



November 19, 2025

Sam Hughes, Senior Planner  
Community Development Department  
City of Mountain View  
500 Castro Street/PO Box 7540  
Mountain View, CA 94039-7540

**RE: PEER REVIEW OF AB 130 CEQA EXEMPTION SITE ANALYSIS MEMORANDUM  
WTA MIDDLEFIELD, LLC  
515-545 N. WHISMAN ROAD PROJECT**

Dear Mr. Hughes:

JHS Consulting (JHS) is submitting this letter report to summarize our review of the 515-545 N. Whisman Project (the project) and its eligibility for the new AB 130 Statutory Exemption under CEQA. JHS has reviewed the AB 130 CEQA Exemption Memo prepared by the Applicant team, along with the project plans and other background materials, and has prepared this letter on behalf of the City of Mountain View.

## **1.0 INTRODUCTION**

Assembly Bill 130, passed by the State Legislature on June 30, 2025, created a new statutory exemption from the California Environmental Quality Act (CEQA) for qualifying infill housing development projects. This exemption, codified as Public Resources Code Section 21080.66, establishes comprehensive criteria that projects must meet to qualify for this streamlined environmental review.

JHS Consulting has prepared this letter report to summarize our review of the 515-545 N. Whisman Road Project (the project) materials. This report is intended to provide a peer review of the *AB 130 CEQA Applicability Analysis Memorandum* regarding the proposed project's eligibility for the AB 130 CEQA statutory exemption, which has been submitted by the Applicant team.

## **2.0 PROJECT DESCRIPTION**

### **2.1 PROJECT LOCATION**

The project site is approximately 10 acres in size (Assessor's Parcel Numbers: 160-54-002 and 160-54-003) and is located in eastern Mountain View, along the east side of N. Whisman Road, south of Fairchild Drive and U.S. 101 within the East Whisman Precise Plan area. The site is currently developed with two vacant commercial buildings (totaling approximately 146,407 square-feet in size, according to the Phase I Environmental Site Assessment report submitted by the Applicant team), surface parking, and landscaping. The site is surrounded to the north, east, and south by a mix of commercial and industrial office buildings ranging from one to four stories in height, with surface parking lots and landscaping. Residential uses consisting of one- and two-story single-family houses and apartment buildings are located west of the site, across N. Whisman Road.

The site is located at the northern end of a *Mixed-Use Character Area* of the East Whisman Precise Plan. The property has a General Plan designation of *East Whisman Mixed Use, Low-Intensity* and a zoning designation of *P-41 (East Whisman Precise Plan)*.

### **2.2 PROPOSED PROJECT**

The project proposes a Provisional Use Permit, Planned Community Permit, Vesting Tentative Map, and Development Review Permit to allow for the demolition of the two existing office buildings, surface parking, and site improvements, and the construction of 195 attached rowhouse condominium units on the site. This application follows an SB 330 Preliminary Application.

The proposed rowhouse condominium units will be three-stories in height and will include a combination of three- and four-bedroom units. The project site will be subdivided pursuant to the California Subdivision Map Act and the City of Mountain View Subdivision Ordinance to create a condominium subdivision consisting of 195 residential units along with associated common parcels, and easement dedications.

According to the latest plan set submitted, the site will be developed at a density of 19.5 dwelling units per acre (du/ac) and will have a floor area ratio (FAR) of 1.07. The proposed buildings will have a maximum height of 42 feet.

The project will remove 310 of the 319 existing trees, including 139 heritage trees, from the site. The project proposes to replace the 139 heritage trees removed with 274 new trees (at a 2:1 ratio). The replacement trees will be planted around the perimeter and throughout the site and will include 137 "vertical accent" trees in the alleyways.

The project proposes to provide 420 parking spaces, as well as 195 long-term bicycle parking spaces and 24 short-term bicycle parking spaces. The proposed residential buildings will total approximately 468,105 square feet.

### **3.0 AB 130 PROJECT ELIGIBILITY CRITERIA SUMMARY TABLE**

The following table summarizes the criteria that a housing development project must satisfy to be eligible for the AB 130 CEQA exemption and the determinations regarding the project’s compliance. Further discussion of these criteria is provided in Section 4.0, below.

<b>Criterion</b>	<b>Requirement</b>	<b>Applicant Team’s Project Compliance Determination (Yes/No/N/A)</b>	<b>JHS Concurrence (Yes/No)</b>
<b>Housing Project</b>	<p>The project must be a housing project, which includes:</p> <ul style="list-style-type: none"> <li>– Projects consisting of residential uses only;</li> <li>– Mixed-use projects where at least two thirds of the new or converted square footage is designated for residential use;</li> <li>– Mixed-use projects with greater than 500 units where at least half of the new or converted square footage is designated for residential use and other specific requirements are met;</li> <li>– Transitional housing or supportive housing; and</li> <li>– Farmworker housing.</li> </ul>	Project meets this requirement.	<p>Yes.</p> <p>The project meets the definition of a housing project as defined in AB 130.</p>
<p><b>Project Site Size</b></p> <p>-- <b>General</b></p> <p>-- <b>Builder’s Remedy</b></p>	<p>The project site must not exceed:</p> <ul style="list-style-type: none"> <li>– 20 acres for general projects.</li> <li>– A builder’s remedy project site must not exceed 5 acres.</li> </ul>	Project meets this requirement.	<p>Yes.</p> <p>The project site meets this requirement.</p>

<b>Criterion</b>	<b>Requirement</b>	<b>Applicant Team’s Project Compliance Determination (Yes/No/N/A)</b>	<b>JHS Concurrence (Yes/No)</b>
<b>Location -- Incorporated Municipality -- Urban Area (Census Bureau)</b>	<p>The project site is either:</p> <ul style="list-style-type: none"> <li>– Located within the boundaries of an incorporated municipality; or</li> <li>– Located within an urban area, as defined by the US Census Bureau.</li> </ul>	Project meets this requirement.	<p>Yes.</p> <p>The site is located within the incorporated City of Mountain View and is surrounded by urban uses.</p>
<b>Site Developed with or Adjacent to Urban Uses<sup>1</sup></b>	<p>The project site meets any of the following criteria:</p> <ul style="list-style-type: none"> <li>– The site was previously developed with an urban use.</li> <li>– At least 75% of the perimeter of the site adjoins parcels developed with urban uses.</li> <li>– At least 75% of the area within ¼ mile radius of the site is developed with urban uses.</li> <li>– For sites with 4 sides, at least 3 out of 4 sides are developed with urban uses and at least 2/3 of the site perimeter adjoins parcels developed with an urban use.</li> </ul>	Project meets this requirement.	<p>Yes.</p> <p>The site is developed with commercial office buildings and is surrounded by urban development.</p>
<b>General Plan, Zoning, and Local Coastal Program</b>	<p>The project must be consistent<sup>2</sup> with the:</p> <ul style="list-style-type: none"> <li>– General Plan</li> </ul>	Project meets this requirement.	<p>Yes.</p> <p>The project meets this requirement.<sup>3</sup></p>

<b>Criterion</b>	<b>Requirement</b>	<b>Applicant Team’s Project Compliance Determination (Yes/No/N/A)</b>	<b>JHS Concurrence (Yes/No)</b>
<b>Consistency</b>	<ul style="list-style-type: none"> <li>– Zoning Ordinance</li> <li>– Local Coastal Program (if applicable).</li> </ul>		
<b>Minimum Density Requirement</b>	The project density must be at least 50% of Gov. Code Section 65583.2(c)(3)(B) requirements.	Project meets this requirement.	Yes. The proposed project exceeds this density requirement.
<b>Project Satisfies Section 65913(a)(6) of Government Code</b>	<p>In accordance with Government Code Section 65913.4(a)(6), the site is not any of the following:</p> <ol style="list-style-type: none"> <li>1. Certain areas in the coastal zone;</li> <li>2. Prime farmland;</li> <li>3. Wetlands;</li> <li>4. Very high fire hazard severity zone;</li> <li>5. Hazardous waste site (listed on Cortese List);</li> <li>6. Delineated earthquake fault zone;</li> <li>7. Special flood hazard zone;</li> <li>8. Regulatory floodway;</li> <li>9. Land identified in an adopted conservation plan, or subject to conservation easement; or</li> <li>10. Habitat for protected species.</li> </ol>	The project meets this requirement because the Property does not fall within any of the prohibited categories. See discussion below.	Yes. The project site is not designated as any of these. See discussion below.

<b>Criterion</b>	<b>Requirement</b>	<b>Applicant Team’s Project Compliance Determination (Yes/No/N/A)</b>	<b>JHS Concurrence (Yes/No)</b>
<b>No Historic Structure Demolition</b>	No demolition of historic structure listed on national, state, or local historic register.	Project meets this requirement.	Yes. No listed or potential historic structures are present.
<b>No Transient Lodging (Post-2025 Projects)</b>	No portion of the site is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging (for projects deemed complete after 1/1/2025).	Project meets this requirement.	Yes. No lodging is present or proposed on the site.
<b>Native American Tribal Consultation</b>	Local government must notify and invite consultation with affiliated tribes.	Project will comply.	Yes. This tribal consultation process will need to be completed. Upon completion, the project will comply with this requirement.
<b>Phase I Environmental Site Assessment</b>	Development proponent must complete Phase I environmental assessment. – If a recognized environmental condition is found, the development proponent shall complete a preliminary endangerment assessment, as defined in Section 78095 of the Health	Phase I ESA has been submitted.  Project will comply with City’s standard Conditions of Approval and with regulatory agency requirements.	Yes. A Phase I ESA has been completed by the Applicant Team. Project will have to comply with regulatory oversight agency requirements and the City’s standard Conditions of Approval. See discussion below.

<b>Criterion</b>	<b>Requirement</b>	<b>Applicant Team's Project Compliance Determination (Yes/No/N/A)</b>	<b>JHS Concurrence (Yes/No)</b>
	<p>and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.</p> <ul style="list-style-type: none"> <li>– If a release of a hazardous substance is found to exist on the site, the release shall be removed or any effects of the release shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.</li> <li>– If a potential for exposure to significant hazards from surrounding properties or</li> </ul>		

<b>Criterion</b>	<b>Requirement</b>	<b>Applicant Team's Project Compliance Determination (Yes/No/N/A)</b>	<b>JHS Concurrence (Yes/No)</b>
	<p>activities is found to exist, the effects of the potential exposure shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.</p>		
<b>Air Filtration Requirements (Near Freeways)</b>	<p>For housing projects within 500 feet of a freeway, the project must include additional HVAC system and air filtration requirements apply (MERV 16) and the project cannot include freeway-facing balconies.</p>	<p>N/A</p> <p>No portions of the site are within 500 feet of Highway 101.</p>	<p>Yes.</p> <p>The project site is not within 500 feet of any freeway.</p>
<b>Labor Requirements</b>	<p>100% affordable projects must pay construction workers prevailing wages.</p> <p>Projects greater than 85 feet in height must pay prevailing wages and utilize a skilled and trained (union) workforce.</p> <p>And in San Francisco, projects with 50 units or more are generally required to pay construction workers prevailing wages, even if</p>	<p>N/A</p>	<p>Yes.</p> <p>The project is not a 100% Affordable Housing Project.</p> <p>The proposed building height is less than 85 feet.</p> <p>The project site is not located within the City/County of San Francisco.</p>

Criterion	Requirement	Applicant Team's Project Compliance Determination (Yes/No/N/A)	JHS Concurrence (Yes/No)
	they are less than 85 feet in height.		
<p><sup>1</sup> As defined in Pub. Res. Code Section 21080.66(f)(3), "urban use" means any current or previous residential or commercial development, public institution, or public park that is surrounded by other urban uses, parking lot or structure, transit or transportation passenger facility, or retail use, or any combination of those uses.</p> <p><sup>2</sup> According to Pub. Res. Code Sec. 21080.66(a)(4)(A), the approval of a density bonus, incentives or concessions, waivers or reductions of development standards, and reduced parking ratios pursuant to Section 65915 of the Government Code shall not be grounds for determining that the project is inconsistent with the applicable general plan, zoning ordinance, or local coastal program. Projects need only be consistent with either the general plan <u>or</u> the zoning ordinance if the two conflict.</p> <p><sup>3</sup> Per AB 130, density bonus waivers or concessions are not grounds for concluding inconsistency with the General Plan or zoning designations. For this reason, the project is found to be consistent with the applicable designations and policies.</p>			

#### **4.0 AB130 CEQA EXEMPTION ELIGIBILITY AND CONSISTENCY ANALYSIS**

The proposed project's consistency with each specific requirement of the AB 130 statutory exemption is outlined below. Where the project is consistent with or meets the requirement, the "Yes" checkbox is checked.

##### **4.1 HOUSING PROJECT**

Yes

No



The project must be a housing development project, which is defined to include: (1) projects consisting of residential uses only; (2) mixed-use projects where at least two-thirds of the new or converted square footage is designated for residential use; (3) mixed-use projects with greater than 500 units where at least half of the new or converted square footage is designated for residential use and other specific requirements are met; (4) transitional housing or supportive housing; and (5) farmworker housing.

##### **Applicant Team's Project Compliance Determination:**

The project meets this requirement because, as described in the SB 330 Preliminary Application, it will be developed with 100% residential uses.

##### **JHS Conclusion:**

The project meets the definition of a housing development project as defined in AB 130.

#### 4.2 PROJECT SITE SIZE

Yes      No

The project site must not exceed: 1) 20 acres for general projects; or 2) 5 acres for a builder's remedy project site.

**Applicant Team's Project Compliance Determination:**

The project meets this requirement because it is not a Builder's Remedy project and, as shown on the SB 330 Preliminary Application, the Property is approximately 10 acres.

**JHS Conclusion:**

The proposed project site is approximately 10 acres in size and therefore meets this requirement.

#### 4.3 PROJECT SITE LOCATION

Yes      No

The project site is either: 1) located within the boundaries of an incorporated municipality; or 2) located within an urban area, as defined by the US Census Bureau.

**Applicant Team's Project Compliance Determination:**

The project meets this requirement because it is within the City of Mountain View, an incorporated municipality.

**JHS Conclusion:**

The project site is located within the eastern portion of the incorporated City of Mountain View and is surrounded by urban development. Therefore, the project meets this criterion.

#### 4.4 SITE DEVELOPED WITH OR ADJACENT TO URBAN USES

Yes      No

The project site meets any of the following criteria: 1) The site was previously developed with an urban use; 2) At least 75% of the perimeter of the site adjoins parcels developed with urban uses; 3) At least 75% of the area within ¼ mile radius of the site is developed with urban uses; or 4) For sites with 4 sides, at least 3 out of 4 sides are developed with urban uses and at least 2/3 of the site perimeter adjoins parcels developed with an urban use.

**Applicant Team's Project Compliance Determination:**

The project meets this requirement because the property is currently developed with office buildings and parking, which qualify as "urban uses." The Property also likely qualifies under the other definitions of urban infill site, though survey data may be needed to be certain.

**JHS Conclusion:**

The site is currently developed with two vacant, existing commercial office buildings. The site is located within an urbanized, developed commercial and office area of the City, and is surrounded by existing commercial and office uses. Therefore, the project meets this criterion.

**4.5 GENERAL PLAN, ZONING, AND LOCAL COASTAL PROGRAM CONSISTENCY**

Yes      No

The project is consistent with the applicable general plan and zoning ordinance, as well as any applicable local coastal program as defined in Section 30108.6.

**Applicant Team’s Project Compliance Determination:**

The project meets this requirement because it is consistent with the land use regulations for the property, as indicated in the SB 330 Preliminary Application. The property is within the “East Whisman Mixed Use” General Plan designation and the “Mixed-Use—Low Intensity Character Area” of the EWPP, which establish the allowable uses and development standards. Together, these land use regulations permit the project as designed and with the density proposed (incorporating the project’s density bonus.)

**JHS Conclusion:**

The site is within a *Mixed-Use Character Area* of the East Whisman Precise Plan. The property has a General Plan designation of *East Whisman Mixed Use, Low Intensity* and a zoning designation of *P(41) East Whisman Precise Plan*. The project generally complies with the Precise Plan requirements and will use the State Density Bonus Law to achieve modifications and waivers from certain Precise Plan Standards. Per AB 130, density bonus waivers or concessions are not grounds for concluding inconsistency with the General Plan or zoning designations. For this reason, the project is consistent with this criterion.

**4.6 MINIMUM DENSITY REQUIREMENT**

Yes      No

The project will be at least one-half of the applicable density specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code. These densities consist of the following:

- 1) Incorporated city in nonmetropolitan county and nonmetropolitan county with micropolitan area: 15 units/acre
- 2) Unincorporated area in nonmetropolitan county: 10 units/acre
- 3) Suburban jurisdiction: 20 units/acre
- 4) Jurisdiction in a metropolitan county: 30 units/acre

**Applicant Team’s Project Compliance Determination:**

The project meets this requirement because Mountain View is in a metropolitan county, which has an applicable density of 30 unit per acre, and half of which is

15 units per acre.<sup>2</sup> The proposed density of 19.2<sup>1</sup> dwelling units per acre (du/ac), as shown on the project's SB 330 Preliminary Application, exceeds the minimum required density of 15 du/ac for jurisdictions in metropolitan counties.

**JHS Conclusion:**

The project is proposed at a density of approximately 19.5 du/ac, which exceeds the minimum requirement of 15 du/ac for a jurisdiction in a metropolitan county. Therefore, the project meets this criterion.

**4.7 PROJECT SATISFIES SECTION 65913(A)(6) OF GOVERNMENT CODE**

Yes

No



In accordance with Government Code Section 65913.4(a)(6), the site is not any of the following:

1. Certain areas in the coastal zone;
2. Prime farmland;
3. Wetlands;
4. Very high fire hazard severity zone;
5. Hazardous waste site (listed on Cortese List);
6. Delineated earthquake fault zone;
7. Special flood hazard zone;
8. Regulatory floodway;
9. Land identified in an adopted conservation plan, or subject to conservation easement; or
10. Habitat for protected species.

**Applicant Team's Project Compliance Determination:**

The project meets this requirement because the Property does not fall within any of the prohibited categories. Specifically:

- i. The Property is not within the coastal zone;
- ii. The Property is not on land used or designated for agriculture;
- iii. The Property is not on a wetland, per the SB 330 Preliminary Application;
- iv. The Property is not within a very high fire hazard severity zone, per review of the Office of the State Fire Marshal's Fire Hazard Severity Zone maps and as indicated in the SB 330 Preliminary Application;
- v. The Property is not on a hazardous waste site, per review of the Cortese List of hazardous waste sites and that of *Elevate* (Perform Properties' Environmental Consultant).
- vi. The Property is not within a delineated earthquake fault zone, as indicated in the SB 330 Preliminary Application and our review of the California Department of Conservation Earthquake Hazards Zone map;

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<sup>1</sup> This density has been increased slightly to 19.5 du/ac in the latest plan set submittal.

- vii. The Property is not within a 100-year flood hazard area nor a regulatory floodway, per our review of FEMA’s National Flood Hazard Layer Viewer and the SB 330 Preliminary Application;
- viii. The Property is not on lands identified for conservation or subject to a conservation easement, per our review of the plotted easement map of the Preliminary Title Report for the Property dated August 16, 2024;
- ix. The Property is not habitat for protected species, per the SB 330 Preliminary Application.

**JHS Conclusion:**

The project site is not designated as any of the above items. The site is not located within the coastal zone and does not contain farmland, wetlands, or sensitive habitats. The site is also not located in a fire hazard, earthquake fault, or flood hazard zone. While the site has been impacted by past soil, soil gas, and groundwater contamination associated with historical operations at nearby properties, the site itself is not designated as a hazardous waste site or included on any of the Section 65962.5 lists (the Cortese List), nor is it designated as a hazardous waste site under Health & Safety Code Section 25356.29. For these reasons, the project complies with this criterion.

**4.8 NO HISTORIC STRUCTURE DEMOLITION**

Yes      No



The project does not require the demolition of a historic structure that was placed on a national, state, or local historic register before the date a preliminary application was submitted for the project pursuant to Section 65941.1 of the Government Code.

**Applicant Team’s Project Compliance Determination:**

The project meets this requirement because none of the existing structures to be demolished are on a national, state, or local historic register, as indicated on the SB 330 Preliminary Application.

**JHS Conclusion:**

No listed historic structures are present on the site. The existing commercial office buildings to be demolished are not designated as historic resources and are not considered to be potential historic resources. Therefore, the project is consistent with this criterion.

**4.9 NO TRANSIENT LODGING**

Yes      No



For a project that was deemed complete pursuant to paragraph (5) of subdivision (h) of Section 65589.5 of the Government Code on or after January 1, 2025, no portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging.

**Applicant Team’s Project Compliance Determination:**

The project meets this requirement because none of the proposed components will be used for transient lodging.

**JHS Conclusion:**

There is no lodging present on the site, and no portion of the site is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging. The project does not propose any lodging uses. Therefore, the project complies with this criterion.

**4.10 NATIVE AMERICAN TRIBAL CONSULTATION**

Yes      No

Native American Tribal Consultation is required. A local government shall provide formal notification via certified mail and email to each California Native American tribe that is traditionally and culturally affiliated with the project site as an invitation to consult on the proposed project, its location, and the project’s potential effects on tribal cultural resources, pursuant to the deadlines and requirements of Section 65589.5 of the Government Code.

**Applicant Team’s Project Compliance Determination:**

During preparation of the EIR for the EWPP, the City identified and invited six Native American individuals/organizations with potential knowledge of the plan area to comment on the draft EWPP. None responded to this request. Neither have any tribes culturally affiliated with the EWPP area requested notification of proposed projects in the plan area under AB 52. While it is possible that one or more tribes may elect to be involved in the consultation for the project, the lack of participation in the EWPP development process suggests the probability is low.

**JHS Conclusion:**

The tribal consultation process will need to be completed. The City will initiate and complete the consultation process according to the timeframes and requirements outlined in Section 65589.5 of the Government Code. Upon completion of the tribal consultation process and incorporation of any agreed upon measures or conditions, the project will comply with this requirement.

**4.11 PHASE I ENVIRONMENTAL SITE ASSESSMENT**

Yes      No

The local government shall, as a condition of approval for the development, require the development proponent to complete a Phase I Environmental Site Assessment, as defined in Section 78090 of the Health and Safety Code.  
1) If a recognized environmental condition is found, the development proponent shall complete a preliminary endangerment assessment, as defined in Section 78095 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a

hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.

2) If a release of a hazardous substance is found to exist on the site, the release shall be removed or any effects of the release shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.

3) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.

**Applicant Team’s Project Compliance Determination:**

According to the Applicant team’s memorandum, *Perform Properties* performed a Phase I ESA of the Property, and as a condition of project approval, will implement any required measures outlined in that Phase I ESA. Moreover, our understanding is that *Perform Properties* has met with the EPA and the EPA provided specific requirements for *Perform Properties* to implement to receive a certificate of occupancy for the project.

As with other nearby projects in the Middlefield-Ellis-Whisman Superfund Study Area, the City will also impose standard Conditions of Approval (“COAs”), which require implementation of the EPA’s prescribed remediation measures and require the necessary oversight agency to complete its final inspections and approve required remediation work before a certificate of occupancy may be issued. The standard City COAs are stated below.

*OTHER REVIEW AGENCIES: This project requires review and approval by outside agencies, including, but not limited to, the U.S. Environmental Protection Agency, the State Department of Toxic Substances Control, State Regional Water Quality Control Board, and County of Santa Clara Department of Environmental Health Voluntary Cleanup Program. Written proof of approval or acknowledgement of no approval necessary from these agencies is required prior to building permit issuance, inspections, and/or prior to issuance of a Certificate of Occupancy.*

*REMEDIATION: The applicant shall work with City staff, the necessary oversight agency (e.g., the U.S. Environmental Protection Agency, the State Department of Toxic Substances Control, State Regional Water Quality Control Board, County of Santa Clara Department of Environmental Health, etc.), and responsible parties, if necessary, to address any site remediation or building design/construction requirements to ensure appropriate on-site improvements in accordance with the oversight agency standard practice; local, State, and Federal regulations; and City Code requirements. Design of remediation equipment, equipment placement, or remediation activities will need to be reviewed and may require approval by all parties. Prior to issuance of any building or fire permits, the applicant shall either: (a) submit written proof of an approval from the oversight agency of remediation activity and/or building and site design as deemed consistent with the remediation activity; or (b) provide written proof the work is not subject to approval from an*

*oversight agency. A Certificate of Occupancy cannot be issued until final inspections have been completed by the City and the oversight agency, if required.*

**JHS Conclusion:**

The Applicant team submitted a Phase I Environmental Site Assessment (Phase I ESA) for the site, which was prepared by *Partner* in 2023. As described in the Phase I ESA, the project site is not included on any list compiled pursuant to Section 65962.5 (“Cortese List”) of the California Government Code. The Phase I assessment did, however, identify recognized environmental conditions and contamination associated with historic operations of properties near the site.

According to *Partner’s* historical and regulatory review, as well as review of prior assessments conducted on the site, the site is within a portion of the 56-acre Fairchild Semiconductor Corporation (Fairchild) property and is part of the Middlefield-Ellis-Whisman (MEW) Study Area. The MEW area, which is under United States Environmental Protection (USEPA) regulatory oversight, includes four Superfund sites, as impacted groundwater has migrated and mixed, resulting in a regional comingled groundwater plume.

***Fairchild Semiconductor Corporation Property (Fairchild)***

The site is within a portion of the former 56-acre Fairchild property. From the early 1960s to 1989, Fairchild operated a semiconductor manufacturing plant. Groundwater beneath the site is impacted with volatile organic compounds (VOCs), primarily trichloroethene (TCE). Sources of contamination at the Fairchild property, which were initially discovered in the early 1980s, were reportedly from leaking underground storage tanks (USTs) containing solvents. The site was added to the NPL in 1985 and in 1989 a Record of Decision (ROD) was issued by the USEPA with two subsequent Explanations of Significant Difference in 1990 and 1996. Groundwater remediation is ongoing under U.S. EPA oversight.

***Middlefield Road-Ellis Street-Whisman Road (MEW) Study Area***

The project site is located within the Middlefield Road-Ellis Street-Whisman Road (MEW) Superfund Study Area, which is a regional plume of contaminants containing trichloroethylene (TCE) and other volatile organic compounds (VOCs). The MEW area is under the regulatory oversight and authority of the Environmental Protection Agency (EPA) [EPA ID: CAD061620217]. Remediation efforts have included soil aeration and groundwater pump-and-treat systems at multiple facilities in the plume area. Subsequently, the EPA established requirements for any newly constructed buildings in the MEW Study Area to include vapor intrusion mitigation systems (VIMS).

Due to the site’s location within the former Fairchild property and the MEW Superfund Study Area and the presence of these recognized environmental conditions, the Applicant will be required by the City to complete additional analysis to determine the potential for exposure to significant health hazards to future occupants. Additionally, if hazardous materials are found on site, the soil, soil gas, and groundwater must be remediated and any release mitigated before

the City will issue a Certificate of Occupancy. Exposure to future occupants of the project from hazards on surrounding properties must also be mitigated.

The project will specifically be required to comply with the requirements of the EPA, DTSC, and the SWRQCB, as well as the City's standard conditions of approval, to ensure no residual or unknown contamination will impact the project. As outlined in AB 130, this required remediation and mitigation does not preclude the use of the AB 130 streamlining and CEQA exemption. With these conditions, AB 130 specifically allows for a statutory CEQA exemption for properties with hazardous waste issues by building in such conditions for site evaluation and mitigation, where necessary. For these reasons, the project would comply with this criterion.

#### 4.12 AIR FILTRATION REQUIREMENTS (NEAR FREEWAYS)

- | <u>Yes</u>                          | <u>No</u>                |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | For any housing projects on a site located within 500 feet of a freeway, all of the following shall apply: <ul style="list-style-type: none"><li>(A) The building shall have a centralized heating, ventilation, and air-conditioning system.</li><li>(B) The outdoor air intakes for the heating, ventilation, and air-conditioning system shall face away from the freeway.</li><li>(C) The building shall provide air filtration media for outside and return air that provides a minimum efficiency reporting value of 16.</li><li>(D) The air filtration media shall be replaced at the manufacturer's designated interval.</li><li>(E) The building shall not have any balconies facing the freeway.</li></ul> |

#### **Applicant Team's Project Compliance Determination:**

No portions of the Property are within 500 feet of Highway 101. The project will therefore not be required to implement the above measures.

#### **JHS Conclusion:**

The project site is not located within 500 feet of any freeway or highway. Therefore, this criterion is not applicable to the project.

#### 4.13 LABOR REQUIREMENTS

- | <u>Yes</u>                          | <u>No</u>                |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Projects must meet the labor requirements outlined below: <ul style="list-style-type: none"><li>1) 100% affordable projects must pay construction workers prevailing wages.</li><li>2) Projects greater than 85 feet in height must pay prevailing wages and utilize a skilled and trained (union) workforce.</li><li>3) And in San Francisco, projects with 50 units or more are generally required to pay construction workers prevailing wages, even if they are less than 85 feet in height.</li></ul> |

**Applicant Team’s Project Compliance Determination:**

The project will not be required to comply with the above labor provisions because it will not be over 85 feet in height, nor will 100% of the units be dedicated to lower income households.

**JHS Conclusion:**

The proposed project is not a 100 percent affordable housing project. The proposed maximum building height is 42 feet, and the project site is not located within the City or County of San Francisco. Therefore, this criterion is not applicable to the project.

**5.0 FINDINGS AND CONCLUSION**

This memo presents JHS Consulting’s review of the 515-545 N. Whisman Road project materials and the *AB 130 CEQA Exemption Applicability Analysis Memorandum* submitted by the Applicant team. JHS has reviewed the project plans, technical reports, and other relevant background materials. JHS concurs with the analysis and conclusions presented in the Applicant’s CEQA Exemption Applicability Memorandum.

As demonstrated in the above analysis, with implementation and completion of the tribal consultation requirements and process as well as adherence to the recommendations and requirements outlined: 1) in the Phase I Environmental Site Assessment, 2) by the EPA, DTSC, and SRWQCB, and 3) by the City of Mountain View’s standard conditions of approval, the project, will meet the criteria and qualify for the AB 130 statutory CEQA exemption.

In the event the project design changes, JHS would need to review the revised proposal and update this analysis as appropriate. This document is based on our professional opinion and experience, however, no legal warranty or guarantee, express or implied, is made herein.

Please contact me if there are any questions about this analysis, or if any additional review is requested. Thank you.

Best regards,

John Schwarz  
President

## **6.0 REFERENCES**

Allen Matkins Leck Gamble Mallory & Natsis LLP Memorandum. Applicability of the AB 130 CEQA Exemption to the 515-545 N. Whisman Townhouse Project. September 23, 2025.

California Public Resources Code (“Pub. Res. Code”) Sec. 21080.66.

California Environmental Quality Act (CEQA) (Public Resources Code 21000–21189) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387).

Partner. Phase I Environmental Site Assessment Report. 515-545 N. Whisman Road Mountain View, California 94043. October 11, 2023.

515-545 N. Whisman Road Project. Plan Set Submittal. October 3, 2025.

Griggs Resource Group. Memorandum. 515-545 N. Whisman, Mountain View, California (PL-10082). October 3, 2025.