIS (ENVIROSTOR) Sites***

The DTSC maintains a State CERCLIS-equivalent list (SCL) and Tribal CERCLIS-equivalent list (TCL) of sites under investigation that could be actually or potentially contaminated and presenting a possible threat to human health and the environment. This database is also called ENVIROSTOR.

Two SCL sites are reported within 1-mile of the subject property. None of the sites are considered adjoining to the subject property. Each of the sites is located more than ¼-mile from the subject property. Based on the relative distance these sites are not expected to represent a significant environmental concern to the subject property.

***Solid Waste/Landfill Facilities (SWLF)***

The California Integrated Water Management Board System maintains SWF/LF records that typically contain an inventory of solid waste disposal facilities or landfills. These may be active or inactive facilities or open dumps that failed to meet RCRA Section 4004 criteria for solid waste landfills or disposal sites.

No SWLF facilities are listed within ½-mile of the subject property.

***State Leaking Underground Storage Tank List (LUST)***

The California Regional Water Quality Control Board compiles lists of all leaks of hazardous substances from leaking underground storage tanks.



A total of 17 LUST sites are listed within ½-mile of the subject property. The adjoining site has been previously discussed. One additional facility known as Texaco located at 10002 De Anza Boulevard is located within 1/8-mile of the subject property and has received regulatory closure.

The remaining sites are all located more than 1/8 mile of the subject property. Based on the relative intervening distance, the current regulatory status, and/or inferred direction of groundwater flow, these sites are not expected to represent a significant environmental concern to the subject property.

The closed sites are also listed on the HIST LUST database.

### ***Spills Leaks Investigations and Cleanup List (SLIC)***

The California Regional Water Quality Control Board compiles lists of all leaks of hazardous substances.

A single SLIC site is listed within ½-mile of the subject property. The site is located more than ¼-mile of the subject property. Based on the relative intervening distance, the current regulatory status, and/or inferred direction of groundwater flow, this site is not expected to represent a significant environmental concern to the subject property.

### ***State Underground Storage Tank/Aboveground Storage Tank List (UST/AST)***

The State Water Resources Control Board (WRCB) compiles a list of UST and AST locations.

Three registered UST/AST facilities are listed within ¼-mile of the subject property. The adjoining northerly property has been previously discussed and the tank removed.

### ***State/Tribal VCP Sites***

The DTSC maintains a list of sites enlisted in the Voluntary Cleanup Program.

No State/Tribal VCP sites were found within ½-mile of the subject property.

### ***US Brownfield Sites***

The EPA Brownfield database was reviewed to identify facilities that qualify for federal remediation funding under the Small Business Liability Relief and Brownfield Revitalization Act (the “Brownfield” amendment to CERCLA).

No US Brownfield sites were noted within ½-mile of the subject property.

### ***State Spills Sites (CHMIRS)***

The California Hazardous Material Incident Report System – Office of Emergency Services maintains reports of sites that have records of spills, leaks, investigations and cleanups.

No CHMIRS sites are listed on or adjacent to the subject property.

***Tribal Records***

The EPA maintains a database of Indian administered lands of the United States that total 640 acres or more.

No Tribal sites were found within 1-mile of the subject property.

***Additional Environmental Records***

A total of five CA FID UST, three HIST UST, five SWEEPS UST, 11 HIST CORTESE, seven CUPA, one NOTIFY 65, two DRYCLEANER, one HWP, four EDR HIST AUTO and two EDR HIST CLEANER facilities were identified. The adjoining facility has been previously discussed. Based on the historical nature of the listings, distance from the subject property and the absence of regional contamination these listings are not considered significant environmental concerns to the subject property.

## 5.0 USER PROVIDED INFORMATION AND INTERVIEWS

In order to qualify for one of the *Landowner Liability Protections (LLPs)* offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the *Brownfields Amendments*), the *User* must provide the following information (if available) to the *environmental professional*. Failure to provide this information could result in a determination that *all appropriate inquiry* is not complete. The user is asked to provide information or knowledge of the following: Environmental cleanup liens that are filed or recorded against the site.

- Activity and land use limitations that are in place on the site or that have been filed or recorded in a registry.
- Specialized knowledge or experience of the person seeking to qualify for the LLPs.
- Relationship of the purchase price to the fair market value of the *property* if it were not contaminated.
- Commonly known or *reasonably ascertainable* information about the *property*.
- The degree of obviousness of the presence or likely presence of contamination at the *property*, and the ability to detect the contamination by appropriate assessment.
- The reason for preparation of this Phase I ESA.

Fulfillment of these user responsibilities is key to qualification for the identified defenses to CERCLA liability. Partner requested our Client to provide information to satisfy User Responsibilities as identified in Section 6 of the ASTM guidance.

Pursuant to ASTM E 1527-05, Partner requested the following site information from <Client> (User of this report).

Item	Provided By User	Not Provided By User	Discussed Below	Does Not Apply
Environmental Pre-Survey Questionnaire		X		
Title Records		X		
Environmental Liens or Activity and Use Limitation		X		
Specialized Knowledge		X		
Valuation Reduction for Environmental Issues		X		
Identification of Key Site Manager	X			
Reason for Performing Phase I ESA	Yes, See Section 1.1			
Prior Environmental Reports		X		

Item	Provided By User	Not Provided By User	Discussed Below	Does Not Apply
Other		X		

## 5.1 Interviews

### 5.1.1 Interview with Owner

Interviews with the owners were not reasonably ascertainable and thus constitute a data gap. Based on information obtained from other historical sources (as discussed in Section 3.0), this data gap is not expected to alter the findings of this investigation.

### 5.1.2 Interview with Report User

Please refer to Section 5.2 below for information requested from the Report User. The information requested was not received prior to the issuance of this report. Because the Report User (Client) is a buyer, it is understood that the Report User would not have knowledge of the property that would significantly impact our ability to satisfy the objectives of this assessment. The lack of this information is not considered to represent a significant data gap.

### 5.1.3 Interview with Key Site Manager

Ms. Fanny King the owner of the restaurant and tenant for approximately 21 years was identified as the Key Site Manager. Ms. King was not aware of any potential environmental conditions associated with the subject property.

### 5.1.4 Interviews with Past Owners, Operators and Occupants

Interviews with past owners, operators and occupants were not reasonably ascertainable and thus constitute a data gap. Based on information obtained from other historical sources (as discussed in Section 3.0), this data gap is not expected to alter the findings of this investigation.

### 5.1.5 Interview with Others

As the subject property is not an abandoned property as defined in ASTM 1527-05, interview with others were not performed.

## 5.2 User Provided Information

### 5.2.1 Title Records

Partner requested title records from the User; however, current title records were not provided for review.

### ***5.2.2 Environmental Liens or Activity and Use Limitation***

Partner requested information from the User regarding knowledge of environmental liens and activity and use limitations (AULs) for the subject property. The User was not aware of any environmental liens associated with the Property. In addition, the User had no knowledge of any use or activity limitations. A limited review of County Assessor records indicated several utility easements but no current or pending liens.

### ***5.2.3 Specialized Knowledge***

Partner inquired with the User regarding any specialized knowledge of environmental conditions associated with the subject property. The User was not aware of any environmental conditions associated with the subject property or did not provided requested information.

### ***5.2.4 Commonly Known or Reasonably Ascertainable Information***

Partner inquired with the User regarding any commonly known or *reasonably ascertainable* information within the local community about the subject property that is material to *recognized environmental conditions* in connection with the subject property. The User was not aware of any commonly known or *reasonably ascertainable* information associated with the subject property.

### ***5.2.5 Valuation Reduction for Environmental Issues***

Partner inquired with the User regarding any knowledge of reductions in property value due to environmental issues. The User was not aware of any valuation reductions associated with the subject property.

### ***5.2.6 Previous Reports and Other Provided Documentation***

No previously prepared reports were provided to Partner for review.

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## 6.0 SITE RECONNAISSANCE

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The subject property was inspected by Brian Smith of Partner on August 19, 2013 at approximately 9:30 AM. Weather at the time of walk-through survey was clear and dry with temperatures of approximately 70°F. Partner was escorted by the tenant owner Ms. Fanny King and the broker Mr. Tom Lodato of the Losness Group during the survey.

The subject property is currently developed for restaurant use and is occupied in entirety by a single tenant known as The Mandarin Gourmet restaurant. No potential environmental concerns were identified during the onsite reconnaissance. Non-ASTM issues are discussed in Section 6.3.

### 6.1 General Site Characteristics

#### 6.1.1 *Solid Waste Disposal*

A trash enclosure is provided immediately adjoining the northwest corner of the building. Trash enclosures are chain link fence enclosed. Solid waste generated at the subject property is disposed of in a three-cubic-yard rolling solid waste disposal dumpster within the enclosure. RECOLOGY reportedly removes solid waste from the subject property. Only general bagged paper wastes were noted in the dumpsters. No evidence of hazardous material or petroleum products disposal was noted in the general dumpsters. A grease container was noted in the enclosure.

#### 6.1.2 *Sewage Discharge and Disposal*

Sanitary discharges on the subject property are directed into the municipal sanitary sewer system. Presently none of the operations on the property perform operations that would require a clarifier or other wastewater treatment system. Sanitary discharges on the subject property are discharged into the municipal sanitary sewer system. The Cupertino Sanitary District services the subject area. A grease interceptor tank lid was noted along the southern perimeter.

#### 6.1.3 *Surface Water Drainage*

Storm water surface drainage on the subject property is accomplished via sheet flow throughout the site in various directions away from the site buildings to interconnected storm water catch basins, which eventually tie into the municipal system in the frontage street. Storm water runoff from the roof areas is directed to internal drains connected to leaders that are piped to the site collection system and then discharge to the municipal storm water system.

The subject property does not appear to be a designated wetland area, based on information obtained from the United States Department of Agriculture; however, a comprehensive wetlands survey would be required in order to formally determine actual wetlands on the subject property. No surface impoundments, wetlands, natural catch basins, settling ponds, or lagoons are located on the subject property. No drywells were identified on the subject property.

#### ***6.1.4 Source of Heating and Cooling***

Heating and cooling is provided to all building office locations by means of rooftop packaged units with gas furnace and electric condensing units. Heating and cooling systems as well as domestic hot water equipment are fueled by electricity and natural gas provided by Pacific Gas and Electric Company (PG&E).

#### ***6.1.5 Wells and Cisterns***

No aboveground evidence of wells or cisterns was observed during the site reconnaissance.

#### ***6.1.6 Wastewater***

Domestic wastewater generated at the subject property is disposed via the sanitary sewer. No industrial process is currently performed at the subject property.

#### ***6.1.7 Septic Systems***

No septic systems were observed on the subject property.

#### ***6.1.8 Additional Site Observations***

No additional relevant general site characteristics were observed.

### **6.2 Potential Environmental Hazards**

#### ***6.2.1 Hazardous Materials and Petroleum Products Used or Stored at the Site***

Partner did not identify any significant quantities of hazardous materials or petroleum products and/or hazardous wastes to be used, stored, or generated on the subject property.

#### ***6.2.2 Aboveground & Underground Hazardous Substance or Petroleum Product Storage Tanks (ASTs/USTs)***

No evidence of current ASTs or USTs was observed during the site reconnaissance.

#### ***6.2.3 Evidence of Releases***

No spills, stains, or other indications that a surficial release has occurred at the subject property were observed or reported at the time of the assessment.

#### ***6.2.4 Polychlorinated Biphenyls (PCBs)***

Older transformers and other electrical equipment could contain polychlorinated biphenyls (PCBs) at a level that subjects them to regulation by the U.S. EPA. PCBs in electrical equipment are controlled by United States Environmental Protection Agency regulations 40 CFR, Part 761.

Under the regulations, there are three categories into which electrical equipment can be classified:

- Less than 50 parts per million (ppm) of PCBs – “*Non-PCB*”
- 50 ppm-500 ppm – “*PCB-Contaminated*”
- Greater than 500 ppm – “*PCB-Containing*”

The manufacture, process, or distribution in commerce or use of any PCB in any manner other than in a totally enclosed manner was prohibited after January 1, 1977.

The on-site reconnaissance addressed indoor and outdoor transformers that may contain PCBs. Partner observed a single pad-mounted electrical distribution transformer located near the buildings northwest corner. The transformer is not labeled indicating PCB content. No staining or leakage was observed in the vicinity of the transformer. The transformer is labeled to be owned and operated by the PG&E. No indication of staining, leaks or fire damage was observed. Transformers throughout the PG&E system have been replaced since 1979 and are considered PCB-free.

No capacitors or other suspect equipment were observed on the subject property. Partner observed fluorescent light fixtures located throughout the subject buildings. Fluorescent fixtures, if manufactured prior to 1978, may contain PCBs; however, based on the construction date of the subject buildings, it is unlikely that the fixtures contain this material.

No other potential PCB-containing equipment (interior transformers, hydraulic elevators, oil-filled switches, hoists, lifts, etc.) was observed on the subject property during field reconnaissance activities.

#### ***6.2.5 Strong, Pungent or Noxious Odors***

No strong, pungent, or noxious odors were evident during the site reconnaissance.

#### ***6.2.6 Pools of Liquid***

No pools of liquid were observed on the subject property at the time of the assessment.

#### ***6.2.7 Drains, Sumps and Clarifiers***

No drains, sumps, or clarifiers, other than those associated with storm water removal, were observed on the subject property at the time of the assessment. Floor drains were noted in the restrooms for toilet overflow and are connected to the sanitary sewer system.

#### ***6.2.8 Pits, Ponds and Lagoons***

No pits, ponds, or lagoons were observed on the subject property at the time of the assessment.



### 6.2.9 Stressed Vegetation

No stressed vegetation was observed on the subject property at the time of the assessment.

### 6.2.10 Landfills

No evidence of on-site landfill activities was observed or reported at the time of the assessment.

### 6.2.11 Radiological Hazards

No radiological substances or equipment was observed or reported stored on the subject property at the time of the assessment.

### 6.2.12 Additional Potential Environmental Hazards

No additional potential environmental hazards were observed.

## 6.3 Non-ASTM Services

### 6.3.1 Asbestos-Containing Materials (ACMs)

Asbestos is the name given to a number of naturally occurring, fibrous silicate minerals mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength. Asbestos is commonly used as an acoustic insulator, thermal insulation, fire proofing and in other building materials. Exposure to airborne friable asbestos may result in a potential health risk because persons breathing the air may breathe in asbestos fibers. Continued exposure can increase the amount of fibers that remain in the lung. Fibers embedded in lung tissue over time may cause serious lung diseases including: asbestosis, lung cancer, or mesothelioma.

The Occupational Safety and Health Administration (OSHA) regulation 29 CFR 1926.1101 requires certain construction materials to be *presumed* to contain asbestos, for purposes of this regulation. All thermal system insulation (TSI), surfacing material, and asphalt/vinyl flooring that are present in a building constructed prior to 1980 and have not been appropriately tested are "presumed asbestos-containing material" (PACM).

The subject property buildings were constructed in 1973. As such, an asbestos evaluation was not required by the scope of services; however, please refer to the table below for observed materials that would be considered suspect ACMs in the event of a thorough survey.

#### Suspect ACMs

Suspect ACM	Location	Friable Yes/No	Physical Condition
Drywall Systems	Throughout Building Interior	No	Good
Floor Tiles	Throughout Building Interior	No	Good
Roofing felts	Throughout	No	Good

The limited visual survey consisted of noting observable materials (materials which were readily accessible and visible during the course of the site reconnaissance) that are commonly known to potentially contain asbestos. This activity was not designed to discover all sources of suspect ACM, PACM, or asbestos at the site; or to comply with any regulations and/or laws relative to planned disturbance of building materials such as renovation or demolition, or any other regulatory purpose. Rather, it is intended to give the User an indication if significant (significant due to quantity, accessibility, or condition) potential sources of ACM or PACM are present at the subject property. Additional sampling, inspection, and evaluation will be warranted for any other use.

Partner was not provided building plans or specifications for review, which may have been useful in determining areas likely to have used ACM.

According to the US EPA, ACM and PACM that is intact and in good condition can, in general, be managed safely in-place under an Operations and Maintenance (O&M) Program until removal is dictated by renovation, demolition, or deteriorating material condition. Prior to any disturbance of the construction materials within this facility, a comprehensive ACM survey is recommended.

### **6.3.2 Lead-Based Paint**

Based on the commercial use of the subject building, it is unlikely that lead-based paint is present at the subject property. Furthermore, Partner observed painted surfaces throughout the subject property to be in good condition at the time of the assessment with no signs of peeling, flaking, or chipping.

### **6.3.3 Radon**

Radon is a colorless, odorless, naturally occurring, radioactive, inert, gaseous element formed by radioactive decay of radium (Ra) atoms. The US EPA has prepared a map to assist National, State, and local organizations to target their resources and to implement radon-resistant building codes. The map divides the country into three Radon Zones, Zone 1 being those areas with the average predicted indoor radon concentration in residential dwellings exceeding the EPA Action limit of 4.0 picoCuries per Liter (pCi/L). It is important to note that the EPA has found homes with elevated levels of radon in all three zones, and the EPA recommends site specific testing in order to determine radon levels at a specific location. However, the map does give a valuable indication of the propensity of radon gas accumulation in structures.

Review of the EPA Map of Radon Zones places the subject property in Zone 2, where average predicted radon levels are between 2.0 and 4.0 pCi/L.

### **6.3.4 Lead in Drinking Water**

According to the California Water Company and City of Cupertino 2011 Annual Water Quality Report, water supplied to the subject property is in compliance with all state and federal regulations pertaining to drinking water standards, including lead and copper. Water sampling was not conducted to verify water quality.

### **6.3.5 Mold**

Molds are microscopic organisms found virtually everywhere, indoors and outdoors. Mold will grow and multiply under the right conditions, needing only sufficient moisture (e.g., in the form of very high humidity, condensation, or water from a leaking pipe, etc.) and organic material (e.g., ceiling tile, drywall, paper, or natural fiber carpet padding). Mold growths often appear as discoloration, staining, or fuzzy growth on building materials or furnishings and are varied colors of white, gray, brown, black, yellow, and green. In large quantities, molds can cause allergic symptoms when inhaled or through the toxins the molds emit.

Partner observed accessible, interior areas for the subject buildings for significant evidence of mold growth; however, this ESA should not be used as a mold survey or inspection. Additionally, this inspection was not designed to assess all areas of potential mold growth that may be affected by mold growth on the subject site. Rather, it is intended to give the client an indication as to whether or not conspicuous (based on observed areas) mold growth is present at the subject property. This evaluation did not include a review of pipe chases, mechanical systems, or areas behind enclosed walls and ceilings.

No obvious indications of water damage or mold growth were observed during the visual inspection conducted by Partner.

### **6.4 Adjacent Property Reconnaissance**

The adjacent property reconnaissance consisted of observation of the adjacent properties from the subject property premises. No documentation exists of any violations, USTs, evidence of releases, PCBs, strong or noxious odors, pools of liquids, sumps or clarifiers, pits or lagoons, stressed vegetation, or any other potential environmental hazards.

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## 7.0 FINDINGS AND CONCLUSIONS

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### *Findings*

A *recognized environmental condition (REC)* refers to the presence or likely presence of any hazardous substance or petroleum product on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term REC includes hazardous substances and petroleum products even under conditions that might be in compliance with laws. The term is not intended to include "de minimis" conditions that do not present a threat to human health and/or the environment and that would not be subject to an enforcement action if brought to the attention of appropriate governmental agencies. The following was identified during the course of this assessment:

- Partner did not identify any recognized environmental conditions during the course of this assessment.

A *historical recognized environmental condition (HREC)* refers to an environmental condition that would have been considered a REC in the past, but which is no longer considered a REC based on subsequent assessment or regulatory closure. The following was identified during the course of this assessment:

- Partner did not identify any historical recognized environmental conditions during the course of this assessment.

An *environmental issue* refers to environmental concerns identified by Partner, which do not qualify as RECs; however, require discussion. The following was identified during the course of this investigation:

- Due to the age of the subject property building/buildings, there is a potential that asbestos-containing materials (ACMs) are present. Overall, all suspect ACMs and painted surfaces were observed in good condition and do not pose a health and safety concern to the occupants of the subject property at this time.

### *Conclusions, Opinions and Recommendations*

Partner has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527-05 of 10145 North De Anza Boulevard in the City of Cupertino, Santa Clara County, California (the "subject property"). Any exceptions to or deletions from this practice are described in Section 1.5 of this report.

This assessment has revealed no evidence of recognized environmental conditions in connection with the subject property. Based on the conclusions of this assessment, Partner recommends the following:

- An Operations and Maintenance (O&M) Program should be implemented in order to safely manage the suspect ACMs located at the subject property.

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## 8.0 SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

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Partner has performed a Phase I Environmental Site Assessment of the property located at 10145 North De Anza Boulevard in the City of Cupertino, Santa Clara County, California in general conformance with the scope and limitations of the protocol and the limitations stated earlier in this report. Exceptions to or deletions from this protocol are discussed earlier in this report.

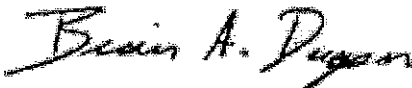
By signing below, Partner declares that, to the best of our professional knowledge and belief, the undersigned meet the definition of an *Environmental Professional* as defined in §312.10 of 40 CFR 312 and have the specific qualifications based on education, training, and experience to assess a *property* of the nature, history, and setting of the subject *property*. Partner has developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Prepared By:



Brian Smith  
Environmental Professional

Reviewed By:



Brian A. Dugan  
Senior Author

---

## 9.0 REFERENCES

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### Contact List

Pacific Gas and Electric Company, Customer Service, (800) 743-5000.

City of Cupertino Community Development Department, (Building Division), 10300 Torre Avenue, Cupertino, CA 95014

Santa Clara County Fire Department-Fire Prevention, 70 West Hedding Street, San Jose, CA

City of Cupertino Community Development Department, (Planning Division), 10300 Torre Avenue, Cupertino, CA 95014

Environmental Data Resources, Inc., Millford, CT, (800) 352-0050.

Santa Clara County Assessor

United States Geological Survey, accessed via the Internet, August 2013.

Regional Water Quality Control Board Department of Water Resources GeoTracker database accessed via the Internet, August 2013

### Reference Documents

American Society for Testing and Materials, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, ASTM Designation: E 1527-05.

Environmental Data Resources, Inc., *EDR Radius Map Report, Inquiry Number 3692162.2s, August 9, 2013.*

Environmental Data Resources, Inc., *EDR Sanborn Map Report, Inquiry Number 3692162.3s, August 9, 2013.*

Partner reviewed aerial photographs dated 1939, 1948, 1956, 1965, 1974, 1982, 1993, 1998, and 2005 were obtained from the EDR as part of a prior Partner report prepared in 2011.

United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey, accessed via the Internet, August 2013.

United States Environmental Protection Agency, EPA Map of Radon Zones (Document EPA-402-R-93-071), accessed via the Internet, August 2013.

United States Geological Survey Topographic Map 7.5 minute series, Cupertino, California, scale 1:24,000, acquired from www.topozone.com, August 2013.



WELLS FARGO BANK – RETECHS  
707 WILSHIRE BOULEVARD, 11<sup>TH</sup> FLOOR  
LOS ANGELES, CALIFORNIA 90017

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**PHASE I ENVIRONMENTAL  
SITE ASSESSMENT REPORT**

**MARINA PLAZA  
10118-10122 Bandley Drive  
Cupertino, California 95014**

**Date Issued: September 17, 2012**

**Wells Fargo Bank Project No. WF-SF-12-028919-01-1  
TMC Project Number: 12-13168.00**

Prepared By

Transaction Management  
Corporation, Inc.



---

TRANSACTION MANAGEMENT CORPORATION  
2415 SAN RAMON VALLEY BOULEVARD, SUITE 4-306  
SAN RAMON, CALIFORNIA 94583  
TELEPHONE: 925-353-3824 FAX: 925-905-1926

## CERTIFICATIONS, LIMITATIONS AND STATEMENT OF INDEPENDENCE

Pertaining to: **Marina Plaza**  
**10118-10122 Bandlely Drive**  
**Santa Clara, CA 95014**  
**Wells Fargo Bank Number: WF-SF-12-028919-01-1**

This report has been prepared by the staff of Transaction Management Corporation, Inc., for Wells Fargo Bank under the professional supervision of the principal and/or senior staff whose signatures appear hereon. Neither Transaction Management Corporation, Inc., nor any staff member assigned to this investigation has any interest or contemplated interest, financial or otherwise, in the subject or surrounding properties, or in any entity which owns, leases, or occupies the subject or surrounding properties or which may be responsible for environmental issues identified during the course of this investigation, and has no personal bias with respect to the parties involved.

The information contained in this report has received appropriate technical review and approval. The conclusions represent professional judgments founded upon the findings of the investigations identified in the report and the interpretation of such data based on our experience and expertise according to the existing standard of care. No other warranty or limitation exists, either expressed or implied.

The investigation was prepared in accordance with the scope of work provided by the client for the use and benefit of Wells Fargo Bank, its successors, and assignees. It is based, in part, upon documents, writings, and information owned, possessed, or secured by Wells Fargo Bank. Neither this report, nor any information contained herein shall be used or relied upon for any purpose by any other person or entity without the express written permission of Wells Fargo Bank.

Anyone seeking defenses to CERCLA liability must take independent action to perfect their position.

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental professional as defined in §312.10 of 40 CFR 312, and we have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Our firm does not now have, nor has it ever had, any affiliation, nor have we ever done any work for the buyer or seller of the property to the best of our knowledge.

Report prepared by:

TRANSACTION MANAGEMENT CORPORATION



Dariush Dastmalchi, R.E.A. 03136  
Managing Partner  
September 17, 2012

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## EXECUTIVE SUMMARY

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Transaction Management Corporation (TMC) has performed a Phase I Environmental Site Assessment (ESA) in general accordance with the scope of work and limitations set forth by Wells Fargo Bank for Marina Plaza located at 10118-10122 Bandley Drive in the City of Cupertino County of Santa Clara, California.

The Phase I Environmental Site Assessment is designed to provide Wells Fargo Bank with an assessment concerning environmental conditions (limited to those issues identified in the report) as they exist at the property. This assessment was conducted utilizing generally accepted ESA industry standards in accordance with ASTM E 1527-05, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.

The Property consists of an irregularly shaped parcel of land, developed with a single structure. A Property survey was not provided and as such, the exact lot dimensions and acreage is unknown. However, according to the information obtained from the Santa Clara County Assessor's Office, the Property is believed to be approximately 4.35 acres in size. Reportedly, the onsite structure is estimated to provide approximately 41,600 square feet of building space. Currently, the Property is occupied by Marina Plaza for grocery and retail sales or services.

Based on the historical information, the Property was an orchard or vacant land from at least 1939 to 1974. The Property was developed with the current improvements in 1980.

The Property is located on the southeast corner of Bandley and Alves Drives. The Property is bordered to the north by an under construction hotel (13576 North De Anza Boulevard), a vacant office building (20565 Alves Drive) and a vacant restaurant, Tomokazu Sushi (20625 Alves Drive). The adjacent parcels to east are occupied by a restaurant, Mandarin Gourmet (10145 North De Anza Boulevard) and a four story office building (10101 North De Anza Boulevard). A Bank of America branch (20563 Stevens Creek Boulevard) is located adjacent to the south of the Property. The adjacent parcels to the west are occupied by an office building (10050 Bandley Drive) and Fatima Restaurant, across from Bandley Drive (10125 Bandley Drive).

### Conclusions

TMC has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-05 of Marina Plaza located at 10118-10122 Bandley Drive in Santa Clara County of Santa Clara, California. Any exceptions to or deletions from this practice are described in Section 1.4 of this report. This assessment has revealed no evidence of Recognized Environmental Conditions in connection with the Property.

A User questionnaire was not provided. However, based on the available information, our site observations, and or information obtained from the other sources, the lack of User questionnaire does not represent a significant data gap and it is not expected to alter the conclusions of this report.

### On-site:

Based on the current and historical information available, there is a low potential that the subject property has been impacted by the on-site operations.

The suspect asbestos containing materials (ACM) were found to be in good condition at the time of the assessment with a low potential for disturbance. The suspect materials observed at the Property may be maintained through the provisions of an Operations and Maintenance (O&M) plan.

### Off-site:

Based on the review of the available information and current regulatory databases, there is a low potential that the Property has been impacted by the off-site operations.

## 1.0 INTRODUCTION

Transaction Management Corporation (TMC) was retained by Wells Fargo Bank to conduct a Phase I Environmental Site Assessment (ESA) of Marina Plaza located at 10118-10122 Bandle Drive in the City of Cupertino County of Santa Clara, California. The protocol used for this assessment is in general conformance with ASTM E 1527-05, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process.

On September 5, 2012, Dariush Dastmalchi, R.E.A., a representative of TMC, conducted a site reconnaissance to assess the possible presence of petroleum products and hazardous materials at the Property. TMC's investigation included a review of aerial photographs, a reconnaissance of adjacent properties, background research, and a review of available local, state, and federal regulatory records regarding the presence of petroleum products and/or hazardous materials at the Property.

TMC contracted Environmental Data Resources (EDR), to perform a computer database search for local, state, and Federal regulatory records pertaining to environmental concerns for the Property and properties in the vicinity of the Property (see Section 3.0).

### 1.1 Purpose

The purpose of this Phase I Environmental Site Assessment (ESA) was to identify existing or potential Recognized Environmental Conditions (as defined by ASTM Standard E-1527-05) in connection with the Property. TMC understands that the findings of this study will be used by Wells Fargo Bank to evaluate a pending financial transaction in connection with the Property.

### 1.2 Detailed Scope of Services

The scope of work for this ESA is in general accordance with the requirements of ASTM Standard E 1527-05. TMC warrants that the findings and conclusions contained herein were accomplished in accordance with the methodologies set forth in the Scope of Work. These methodologies are described as representing good commercial and customary practice for conducting an Environmental Site Assessment of a property for the purpose of identifying recognized environmental conditions.

No other warranties are implied or expressed.

### 1.3 Significant Assumptions

There is a possibility that even with the proper application of these methodologies there may exist on the Property conditions that could not be identified within the scope of the assessment or which were not reasonably identifiable from the available information. TMC believes that the information obtained from the record review and the interviews concerning the site is reliable. However, TMC cannot and does not warrant or guarantee that the information provided by these other sources is accurate or complete. The methodologies of this assessment are not intended to produce all inclusive or comprehensive results, but rather to provide Wells Fargo Bank with information relating to the Property.

### 1.4 Limitations and Exceptions

The findings and conclusions contain all of the limitations inherent in these methodologies that are referred to in ASTM 1527-05. Specific limitations and exceptions to this ESA are more specifically set forth below:

A request to review available files for the Property was submitted to the Santa Clara County Department of Environmental Health (SCDEH). However, as of the release of this report, a response has not yet been received. Based on the available information, our site observations, and or information obtained from other sources, the lack of readily available information from the SCDEH is not expected to alter the conclusions of this report

A User questionnaire was not provided. However, based on the available information, our site observations, and or information obtained from the other sources, the lack of User questionnaire does not represents a significant data gap and it is not expected to alter the conclusions of this report.

### **1.5 *Special Terms and Conditions***

The conclusions and findings set forth in this report are strictly limited in time and scope to the date of the evaluations. The conclusions presented in the report are based solely on the services described therein, and not on scientific tasks or procedures beyond the scope of agreed-upon services or the time and budgeting restraints imposed by the client. No subsurface exploratory drilling or sampling was done under the scope of this work. Unless specifically stated otherwise in the report, no chemical analyses have been performed during the course of this ESA.

Some of the information provided in this report is based upon personal interviews, and research of available documents, records, and maps held by the appropriate government and private agencies. This is subject to the limitations of historical documentation, availability, and accuracy of pertinent records and the personal recollections of those persons contacted.

### **1.6 *Use Reliance***

Wells Fargo Bank, and or assigns, in evaluating a request for an extension of credit (the Mortgage Loan) to be secured by the property may rely upon this report. This Information also may be used by an actual or prospective purchaser, transferee, assignee, or servicer of the Mortgage Loan, any actual or prospective investor (including agent or advisor) in any securities evidencing a beneficial interest in or backed by the Mortgage Loan, any rating agency actually or prospectively rating any such securities, any indenture trustee, and any institutional provider(s) from time to time of any liquidity facility or credit support for such financing. In addition, this report or a reference to this report may be included or quoted in any offering circular, registration statement, or prospectus in connection with a securitization or transaction involving the Mortgage Loan and/or such securities. This report has no other purpose and should not be relied upon by any other person or entity.

## **2.0 SITE DESCRIPTION**

### **2.1 *Location and Legal Description***

The Property is identified as Marina Plaza and is located at 10118-10122 Bandlely Drive, in the City of Cupertino, County of Santa Clara, California. The Property is located in a commercial/residential area of Santa Clara, California. The Property is identified by the Assessor's Parcel numbers 326-34-066.

According to the Santa Clara County Assessor's Office, the Property is currently owned by Marina Plaza, who has owned the Property since at least September 19, 2002.

### **2.2 *Property and Vicinity General Characteristics***

The Property consists of an irregularly shaped parcel of land, developed with a single structure. A Property survey was not provided and as such, the exact lot dimensions and acreage is unknown. However, according the information abstained from the Santa Clara County Assessor's Office, the Property is believed to be approximately 4.35 acres in size. Reportedly, the onsite structure is estimated to provide approximately 41,600 square feet of building space. Based on the historical information, the Property was initially developed with the current improvements in 1980. Currently, the Property is occupied by Marina Plaza for grocery and retail sales or services.

The Property is located on the southeast corner of Bandlely and Alves Drives. The Property is located on the southeast corner of Bandlely and Alves Drives. The Property is bordered to the north by an under construction hotel (13576 North De Anza Boulevard), a vacant office building (20565 Alves Drive) and a vacant restaurant, Tomokazu Sushi (20625 Alves Drive). The adjacent parcels to east are occupied by a restaurant, Mandarin Gourmet (10145 North De Anza Boulevard) and a four story office building (10101 North De Anza Boulevard). A Bank of America branch (20563 Stevens Creek Boulevard) is located adjacent to the south of the Property. The adjacent parcels to the west are occupied by an office building (10050 Bandlely Drive) and Fatima Restaurant, across from Bandlely Drive (10125 Bandlely Drive).

### **2.3 *Current Use of the Property***

The Property is currently occupied by nine tenants for use as retail sales and grocery store.

### **2.4 *Description of Property Improvements***

The Property consists of an irregularly shaped parcel of land, developed with a single structure. The onsite structure provides nine tenant spaces for retail purposes. The building appears to be a concrete masonry unit (CMU) structure, built on a concrete slab on-grade foundation. The tenant spaces have been modified and improved according to each tenant's need and requirements. The interior finishes include vinyl and ceramic floor tiles or exposed concrete. The walls consist of painted drywall or painted wood or composite panels. The ceilings consist of suspended acoustical tiles or drywall (in the bathrooms). Ancillary improvements to the Property include asphalt and concrete paved sidewalks and drive lanes and open-surface parking areas.

Marina Food facility includes a walking freezer and a cold storage area on the north side of the Property. In addition, Marina Food utilizes two box compactors, located outside on the north side of the building. No significant evidence of leak or spill was noted near the compactors. No other significant site improvements to the Property were noted.

California Water Service Company supplies drinking water to the Property from the municipal distribution system. According to the annual Water Quality Report, the potable water supplied to the site is in compliance within Federal, state, and local drinking water standards, including those for lead and copper. Sanitary discharges on the Property are discharged into the municipal sanitary sewer system. The Property area is serviced by the City of Cupertino. Evidence to suggest the



presence or usage of drywells or septic systems at the Property was not identified during the assessment.

The electricity and natural gas services are provided to the Property by the Pacific Gas and Electric Company.

No significant heating or cooling equipment was noted at the Property. No evidence to suggest that the Property utilized heating oil as a source of heating the site building was identified during the assessment.

## **2.5** *Current Use of Adjoining Properties*

- North:** The adjacent parcels to the north, across from Alves Drive are occupied by an under construction hotel (13576 North De Anza Boulevard), a vacant office building (20565 Alves Drive) and a vacant restaurant, Tomokazu Sushi (20625 Alves Drive).
- East:** The adjacent parcels to the east are occupied by a restaurant, Mandarin Gourmet (10145 North De Anza Boulevard) and a four story office building (10101 North De Anza Boulevard).
- South:** The adjacent parcels to the south are occupied by a Bank of America branch (20563 Stevens Creek Boulevard).
- West:** The adjacent parcels to the west are occupied by an office building (10050 Bandley Drive) and Fatima Restaurant, across from Bandley Drive (10125 Bandley Drive).

### **3.0 USER PROVIDED INFORMATION**

Pursuant to ASTM E 1527-05, TMC requested the following site information from Wells Fargo Bank (User of this report) and from the Key Property Manager.

#### **3.1 Title Records**

TMC requested title records from the User and Key Property contact, Mr. Albert Wang, owner of the Property. However, title records were not available and were not provided to TMC for review.

Based on the available information, our site observations, and or information obtained from the other sources, the lack of title records does not represents a significant data gap and it is not expected to alter the conclusions of this report.

#### **3.2 Environmental Liens or Activity and Use Limitation**

TMC requested information from the User and Key Property contact, regarding knowledge of environmental liens, activity and use limitations for the Property. Mr. Wang was not aware of environmental liens associated with the Property.

A User questionnaire was not provided. However, based on the available information, our site observations, and or information obtained from the other sources, the lack of User questionnaire does not represents a significant data gap and it is not expected to alter the conclusions of this report.

#### **3.3 Specialized Knowledge**

TMC inquired with the User and Key Property contact, regarding any specialized knowledge of environmental conditions associated with the Property. Mr. Wang was not aware of any specialized environmental knowledge associated with the Property.

A User questionnaire was not provided. However, based on the available information, our site observations, and or information obtained from the other sources, the lack of User questionnaire does not represents a significant data gap and it is not expected to alter the conclusions of this report.

#### **3.4 Commonly Known or Reasonably Ascertainable Information**

TMC inquired with the User and Key Property contact, regarding any commonly known or reasonably ascertainable information within the local community about the Property that is material to *recognized environmental conditions* in connection with the Property. Mr. Wang was not aware of any current environmental issues associated with the Property.

A User questionnaire was not provided. However, based on the available information, our site observations, and or information obtained from the other sources, the lack of User questionnaire does not represents a significant data gap and it is not expected to alter the conclusions of this report.

#### **3.5 Valuation Reduction for Environmental Issues**

TMC inquired with the User and Key Property Manager regarding any knowledge of reductions in property value due to environmental issues. Related information was not received prior to issuance of this assessment. Mr. Wang was not aware of any environmental issues associated with the Property that would cause a reduction in the value of the property.

A User questionnaire was not provided. However, based on the available information, our site observations, and or information obtained from the other sources, the lack of User questionnaire does not represents a significant data gap and it is not expected to alter the conclusions of this report.

### 3.6 *Owner, Property Manager, and Occupant Information*

The following information regarding the Owner, Property Manager and Occupants was provided by the User and Key Property Manager.

<b>Property Owner:</b>	Marina Plaza LLC
<b>Property Contact:</b>	Mr. Albert Wang
<b>Occupants:</b>	La Perla Skin Care (skin care salon) Family Eye Care (optometry) Phresh Hair (air salon) Fashion House (gift and beauty supply store) Ben Shyy (dentist) Tapioca Express (restaurant) Marina Food (grocery, bakery and restaurant) Verizon (telephone store) Pho Minh (restaurant)

### 3.7 *Reason for Performing Phase I ESA*

The purpose of this ESA was to identify existing or potential Recognized Environmental Conditions (as defined by ASTM Standard E-1527-05) in connection with the Property. This ESA was also performed to permit the *User* to satisfy one of the requirements to qualify for the *innocent landowner*, *contiguous property owner*, or *bona fide prospective purchaser* limitations on scope of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. §9601) liability (hereinafter, the "*landowner liability protections*," or "*LLPs*"). ASTM Standard E-1527-05 constitutes "*all appropriate inquiry* into the previous ownership and uses of the *property* consistent with good commercial or customary practice" as defined at 42 U.S.C. §9601(35)(B).

TMC understands that the findings of this study will be used by Wells Fargo Bank to evaluate a pending financial transaction in connection with the Property.

## 4.0 RECORDS REVIEW

### 4.1 *Standard Environmental Record Sources*

Information from standard Federal and state environmental record sources was provided through EDR. Data from governmental agency lists are updated and integrated into one database, which is updated as these data are released. This integrated database also contains postal service data in order to enhance address matching. Records from one government source are compared to records from another to clarify any address ambiguities. The demographic and geographic information available provides assistance in identifying and managing risk. The accuracy of the geocoded locations is approximately +/-300 feet.

In some cases, location information supplied by the regulatory agencies is insufficient to allow the database companies to geocode facility locations. These facilities are listed under the unmappables (orphan sites) section within the EDR report. A review of the unmappable facilities indicated that none of these facilities are within the ASTM minimum search distance from the Property.

Regulatory information from the following database sources regarding possible recognized environmental conditions, within the ASTM minimum search distance from the Property, was reviewed. Specific facilities are discussed below if determined likely that a potential recognized environmental condition has resulted at the Property from the listed facilities. Please refer to Appendix C-1 for a complete listing.

#### *Federal NPL*

The National Priorities List (NPL) is the United States Environmental Protection Agency (EPA) database of uncontrolled or abandoned hazardous waste sites identified for priority remedial actions under the Superfund Program.

The Property is not listed as a NPL facility. No NPL site is located within one mile from the Property.

#### *Federal CERCLIS List*

The Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) list is a compilation of sites that the EPA has investigated or is currently investigating for a release or threatened release of hazardous substances.

The Property is not listed as a CERCLIS facility. One CERCLIS site is listed within ½ mile from the Property. The facility is identified as Cupertino Fire Station Mercury Spiller located at 20215 Stevens Creek Boulevard, approximately 0.34 miles east-southeast of the Property. The regulatory status for the facility is listed as "Removal Only Site (No Site Assessment Work Needed)." Based on the distance and regulatory status, there is a low potential that this facility has impacted the subject property.

#### *Federal CERCLIS NFRAP Sites List*

The CERCLIS No Further Remedial Action Planned (NFRAP) List is a compilation of sites that the EPA has investigated, and has determined that the facility does not pose a threat to human health or the environment, under the CERCLA framework.

The Property is not listed as a CERCLIS-NFRAP facility. No CERCLIS-NFRAP site is located within ½ miles from the Property.

#### *Federal Resource Conservation and Recovery Act (RCRA) CORRACTS Facilities List*

The EPA Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Treatment, Storage and Disposal (TSD) database is a compilation by the EPA of reporting facilities that treat,

store or dispose of hazardous waste. The CORRACTS database is the EPA's list of treatment storage or disposal facilities subject to corrective action under RCRA.

The Property is not listed as a RCRA CORRACTS TSD facility. Two RCRA CORRACTS facilities, are listed within one mile of the Property.

- Motorola Four Phase Inc is located at 10700 North De Anza Boulevard, approximately 0.5 miles north of the Property. The facility was assigned a medium correction action priority in 1991. Based on the distance, estimated hydrological orientation and regulatory status, there is a low potential that this facility has impacted the subject property.
- Zilog Inc. is located at 10460 Hubbard Road, more than 0.9 miles west-southwest of the Property. Reportedly, migration of contaminated groundwater is under control and has been verified." Based on the distance and regulatory status, there is a low potential that this facility has impacted the subject property.

#### ***Federal Resource Conservation and Recovery Act (RCRA) Non-CORRACTS TSD Facilities List***

The RCRA TSD database is a compilation by the EPA of reporting facilities that treat, store or dispose of hazardous waste.

The Property is not listed as a RCRA-TSD facility. No RCRA TSD site is listed within one-half mile of the Property.

#### ***Federal RCRA Generator List***

The RCRA program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Generators database is a compilation by the EPA of reporting facilities that generate hazardous waste.

Three RCRA Generator facilities are listed within one-fourth mile of the Property. The nearest RCRA Generator facility (Scotty Cleaners, 20568 Stevens Creek Boulevard) is located approximately 700 feet south of the Property. Based on the distance, the current regulatory status and absence of reported RCRA violations, there is a low potential that these facilities have impacted the subject property.

#### ***Federal Institutional Control/Engineering Control Registries***

The Federal Institutional Control/Engineering Control Registries is a database used to record institutional controls, land use restrictions and engineering control requirements on contaminated property.

The Property is not listed as Federal Institutional Control or Engineering Controls facility. No Federal Institutional Control or Engineering Controls facilities are listed within one-fourth mile of the Property.

#### ***Federal Emergency Response Notification System (ERNS)***

The Emergency Response Notification System (ERNS) is a national database used to collect information on reported release of oil or hazardous substances.

No ERNS sites were listed on the Property or on the adjacent properties.

#### ***State/Tribal Sites-Equivalent NPL***

Identifies confirmed release sites where State of California Environmental Protection Agency Department of Toxic Substances Control (DTSC) is involved in remediation, either in a lead or oversight capacity. These confirmed release sites are generally high-priority and high potential risk.

The Property is not listed as a State/Tribal-Equivalent NPL site. No State/Tribal-Equivalent NPL site is listed within one mile of the Property.

#### ***State/Tribal Sites-Equivalent CERCLIS***

The California Environmental Protection Agency, Department of Toxic Substances Control has developed an electronic database system with information about sites that are known to be contaminated with hazardous substances as well as information on uncharacterized properties where further studies may reveal problems. The Site Mitigation and Brownfields Reuse Program Database, also known as CalSites, is used primarily by DTSC's staff as an informational tool to evaluate and track activities at properties that may have been affected by the release of hazardous substances.

Five State/Tribal-Equivalent CERCLIS sites are listed within one mile of the Property. One site, Anderson Chevrolet Chrysler Plymouth at 20955 Stevens Creek Boulevard is located approximately 0.3 miles west-southwest of the Property. The regulatory status for this facility is listed as referred to local agency. Based on the distance and regulatory status, there is a low potential that this facility has impacted the subject property.

The remaining facilities are located between ½ miles and 1 mile from the Property. Based on the distance and or regulatory status, there is a low potential that these facilities have impacted the subject property.

#### ***State Solid Waste/Landfill Facilities (SWLF)***

A database of SWLF is prepared by California Integrated Waste Management Board.

The Property is not listed as a SWLF facility. No SWLF facility is listed within one-half mile of the Property.

#### ***State and Tribal Leaking Underground Storage Tank List (LUST)***

The California Regional Water Quality Control Board compiles lists of all leaks of hazardous substances from underground storage tanks.

Seventeen LUST facilities were identified within ½ miles from the Property. Six of the LUST facilities are located within ¼ miles of the Property and discussed below:

- Cupertino Clean Scene, Inc. at 10165 North De Anza Boulevard was reported as approximately 400 feet northeast of the Property. However, the facility was located adjacent to the northeast of the Property, across from Alves Drive. The former gas station/carwash facility is now covered by an under construction hotel structure. The regulatory status for the facility is listed as "Completed-Case Closed." Based on the regulatory status, there is a low potential that this facility has impacted the subject property.
- Texaco at 10002 North De Anza Boulevard is located more than 500 feet south-southeast of the Property. The regulatory status for the facility is listed as "Completed-Case Closed." Based on the distance and regulatory status, there is a low potential that this facility has impacted the subject property.
- Chevron # 9-5954 at 10023 South De Anza Boulevard is located more than 800 feet south-southeast of the Property. The regulatory status for the facility is listed as "preliminary site assessment underway." Based on the distance, there is a low potential that this facility has impacted the subject property.
- Conoco Philips at 20755 Stevens Creek Boulevard (the address is listed twice) is located more than 900 feet southwest of the Property. The regulatory status for the facility is listed as "Completed-Case Closed." Based on the distance and regulatory status, there is a low potential that this facility has impacted the subject property.
- Cupertino City Center at 20430 Stevens Creek Boulevard is located more than 1000 feet southeast of the Property. The regulatory status for the facility is listed as "Completed-Case

Closed.” Based on the distance and regulatory status, there is a low potential that this facility has impacted the subject property.

The remaining sites are located more than ¼ miles from the Property. Based on the distance and regulatory status, there is a low potential that these facilities have impacted the subject property.

#### ***State and Tribal Underground Storage Tank List (UST)***

The California Regional Water Quality Control Board compiles a list of UST locations.

Three UST sites were identified within ¼ miles from the Property. One UST site, former Cupertino Clean Scene facility was located adjacent to the northeast of the Property. Cupertino Clean Scene, Inc. was reported as approximately 400 feet northeast of the Property. However, the facility is located adjacent to the northeast of the Property, across from Alves Drive. The former gas station/carwash facility is now covered by an under construction hotel structure. The regulatory status for the facility is listed as “Completed-Case Closed.” Based on the distance and regulatory status, there is a low potential that this facility has impacted the subject property.

The remaining facilities are located adjacent to the Property.

#### ***State Voluntary Cleanup Sites***

The California Environmental Protection Agency, Department of Toxic Substances Control compiles a list of Voluntary Cleanup Sites.

No active State Voluntary Cleanup site was identified within ½ miles from the Property.

#### ***CAL SLIC/State Spills***

The California Regional Water Quality Control Boards Region 1 through 9 maintains report of sites that have records of spills, leaks, investigations and cleanup.

No Cal SLIC facility was listed within one-half mile of the Property.

#### ***HAZNET***

State of California Environmental Protection Agency Department of Toxic Substances Control (DTSC) compiles a list of the facilities that have submitted hazardous waste manifests to the Agency (HAZNET).

The Property address is listed (Ben Shyy PhD, DDS) in the HAZNET database. According to the EDR report the facility generated “unspecified organic liquid mixture” on the premises between 2003 and 2006, which was apparently transported off-site under manifest and disposed at a recycling facility. The HAZNET does not track violators and the presence of a facility on the HAZNET database does not necessarily indicate that an environmental concern exists. This listing is not, in itself, considered to represent an environmental concern.

## ***4.2 Additional Environmental Record Sources***

### ***4.2.1 County Recorder/ Assessor***

Information regarding environmentally related liens or easements was requested from Santa Clara County Assessor. The information was not readily available. Such information requires a record search at the County Recorder. The Property is not listed on the California Department of Toxic Substances Deed Restrictions database in the EDR database report. According to the Santa Clara Assessor’s Office the Property is owned by Marina Plaza LLC since at least September 19, 2002.

### ***4.2.2 Fire/Police Officials***

TMC contacted the Santa Clara County Fire Department (SCCFD) to obtain information indicating the presence of underground storage tanks and for the use of hazardous materials at the Property. In addition, TMC contacted the SCCFD to obtain information

regarding documented incidents involving toxic releases, hazardous substances spills, and emergency response actions related to the release of petroleum products and/or hazardous substances, which may have occurred at the Property. According to Christy Duncan, the SCCFD has no records for hazardous materials or USTs for the Property.

#### 4.2.3 Building Department

TMC researched the City of Cupertino Building Department (CCBD) records for historical records indicating current or past usage of the Property. Based on the historical information, the Property was initially developed with the current improvements in 1980. According to the records available from the CCBD, the first Certificate of Occupancy for the Property was issued on October 25, 1980 to Michael Coble Togo's. In addition, TMC noted various electrical and interior modification permits for the Property. According to the Santa Clara Planning Department, the Property is zoned "Heart of the City Specific Plan Area."

#### 4.2.4 Other Agencies

##### *Santa Clara County Department of Environmental Health (SCDEH)*

A request was submitted to the Santa Clara County Department of Environmental Health (SCDEH) to review the files, if any, for the Property. According to the SCDEH no record of hazardous waste disposal, investigation and or remediation is maintained for the Property. The SCDEH records primarily included hazardous waste permits for Marina Dental Care (Dr. Shyy). No record of current violation was noted for the Property. Apparently, in 1993 a notice of violation for discharging the waste into the sanitary sewer was issued to Marina Dental Care. However, the last inspection report, dated April 15, 2007 indicated that no violation was noted at the Property.

##### *Santa Clara County Department of Environmental Health (SCDEH), Local Oversight Program (LOP)*

A request was submitted to the Santa Clara County Department of Environmental Health (SCDEH) LOP to review the files, if any, for the Property. According to the SCDEH LOP no record of hazardous waste disposal, investigation and or remediation is maintained for the Property.

##### *California Regional Water Quality Control Board*

TMC researched the California Regional Water Quality Control Board (CRWQCB) online database (Geotracker) on September 3, 5 and 13, 2012 for information regarding any releases to the subsurface which may have impacted or threatened a body of water. No records regarding a release on the Property were on file with the CRWQCB.

##### *Department of Toxic Substances Control*

TMC researched the California Department of Toxic Substances Control (DTSC) online database (Envirostor) on September 3, 5 and 13, 2012 for information regarding any releases to the subsurface which may have impacted or threatened a body of water. No records regarding a release on the Property were on file with the DTSC.

### 4.3 Physical Setting Sources

#### 4.3.1 Topography

The United States Geological Survey (USGS), Cupertino Quadrangle 7.5-minute series topographic map was reviewed for this ESA. This map was published by the USGS in 1961 and photorevised in 1991. According to the contour lines on the topographic map,



the Property is located approximately 230-240 feet above mean sea level (MSL). The contour lines in the area of the Property indicate the surface topography slopes to the northeast.

Production wells or fuel tanks are not depicted at the Property on the USGS map. The Property is depicted as being in a fully urbanized area.

#### 4.3.2 Soils/Geology

The Property is located in the Santa Clara Valley within the Coast Ranges Geomorphic Province. The Santa Clara Valley is a large structural basin filled with marine and alluvial sediments. These materials consist of layers of permeable sands and clays that reach a maximum thickness of approximately 400 to 500 feet in the Property vicinity. Fine grained deposits occur in heterogeneous sequences of interbedded sands, silts and clays. Coarser materials at deeper depths are the result of deposition from old stream channels that drain the highlands, which surround the basin. The Santa Clara Valley is generally underlain by fairly distinct upper and lower aquifers; an extensive regional clay aquitard at depths of approximately 130 to 180 feet below ground surface separates the major water bearing zones. Surface soils and shallow subsurface soils are alluvial in nature and consist of silty clay, silty sand and sandy clay to approximate depths of 75-110 feet below ground surface (bgs). Franciscan Formation bedrock is estimated to occur approximately 700 to 1000 feet bgs in the Santa Clara area.

#### 4.3.3 Hydrology

Groundwater in the Property area occurs under semi-confined and confined conditions. First groundwater is anticipated to occur approximately 18 to 25 feet below ground surface. Regional flow direction of shallow groundwater is northeasterly at a moderately shallow gradient. The Property is not located over a sole source aquifer.

Groundwater monitoring wells, septic tanks, or water production wells were not observed at the Property. Lagoons or wetlands were not observed at the Property during the reconnaissance. Surface drainage occurs via sheeting action toward several storm drain grates that lead to a municipal drainage system under the Property.

#### 4.3.4 Flood Zone Information

A review of the Flood Insurance Rate Maps, published by the Federal Emergency Management Agency, was performed. According to Panel Number 06085C0228H, dated May 18, 2009, the Property is located in an "X" zone. Such areas are located within the 500-year flood plain. These areas are also located outside the 100-year flood plain and are not prone to flooding.

#### 4.3.5 Oil and Gas Exploration

No evidence to suggest the presence of on-site oil/gas wells was identified during this assessment.

### 4.4 *Historical Use Information on the Property*

Based on the historical information, the Property was initially developed with the current improvements in 1980. According to the records available from the City of Cupertino Building Department, the first Certificate of Occupancy for the Property was issued on October 25, 1980 to Michael Coble Togo's.

#### 4.4.1 Aerial Photographs

Available aerial photographs dated: *1939, 1948, 1956, 1965, 1974, 1982, 1991, 1998, 2005 and 2006* from the EDR were reviewed for this ESA. Copies of selected photographs are included in Appendix B-1 of this report.

- Date:** 1939  
**Description:** The 1939 aerial photograph shows the Property and adjacent parcels as orchards.
- Date:** 1948  
**Description:** The 1948 aerial photograph shows the Property and adjacent parcels as orchards.
- Date:** 1956  
**Description:** The 1956 aerial photograph shows the Property and adjacent parcels as orchards.
- Date:** 1965  
**Description:** The 1965 aerial photograph shows the Property and adjacent parcels to the north and west as vacant land. The adjacent parcels to east appear to be developed with residential dwellings. The current Bank of America is visible on the adjacent parcel to the south.
- Date:** 1974  
**Description:** The 1974 aerial photograph shows the Property and adjacent parcels to the north and west as vacant land. The adjacent parcels to east appear to be re-developed for commercial purposes. The current Bank of America branch is visible on the adjacent parcel to the south.
- Date:** 1982  
**Description:** The 1982 aerial photograph shows the Property and the adjacent parcel to the south as developed with the current improvements. The adjacent parcels to the north, across from Alves Drive appear to be developed with three structures. One of the parcels, located at the northwest corner of De Anza Boulevard and Alves Drive appears to be used as a gas station. The adjacent parcels to the east appear to be occupied by small structures, possibly used for commercial purposes. The current Fatima Restaurant structure is visible on the west adjacent parcel.
- Date:** 1991  
**Description:** The 1991 aerial photograph shows the Property and the adjacent parcels to the east, south and west as developed with the current improvements. The adjacent parcels to the north, across from Alves Drive appear to be developed with three structures. One of the parcels, located at the northwest corner of De Anza Boulevard and Alves Drive appears to be used as a gas station.
- Date:** 1998  
**Description:** The 1998 aerial photograph shows the Property and the adjacent parcels to the east, south and west as developed with the current improvements. The adjacent parcels to the north, across from Alves Drive appear to be developed with three structures. One of the parcels, located at the northwest corner of De Anza Boulevard and Alves Drive appears to be used as a gas station.
- Date:** 2005  
**Description:** The 2005 aerial photograph shows the Property and the adjacent parcels to the east, south and west as developed with the current improvements. The adjacent parcels to the north, across from Alves Drive appear to be

developed with three structures. One of the parcels, located at the northwest corner of De Anza Boulevard and Alves Drive appears to be used as a gas station.

**Date:** 2006

**Description:** The 2006 aerial photograph shows the Property and the adjacent parcels to the east, south and west as developed with the current improvements. The adjacent parcels to the north, across from Alves Drive appear to be developed with three structures. One of the parcels, located at the northwest corner of De Anza Boulevard and Alves Drive appears to be used as a gas station.

#### 4.4.2 Fire Insurance Maps

TMC requested historical Sanborn Fire Insurance maps for the Property from EDR and was subsequently informed that no such maps for the Property or immediate vicinity are maintained in EDR's collection. A copy of the "no coverage" notification is included in Appendix B-2.

#### 4.4.3 City Directories

TMC reviewed Historical City directories at the Santa Clara Public Library for past names and business that were listed for the Property and adjoining properties. The findings are presented in the following table:

YEAR	ON-SITE	ADJOINING PROPERTIES
1970	10118-10122 Bandley Drive: No listing	<b>North –</b> 10165 North De Anza Boulevard: No listing 20565 Alves Drive: No listing 20625 Alves Drive: No listing <b>East –</b> 10145 North De Anza Boulevard: No listing 10101 North De Anza Boulevard: No listing <b>South–</b> 20563 Stevens Creek Boulevard: No listing <b>West –</b> 10050 Bandley Drive: No listing 10125 Bandley Drive: No listing
1975	10118-10122 Bandley Drive: No listing	<b>North –</b> 10165 North De Anza Boulevard: No listing 20565 Alves Drive: No listing 20625 Alves Drive: No listing <b>East –</b> 10145 North De Anza Boulevard: No listing 10101 North De Anza Boulevard: No listing <b>South–</b> 20563 Stevens Creek Boulevard: No listing <b>West –</b> 10050 Bandley Drive: No listing 10125 Bandley Drive: No listing
1980	10118-10122 Bandley Drive: Alpha Beta Co 576	<b>North –</b> 10165 North De Anza Boulevard: No listing 20565 Alves Drive: No listing 20625 Alves Drive: Gifu Restaurant <b>East –</b> 10145 North De Anza Boulevard: Bob's Big Boy 10101 North De Anza Boulevard: No listing <b>South–</b> 20563 Stevens Creek Boulevard: Bank of America <b>West –</b> 10050 Bandley Drive: No listing 10125 Bandley Drive: Sizzler Family Steak Restaurant
1986	10118-10122 Bandley Drive: Various businesses and retail stores, including Photo Express	<b>North –</b> 10165 North De Anza Boulevard: Clean Scene Carwash 20565 Alves Drive: No listing 20625 Alves Drive: Ikenohana Restaurant <b>East –</b>

YEAR	ON-SITE	ADJOINING PROPERTIES
		10145 North De Anza Boulevard: Bob's Big Boy 10101 North De Anza Boulevard: No listing <b>South-</b> 20563 Stevens Creek Boulevard: Bank of America <b>West -</b> 10050 Bandlely Drive: Berg and Berg Developers 10125 Bandlely Drive: Sizzler Family Steak Restaurant
1991	10118-10122 Bandlely Drive: Various businesses and retail stores, including Photo Express	<b>North -</b> 10165 North De Anza Boulevard: Clean Scene Carwash 20565 Alves Drive: No listing 20625 Alves Drive: Ikenohana Restaurant <b>East -</b> 10145 North De Anza Boulevard: Bob's Big Boy 10101 North De Anza Boulevard: No listing <b>South-</b> 20563 Stevens Creek Boulevard: Bank of America <b>West -</b> 10050 Bandlely Drive: Berg and Berg Developers 10125 Bandlely Drive: Sizzler Family Steak Restaurant
1996	10118-10122 Bandlely Drive: Various businesses and retail stores (Photo Express was not included)	<b>North -</b> 10165 North De Anza Boulevard: No listing 20625 Alves Drive: Ikenohana Restaurant <b>East -</b> 10145 North De Anza Boulevard: No listing 10101 North De Anza Boulevard: No listing <b>South-</b> 20563 Stevens Creek Boulevard: Bank of America <b>West -</b> 10050 Bandlely Drive: Berg and Berg Developers 10125 Bandlely Drive: Fatima Restaurant
2000	10118-10122 Bandlely Drive: Various businesses and retail stores	<b>North -</b> 10165 North De Anza Boulevard: Glorious Custom Auto Detail and Saich Anne 20565 Alves Drive: Creative Design Engineering and World Journal Corp 20625 Alves Drive: Ikenohana Restaurant <b>East -</b> 10145 North De Anza Boulevard: Mandarin Gourmet 10101 North De Anza Boulevard: Various offices <b>South-</b> 20563 Stevens Creek Boulevard: Bank of America and Saich John <b>West -</b> 10050 Bandlely Drive: Berg and Berg Developers 10125 Bandlely Drive: Fatima Restaurant
2005	10118-10122 Bandlely Drive: Various businesses and retail stores	<b>North -</b> 10165 North De Anza Boulevard: Clean Scene Carwash Inc. 20565 Alves Drive: Creative Design Engineering 20625 Alves Drive: Tomokazu Japanese Cuisine <b>East -</b> 10145 North De Anza Boulevard: Mandarin Gourmet 10101 North De Anza Boulevard: Trend Micro Inc. <b>South-</b> 20563 Stevens Creek Boulevard: Bank of America <b>West -</b> 10050 Bandlely Drive: Berg and Berg Developers 10125 Bandlely Drive: Canton Delight Restaurant
2010	10118-10122 Bandlely Drive: Various businesses and retail stores	<b>North -</b> 10165 North De Anza Boulevard: De Anza Car Inc. 20565 Alves Drive: Creative Design Engineering 20625 Alves Drive: No listing <b>East -</b> 10145 North De Anza Boulevard: Mandarin Gourmet 10101 North De Anza Boulevard: No listing <b>South-</b> 20563 Stevens Creek Boulevard: Bank of America <b>West -</b> 10050 Bandlely Drive: Berg and Berg Developers 10125 Bandlely Drive: Fatima Restaurant

Photo Express was listed in the city directories from 1986 and 1991. However, no records of hazardous waste generation and or violation was noted at the regulatory

agencies. Based on the regulatory status and absence of reported violations, there is a low potential that these facility impacted the subject property.

#### 4.4.4 Additional Historical Record Sources

Historical records were reviewed from the following sources during the course of this assessment: Santa Clara Fire Department; Santa Clara County Environmental Health Department; Santa Clara County Assessor's offices; and State of California Regional Water Quality Control Board.

#### 4.4.5 Historical Summary

Historical use of the Property is summarized below:

- 1939** The 1939 aerial photograph shows the Property and adjacent parcels as orchards.
- 1948** The 1948 aerial photograph shows the Property and adjacent parcels as orchards.
- 1956** The 1956 aerial photograph shows the Property and adjacent parcels as orchards.
- 1965** The 1965 aerial photograph shows the Property and adjacent parcels to the north and west as vacant land. The adjacent parcels to east appear to be developed with residential dwellings. The current Bank of America is visible on the adjacent parcel to the south.
- 1974** The 1974 aerial photograph shows the Property and adjacent parcels to the north and west as vacant land. The adjacent parcels to east appear to be re-developed for commercial purposes. The current Bank of America branch is visible on the adjacent parcel to the south.
- 1980** Alpha Beta Company 576 was listed for the Property address (10122 Bandlely Drive) in the 1980 directories.
- 1982** The 1982 aerial photograph shows the Property and the adjacent parcel to the south as developed with the current improvements. The adjacent parcels to the north, across from Alves Drive appear to be developed with three structures. One of the parcels, located at the northwest corner of De Anza Boulevard and Alves Drive appears to be used as a gas station. The adjacent parcels to the east appear to be occupied by small structures, possibly used for commercial purposes. The current Fatima Restaurant structure is visible on the west adjacent parcel.
- 1986** Various businesses and retail stores, including Photo Express were listed for the Property address in the 1986 directories.
- 1991** Various businesses and retail stores, including Photo Express were listed for the Property address in the 1991 directories.
- 1991** The 1991 aerial photograph shows the Property and the adjacent parcels to the east, south and west as developed with the current improvements. The adjacent parcels to the north, across from Alves Drive appear to be developed with three structures. One of the parcels, located at the northwest corner of De Anza Boulevard and Alves Drive appears to be used as a gas station.
- 1998** The 1998 aerial photograph shows the Property and the adjacent parcels to the east, south and west as developed with the current improvements. The adjacent parcels to the north, across from Alves Drive appear to be developed with three structures. One of the parcels, located at the northwest corner of De Anza Boulevard and Alves Drive appears to be used as a gas station.

- 1996 Various businesses and retail stores (Photo Express was not included) were listed for the Property address in the 1996 directories.
- 2000 Various businesses and retail stores were listed for the Property address in the 2000 directories.
- 2005 The 2005 aerial photograph shows the Property and the adjacent parcels to the east, south and west as developed with the current improvements. The adjacent parcels to the north, across from Alves Drive appear to be developed with three structures. One of the parcels, located at the northwest corner of De Anza Boulevard and Alves Drive appears to be used as a gas station.  
  
Various businesses and retail stores were listed for the Property address in the 2005 directories
- 2006 The 2006 aerial photograph shows the Property and the adjacent parcels to the east, south and west as developed with the current improvements. The adjacent parcels to the north, across from Alves Drive appear to be developed with three structures. One of the parcels, located at the northwest corner of De Anza Boulevard and Alves Drive appears to be used as a gas station.
- 2010 Various businesses and retail stores were listed for the Property address in the 2010 directories.

4.4.6 Prior Assessment Reports

No other previously prepared environmental reports such as Phase I or II Environmental Assessments, lead-based paint surveys, lead-in-water surveys, asbestos surveys or reports were provided for TMC's review. No other sources of historical information were used for this study.

4.5 *Historical Use Information on Adjoining Properties*

By review of the standard historical sources referenced above, the historical uses of the adjoining properties are summarized below:

- North:** Properties to the north historically consisted of orchards or restaurants, an office building and a carwash/gas station.
- East:** Properties to the northwest historically consisted of orchards or restaurants and office buildings.
- South:** Properties to the southeast historically consisted of orchards or a Bank of America Branch.
- West:** Property to the west historically consisted of orchards or restaurants and office buildings.

## **5.0 SITE RECONNAISSANCE**

### **5.1 *Methodology and Limiting Conditions***

The Property was inspected by Dariush Dastmalchi on September 5, 2012. The weather at the time of the site visit was cloudy and ambient air temperatures in the upper 60 degrees Fahrenheit. No escort was provided during the site visit. The Property reconnaissance included visual inspection of Marina Plaza and surrounding areas. Refer to Section 1.4 Limitations and Exceptions of this report for detailed information pertaining to site reconnaissance limitations.

### **5.2 *General Property Setting***

The Property consists of an irregularly shaped parcel of land, developed with a single structure. A Property survey was not provided and as such, the exact lot dimensions and acreage is unknown. However, according the information abstained from the Santa Clara County Assessor's Office, the Property is believed to be approximately 4.35 acres in size. Reportedly, the onsite structure is estimated to provide approximately 41,600 square feet of building space. Based on the historical information, the Property was initially developed with the current improvements in 1980. Currently, the Property is occupied by Marina Plaza for grocery and retail sales or services. The Property is zoned "Heart of the City Specific Plan Area". Currently, the Property is occupied by Marina Plaza for grocery and retail sales or services. The Property is located on the southeast corner of Bandlely and Alves Drives.

The Property is located in a light industrial/residential area of Santa Clara. The Property is bordered to the north by an under construction hotel (13576 North De Anza Boulevard), a vacant office building (20565 Alves Drive) and a vacant restaurant, Tomokazu Sushi (20625 Alves Drive). The adjacent parcels to east are occupied by a restaurant, Mandarin Gourmet (10145 North De Anza Boulevard) and a four story office building (10101 North De Anza Boulevard). A Bank of America branch (20563 Stevens Creek Boulevard) is located adjacent to the south of the Property. The adjacent parcels to the west are occupied by an office building (10050 Bandlely Drive) and Fatima Restaurant, across from Bandlely Drive (10125 Bandlely Drive).

### **5.3 *Exterior Observations***

The onsite structure provides nine tenant spaces for retail purposes. The building appears to be a concrete masonry unit (CMU) structure, built on a concrete slab on-grade foundation.

#### **5.3.1 Solid Waste Disposal**

Reportedly, the garbage is regularly picked up for disposal by the City of Cupertino. No evidence of the disposal of hazardous materials or wastes was noted in the dumpster at the time of the TMC site visit. In addition the cooking oil and grease generated at the onsite restaurants are transferred to a holding bin, located on the north side of the Marina Food facility. The bin is reportedly emptied by a recycling company on a regular basis.

#### **5.3.2 Surface Water Drainage**

Storm water falling on the flat roofing of the Property is directed to scuppers and external metal downspouts that discharge to the municipal storm system. Storm water falling on the common asphalt drives is directed to a series of catch basins located in the parking/drive areas. The Property is connected to a municipally owned and maintained sewer system.

#### **5.3.3 Wells and Cisterns**

No aboveground evidence of wells or cisterns was observed during the site reconnaissance.



#### 5.3.4 Wastewater

The City of Cupertino services the sanitary sewer needs at the Property. No indications of industrial wastewater disposal or treatment facilities were observed during the onsite reconnaissance. Reportedly, the wastewater from Marina Food is collected to the grease trap, located in the parking area at the south side of the building. According to the Marina Food's Manager, the grease trap is regularly cleaned up by an outside contractor.

#### 5.3.5 Additional Property Observations

No additional relevant general Property characteristics were observed.

### 5.4 *Interior Observations*

The building includes approximately nine tenant spaces. The interior finishes include vinyl and ceramic floor tiles and exposed concrete. The walls consist of painted drywalls. The ceilings consist of suspended acoustical tiles or drywall. Ancillary improvements to the Property include asphalt and concrete paved drive lanes and open-surface parking areas. No other significant site improvements to the Property were noted.

### 5.5 *Potential Environmental Conditions*

#### 5.5.1 Hazardous Materials and Petroleum Products Used or Stored at the Property

No significant amount of hazardous chemical or wastes were noted or reported at the Property.

##### 5.5.1.1 **Unlabeled Containers and Drums**

No unlabeled containers or drums were observed during the site visit.

##### 5.5.1.2 **Disposal Locations of Regulated/ Hazardous Waste**

Dr. Ben Shyy (Marina Dental Care) apparently generates regulated wastes at the Property. According to the Office Manager (no name provided) at Marina Dental Care, the medical wastes generated at the facility are collected by Stericycle and transported offsite for disposal. No record of current violation was noted for the Property.

Apparently, in 1993 a notice of violation for discharging the waste into the sanitary sewer was issued to Marina Dental Care. However, the last inspection report, dated April 15, 2007 indicated that no violation was noted at the Property.

Reportedly, no other hazardous or regulated waste is generated at the Property.

#### 5.5.2 Evidence of Releases

No significant indications of hazardous material or petroleum product releases, such as stained areas or stressed vegetation, was observed during the site reconnaissance or reported during interviews.

#### 5.5.3 Polychlorinated Biphenyls (PCBs)

Older transformers and other electrical equipment could contain polychlorinated biphenyls (PCBs) at a level that subjects them to regulation by the United States Environmental Protection Agency (EPA). PCBs in electrical equipment are controlled by the EPA regulations 40 CFR, Part 761.

One pad-mounted electrical transformer is located on the Property. The transformer is owned and maintained by Pacific Gas and Electric Company. No indication of staining, leaks or fire damage was observed on this transformer.

5.5.4 Landfills

No evidence of on-site landfilling was observed or reported during the site reconnaissance.

5.5.5 Pits, Ponds, Lagoons, Sumps, and Catch Basins

No evidence of on-site pits, ponds, lagoons was observed or reported during the site reconnaissance.

5.5.6 On-Site ASTs and USTs

No evidence of underground or aboveground storage tanks was observed during the Property reconnaissance.

5.5.7 Radiological Hazards

No radiological substances or equipment was observed or reported stored on the subject site.

5.5.8 Drinking Water

The Property is connected to the city water supply provided by the California Water Service Company. According to the annual Water Quality Report, the drinking water supplied to the site is within state and federal standards, including lead and copper. Water sampling was not conducted at the site to verify water quality.

5.5.9 Additional Hazard Observations

No additional hazards were observed on the site.

5.5.10 Asbestos-Containing Materials (ACM)

In accordance with the Scope of Services, TMC conducted a limited asbestos survey at the Property. The objective of this limited asbestos survey was to identify the readily visible materials for sampling and analysis (damaged or friable materials only) to determine the presence of asbestos containing material (ACM). The survey consisted of noting observable materials (materials which are readily accessible and visible in areas accessed by the inspector), which are commonly known to potentially contain asbestos. The limited asbestos survey was not designed to discover all sources of asbestos at the Property. Rather, it was primarily designed to assess the presence of friable and damaged non-friable ACM in the most significant (significant due to quantity, accessibility, or condition) potential asbestos sources observed at the Property. Additional sampling, inspection, and evaluation will be warranted for any other use.

TABLE 1 ASBESTOS SAMPLING SUMMARY					
DATE SAMPLED: September 5, 2012					
Suspect ACM Material Sampled	Analyzed Yes/No	Percentage of Asbestos & Type	Friable Yes/No	Physical Condition	Fiber Release Potential
Ceiling tiles	No	NA	No	Good	Low
Floor Tile	No	NA	No	Good	Low

TABLE 1 ASBESTOS SAMPLING SUMMARY					
DATE SAMPLED: September 5, 2012					
Suspect ACM Material Sampled	Analyzed Yes/No	Percentage of Asbestos & Type	Friable Yes/No	Physical Condition	Fiber Release Potential
Drywall	No	NA	No	Good	Low

The suspect asbestos containing materials (ACM) were found to be in good condition at the time of the assessment with a low potential for disturbance. The suspect materials observed at the Property may be maintained through the provisions of an Operations and Maintenance (O&M) plan.

#### 5.5.11 Radon

According to the United States Environmental Protection Agency (USEPA) Map of Radon Zones, the subject property is located in an area (Zone 2) with moderate/variable potential for radon concentrations ranging from 2-4 picoCuries per liter of air (pCi/l). The USEPA's recommended action level for radon is 4 pCi/l. In addition, the subject property is not used for residential purposes. Therefore, no radon sample was collected from the Property.

#### 5.5.12 Lead-Based Paint

Lead-based paint (LBP) is defined as any paint, varnish, stain, or other applied coating that has  $\geq 1 \text{ mg/cm}^2$  (5,000  $\mu\text{g/g}$  or 5,000 ppm) or more of lead by federal guidelines; state and local definitions may differ from the federal definitions in amounts ranging from 0.5  $\text{mg/cm}^2$  to 2.0  $\text{mg/cm}^2$ . Section 1017 of the Housing and Urban Development (HUD) Guidelines, Residential Lead-Based Paint Hazard Reduction Act of 1992, otherwise known as "Title X", defines a LBP hazard as "any condition that causes exposure to lead that would result in adverse human health effects" resulting from lead-contaminated dust, bare, lead-contaminated soil, and/or lead-contaminated paint that is deteriorated or present on accessible, friction, or impact surfaces. Therefore, under Title X, intact lead-based paint on most walls and ceilings would not be considered a "hazard", although the paint should be maintained and its condition and monitored to ensure that it does not deteriorate and become a hazard. Additionally, Section 1018 of this law directed HUD and EPA to require the disclosure of known information on lead-based paint and lead-based paint hazards before the sale or lease of most housing built before 1978. Most private housing, public housing, federally owned or subsidized housing are affected by this rule.

Painted surfaces at the Property were observed to be in generally good condition at the time of the assessment. In addition, the building is not used for residential purposes. Therefore, no paint sample was collected for the laboratory analysis.

#### 5.5.13 Mold

TMC performed a limited visual inspection of interior areas of the Property for significant evidence of mold growth (see attached check list). This activity was not designed to discover all areas, which may be affected by mold growth on the Property. Rather, it was intended to give the client an indication if significant (area larger than 10 square feet) mold growth is present at the Property. As part of this investigation enclosed areas, such as pipe chases, heating ventilation and air-conditioning (HVAC) systems and behind enclosed walls and ceilings were not inspected. Wells Fargo has specifically recognized that, though the individual completing this inspection is a trained observer of real estate, recognizing, detecting, and measuring the presence of mold and microbial matter may be beyond the scope of her/his expertise and has agreed that neither the

individual completing the inspection, nor Transaction Management Corporation has any liability for the identification of mold-related concerns except as defined in applicable industry standards.

TMC did not note significant visual or olfactory indications of the presence of mold. TMC also did not observe indications of significant water damage at the areas visually inspected.

#### 5.5.14 Vapor Encroachment Conditions

Based on the following the potential for the vapor intrusion is low at the Property:

- There are no known current or past soil and or groundwater contaminations at the Property.
- There are no known current or past offsite soil and or groundwater contaminations that may have impacted the Property.
- There are no known regional groundwater contaminations extending beneath the Property.

Based on the information available, the vapor intrusion does not appear to present a recognized environmental condition for the Property.

## 6.0 INTERVIEWS

Interviews were conducted with the following individuals. Findings from these interviews are discussed in the appropriate sections in this report.

### 6.1 *Interview with Owner*

Mr. Albert Wang, Owner

### 6.2 *Interview with Property Manager*

Mr. Albert Wang, General Manager of the Property

### 6.3 *Interview with Occupants*

Various tenants (names were not provided)

### 6.4 *Interview with Local Government Officials*

- Administrative Assistant, Santa Clara Building Department (408) 615-2450
- Administrative Assistant, Santa Clara Planning Department (408) 615-2450
- Administrative Assistant, Santa Clara Fire Department (408) 615-4900
- Administrative Assistant, Santa Clara County EHD (408) 918-3400
- Administrative Assistant, Santa Clara County Assessor Office In person

### 6.5 *Interview with Others*

No other personnel or sources were interviewed during the course of this assessment.

## **7.0 FINDINGS AND CONCLUSIONS**

### **7.1 Findings**

#### **7.1.1 On-Site Environmental Conditions**

Based on the current and historical information available, there is a low potential that the subject property has been impacted by the on-site operations.

The suspect asbestos containing materials (ACM) were found to be in good condition at the time of the assessment with a low potential for disturbance. The suspect materials observed at the Property may be maintained through the provisions of an Operations and Maintenance (O&M) plan.

#### **7.1.2 Off-Site Environmental Conditions**

Based on the review of the available information and current regulatory databases, there is a low potential that the Property has been impacted by the off-site operations.

#### **7.1.3 Previously Resolved Environmental Conditions**

No historical recognized environmental conditions were identified in connection with the Property during the course of this assessment.

#### **7.1.4 De Minimis Environmental Conditions**

No *de minimis* environmental conditions were identified in connection with the Property during the course of this assessment, except for typical staining of asphalt pavement associated with automobile usage at this type of facility.

### **7.2 Opinion**

Based on the current and historical information available, there is a low potential that the subject property has been impacted by the on-site operations.

### **7.3 Conclusions**

TMC has performed a Phase I Environmental Property Assessment in conformance with the scope and limitations of ASTM Practice E 1527-05 of Marina Plaza property located at 10118-10122 Bandlely Drive in Santa Clara County of Santa Clara, California. Any exceptions to or deletions from this practice are described in Section 1.4 of this report. This assessment has revealed no evidence of Recognized Environmental Conditions in connection with the Property.

### **7.4 Recommendations**

Based on the findings and conclusions of this assessment, TMC recommends no further investigations at the Property, at this time. However, based on the age of the development and the limited scope of our asbestos survey TMC recommends that an O&M plan be prepared and implemented at the Property.

### **7.5 Deviations**

This Phase I ESA substantially complies with the scope of services and ASTM 1527-05, as amended, except for exceptions and/or limiting conditions as discussed in Section 1.4.

## 8.0 REFERENCES

### Reports, Plans, and Other Documents Reviewed:

American Society for Testing and Materials, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, ASTM Designation: E 1527-2005.

United States Geological Survey, *EPA Map of Radon Zones (Document EPA-402-R-93-071)*, accessed via the Internet, April 2009.

California Department of Health Services, *California Indoor Radon Levels Sorted by Zip Code Last Updated 8/31/2009*, Accessed via the Internet on August 1, 2012.

United States Geological Survey Topographic Map 1980, 7.5 minute series, *Cupertino, California Quadrangle*, scale 1:24,000, U.S. Geological Survey.

Environmental Data Resources, Inc., *The EDR Radius Map Report*, September 04, 2012.

### AGENCIES CONTACTED:

City of Cupertino

Building Department

Planning Department

Fire Department

County of Santa Clara

Environmental Health Department

Assessor Office

State of California

Regional Water Quality Control Board

Department of Toxic Substances Control

