



COUNCIL REPORT

DATE: March 10, 2026
CATEGORY: Public Hearing
DEPT.: Community Development
TITLE: **Rowhouse Development Project at 515-545 North Whisman Road**

RECOMMENDATION

1. Adopt a Resolution of the City Council of the City of Mountain View Conditionally Approving a Planned Community Permit, Development Review Permit, and Provisional Use Permit to Construct 195 Three-Story Attached Rowhouses, Utilizing State Density Bonus Law; and a Heritage Tree Removal Permit to Remove 139 Heritage Trees, All on a 10-Acre Site Located at 515-545 North Whisman Road (APN 160-54-002 and 160-54-003); and Finding the Project to be Statutorily Exempt from Review Under the California Environmental Quality Act Pursuant to Public Resources Code Section 21080.66, to be read in title only, further reading waived (Attachment 1 to the Council Report).
2. Adopt a Resolution of the City Council of the City of Mountain View Conditionally Approving a Vesting Tentative Map to Create 30 Residential Lots with 195 Condominium Units and 26 Common Lots on a 10-Acre Site at 515-545 North Whisman Road (APN 160-54-002 and 160-54-003), to be read in title only, further reading waived (Attachment 2 to the Council Report).

BACKGROUND

Project Location: 515 and 545 North Whisman Road (APNs: 160-54-002 and 160-54-003), on the east side of North Whisman Road between Evandale Avenue and Murlagan Avenue.

Project Site Size: Approximately 10 acres.

General Plan Designation: East Whisman Mixed-Use.

Zoning Designation: P(41) East Whisman Precise Plan (EWPP).

Surrounding Land Uses:

- North: Two-story, two-building office campus (the Google Fairchild Campus).

- East: Four-story office building site.
- South: One-story commercial condominium site (“The Vineyard”) with subdivision of various commercial and light industrial service uses.
- West (across North Whisman Road): One- and two-story single-family and multi-family residences.

Current Site Conditions: Two, two-story commercial office buildings and a surface parking lot.

Applicant/Owner: Stonelex, LLC



Figure 1: Location Map

Project Overview

The applicant, Stonelex, LLC., proposes a new rowhouse development that will redevelop the site, replacing the existing commercial office building and surface parking with:

- Thirty (30) attached rowhouse buildings, each three stories, containing a total of 195 dwelling units with individual, rear-loaded garages;
- A 0.24-acre publicly-accessible mini-park with game space and landscaped gathering amenities, in the southeast corner of the property, which would be accessible through existing and proposed public access easements; and
- A network of private and publicly accessible vehicular and pedestrian pathways and common open areas, as specified in the Tentative Map (Attachment 2 – Vesting Tentative Map Resolution).

The applicant submitted a Senate Bill (SB) 330 Preliminary Application on March 11, 2025, which was deemed complete, with the SB 330 vesting provisions taking effect on that date. The formal application was submitted on May 13, 2025, and deemed complete on December 19, 2025. The applicant invoked an Assembly Bill (AB) 130 statutory exemption for this project through communication to City staff on September 24, 2025, and, pursuant to this AB 130 request, staff began the required AB 130 tribal consultation process on October 8, 2025.

Prior Meetings and Hearings

Neighborhood Meetings

Staff recommends that applicants host a neighborhood or community meeting during the project review process to engage with the community and inform them about a proposed project. This meeting is not mandatory, but the project planner typically attends the meeting if it is held. The applicant declined to conduct a neighborhood meeting for this project.

Prior to publishing the Environmental Planning Commission materials, the City received two written communications expressing concerns about the project (Attachment 10 – Public Comment), including traffic, crime, loss of Heritage trees, and impact to neighborhood character.

Design Review

Staff has worked with the applicant throughout the development review process to refine the design based on code requirements, design standards and guidelines of the EWPP, tree preservation, and site design. The applicant attended one Design Review Consultation (DRC) meeting on November 5, 2025. There was no public comment at the meeting.

After the DRC meeting, the applicant worked with staff to address design review input in subsequent plan submittals. Revisions made to the proposed project include:

- **Project Frontage Design.** The DRC recommended creating more permeability and people-focused landscaping along the North Whisman Road frontage, where the bioretention areas create challenges for integrating the rowhouses into the existing streetscape and neighborhood. The applicant provided boardwalk connections across the bioretention basin to provide enhanced connectivity.
- **Public Space Design.** The DRC recommended adding design elements in the open spaces to serve as focal points, particularly for units fronting Service Street A, as this street is likely to have the highest vehicle and pedestrian activity. The applicant redesigned the open spaces to feature a curved separation in plantings, creating a stronger visual focus on the spaces for both pedestrians and motorists.
- **Landscaping.** The DRC recommended not using synthetic turf and moving the fences at the eastern end of the property toward the proposed rowhouses to enhance the landscaped

buffer between the pathway and the fence. The applicant replaced synthetic turf grass with natural grasses and relocated the fences closer to the units on the eastern end of the property, creating a stronger neighborhood aesthetic and porch presence for the proposed units.

Environmental Planning Commission Hearing

The Environmental Planning Commission (EPC) reviewed the project on February 4, 2026 (Attachment 11 – [EPC Staff Report Dated February 4, 2026](#)). Prior to publishing the Environmental Planning Commission materials, the City received two written communications expressing concerns about the project. Prior to the meeting, but after the hearing materials had been published, staff received four written public comments expressing concern about tree removals, the calculation of the parkland dedication in lieu fee, and the proposed deviations from the Below Market Rate Program Guidelines, including the distribution of BMR units in the project (included in Attachment 10 – Public Comment). Additionally, the City received a letter from Schlumberger Technology Corporation requesting that the EPC continue its review to re-evaluate the project's AB 130 exemption eligibility under CEQA, given the site's status on the Environmental Protection Agency's (EPA) Superfund/National Priorities List. More information about the site's contamination status is provided below under "Environmental Review."

Two members of the public spoke at the EPC meeting. Both speakers expressed concern that the applicant did not hold a neighborhood meeting or otherwise notify the neighborhood. One speaker recommended that the City conduct a fiscal analysis of replacing office buildings with housing, and the other expressed concern about traffic and the loss of Heritage trees.

The EPC provided comments on several issues at the hearing, with a majority of the Commissioners voicing concerns on the following items:

- That the Alternative Mitigation Plan and State Density Bonus concession for dispersal and size of project units undermine several of the City's goals for the BMR program.
- That more consideration should have been put into the design of the North Whisman Road frontage to preserve more of the existing onsite heritage trees.
- That the applicant did not engage the community or hold a neighborhood meeting.

Additionally, the EPC expressed support for the production of housing units, including BMR ownership units.

Acknowledging that the project meets City standards, as modified under State law, the EPC voted 6-0 (one commissioner absent) to recommend approval of the project and vesting tentative map per the staff recommendation.

ANALYSIS

General Plan

The General Plan envisions a sustainable, transit-oriented neighborhood and employment center with an increased diversity of land uses and public amenities. New housing is envisioned as harmoniously integrated into the area, creating new opportunities to live near jobs, public transit, neighborhood-serving businesses, and parks. The Form and Character Guidance envisions buildings designed to respect the scale and character of adjacent residential neighborhoods in the areas adjacent to existing neighborhoods on North Whisman Road.

The site has a General Plan Land Use Designation of East Whisman Mixed-Use, which allows for a mix of offices, neighborhood-serving commercial, multi-family residential, lodging, and small businesses in the project area. Pedestrian and bike paths connect this area to surrounding office campuses and other areas. Development in this Land Use Designation is allowed a maximum floor area ratio (FAR) of 1.0 (or approximately 40 dwelling units per acre) and has a height standard of up to eight stories east of North Whisman Road.

In general, the proposed project is consistent with the General Plan's vision for the site as it provides a residential use within the allowed density, pedestrian and vehicular network connections, and public amenities. In addition, the following General Plan policies further support the project:

- **LUD 19.3: Connectivity improvements.** Support smaller blocks, bicycle and pedestrian improvements, and connections throughout the area.

The project proposes four primary new blocks of rowhouses, with a total of 17 sub-blocks that provide pedestrian, paseo, or vehicular access to rowhouses, including multiple new public access pathways for pedestrians through the site to access an existing pedestrian and bicycle path.

- **LUD 19.6: Residential transitions.** Require development to provide sensitive transitions to adjacent residential uses.

The proposed development utilizes greater setbacks along the Whisman Road frontage (closest to the existing neighborhood) than are required, proposes three-story buildings that provide a natural step-down toward the existing neighborhood, and provides new and existing street trees along the North Whisman frontage.

Zoning

East Whisman Precise Plan Standards

The project site is zoned P(41) East Whisman Precise Plan (EWPP). The project site is within the Low-Intensity Subarea of the Mixed-Use character area of the EWPP, which allows a variety of land uses, including commercial, office, and residential, including rowhouses. The maximum height provided in the Low-Intensity Zone is 60', and 45' within the transition area closest to the existing neighborhood. The EWPP includes other development standards and guidelines applicable to development in the Mixed-Use Low-Intensity area, regulating setbacks, block design, open area, and building design. The land uses proposed are consistent with the Low-Intensity Subarea of the Mixed-Use plan area of the EWPP. As shown in Tables 1 and 2 below, the project is consistent with most EWPP and Zoning Code requirements; however, as discussed in more detail below, the project qualifies for a density bonus and proposes 20 waivers and one concession to implement the project design at the proposed density. While a broad range of development standards and guidelines are included in the EWPP and Rowhouse Standards, those of anticipated interest to the Council are selected for Tables 1 and 2. A full list of all waivers requested is provided in the Analysis section of this report and the applicant's State Density Bonus Eligibility Letter (Attachment 7—Density Bonus Request Letter).

Table 1: Project Compliance with the EWPP

Standard	Requirement	Proposed
<i>Maximum Building Height</i>	Maximum 60' (maximum 45' in transition zone)	42'
<i>Maximum Floor Area Ratio</i>	1.0 maximum	1.07 proposed (<u>Waiver Requested</u>)
<i>Street Wall Location</i>	Building facades shall be located within 30' of the planned inside edge of the public sidewalk along North Whisman Road	Varies between 30' to 32' setback from North Whisman Road proposed (<u>Waiver Requested</u>)
<i>Ground Level Wall Plate Height</i>	12' minimum	8'6" (<u>Waiver Requested</u>)
<i>Setbacks</i>	15' minimum (all sides)	All sides have at least a 15' setback, ranging from 32' to 55'

Standard	Requirement	Proposed
<i>Parcel Dimensions</i>	Maximum block length is 400' for project site, and maximum block perimeter is 1,600'	Block length varies between 205' and 448', depending on the block. Block perimeter varies between 1,063' and 1,956' (<u>Waiver Requested</u>)
<i>Common Usable Open Area (minimum)</i>	100 square feet per unit; 19,500 square feet	40,275 square feet
<i>Public Open Space</i>	0.3-acre mini-park	Approximately 0.24 acre (<u>Waiver Requested</u>)
<i>Short-Term Bicycle Parking Spaces</i>	20 spaces	24 spaces
<i>Long-Term Bicycle Parking (Resident/Employee) and Shower Facilities</i>	195 spaces	195 spaces
<i>Personal Storage</i>	164 cubic feet per unit	Total 164 cubic feet per unit in excess garage space

Table 2: Project Compliance with Standards in Rowhouse Design Guidelines

Standard	Requirement	Proposed
<i>Lot Width*</i>	100' width minimum	Approximately 656'
<i>Lot Area*</i>	0.5 acre	10 acres
<i>Site Coverage</i>	35% of site maximum	39% proposed (<u>Waiver Requested</u>)
<i>Floor Area Ratio</i>	0.90	1.07 proposed (<u>Waiver Requested</u>)

Standard	Requirement	Proposed
<i>Separation Between Buildings*</i>	15' minimum	Varies, 12' between buildings in some cases (<u>Waiver Requested</u>)
<i>Setbacks</i>	15' minimum (public streets and rear); 10' minimum (side); 15' min (side for third story)	All sides have at least a 15' setback, ranging from 32' to 55'
<i>Landscaped Open Area</i>	35% minimum landscaped open area	28% (<u>Waiver Requested</u>)
<i>Common Open Space*</i>	100 square feet per unit	207 square feet per unit
<i>Private Open Space*</i>	100 square feet per unit	86 square feet per unit (<u>Waiver Requested</u>)
<i>Height</i>	45' and 36' maximum wall height	Varies; does not exceed 42', wall height does not exceed 36'

Project Details

Site Plan

The rowhouse buildings are organized around three private service streets (Streets A and B, which connect to Whisman Road at Devonshire and Murlagan Avenues, respectively, and Street C, which provides access to alleys and garages along the east side of the site) and multiple alleys providing vehicle access to the private garages. The buildings contain between five and nine units and have a maximum length of 159'. Most buildings are oriented north/south, parallel to Whisman Road, which provides pedestrian-oriented entrances along the main frontage and the existing public path on the east side of the site. The project provides publicly accessible sidewalks along one or both sides of proposed Streets A and B, as well as along the north and east property lines. Private residential pedestrian circulation is provided along paseos between buildings that also provide passive outdoor amenity space. The site plan includes 30 residential guest parking spaces, located as parallel parking along the service streets.

The EWPP envisions a public mini-park, at least 0.3 acres in size, in the middle of the site. Typically, such a park would also be directly accessible or aligned with a public frontage. The

applicant has designed a 0.24-acre publicly accessible mini-park with game spaces and landscaped gathering amenities in the southeast corner of the property, which would be accessible through existing and proposed public access easements. While publicly accessible open space partially meets the vision of the EWPP, the proposal does not comply with applicable standards for such park space. The applicant is proposing to utilize a Density Bonus waiver from this standard because it will have the effect of physically precluding the construction at the proposed density. The EWPP requirement to dedicate a publicly accessible mini-park is a requirement separate from any park land dedication requirement as provided by the Quimby Act. The project also provides additional outdoor common open spaces for project residents, including a dog run along the north edge of the site, paseos between rowhouse buildings, and two smaller common open spaces accessed from Street A.

Project plans can be found in Attachment 5.



Figure 2: Site Plan

Frontage Design

The North Whisman project frontage includes four buildings with units facing the street. The buildings are separated from the right-of-way by a private sidewalk providing access to each building and a bioretention basin. This design would require the removal of multiple large, mature Heritage trees along the frontage. The buildings along the frontage use intersecting, symmetrical gables, and balconies have wood railings. Stone-clad front entry features are usually paired between two adjacent units, often as a two-story accent, with a standing seam metal roof.

The building materials include stucco, fiber-cement shingle siding, and stone veneer. The buildings along the frontage use alternating color schemes to add variety to building character.



Figure 3: Frontage Rendering

Density Bonus Waiver—New Public Street

The EWPP Public Circulation Map envisions a new street along the east side of the property accessible to cars, bicycles, and pedestrians, and requires applicants to construct the improvements for the new street. As discussed in further detail below, the project proposes to utilize a waiver of this requirement pursuant to State Density Bonus Law because imposing the requirement would physically preclude the construction of the development at the proposed density. Instead, the project will maintain an existing public access easement for bicycles and pedestrians and the existing improvements therein.

Building Design

The proposed rowhouse buildings follow two building typologies: Buildings 1 to 14 (referred to in plans as “N2” or “Neighborhood 2”) and Buildings 15 to 30 (referred to as “N1” or “Neighborhood 1”), which have many common themes. The N1 buildings are deeper, providing more ground-level habitable space in some units and tandem parking in others, while the N2 buildings are shallower with no tandem parking garages. The two typologies also employ two architecturally distinct stylistic themes. Both the N1 and N2 typology utilize two color schemes, one with darker metal/grey tones and the other with lighter, more earthy tones. All units have

second-floor balconies on one facade. The units provide small front entries with a standing seam metal roof, sometimes as a two-story accent feature, and a contrasting front door color.

State Density Bonus Law Request

State law imposes a mandatory density bonus program, the State Density Bonus Law (Gov. Code, § 65915, *et seq.*), that requires the City to permit the construction of additional residential units and, if requested by the applicant, to provide regulatory incentives/concessions and waivers of development standards to applicants that agree to build a certain percentage of affordable housing that meets the statutory criteria (Gov. Code, § 65915(b)). A concession is a modification that results in identifiable, actual cost reductions needed to provide affordable housing. The number of concessions available to an applicant is limited and depends on the project proposed. A waiver is a modification of a development standard that would otherwise physically preclude the construction of a development. Developers are allowed unlimited waivers. The City must approve density bonuses for qualifying projects and has very narrow grounds for denial of concessions and waivers.

Out of 195 total units, the project has 182 “base units” pursuant to the methodology in Section 36.48.75 of the City Code (which provides developers with a tool to calculate their density bonus when the development standards do not include a maximum dwelling units per acre). The applicant proposes that 15% of the base units (28 units) be deed-restricted to moderate-income households (above 80% of the Area Median Income (AMI) up to 120% AMI), which qualifies the project for a 10% density bonus, one concession, and unlimited waivers or reductions of development standards. This density bonus allows 19 additional units beyond the base units, for a total of up to 201 units. While the project qualifies for a 19-unit density bonus, the applicant proposes a lesser percentage of density increase and seeks to construct only 13 bonus units (for a total of 195 units), one concession, and 20 waivers, as further described below and in the applicant’s density bonus request letter (Attachment 7—Density Bonus Request Letter).

Concession

The project qualifies for one concession (also called an “incentive”) under State Density Bonus Law. Concessions are modifications to development standards or regulations that result in identifiable and actual cost reductions to provide the affordable units. The applicant is requesting one concession from the Location and Design of Below-Market-Rate (BMR) on-site units. The City’s BMR Ordinance requires that affordable units be reasonably dispersed throughout the project and proportionally distributed based on the number of bedrooms and square footage relative to market-rate units. As discussed in the Below-Market-Rate Housing section of this report below, the project meets the proportional distribution based on the number of bedrooms, but does not meet the strict application of this standard. The applicant’s density bonus letter states that the concession will provide identifiable and actual cost reductions by reducing the size

and, therefore, construction costs of the moderate-income units (Attachment 7— Density Bonus Request Letter).

Waivers

Under State Density Bonus Law, the City is required to waive or reduce any development standard that has the effect of physically precluding the construction of a development at the density permitted. The applicant is requesting 20 waivers from the EWPP, Rowhouse Design Guideline, and Zoning Ordinance development standards, which are outlined in the density bonus letter submitted by the applicant (Attachment 7—Density Bonus Request Letter) and includes details on how these standards, if applied to the project, would physically preclude the construction of the development at the proposed density.

1. Maximum Floor Area Ratio
2. Maximum Site Coverage
3. Minimum Private Open Space
4. Residential Paseo Minimum Dimensions
5. Publicly Accessible Mini Park Minimum Area
6. New Street Dedication and Improvements (Street A on Circulation Map of EWPP)
7. Public Circulation Network
8. Maximum Block Area and Length (Block Circulation Plan)
9. Ground-Level Plate Height
10. Maximum Front Setback
11. Property Line Streets and Connections
12. Circulation Network Design Standards
13. Dedication of 10' Wide Public Utility Easement (PUE) Along Entire Project Frontage
14. Street Design Standards
15. Requirements Related to Transportation Demand Management
16. Minimum Distance Between Buildings
17. Regular Massing Breaks
18. Landscaped Open Area Minimum
19. Driveway Apron Maximum
20. Shared Trash Service Requirement

Below-Market-Rate Housing

This project must comply with the City's BMR Ordinance (City Code Section 36.40.10), which requires rowhouse/townhouse ownership projects to meet an overall 25% BMR requirement, of which 15% of the BMR units shall be at affordable prices above 80% AMI and up to 120% AMI, and 10% of the BMR units be at affordable levels above 120% AMI and up to 150% AMI. The project also proposes to build a certain percentage of affordable housing that meets the statutory criteria, qualifying the project for a density bonus under State Density Bonus Law. The affordable

units required by the State Density Bonus Law may count toward the BMR units if both the State Density Bonus Law and City BMR requirements are met.

The proposed development would construct 195 units (182 base units) of new-ownership rowhouses, including 46 BMR units (28 of which qualify the project for a density bonus). The project has provided an Affordable Housing Compliance Plan (Attachment 6 – Affordable Housing Compliance Plan), which is summarized below.

Applicant Proposal Meets 25% BMR Requirement; Includes Alternative Mitigation Request

To satisfy the 25% BMR requirement, the project must provide at least 45.5 affordable units. Providing 46 units satisfies this requirement. As noted, the applicant proposes to provide 46 affordable units to comply with the State Density Bonus Law and the City's BMR requirements as follows. At the February 2026 EPC meeting, the proposal met the overall 25% BMR requirement as well as the specific 15% tranche discussed below. This allows the affordable units required by the State Density Bonus Law to be counted toward the project's BMR requirements. For the 10% BMR tranche, the applicant had proposed an alternative compliance for units up to 200% AMI.

After the EPC meeting, the applicant identified an opportunity to lower the proposed AMI levels in the 10% tranche to a maximum 180% AMI. This would create a greater discount between the BMR prices and market prices. The trade-off is that the applicant proposes to slightly increase the AMI level in the 15% tranche to maintain the project's overall economic viability. As a result, the applicant proposes to meet the overall 25% BMR requirement via an alternative compliance, which is summarized below and compares the AMI levels discussed at EPC versus the modified AMI levels presented to Council in this meeting:

- **To meet the 15% BMR requirement above 80% AMI and up to 120% AMI ("15% tranche"), the applicant proposes the following:**
 - Presented at EPC: Fourteen (14) BMR units at 90% AMI, based on using 30% of household income and a 5% down payment. Applicant proposes to modify this to fourteen 14 BMR units at 100% AMI, based on using 30% of household income and a 5% down payment.
 - Fourteen (14) BMR units at 120% AMI (No change)
 - The applicant wishes to have these units count toward their State Density Bonus Law requirement. This requires setting the "120% AMI" unit at 110% AMI per the State Health and Safety Code (HSC) requirement for 120% AMI units.
 - The HSC also allows the calculation of the housing cost to be based on 35% of the household income. The applicant proposes to use this HSC calculation

- instead of the BMR requirement of 30% of household income to calculate housing costs.
- The applicant proposes to use a 5% down payment calculation, consistent with the City's BMR requirement.
 - Although the units will be priced at 110% AMI, households earning up to 120% AMI will still be able to qualify for these BMR units.
- Summary of 15% Tranche: The applicant's proposal for this tranche meets the BMR requirement to provide units at two AMI levels at minimum. However, the 15% tranche is at an overall 105% AMI weighted average, which exceeds the 100% AMI weighted average maximum.
- **To address the 10% BMR requirement above 120% AMI and up to 150% AMI ("10% tranche"), the applicant proposes an alternative mitigation as follows:**
 - Presented at EPC: Six BMR units at 160% AMI. Applicant proposes to increase this to 9 BMR units at 160% AMI.
 - Presented at EPC: Six BMR units at 180% AMI. Applicant proposes to increase this to 9 BMR units at 180% AMI.
 - Presented at EPC: Six BMR units at 200% AMI. Applicant is no longer proposing any units at 200% AMI.
 - All 18 BMR units in the 10% tranche would use 35% of household income (instead of 30% of household income per the BMR requirement) and 20% down payment (instead of 5% downpayment per the BMR requirement).
 - Alternative Mitigation Summary: The applicant proposes AMI levels, percent of income for housing costs, and downpayment percentage that are higher than the BMR requirements, but at more favorable AMI levels than presented at EPC.

Framework for Supporting the Alternative Mitigation Request for the 10% BMR Tranche

On [December 16, 2025](#), Council held a Study Session and unanimously approved staff's proposed scope of work to evaluate and develop a Low- and Middle-Income Homeownership Strategy (Homeownership Strategy). As part of this discussion, staff recommended studying a higher range of income levels as part of the concept of "middle income" beyond the 120% AMI level commonly used as a proxy for middle income. Staff's recommendation was based on an analysis of sales transactions in 2025 and the incomes needed to buy a market-rate home. Staff's

affordability analysis showed that home prices far exceeded what a 120% AMI household could afford and that homeownership opportunities became attainable only when household incomes reached approximately 150% to 200% AMI.

Implementing the scope of work to develop the Homeownership Strategy has only just begun, and the current BMR program does not reflect AMIs higher than 150%. However, the applicant's proposal to provide 18 ownership units between 160% and 180% AMI to meet the 10% BMR tranche aligns with the need for homeownership opportunities in this middle-income range, as discussed with Council last December. Additionally, the higher AMI levels enhance the project's financial viability, allowing it to be constructed and to meaningfully increase the City's overall homeownership supply, including affordable units for middle-income households.

Concession Request—Proportional Mix of BMR Units

In addition to affordability levels, the City's BMR Ordinance (City Code Section 36.40.10(f)) requires that the BMR units be proportionally distributed based on the number of bedrooms and square footage relative to market-rate units. As discussed below, while the project meets the bedroom count proportionality requirement, it does not meet the square footage proportionality. Therefore, the applicant requests that the one concession/incentive available for this density bonus project be applied to the proportional square footage requirement.

- **Proportionality by Unit Mix—Requirement Met**

Table 3 below summarizes the applicant's proposed unit distribution relative to the BMR Ordinance requirements.

Table 3: Unit Size Distribution

Unit Size	Total Units	BMR Requirement	Proposed BMR Units
Three bedrooms	177	42	42
Four bedrooms	18	4	4

As shown above, the project consists of primarily three-bedroom units, which account for approximately 90.8% of the total units, followed by four-bedroom units, which account for approximately 9.2% of the total units. The proposed BMR unit mix similarly consists of approximately 91.3% three-bedroom units and 8.7% four-bedroom units. Based on bedroom count alone, the proposed BMR unit mix is consistent with the project's overall unit distribution.

- **Proportionality by Square Footage—Concession Applied**

While the proposed BMR distribution meets the bedroom mix distribution, the project does not meet the City’s BMR proportionality requirement by square footage. Based on the plan set submitted by the applicant, the development includes multiple floor plans within each bedroom category, with varying square footage. Table 4 below provides a detailed breakdown of unit types by square footage and the proposed allocation of BMR units.

Table 4: Unit Size by Square Feet

Unit Type	Square Feet	No. of Bedrooms	Total Units	BMR Requirement	Proposed BMR Units
Plan 1**	1,288	3	40	9	40
Plan 1A*	1,574	3	29	7	2
Plan 1B*	1,574	3	36	8	0
Plan 2*	1,690	3	16	4	0
Plan 3*	1,708	3	16	4	0
Plan 2**	1,774	3	40	9	0
Plan 3**	1,983	4	7	2	4
Plan 4**	2,165	4	7	2	0
Plan 4 ALT**	2,157	4	4	1	0

* Units located in Neighborhood 1.

** Units located in Neighborhood 2.

Table 4 shows that the BMR Ordinance requires that each of the nine floor plans have an allocation of BMR units. However, the applicant proposes to allocate all of the smallest floor plan (40 units of Plan 1) toward their BMR unit obligation with a relatively small number of larger floor plans toward the remaining six BMR units (two units of Plan 1A and four units of Plan 3).

To address the deviation from this BMR requirement, the applicant is utilizing their one concession request pursuant to State Density Bonus Law for the BMR units to be provided within smaller unit types. The use of this concession for the City’s proportionality requirement shall not be considered an inconsistency with the BMR objective standard.

Note that in addition to the requirements described above, the BMR Ordinance requires that BMR units be dispersed throughout the overall development. Based on the plans submitted, the proposed BMR units are primarily located within Neighborhood 2, which is closer to Whisman Road and composed of 16 of the 30 total residential buildings, and, therefore, by extension of granting the concession regarding the square footage mix, the

BMR's locational distribution requirement is only partially met (e.g., the BMR units are primarily spread across Neighborhood 2 with only two units in Neighborhood 1).

State Density Bonus

As stated above, to qualify for the State Density Bonus Law, a project must provide a percentage of inclusionary affordable housing units. This percentage is a sliding scale based on the provided AMI levels. By providing 28 units at moderate income (90% to 120% AMI), the project qualifies the applicant for a density bonus under the State Density Bonus Law. The project meets requirements under the State Density Bonus Law.

Other Requirements

This project does not have any requirements pursuant to SB 330 or the City's Tenant Relocation Ordinance.

North Whisman Streetscape Improvements

The EWPP identifies specific streetscape design standards for the project's public street frontage. The street typology standards require a 6' wide detached sidewalk with 8' wide planter strip along North Whisman Road. The planter strip along both public streets will be a landscape strip with new and retained street trees planted, separating the public sidewalk from each roadway. The plans show that all 16 existing street trees are to be removed. Staff and the applicant worked together to preserve at least 12 of these street trees. While the goal is to preserve as many trees as feasible, it may be necessary to remove up to four street trees due to conflicts with proposed utilities. The conditions of approval for the project reflect this change. Additionally, new driveways, curb ramps, and repainted crosswalks will be provided. The project complies with the applicable streetscape standards, except where it seeks density bonus waivers.

Subdivision

Vesting Tentative Map

The project's proposed Vesting Preliminary Tentative Map includes 30 lots and 26 common parcels, which will accommodate the development of up to 195 residential rowhouse condominium units (Attachment 2—Vesting Tentative Map Resolution).

Park Land Dedication In-Lieu Fee

The General Plan sets a goal for an expanded and enhanced park and open space system to meet current City needs for parks and open space based on population growth arising from new residential development. Increases in population due to new residential development place

additional burdens on City parks and recreational facilities and negatively impact the City's standard of providing parks and recreational facilities to its residents. The City is divided into several planning areas per the adopted Parks and Open Space Plan, and parkland deficiencies are tracked on a planning area basis.

This project is not dedicating the land necessary (approximately 1.00 acre) to offset the impact of the applicable new units, per the park land dedication requirements in Chapter 41 (Park Land Dedication Fees In Lieu Thereof) of the City Code. As such, the current 10.19-acre park and recreational facility deficit within the Whisman Planning Area will increase to 11.19 acres. Because the additional residents generated by this project will make up approximately 4% of the population within the Whisman Planning Area, the applicant's proportional share of the total cost the City will now incur to provide parks and recreational facilities at a ratio of three acres per 1,000 residents within the Whisman Planning Area is \$4,252,960.

As a condition of approval, prior to the final inspection that grants occupancy, the applicant shall pay a Park Land Dedication In-Lieu Fee in the amount of \$4,252,960 for the new units subject to the fee. This fee is based on a land value of \$9,500,000 per acre, as established in Chapter 41 of the City Code, and represents the project's proportional share of the cost of providing three acres of park and recreational space per 1,000 residents. No credit against the Park Land Dedication Fee is allowed for private open space and recreational facilities.

Tree Removal and Replacement

The project site currently contains 335 trees (151 on-site Heritage trees, 168 non-Heritage trees, and 16 street trees). There are 22 species of trees at the site, with the most common species including London plane (124 trees), coast redwood (53 trees), and Canary Island pine (22 trees). All onsite non-Heritage trees are proposed to be removed as well as 139 of the 151 Heritage trees. Four of the 16 street trees have an identified conflict with proposed utilities and may need to be removed. In addition to their condition, the Heritage trees are proposed for removal because their locations would impact the proposed project and its ability to construct the proposed number of units due to conflicts with the building envelope, the project driveway, required bioretention areas, or proposed streets and sidewalks.

Table 5: Tree Canopy Coverage

Canopy	Site Coverage
Existing Canopy	17.2%
New Canopy (Completion of Construction)	1.2%
New Canopy (5 to 10 years)	11.2%
New Canopy (Maturity)	22.2%

The project replaces the 139 Heritage trees proposed for removal with 282 new trees and 158 additional accent trees adjacent to garage doors, exceeding the 2:1 replacement ratio. Table 5 specifies changes in canopy coverage; these figures do not include street trees. Thus, the project is compliant with the Heritage tree replacement requirements. The project also includes at least 50% California native tree and landscaping plantings and is compliant with the City's Water Conservation in Landscaping Regulations.

Attachment 8 – Arborist Report, provides additional information on the existing trees.

Transportation

Transportation Demand Management Plan

The EWPP requires all new residential developments with at least 100 units to provide a Transportation Demand Management (TDM) Plan that provides details on the implementation and reporting of TDM site design and operational measures, including site design supportive of alternative travel modes (e.g., orienting building entrances toward sidewalks, transit stops, and bicycle routes), bicycle parking, and membership in the Mountain View Transportation Management Association (TMA).

The project has provided a TDM Plan (Attachment 9—Transportation Demand Management Plan) that meets all EWPP requirements for residential EWPP TDM measures, except for the following components, which are requested as a density bonus waiver because they would physically preclude the construction of the development at the proposed density: carshare parking, minimum long-term bicycle parking, shared workspace, accessible storage, and bikeshare service.

Vehicle Miles Traveled

The EWPP Final Environmental Impact Report (EIR) identified a significant impact to project-generated vehicle miles traveled (VMT), largely due to the amount of new office planned for the area and existing conditions (i.e., relatively high VMT-generating office uses). However, the City Council adopted a Statement of Overriding Considerations for the EWPP significant impact. Council has also adopted the City's VMT Policy, providing criteria and methodologies for determining significant transportation impacts of specific projects, consistent with state regulations.

The City's VMT Policy includes screening criteria for projects that are presumed to have a less-than-significant VMT impact and would not require further project-specific VMT analysis. This project complies with the screening criteria because the site is located within one-half mile of the Middlefield Light Rail Station, has a FAR greater than 0.75, provides reduced parking supply

(less than the City's maximum parking allowance), and does not replace affordable housing with a fewer number of moderate- or high-income residential units; therefore, the project is determined to be consistent with the City's VMT Policy and have a less-than-significant VMT impact.

Multi-Modal Transportation Analysis

As part of the City's VMT policy adopted in June 2020, Council endorsed requirements for local-level analysis of (non-California Environmental Quality Act (CEQA)) multi-modal transportation impacts (including bicycle, pedestrian, and vehicle movements), which are consistent with standards and policies set forth by the City and the Valley Transportation Authority's (VTA) Congestion Management Program (CMP), referred to as a Multi-Modal Transportation Analysis (MTA). As an MTA was completed for the EWPP, the applicant provided a supplemental memo that builds upon the EWPP study and includes site-specific information. This memo also demonstrates compliance with the Santa Clara County CMP and VTA Transportation Analysis Guidelines using data from the EWPP EIR and TDM Plan.

Parking

The project is not required to provide minimum or maximum parking pursuant to the EWPP. In addition, Government Code Section 65863.2 prohibits the City from requiring minimum parking because the site is located within one-half mile of the Middlefield Light Rail Station. Nonetheless, the project is voluntarily providing two-car garages for all units, 40 of which (21%) are in a tandem configuration. In addition, the project is providing 30 on-street guest spaces (0.15 per unit), located in parallel configuration along Streets A and B, and at the common open area at the end of Street A. The project will meet code requirements for electric-vehicle-ready and Americans with Disabilities Act (ADA) parking, based on the number of stalls they are voluntarily providing.

ENVIRONMENTAL REVIEW

This project meets the eligibility requirements for the new CEQA statutory exemption enacted per AB 130 (2025), codified in Section 21080.66 of the Public Resources Code. Project eligibility for this exemption is addressed in more detail within Attachment 3 – Applicant AB 130 Memorandum, and Attachment 4 – City AB 130 Peer Review Memorandum, and in project findings within Attachment 1 – Project Resolution. In summary, this new statutory exemption was enacted to streamline environmental review of qualifying housing developments. The exemption applies to housing projects that meet certain statutory conditions, including the following: the project site is not more than 20 acres; is located within an incorporated municipality or defined urbanized area; is surrounded by developed urban uses (i.e., an infill project); is consistent with the applicable General Plan and Zoning Ordinance requirements; and meets minimum density requirements as defined in the statute (minimum 15 units per acre). Furthermore, to qualify for the new AB 130 exemption, the project must also satisfy the

requirements in Section 65913.4(a)(6) of the Government Code, which excludes projects affected by special site considerations (such as farmland, wetlands, hazardous waste sites, and habitat for protected species).

The applicant invoked AB 130 with a memorandum to staff dated September 24, 2025. The City commenced Tribal Consultation on October 8, 2025 and concluded consultation with all tribes by December 16, 2025. The City initiated tribal consultation with the Muwekma Ohlone Tribe, Costanoan Rumsen Carmel Tribe, Kanyon Sayers-Roods, and Tamien Nation, and discussed conditions of approval, including those related to tribal notification and discovery of tribal resources. The project was deemed complete on December 19, 2025, and the City must take action to approve or disapprove this project no later than March 19, 2026, 30 days after the consistency determination occurred on February 17, 2026.

The site is located within the Middlefield-Ellis-Whisman (MEW) Superfund Study Area and is impacted by regional groundwater and soil vapor contamination. A Phase I Environmental Site Assessment (ESA) prepared for the project identified recognized environmental conditions (RECs) related to the Fairchild Semiconductor Corporation Superfund/National Priority List (NPL) site. As specified in Public Resources Code Section 21080.66(c), this condition does not preclude eligibility for an AB 130 exemption, provided that required investigation, remediation, and mitigation are completed before occupancy. As a condition of approval, the project is required to complete additional testing as recommended in the Phase I ESA, prepare a Preliminary Endangerment Assessment, and implement any recommended measures under the assessment's mitigation plan approved by the applicable oversight agency (EPA) to ensure that exposure of future occupants to hazardous materials is reduced to acceptable levels consistent with federal and state standards. Any required actions identified by the EPA must be completed prior to issuance of a certificate of occupancy for the project.

FISCAL IMPACT

The City currently receives approximately \$173,000 per fiscal year in property tax revenue from the project site for the General Operating Fund (GOF). Based on the proposed development, staff estimates the City would receive an additional \$332,000 annually, resulting in a total projected property tax revenue of approximately \$505,000 per fiscal year.

This project is also subject to applicable development fees, including the Park Land Dedication In-Lieu Fee, Water Capacity Charges, Sewer Capacity Charges, and the Citywide Transportation Impact Fee.

LEVINE ACT

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$500 from a party, participant, or agent of a party or participant within the last 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more information see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html

Please see below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

SUBJECT TO THE LEVINE ACT

Land development entitlements

CONCLUSION

This project is consistent with applicable development standards; achieves General Plan, Housing Element, and EWPP goals by increasing market-rate and affordable housing ownership opportunities in the City; and helps the City meet its Regional Housing Needs Allocation (RHNA) requirements. Further, except as provided in State Density Bonus Law and the requested Alternative Mitigation Plan, it is consistent with all applicable adopted Zoning Standards and the General Plan. Staff recommends approval of the project subject to conditions of approval.

ALTERNATIVES

1. Approve the project with modified conditions of approval.
2. Deny the project based on specific findings required by state law.

PUBLIC NOTICING

The Council's agenda is advertised on Channel 26, and the agenda and this report appear on the City's website. All property owners and residents within a 750' radius and other interested stakeholders were notified of this meeting, and public notice of the hearing was published in a newspaper of general circulation per City Code Section 36.56.20.

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- Attachments:
1. Project Resolution
 2. Vesting Tentative Map Resolution
 3. Applicant AB 130 Memorandum
 4. City AB 130 Peer Review Memorandum
 5. Project Plans
 6. Affordable Housing Compliance Plan
 7. Density Bonus Request Letter
 8. Arborist Report
 9. Transportation Demand Management Plan
 10. Public Comment
 11. EPC Staff Report Dated February 4, 2026