

**EPC Desk Item
January 21, 2026**

Agenda item 5.2 – Mixed-Use Residential Project at 490 East Middlefield Road

Modifications to Attachment 1 in Exhibit A- Project Conditions

CONDITIONS BEING MODIFIED (Modifications are shown in redline strikeouts and track changes)	
5	<p>COMMUNITY BENEFITS PACKAGE: In compliance with the East Whisman Precise Plan, the applicant is required to provide community benefits in exchange for additional development intensity and to advance the goals and policies of the Precise Plan in regard to Residential Bonus Floor Area Ratio (FAR). The applicant is required to provide the following community benefits, which may be more fully described in a DA:</p> <ul style="list-style-type: none"> a. The project shall be designed and constructed in compliance with the mandatory measures of CALGreen, Title 24, Part 11, which satisfies the State’s green building requirements, as well as achieve LEED Silver® equivalent standards. In addition, the applicant will make the project all-electric with limited exceptions to common open area amenities, including: fire pits, cooking appliances for the ground floor commercial or retail uses, and pool and spa heaters. b. A benefit in the form of a fee payment of \$6.23 per bonus square foot for 175,476 square feet of bonus floor area above the baseline FAR of 1.0 for an estimated total contribution of \$1,093,215 1,100,000, which must be made payable to the City of Mountain View prior to issuance of the first Certificate of Occupancy. c. Five units (three studios at 90% AMI and two, 1-bedroom units at 100% AMI) in addition to the 15% (55) affordable units that are being provided at a weighted average of 65% AMI to meet the City’s below-market-rate (BMR) affordable housing requirement. These five units will be restricted to an affordability term of 10 or 15 years pursuant to terms in the Development Agreement.
25	<p>ROOF DECK OPERATION: The operation of the rooftop deck shall be pursuant to Section 21.26 (Stationary equipment noise) of the City Code. The approved hours of operation for the rooftop deck area shall be limited to 8:00 a.m. to 10:00 p.m and shall not allow amplified music. In the event any problems arise with the hours of operation or noise, the Zoning Administrator may hold a public hearing to review common-area operations and impose new or modified conditions of approval in response to public comment received. The public hearing shall be conducted and noticed in accordance with Chapter 36, Article XVI, Division 6, of the City Code.</p>
33	<p>PUBLIC ART: The project will incorporate a voluntarily proposed public art installation. A separate building permit for the public art shall be required. Details of the art piece(s), including installation, are to shall be shown on building permit drawings and shall be reviewed and approved by staff prior to the issuance of first certificate of occupancy building permit issuance. The installation of the art piece(s) shall be completed prior to issuance of a Certificate of Occupancy.</p>
34	<p>PARKING SPACE DESIGN: All parking spaces (except parking stacker) must adhere to the requirements of Article X (Parking and Loading) of the City Code.</p>
45	<p>LANDSCAPE SCREENING: All utility meters, lines, transformers, backflow preventers, etc., on-site or off-site, must be shown on all site plan drawings and landscape plan drawings. All such facilities shall be located so as to not interfere with landscape material growth and shall be adequately adequately screened in a manner which respects the building design and setback requirements. All such facilities shall be in conformance with</p>

	Section 4.5 4.5 (Utility and Service Area Design) of the East Whisman Precise Plan and SEC. 36.34.10(i) (GENERAL LANDSCAPING STANDARDS) of the City Code. Additional landscaping materials or modifications may be required by the Planning Division at final inspection to ensure adequate plant screening.
50	IRREVOCABLE DAMAGE TO HERITAGE TREES: In the event one or more of the preserved Heritage tree(s) are not maintained and irrevocable damage or death of the tree(s) has occurred due to construction activity, a stop work order may be issued on the subject property and no construction activity shall occur for two (2) working days per damaged tree. The applicant will also shall be subject to a penalty fee equal to the tree valuation prior to damage; this fee applies to each Heritage tree damaged penalties and restitution pursuant to Section 32.38 (Penalty; Restitution) of the City Code.
67	PRECONSTRUCTION NESTING BIRD SURVEY: To the extent practicable, vegetation removal and construction activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If construction or vegetation removal cannot be performed during this period, preconstruction surveys will be performed no more than two days prior to construction activities to locate any active nests as follows: The applicant shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 500' for active nests—with particular emphasis on nests of migratory birds—with construction (including site preparation) will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area , the applicant, in coordination with the appropriate City staff, shall establish no disturbance buffer zones around the nests, with the size to be determined in consultation with the California Department of Fish and Wildlife (usually 100' for perching birds and 300' for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two five days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.
81	BMR RENTAL, PROVIDING UNITS: Prior to issuance of the first building permits for the project, the applicant shall enter into a recorded Below-Market-Rate (BMR) and Density Bonus Agreement with the City that will require the applicant to provide at least 15% of the total base density number of dwelling units within the development as BMR units consistent with Chapter 36, Article XIV, Divisions 1 and 2, of the City Code and the BMR Housing Program Administrative Guidelines and Directives. This results in a total of fifty-five (55) units being available in perpetuity. The units will be designated as follows: twenty-nine (29) at fifty percent (50%) area median income (AMI), and twenty-six (26) at eighty percent (80%) AMI. This is in accordance with DRAFT CDD/JT PL-9558-COA Page 12 of 31 the units outlined in the Affordable Housing Compliance Plan and included attachments dated November 13, 2025, including BMR unit locations indicated on the plan set dated December 12, 2025 January 9, 2026. The BMR units may be counted toward the Density Bonus unit requirements, providing the strictest of AMI limits are applied. The Housing Department reserves the right to review, approve, or deny any modifications to the Affordable Housing Compliance Plan or unit delivery. The applicant will also provide five (5) additional BMR units as a community benefit, as further described in Condition No. 5.
84	DENSITY BONUS, RENTAL UNITS: Under State Density Bonus Law, rents for very low and lower income affordable the 50% AMI units that qualify the project for a density bonus shall be set at “affordable rent” as defined in Health and Safety Code (HSC) Section 50053. If there is no federal funding for the project, then the rule regarding “family size” shall be consistent with the HSC Section 50052.5(h), including the use of federal rules and regulations if applicable to the project.
85	ADDITIONAL BELOW-MARKET-RATE (BMR) UNITS—COMMUNITY BENEFIT: In addition to the required fifteen percent (15%) affordable housing obligation, the Applicant shall provide an additional five (5) BMR dwelling units as a voluntary community benefit. These additional BMR units shall consist of three (3) studio units restricted to households earning no more than ninety percent (90%) AMI and the two (2) one-bedroom units shall be restricted to households earning no more than one hundred percent (100%) of AMI. The additional five (5) BMR units shall comply with all applicable City BMR regulations, policies, and guidelines in effect at the time of approval and in the locations as reflected in the plan set dated January 9, 2026;

	<p>including but not limited to requirements related to unit design, location, and size, comparability, long term affordability restrictions, income qualification, rent limits, monitoring, and administration. Prior to issuance of the first building permit, the Applicant shall submit for review and approval by the City a detailed BMR Unit Location Map identifying the specific location, unit type, and unit number of all BMR units within the project, including the additional five (5) BMR units provided as a community benefit. The affordability restrictions applicable to these additional five (5) BMR units shall be memorialized through a recorded agreement. Such agreement shall state that the additional five (5) BMR units provided as a community benefit be subject to a deed restriction for a minimum term of ten (10) years from the date of issuance of the first certificate of occupancy. The deed restriction term shall be extended to a total of fifteen (15) years in the event the City exercises any option available to it pursuant to a rent guarantee option applicable to the project that will be further developed as part of the development agreement. (PROJECT-SPECIFIC CONDITION)</p>
127	<p>STREET DEDICATION: Dedicate a public street easement to widen Ellis Street an additional 4’ along the project frontage and project corner, as shown on sheet C2.1.</p>
136	<p>PUBLIC IMPROVEMENTS: Install or reconstruct standard public improvements required for the project and as required by Chapters 27 and 28 of the City Code (e.g. the detached 8’ sidewalk and 6’ landscape strip, off-site C.3 Improvements, corner ramps, bike lane and roadway striping and overlay improvements, and new utility connections).</p> <ul style="list-style-type: none"> a. <u>Improvement Agreement:</u> Prior to the issuance of the building permit, the property owner must sign a Public Works Department improvement agreement for the installation of the public improvements. b. <u>Bonds/Securities:</u> Prior to the issuance of any building permits, the property owner must sign a Public Works Department faithful performance bond (100% of Infrastructure Quantities) and materials/labor bond (100% of Infrastructure Quantities), based upon approved plans and engineer’s estimate or provide a cash deposit (100% of Infrastructure Quantities), based upon approved plans and engineer’s estimate or provide a letter of credit (150% of Infrastructure Quantities) securing the installation and warranty of the off-site improvements in a form approved by the City Attorney’s Office in accordance with Section 27.36 of the City Code . The surety (bond company) must be listed as an acceptable surety on the most current Department of the Treasury’s Listing of Approved Sureties on Federal Bonds, Department Circular 570. This list of approved sureties is available at: www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570_a-z.htm. The bond amount must be below the underwriting limitation amount listed on the Department of the Treasury’s Listing of Approved Sureties. The surety must be licensed to do business in California. Guidelines for security deposits are available at the Public Works Department. c. <u>Insurance:</u> Prior to the issuance of any building permits, the property owner must provide a Certificate of Insurance and endorsements for Commercial General Liability and Automobile Liability naming the City as an additional insured from the entity that will sign the improvement agreement. The insurance coverage amounts are a minimum of Two Million Dollars (\$2,000,000) Commercial General Liability, One Million Dollars (\$1,000,000) Automobile Liability, One Million Dollars (\$1,000,000) Contractors’ Pollution Liability, and One Million Dollars (\$1,000,000) Workers’ Compensation. The insurance requirements are available from the Public Works Department.
138	<p>EXCAVATION PERMIT: For projects with any work within the public right-of-way, upon first submittal of the building permit and improvement plans, submit a complete Excavation Permit Application for all applicable work within the public right-of-way to the Public Works Department. Permit applications are available online from the Development Permits website at: https://developmentpermits.mountainview.gov/about-permits/applications. All work within the City right-of-way must be consolidated on the site, off-site, and/or utility plans. Plans of the work, traffic control plans for work within the public roadway and/or easement,</p>

	insurance certificate and endorsements, and permit fees are required with the Excavation Permit Application.
150	STREET CENTERLINE: As indicated on Sheet C2.2, install a double yellow centerline a minimum 50' from the crosswalk along Ellis Street on all approaches in accordance with City standards and the CA MUTCD. Any conflicting markings or signs shall be removed or relocated. The specific areas of work shall be clearly identified and shown on the plans.
155	DRIVEWAY CONFLICT: To minimize driveway conflicts, driveways shall be designed to be a right-in/right-out, and a median directional island shall be installed on the Middlefield Road driveway to deter conflicting vehicular movements, as shown on sheet C2.2.