



January 14, 2026

Jeffrey Tsumura, 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
490 E. MIDDLEFIELD ROAD PROJECT**

Dear Mr. Tsumura:

JHS Consulting (JHS) is submitting this letter report to summarize our review of the 490 E. Middlefield Project (the project) and its eligibility for the new AB 130 Statutory Exemption under CEQA. JHS reviewed the AB 130 CEQA Exemption Site Analysis prepared by *Reuben, Junius & Rose* on behalf of the Applicant team, along with the project plans, technical reports, and other background materials, and 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 490 E. Middlefield Road Project (the project) materials. This report is intended to provide a peer review of the AB 130 CEQA Exemption Site Analysis prepared by *Reuben, Junius & Rose* 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 2.86 acres in size (Assessor's Parcel Number 160-53-004) and is located in eastern Mountain View, along the north side of East Middlefield Road and west of Ellis Street. The site is currently developed with a two-story, approximately 22,500-square-foot commercial building and associated surface parking area. Historical records indicate that the site has been occupied by the current building since 1997. The property was previously developed with an older building and a parking lot around 1963. Aerial imagery indicates that prior to this initial development, the site was used for agricultural purposes from at least 1939. The site is surrounded by a mix of commercial and office buildings ranging from one to four stories in height, with parking and landscaping.

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, High Intensity* and a zoning designation of P- 41 (*East Whisman Precise Plan*).

2.2 PROPOSED PROJECT

The project proposes the demolition of the existing office building, parking lots and existing site improvements, and the development of an eight-story, 456-unit residential building, paved surface parking surrounding the building, hardscape and landscape improvements, and other associated infrastructure. The building would be constructed at grade, with a shallow subterranean level to accommodate parking stackers and elevator pits.

The building would be a podium-style structure and would include seven floors of residential units above approximately 9,371 square feet of retail uses and residential lobby areas on the first floor. The site would be developed at a floor area ratio (FAR) of 3.15 and the building would have a maximum height of 85 feet.

The building would contain 499 parking spaces, five (5) car-share spaces, as well as 304 long-term bicycle parking spaces and 54 short-term bicycle parking spaces. The proposed residential building would be approximately 391,775 square feet in size. The proposed building would also include courtyard and deck amenity space areas on the second, fourth, and seventh levels.

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.

Criterion	Requirement	Applicant Team's Project Compliance Determination (Yes/No/N/A)	JHS Concurrence (Yes/No)
Project Site Size -- General -- Builder's Remedy	The project site must not exceed: <ul style="list-style-type: none"> – 20 acres for general projects. – A builder's remedy project site must not exceed 5 acres. 	Complies. The project site is 2.857 acres in size. The project is not a builder's remedy project.	Yes. The project site meets this requirement.
Location -- Incorporated Municipality -- Urban Area (Census Bureau)	The project site is either: <ul style="list-style-type: none"> – Located within the boundaries of an incorporated municipality; or – Located within an urban area, as defined by the US Census Bureau. 	Complies. The property is located within the boundary of City of Mountain View.	Yes. The project site is located within the incorporated City of MV and is surrounded by urban uses.
Site Developed with or Adjacent to Urban Uses¹	The project site meets any of the following criteria: <ul style="list-style-type: none"> – The site was previously developed with an urban use. – At least 75% of the perimeter of the site adjoins parcels developed with urban uses. – At least 75% of the area within ¼ mile radius of the site is developed with urban uses. – 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. 	Complies. The property has been developed with a commercial building.	Yes. The site is developed with an urban use (commercial office building) and is surrounded by urban development.

Criterion	Requirement	Applicant Team's Project Compliance Determination (Yes/No/N/A)	JHS Concurrence (Yes/No)
General Plan, Zoning, and Local Coastal Program Consistency	<p>The project must be consistent² with the:</p> <ul style="list-style-type: none"> – General Plan – Zoning Ordinance – Local Coastal Program (if applicable). 	<p>Complies. The project is consistent with the City's General Plan, Zoning ordinance and the East Whisman Precise Plan, except that the project will use the State Density Bonus Law to achieve modifications and waivers from certain Precise Plan Standards. AB 130 is clear that Density Bonus waivers or concessions are not grounds for inconsistency.³</p>	<p>Yes. The project meets this requirement.</p>
Minimum Density Requirement	<p>The project density must be at least 50% of Gov. Code Section 65583.2(c)(3)(B) requirements.</p>	<p>Complies. The project proposes 456 residential units, a density of approximately 160 units/acre, more than the 15 units per acre required (i.e., $\frac{1}{2}$ the 30 unit per acre minimum in a metropolitan jurisdiction).</p>	<p>Yes. The proposed project meets the minimum density requirement.</p>

Criterion	Requirement	Applicant Team's Project Compliance Determination (Yes/No/N/A)	JHS Concurrence (Yes/No)
Project Satisfies Section 65913(a)(6) of Government Code	<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"> 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. 	Complies. See additional discussion of hazardous waste issue, below.	Yes. The project site is not designated as any of these. See discussion below.
No Historic Structure Demolition	No demolition of historic structure listed on national, state, or local historic register.	Complies.	Yes. No listed or potential historic structures are present on the project site.
No Transient Lodging (Post-2025 Projects)	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).	Complies.	Yes. No lodging is present or proposed on the project site.

Criterion	Requirement	Applicant Team's Project Compliance Determination (Yes/No/N/A)	JHS Concurrence (Yes/No)
Native American Tribal Consultation	Local government must notify and invite consultation with affiliated tribes.	Complies	Yes. This tribal consultation process was completed and complies with this requirement.
Phase I Environmental Site Assessment	<p>Development proponent must complete Phase I environmental assessment.</p> <ul style="list-style-type: none"> – 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. – If a release of a hazardous substance is found to exist on the site, the release shall be 	The project will have to comply.	Yes. A Phase I ESA has been completed by the Applicant team. The project will have to comply with regulatory and mitigation requirements. See discussion below.

Criterion	Requirement	Applicant Team's Project Compliance Determination (Yes/No/N/A)	JHS Concurrence (Yes/No)
	<p>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.</p> <ul style="list-style-type: none"> – 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. 		
Air Filtration Requirements (Near Freeways)	<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>	N/A	<p>Yes. The project site is not within 500 feet of any freeway.</p>

Criterion	Requirement	Applicant Team's Project Compliance Determination (Yes/No/N/A)	JHS Concurrence (Yes/No)
Labor Requirements	<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 they are less than 85 feet in height.</p>	N/A	<p>Yes. 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>

¹ 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.

² 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 or the zoning ordinance if the two conflict.

³ 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.

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 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.

The proposed project site is 2.857 acres in size and therefore meets this requirement.

4.2 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.

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.

4.3 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 $\frac{1}{4}$ 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 $\frac{2}{3}$ of the site perimeter adjoins parcels developed with an urban use.

The site is currently developed with an existing commercial office building. 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.

4.4 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.

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, High Intensity* and a zoning designation of *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.

4.5 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

The project is proposed at a density of approximately 161 dwelling units per acre, which exceeds the minimum requirement of 15 units/acre for a jurisdiction in a metropolitan county. Therefore, the project meets this criterion.

4.6 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.

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 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.

4.7 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.

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

4.8 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.

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 lodging uses. Therefore, the project complies with this criterion.

4.9 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.

The tribal consultation process was completed on November 2, 2025. The City initiated and completed 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, the City has incorporated the agreed upon measures or conditions, and therefore, the project will comply with this requirement.

4.10 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.

The Applicant team submitted a Phase I Environmental Site Assessment (Phase I ESA) for the site, which was prepared by *Engeo Incorporated* in November 2024. 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 ESA did, however, identify recognized environmental conditions and contamination associated with historic operations of properties near the site. This information is summarized below.

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).

Former Raytheon Property – 350 Ellis Street

Raytheon's former operation at the adjacent 350 Ellis Street property is noted as contributing to groundwater contamination in the area with TCE, trichloroethane (TCA),

dichloroethylene (DCE), and chloroform noted as constituents of concern. This property is under the regulatory oversight of the State Department of Toxic Substances Control (DTSC) [EnviroStor ID: 43360081] and the State Water Resources Control Board [SWRQCB] National Pollutant Discharge Elimination System [ID: SL0608553727]. A groundwater extraction and treatment system has been operating at that property since 2003.

Due to the site's location within the MEW Superfund Study Area and the presence of these recognized environmental conditions, the Phase I ESA recommends additional environmental testing. The Applicant will be required, through a project condition of approval, to complete additional analysis to determine the potential for exposure to significant health hazards to future occupants. Once that testing is complete, the Applicant will need to prepare a *Preliminary Endangerment Assessment* and implement the required mitigation plan approved by the applicable oversight agency. 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.

4.11 AIR FILTRATION REQUIREMENTS (NEAR FREEWAYS)

Yes No

 For any housing projects on a site located within 500 feet of a freeway, all of the following shall apply:

- (A) The building shall have a centralized heating, ventilation, and air-conditioning system.
- (B) The outdoor air intakes for the heating, ventilation, and air-conditioning system shall face away from the freeway.
- (C) The building shall provide air filtration media for outside and return air that provides a minimum efficiency reporting value of 16.
- (D) The air filtration media shall be replaced at the manufacturer's designated interval.
- (E) The building shall not have any balconies facing the freeway.

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

4.12 LABOR REQUIREMENTS

<u>Yes</u>	<u>No</u>	
		Projects must meet the labor requirements outlined below:
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1) 100% affordable projects must pay construction workers prevailing wages.
		2) Projects greater than 85 feet in height must pay prevailing wages and utilize a skilled and trained (union) workforce.
		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.

The proposed project is not a 100 percent affordable housing project. The proposed maximum building height is 85 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 490 E. Middlefield Road Project materials and the AB130 CEQA Exemption Site Analysis prepared by *Reuben, Junius & Rose* on behalf of the Applicant team. JHS 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 Site Analysis.

As demonstrated in the above analysis, with implementation of the agreed upon tribal consultation requirements and conditions, as well as adherence to the recommendations and requirements outlined in: 1) the Phase I Environmental Site Assessment, 2) the EPA, DTSC, and SRWQCB regulatory oversight approvals, and 3) the City of Mountain View's standard conditions of approval, the project, will meet the AB 130 CEQA exemption criteria and qualify for this streamlined review.

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 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

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).

490 E. Middlefield Road Project. Response 4.1 Drawings. 2025.

Reuben, Junius & Rose, LLP. Memorandum. 490 E. Middlefield Road, Mountain View Preliminary AB 130 CEQA Exemption Site Analysis July 18, 2025.

WTA Middlefield, LLC c/o Diamond Development. Memorandum. August 19, 2025.

Engeo Incorporated. 490 E. Middlefield Road Apartments Phase I Environmental Site Assessment. November 20, 2024.

ATTACHMENT 1

Reuben, Junius & Rose LLP

**490 E. Middlefield Road, Mountain View –
Preliminary AB 130 CEQA Exemption Site Analysis**

July 18, 2025

WTA Middlefield, LLC
C/O Diamond Development
PO Box 477
Lafayette, California 94549

MEMORANDUM

Date: August 19, 2025
To: Jeffrey Tsumara, Senior Planner, City of Mountain View
Via Email: Jeffrey.Tsumura@mountainview.gov
From: Brian Griggs – brian@griggsgroup.com
CC: Jeff Stone - jbstone@diamondconstructioninc.com
Andrew Jacobson – andrew@asjacobson.com
Matthew Visick - mvisick@reubenlaw.com
Re: Request for Tribal Consultation-490 E. Middlefield Road, Mountain View, CA

On behalf of WTA Middlefield, LLC we are submitting this correspondence in connection with our proposed housing project at 490 E. Middlefield Road. We respectfully request that the City confirm our ability to use the provisions of AB 130 and also initiate the Tribal Consultation process as required under AB 130 for infill housing developments seeking streamlined approval.

Our project has been carefully reviewed against the qualifying conditions of AB 130, and we are confident it meets all statutory requirements as outlined on the attached conformance memorandum prepared by Ruben, Junius & Rose, LLP dated July 18, 2025. As you will note, the memorandum in Section III specifically addresses the “Hazardous Materials Site” and we are aware the City’s Conditions of Approval will include the following provisions based on other approved residential projects in the East Whisman Precise Plan Area.

67. **OTHER REVIEW AGENCIES:** This project requires review and approval by outside agencies. Proof of approval from these oversight agencies (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 Voluntary Cleanup Program, etc.) is required prior to building permit issuance, inspections, or Certificate of Occupancy issuance.
68. **REMEDIATION IMPROVEMENTS:** 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 Voluntary Cleanup Program, 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 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 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 oversight agency, if required, and the City.
69. **VAPOR BARRIER:** A vapor barrier shall be installed beneath all structures to mitigate any issues associated with the potential for vapor intrusion within the structure. The vapor barrier design shall be equivalent to those required for sites with known concerns in Mountain View that are also exposed to groundwater contamination. Specifications for the vapor barrier included in the Vapor Intrusion Mitigation System plan and/or Site Management Plan (SMP) shall include thickness, type, durability, and diffusion rates for variants of concern (VOC). The specifications shall also describe the effectiveness of the liner over the life of the building.

WTA Middlefield, LLC
C/O Diamond Development
PO Box 477
Lafayette, California 94549

We understand that submission of this letter and the accompanying conformance memorandum provides the necessary basis for the City to determine the Project's eligibility under AB 130. Accordingly, we respectfully request that the 14-day notification period to tribal representatives, as set forth in PRC § 21080.3.1(b), begin as of the date of this submission. A paraphrased version of PRC § 21080.3.1(b), as applied to AB 130 projects under PRC § 21080.66(d), is provided below for convenience (highlights added).

“The lead agency shall provide formal notification to the tribal representatives... within 14 days of determining that the application is complete or the project is eligible for a streamlined approval.”

The Phase I Environmental Site Assessment (ESA) identified a Recognized Environmental Condition and recommends additional environmental testing. Once that testing is complete, we will prepare a Preliminary Endangerment Assessment and implement the required mitigation plan approved by the applicable oversight agency, likely the U.S. Environmental Protection Agency or the Regional Water Quality Control Board. We recognize the Project's certificate of occupancy will not be provided until the requirements of the applicable oversight agency are fulfilled.

We appreciate your assistance and look forward to working collaboratively with the City of Mountain View to advance this important housing project. Please do not hesitate to contact me at (925) 580-4902 or brian@griggsgroup.com with any questions or if further information is required.

REUBEN, JUNIUS & ROSE, LLP

MEMORANDUM

DATE: July 18, 2025
TO: WTA Middlefield, LLC; Andrew Jacobson & Jeff Stone
FROM: Chloe Angelis and Kaitlin Sheber
REGARDING: 490 E. Middlefield Road, Mountain View – Preliminary AB 130 CEQA Exemption Site Analysis

OUR FILE NO.:

I. Introduction

This memorandum provides a preliminary eligibility analysis for an AB 130 CEQA exemption for a project at 490 E. Middlefield Road in Mountain View (the “**Property**”). There is a proposed project at the site that entails the removal of an existing commercial use building and construction of a new mixed-use housing development with 460 dwelling units (the “**Project**”). To qualify for the exemption, a proposed development must be located on a property that meets the site-specific criteria below.

This memorandum determines that the Property is eligible for the AB 130 CEQA exemption based on the analysis in the following table.

II. AB 130 CEQA Exemption Site Eligibility Criteria Analysis¹

Site Eligibility Requirement	Compliance & Notes
Site is 20 acres or smaller; ² or For a builder’s remedy project, the project site is no more than 5 acres ³	Complies – The Property is approximately 2.857 acres. ¹
The project site is either: <ul style="list-style-type: none">- Located in an incorporated city;⁴ or- Located in an urban area, as defined by the US Census Bureau⁵	Complies – The Property is located in Mountain View.
The project site must meet any of the following criteria: <ul style="list-style-type: none">- The site was previously developed with an urban use⁶- At least 75% of the perimeter of the site adjoins parcels developed with urban uses⁷- At least 75% of the area within ¼ mile radius of the site is developed with urban uses⁸- For sites with 4 sides, at least 3 out of 4 sides are developed with urban uses and at least 2/3 of the	Complies – The Property has been developed with a commercial building.

¹ Per the Plan Set dated June 20, 2025.

San Francisco Office

One Bush Street, Suite 600, San Francisco, CA 94104

tel: 415-567-9000 | fax: 415-399-9480

Oakland Office

492 9th Street, Suite 200, Oakland, CA 94607

tel: 510-527-5589

www.reubenlaw.com

REUBEN, JUNIUS & ROSE, LLP

<p>perimeter of the site adjoins parcels that are developed with urban uses⁹</p>	
<p>“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.¹⁰</p>	
<p>The project must be consistent with the applicable general plan, zoning ordinance, and any applicable local coastal program.¹¹</p>	<p>Complies – The Project will use the State Density Bonus Law to achieve modifications and waivers from certain Precise Plan Standards. AB 130 is clear that Density Bonus waivers or concessions are not grounds for inconsistency.</p>
<p>Density bonus and associated incentives, concessions, waivers, or reductions of development standards are not grounds for determining inconsistency.¹²</p>	
<p>The project must provide at least $\frac{1}{2}$ of the following densities under Gov. Code Sec. 65583.2(c)(3)(B), depending on where the project is located:¹³</p> <ul style="list-style-type: none"> - Incorporated city in nonmetropolitan county and nonmetropolitan county with micropolitan area: 15 units/acre - Unincorporated area in nonmetropolitan county: 10 units/acre - Suburban jurisdiction: 20 units/acre - Jurisdiction in a metropolitan county: 30 units/acre 	<p>Complies – The Project proposes 460 residential units, a density of approximately 161 units/acre, more than the 15 units per acre required (i.e., $\frac{1}{2}$ the 30 unit per acre minimum in a metropolitan jurisdiction).</p>
<p>Per 65913.4(a)(6), site is not any of the following:¹⁴</p> <ol style="list-style-type: none"> 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; 10. Habitat for protected species. 	<p>Complies.</p> <p><i>See additional discussion of hazardous waste issue, below.</i></p>
<p>No demolition of historic structure listed on national, state, or local register (<i>as of the date an SB 330 application was submitted</i>).¹⁵</p>	<p>Complies.</p>
<p>For a project deemed complete after submittal of a preliminary application on or after January 1, 2025, no portion of the project can be designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging.¹⁶</p>	<p>Complies.</p>
<p>Residential hotels are not considered transient lodging.¹⁷</p>	

<p>Complete a tribal consultation and scoping process:¹⁸</p> <ul style="list-style-type: none"> - Tribes have 60 days to respond to a local government's notice about a new project.¹⁹ - Local government must initiate consultation within 14 days of receiving a tribe's notice of acceptance to consult.²⁰ - Consultation must end within 45 days of initiation, subject to one 15-day extension at the tribe's request.²¹ - Standard mitigation measures will apply, plus any additional measures agreed to during tribal scoping.²² 	<p>Project will have to comply.</p>
<p>Prepare a phase I environmental site assessment and complete any required soil mitigation before the local government issues a certificate of occupancy.²³</p>	<p>Project will have to comply.</p>
<p>For housing within 500 feet of a freeway, project cannot have balconies facing the freeway and additional filtration and ventilation requirements apply.²⁴</p>	<p>N/A</p>
<p>Labor requirements:</p> <ul style="list-style-type: none"> - 100% affordable projects must pay construction workers prevailing wages.²⁵ - Projects greater than 85 feet in height must pay prevailing wages and utilize a skilled and trained (union) workforce.²⁶ - And in San Francisco specifically, 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.²⁷ 	<p>N/A</p>

III. Hazardous Materials Sites and AB 130 Eligibility

AB 130 includes two eligibility criteria related to hazardous waste sites: one related to listing of hazardous waste sites under Section 65962.5 and a second related to completing a phase I environmental site assessment and any indicated soil mitigation.

First an eligible property must comply with the environmental site requirements established in SB 423, including the provision that precludes the following properties: "A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code," unless the project obtains a clearance letter from the State Water Resources Control Board, State Department of Public Health, Department of Toxic Substances Control, or the relevant local agency confirming that the site is suitable for residential use.²⁸ In this case, the Property is not 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

The second hazardous waste related requirement pertains to completing a phase I environmental site assessment: As a condition of approval for a qualifying project, the applicant must complete a phase

I. If hazardous materials are found, the applicant must also complete a further study to determine the potential for exposure to significant health hazards to future occupants. Additionally, if hazardous materials are found on site, the soil must be remediated and any release mitigated before the local government issues a certificate of occupancy. Exposure to future occupants of the Property from significant hazards on surrounding properties must also be mitigated.³⁰

With these conditions, AB 130 specifically allows for a statutory CEQA exemption for properties with hazardous waste issues by building in conditions for site evaluation and mitigation, where necessary. In this case, based on the Property's location within the EPA's Middlefield-Ellis-Whisman ("MEW") Superfund Study Area, we expect that an AB 130 exemption document, and ultimately the Project approval conditions, will need to include a condition requiring further environmental site assessment at the Property as indicated by the completed phase I, as well as remediation and mitigation on the site pursuant to the applicable regulations. Consistent with AB 130, any such remediation and mitigation would need to occur before the local government issues a certificate of occupancy for the Project, but would not be a prerequisite to obtaining a CEQA exemption or an entitlement.

¹ California Public Resources Code ("Pub. Res. Code") Sec. 21080.66.

² Pub. Res. Code Sec. 21080.66(a)(1)(A).

³ Pub. Res. Code Sec. 21080.66(a)(1)(B).

⁴ Pub. Res. Code Sec. 21080.66(a)(2)(A).

⁵ Pub. Res. Code Sec. 21080.66(a)(2)(B).

⁶ Pub. Res. Code Sec. 21080.66(a)(3)(A).

⁷ Pub. Res. Code Sec. 21080.66(a)(3)(B).

⁸ Pub. Res. Code Sec. 21080.66(a)(3)(C).

⁹ Pub. Res. Code Sec. 21080.66(a)(3)(D).

¹⁰ Pub. Res. Code Sec. 21080.66(f)(3).

¹¹ Pub. Res. Code Sec. 21080.66(a)(4)(A).

¹² Pub. Res. Code Sec. 21080.66(a)(4)(C).

¹³ Pub. Res. Code Sec. 21080.66(a)(5).

¹⁴ Pub. Res. Code Sec. 21080.66(a)(6).

¹⁵ Pub. Res. Code Sec. 21080.66(a)(7).

¹⁶ Pub. Res. Code Sec. 21080.66(a)(8).

¹⁷ Pub. Res. Code Sec. 21080.66(a)(8)(A).

¹⁸ Pub. Res. Code Sec. 21080.66(b).

¹⁹ Pub. Res. Code Sec. 21080.66(b)(2)(A).

²⁰ Pub. Res. Code Sec. 21080.66(b)(3)(A).

²¹ Pub. Res. Code Sec. 21080.66(b)(3)(F).

²² Pub. Res. Code Sec. 21080.66(b)(4).

²³ Pub. Res. Code Sec. 21080.66(c)(1).

²⁴ Pub. Res. Code Sec. 21080.66(c)(2).

²⁵ Pub. Res. Code Sec. 21080.66(d)(1).

²⁶ Pub. Res. Code Sec. 21080.66(d)(2).

²⁷ Pub. Res. Code Sec. 21080.66(d)(3).

²⁸ Govt. Code § 65913.4(a)(6)(E).

²⁹ Cal. EPA Cortese List Data Resources, available at <https://calepa.ca.gov/SiteCleanup/CorteseList/> (accessed July 18, 2025).

³⁰ Pub. Res. Code Sec. 21080.66(c)(1).