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technical memorandum

date October 15, 2025
to Edgar Maravilla, Senior Planner
from Jill Feyk-Miney, CEQA Project Manager, ESA
subject **AB130 Consistency Analysis for the 901 N. Rengstorff Ave Project**

Introduction

The purpose of this technical memorandum is to evaluate the 901 N. Rengstorff Avenue Project (Project) for eligibility under the statutory exemption from California Environmental Quality Act (CEQA) environmental review enacted by Assembly Bill 130 (AB 130) on June 30, 2025. This memorandum analyzes the characteristics of the Project for consistency with the criteria set forth by AB 130, as codified in Public Resources Code (PRC) Section 21080.66.

Project Description

The Project Applicant, Mario Ambra, proposes the 901 N. Rengstorff Avenue Project, which involves demolition of all existing structures and development of a multi-family residential building on the approximately 1.26-acre (54,782 square-foot) Project site located at 901, 913, and 987 N. Rengstorff Avenue in the City of Mountain View. The Project is proposed pursuant to Builder's Remedy provisions of the Housing Accountability Act (HAA) and the Project site will be created through a Lot Line Adjustment (LLA), submitted as part of the proposed Builder's Remedy project, to the project parcels. The Project site is located to the east of Rengstorff Avenue between Leghorn Street and Plymouth Street, just south of the U.S. 101 Highway, and is bounded by N. Rengstorff Avenue to the west, an olive factory currently used as a single-family home to the north (Lot 2 of the LLA application), residential/commercial uses to the east, and Plymouth Street to the south. The Project site contains a 2,253-square-foot multi-family residential building at the southwest corner of the Project site, three accessory buildings at the southeastern portion of the Project site, and an accessory building toward the northern boundary of the Project site.

The Project would demolish all existing structures on the Project site and construct an approximately 499,525-square-foot, 15-story multi-family residential building. The proposed building would contain 455 residential units comprised of 183 studios (37 would be affordable), 142 one-bedroom units (28 would be affordable), and 130 two-bedroom units (26 would be affordable). Additionally, the Project would include approximately 15,818 square feet of common open space and 1,313 square feet of private open space.

The Project would provide 429 garage parking spaces consisting of 418 parking spaces accessible via five layers of mechanical parking stackers (including pits) as well as 5 accessible, 2 van accessible, 2 electric vehicle (EV) and van accessible, and 2 loading spaces in the surface-level of the garage. The Project would also provide 356 bicycle parking spaces consisting of 20 spaces in the parking garage (10 spaces via Class I bike rack and 10 spaces via Class II bike storage) and 336 Class I spaces provided via two tier lockers on floors two through nine. Vehicular access to the Project site would be provided in a new 24-foot parking garage entrance on the southern border of the Project site along Plymouth Street. The above ground height of the building would be up to approximately 184 feet.

The Project building would connect to the existing City infrastructure in N. Rengstorff Avenue and Plymouth Street.¹ Project construction would be developed in a single phase and is anticipated to last up to 30 months, currently estimated to begin in April 2028 and ending by October 2030.

AB 130 Background

On June 30, 2025, AB 130 was signed into law, creating a new statutory housing exemption under CEQA. The AB 130 Exemption applies to housing development projects that meet specific environmental and planning criteria including single-family developments, multi-family projects, mixed-use projects where at least two-thirds of the square footage is dedicated to residential use, and transitional and supportive housing that meet specific environmental and planning criteria. Specifically, AB 130 enacts PRC Section 21080.66, which establishes a new statutory exemption for qualifying housing development projects that meet the following criteria:

(a) Without limiting any other statutory or categorical exemption, this division does not apply to any aspect of a housing development project, as defined in subdivision (b) of Section 65905.5 of the Government Code, including any permits, approvals, or public improvements required for the housing development project, as may be required by this division, if the housing development project meets all of the following conditions:

(1) (A) Except as provided in subparagraph (B), the project site is not more than 20 acres.

(B) The project site or the parcel size for a builder's remedy project, as defined in paragraph (11) of subdivision (h) of Section 65589.5 of the Government Code, or the project site or the parcel size for a project that applied pursuant to paragraph (5) of subdivision (d) of Section 65589.5 of the Government Code as it read before January 1, 2025, is not more than five acres.

(2) The project site meets either of the following criteria:

(A) Is located within the boundaries of an incorporated municipality.

(B) Is located within an urban area, as defined by the United States Census Bureau.

(3) The project site meets any of the following criteria:

¹ AB 130 also includes prevailing wage and other labor code provisions, which are not identified herein as they are not specifically CEQA related.

- (A) *Has been previously developed with an urban use.*
 - (B) *At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses.*
 - (C) *At least 75 percent of the area within a one-quarter mile radius of the site is developed with urban uses.*
 - (D) *For sites with four sides, at least three out of four sides are developed with urban uses and at least two-thirds of the perimeter of the site adjoins parcels that are developed with urban uses.*
- (4) (A) *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. For purposes of this section, a housing development project shall be deemed consistent with the applicable general plan and zoning ordinance, and any applicable local coastal program, if there is substantial evidence that would allow a reasonable person to conclude that the housing development project is consistent.*
- (B) *If the zoning and general plan are not consistent with one another, a project shall be deemed consistent with both if the project is consistent with one.*
- (C) *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.*
- (5) *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.*
- (6) *The project satisfies the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code.*
- (7) *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.*
- (8) *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. For the purposes of this section, "other transient lodging" does not include either of the following:*
- (A) *A residential hotel, as defined in Section 50519 of the Health and Safety Code.*
 - (B) *After the issuance of a certificate of occupancy, a resident's use or marketing of a unit as short-term lodging, as defined in Section 17568.8 of the Business and Professions Code, in a manner consistent with local law.*
- (b) (1) (A) *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 one of the following deadlines:*

- (i) Within 14 days of the application for the project being deemed complete pursuant to paragraph (5) of subdivision (h) of Section 65589.5 of the Government Code.*
 - (ii) For projects whose applications were deemed complete pursuant to paragraph (5) of subdivision (h) of Section 65589.5 of the Government Code before July 1, 2026, within 14 days of notifying the local government that the project is eligible to be exempt from this division pursuant to this section.*
- (B) The formal notification shall include all of the following:*
 - (i) Detailed project information to help inform the consultation, including site maps, proposed project scope, and any known cultural resource studies.*
 - (ii) Contact information for the local government.*
 - (iii) Contact information for the project proponent.*
 - (iv) Notice that the California Native American tribe has 60 days to request consultation with the local government pursuant to this subdivision.*
- (2) (A) Each California Native American tribe has 60 days to notify the local government that it accepts the invitation to consult.*
 - (B) If a California Native American tribe chooses not to accept the invitation to consult, or does not notify the local government of its decision within 60 days, the consultation shall be considered to have concluded.*
- (3) (A) Within 14 days of receiving the notification that the California Native American tribe has elected to consult, pursuant to subparagraph (A) of paragraph (2), the local government shall initiate the consultation.*
 - (B) During the consultation, the local government shall act in good faith to identify whether a tribal cultural resource could be affected by the proposed project and shall give deference to the tribal information, tribal knowledge and customs, and the significance of the resource to the California Native American tribe.*
 - (C) The project proponent may participate in the consultation with the approval of the California Native American tribe if the project proponent agrees to engage in good faith and comply with the confidentiality requirements of Sections 7927.000 and 7927.005 of the Government Code, subdivision (d) of Section 21082.3, subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations, and any confidentiality standards adopted by the California Native American tribe participating in the consultation.*
 - (D) The consultation shall seek to find measures that would avoid significant impacts to a tribal cultural resource.*
 - (E) The local government shall document the results of the consultation.*
 - (F) The consultation shall conclude within 45 days of initiation, subject to a one-time 15-day extension upon request by a participating California Native American tribe.*
- (4) The local government shall include, as binding conditions of the project approval, all of the following:*

- (A) Any enforceable agreements reached during the project consultation.*
- (B) All of the following measures, unless there is mutual agreement between the California Native American tribe and the project proponent not to include the measure as a binding condition:*
 - (i) Upon request by a California Native American tribe, the project shall include tribal monitoring during all ground-disturbing activities, as follows:*
 - (I) The California Native American tribe shall designate the monitor.*
 - (II) The tribal monitor shall comply with applicant's site access and workplace safety requirements.*
 - (III) The applicant shall compensate the tribal monitor at a reasonable rate, determined in good faith, that aligns with customary compensation for cultural resource monitoring, taking into account factors such as the scope and duration of the project.*
 - (ii) Tribal cultural resources shall be avoided where feasible, in accordance with subdivision (a) of Section 21084.3. In furtherance of this requirement, where feasible, the project applicant shall provide deference to tribal preferences regarding access to spiritual, ceremonial, and burial sites, and incorporate tribal traditional knowledge in the protection and sustainable use of tribal cultural resources and landscapes.*
 - (iii) All treatment and documentation of tribal cultural resources shall be conducted in a culturally appropriate manner, consistent with Section 21083.9.*
 - (iv) A California Historical Resources Information System archaeological records search and a tribal cultural records search shall be completed for the project site.*
 - (v) A Sacred Lands Inventory request shall be submitted to the Native American Heritage Commission.*
 - (vi) The project shall comply with Section 7050.5 of the Health and Safety Code and Section 5097.98, including immediate work stoppage upon discovery of human remains or burial grounds, and treatment in accordance with applicable law and in consultation with the affected California Native American tribe.*
 - (vii) An application of tribal ecological knowledge into habitat restoration efforts undertaken by the project as applicable to the specific environmental context and conditions of the project.*
- (5) For purposes of this subdivision, the following definitions apply:*
 - (A) "California Native American tribe" has the same meaning as defined in Section 21073.*
 - (B) "Enforceable agreement" means an agreement between the local government, project proponent, and any California Native American tribe that has engaged in consultation pursuant to this subdivision regarding the methods, measures, and conditions for tribal cultural resource identification, treatment, and protection, including consideration of avoidance. Compliance with the enforceable agreement shall be a required condition of*

approval for the project and its terms must be enforceable against the project proponent by the local government and the California Native American tribe.

- (C) "Tribal cultural resource" means a site, feature, place, cultural landscape, sacred place, including a Native American sanctified cemetery, Indian cemetery, or Indian burial area, or an object with cultural value to a California Native American tribe that is any of the following:*
 - (i) Included or eligible for inclusion in the California Register of Historical Resources or the National Register of Historic Places.*
 - (ii) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.*
 - (iii) Identified by the Native American Heritage Commission as a sacred place pursuant to Section 5097.94 or 5097.96.*
 - (iv) Included in a local tribal register.*
- (c) (1) (A) The local government shall, as a condition of approval for the development, require the development proponent to complete a phase I environmental assessment, as defined in Section 78090 of the Health and Safety Code.*
 - (B) 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.*
 - (C) 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.*
 - (D) 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.*
- (2) (A) For any housing on the 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.*

Project Consistency with PRC Section - 21080.66 (AB 130)

The following sections assess the Project's consistency with the provisions of PRC Section 21080.66 (AB 130), establishing eligibility for the new statutory exemption.

Housing Development Project - Government Code Section - 65905.5(b)

As described under Government Code Section 65905.5(b) (which cites the definition under Government Code Section 65589.5 [h][2]), a "housing development project" is defined as a use consisting of: residential units only; mixed-use developments consisting of residential and nonresidential uses that meet certain conditions; transitional housing or supportive housing; or farmworker housing. The Project is a residential development project containing 455 residential units. Therefore, the Project would qualify as a housing development project under Government Code Section 65905.5(b).

Lot Size - PRC Section - 21080.66(a)(1)(B)

As described under PRC Section 21080.66(a)(1)(B), a project site for a Builder's Remedy project must be no more than five acres. The Project applicant submitted a preliminary application for a housing development project with 20 percent of its total units affordable to lower-income households and a SB 330 (Builder's Remedy) application on April 5, 2023. As described below (see discussion under *General Plan/Zoning Consistency*), the Project qualifies as a Builder's Remedy project. The approximately 1.26-acre Project site is less than the 5-acre maximum applied to Builder's Remedy projects, thus the Project meets the lot size requirement of PRC Section 21080.66(a)(1)(B).

Urban Infill - PRC Section - 21080.66(a)(2) & PRC Section - 21080.66(a)(3)

As described under PRC Section 21080.66(a)(2), a project site must meet one of the following criteria: (A) be located within the boundaries of an incorporated municipality or (B) within an urban area, as defined by the United States Census Bureau (U.S. Census).² The Project site is within the incorporated City of Mountain View, which also meets the definition of an urban area as specified by the U.S. Census, therefore the Project meets the requirement of PRC Section 21080.66(a)(2).

As described under PRC Section 21080.66(a)(3), a project site must also meet one of the following criteria: (A) have been previously developed with an urban use; (B) at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses; (C) at least 75 percent of the area within a 0.25-mile radius of the site is developed with urban uses; or (D) for sites with four sides, at least three out of four sides are developed with urban uses and at least two-thirds of the perimeter of the site adjoins parcels that are developed with urban uses. The Project site is surrounded by commercial/light industrial uses and a preschool to the west, an olive factory that is now used as a single-family home to the north, residential and commercial uses to the east, and residential uses to the south. The surrounding area is

² According to the U.S. Census, an urban area will comprise a densely settled core of census blocks that meet minimum housing unit density and/or population density requirements. To qualify, an area must have at least 2,000 housing units or a population of at least 5,000 people.

comprised of 100 percent urban uses, primarily consisting of residential, commercial, and light industrial uses. Therefore, the Project meets the urban infill requirement of PRC Section 21080.66(a)(3).

General Plan/Zoning Consistency - PRC Section - 21080.66(a)(4)(A)

As described under PRC Section 21080.66(a)(4)(A), a project must be consistent with the applicable general plan and zoning ordinance, as well as any applicable local coastal program as defined in Section 30108.6. For purposes of this section, a housing development project is considered consistent with the applicable general plan and zoning ordinance, and any applicable local coastal program, if there is substantial evidence that would allow a reasonable person to conclude that the housing development project is consistent. Additionally, PRC Section 21080.66(a)(4)(C), states 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.

In 2019, the California Legislature enacted Senate Bill (SB) 330, the Housing Crisis Act, which added the “Builder’s Remedy” provision to the Housing Accountability Act (HAA), preventing a local agency that has not adopted a revised General Plan housing element that is in “substantial compliance” with State law from disapproving Builder’s Remedy projects, based on inconsistencies with the local General Plan or zoning. In other words, if a local agency has not adopted a substantially compliant housing element, State law opens the door for applicants to propose housing development projects (including mixed-use projects) in any zoning district (including zones where residential use is not allowed), at densities that would not typically be allowed, or that otherwise would not comply with local standards. The Builder’s Remedy provisions of the HAA also prohibit local agencies from disapproving or conditioning approval of a housing development project for very low-, low-, or moderate-income households through the use of design review standards. Local agencies may apply only the “objective, quantifiable, written development standards” in effect when a SB 330 Builder’s Remedy preliminary application was submitted (Gov. Code section 65589.5(f)(1)).

As described above, the Project applicant submitted a SB 330 (Builder’s Remedy) application on April 5, 2023. The City certified the 2030 General Plan Housing Element Environmental Impact Report (Housing Element EIR) on January 24, 2023 and adopted its 2023-2031 Housing Element on April 11, 2023. The California Department of Housing and Community Development (HCD) found the adopted Housing Element in substantial compliance with State Housing Element Law on May 26, 2023. Therefore, the Project application precedes the City’s adopted substantially compliant housing element and thus qualifies as a Builder’s Remedy project.

The northern portion of the Project site has a General Plan Land Use Designation of General Industrial and a Zoning designation of General Industrial (MM-40). The southern portion of the Project site has a General Plan Land Use Designation of Medium-Density Residential and a Zoning designation of Multiple Family Residential – Special Design Combining district (R3-2sd). The Project would be inconsistent with the land use designations envisioned for the Project site under the City’s General Plan as well as many of the Multiple-Family (R3) Zoning district development standards including but not limited to, exceeding the allowable lot width and frontage, all setback restrictions, and the maximum height limits, as well as not meeting the required open space, bicycle parking, and vehicle parking requirements. However, the

Builder's Remedy provisions of the HAA prohibit the City from relying on inconsistencies with General Plan or zoning standards as a basis for denial of a housing development project for very low-, low-, or moderate-income households. Therefore, existing zoning requirements and development standards with which the Project is not compliant are not applicable to the Project within the meaning of CEQA Guidelines Section 15332(a). The City cannot rely on these inconsistencies as a basis for denying the Project. Therefore, the Project would be considered to meet the general plan and zoning consistency requirement of PRC Section 21080.66(a)(4)(A).

Minimum Density - PRC Section - 21080.66(a)(5)

As described under PRC Section 21080.66(a)(5), a project must 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. Pursuant to Government Code Section 65583.2(c)(3)(B)(iv), sites within the jurisdiction of a metropolitan county should allow at least 30 units per acre and so the project would need to propose at least 15 units per acre to meet this requirement. The Project would consist of 455 units on an approximately 1.26-acre site, resulting in a density of approximately 362 dwelling units per acre. Therefore, the Project meets the minimum density requirement of PRC Section 21080.66(a)(5).

Environmental Factors - PRC Section - 21080.66(a)(6)

PRC Section 21080.66(a)(6) states the project must satisfy the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code. Government Code Section 65913.4(a)(6) states that development must not be located on a site that contains any of the following: (a) coastal zones, (b) prime farmland or farmland of statewide importance, (c) wetlands, (d) very high fire hazard severity zone, (e) hazardous waste site, (f) earthquake fault zone, (g) special flood hazard area, (h) regulatory floodway, (i) lands in an adopted natural community conservation plan, (j) habitat for protected species, or (k) conservation easement. These criteria are discussed in more detail below.

A) Coastal Zone

Pursuant to Government Code Section 65913.4 (a)(6)(A), development is not to be located on a site that is an area of the coastal zone (i) subject to paragraph (1) or (2) of subdivision (a) of PRC Section 30603, (ii) subject to a certified local coastal program or a certified land use plan, (iii) vulnerable to five feet of sea level rise, (iv) in a parcel within the coastal zone that is not zoned for multifamily housing, (v) in a parcel within the coastal zone within a 100-foot radius of a wetland or on prime agricultural land. The Project site is not located within a Coastal Zone Management Area or a county or local area of jurisdiction, which includes the first 100 feet of shoreline.³ Therefore, the Project meets the coastal zone requirements of Government Code Section 65913.4 (a)(6)(A).

B) Important Farmland

Pursuant to Government Code Section 65913.4 (a)(6)(B), development is not to be located on a site that contains either prime farmland or farmland of statewide importance, as defined pursuant to the United

³ California Coastal Commission, 2019. Coastal Zone Boundary Maps for San Mateo, California. Available: <https://www.coastal.ca.gov/maps/czb>. Accessed October 10, 2025.

States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction. According to the California Department of Conservation Farmland Mapping and Monitoring Program, the Project site is designated as “Urban and Built-Up Land” which is defined as land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel.^{4,5} Therefore, the Project meets the important farmland requirements of Government Code Section 65913.4 (a)(6)(B).

C) Wetlands

Pursuant to Government Code Section 65913.4 (a)(6)(C), development is not to be located on a site that contains wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993). The Project site is not located within or near any designated wetland areas.⁶ The nearest significant water body, the San Francisco Bay, is located approximately 1.3 miles north of the Project site and is separated by urban development, roadways, and other infrastructure. Therefore, the Project meets the wetland requirements of Government Code Section 65913.4 (a)(6)(C).

D) Fire Hazard Severity Zone

Pursuant to Government Code Section 65913.4 (a)(6)(D), development is not to be located on a site within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the State Responsibility Area, as defined in Section 4102 of the PRC. The Project site is not within a designated State Responsibility Area or an area designated as a Fire Hazard Severity Zone.⁷ The Project site is in a Local Responsibility Area that is not designated as, nor near any local or State Responsibility Area that have been designated as a Very High Fire Hazard Severity Zone.⁸ Therefore, the Project meets the fire hazard severity zone requirements of Government Code Section 65913.4 (a)(6)(D).

E) Hazardous Waste Site

Pursuant to Government Code Section 65913.4 (a)(6)(E), development is not to be located on a site that contains 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

⁴ California Department of Conservation, 2022. DLRP Important Farmland Finder. Results of electronic mapping search. Available: <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed October 10, 2025.

⁵ DOC, 2025. Important Farmland Categories. Available: <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx>. Accessed October 10, 2025.

⁶ U.S. Fish and Wildlife Service (n.d.). National Wetlands Inventory, 901 N Rengstorff Avenue National Wetlands Inventory Mapper. Results of electronic database search. Available: <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>. Accessed October 10, 2025.

⁷ California Department of Forestry and Fire Protection (CAL FIRE), 2024. Fire Hazard Severity Zones in State Responsibility Area. Available: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=988d431a42b242b29d89597ab693d008>. Accessed October 10, 2025.

⁸ CAL FIRE, 2025. Local Responsibility Area Fire Hazard Severity Zones Santa Clara County. Available: <https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones>. Accessed October 10, 2025.

Safety Code. The Project site is not located on the Department of Toxic Substances Control Hazardous Waste and Substances Site List (Cortese).⁹ It should be noted that the property located adjacent to the Project site to the northwest, addressed as 2019 Leghorn Street (listed as Leghorn LLC), is listed as a Cleanup Program Site on Geotracker, a database published by the State Water Resources Quality Control Board (SWRQCB) that lists Hazardous Waste and Substances Sites on the Cortese List.¹⁰ Reports for the 2019 Leghorn site indicate that the source of the petroleum hydrocarbon impacts to soil was likely located on the northeastern side of that property. However, the results of soil, soil vapor, and groundwater sampling by ENGEO specific to the Project site did not indicate the presence of a significant source area related to the former USTs on-site.¹¹ Therefore, the Project meets the hazardous waste site requirements of Government Code Section 65913.4 (a)(6)(E).

F) Earthquake Fault Zone

Pursuant to Government Code Section 65913.4 (a)(6)(F), development is not to be located on a site within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist. The Project site is not located within an Alquist-Priolo Earthquake Fault Zone and there are no known active faults crossing the Project site.¹² Therefore, the Project meets the earthquake fault zone requirements of Government Code Section 65913.4 (a)(6)(F).

G) Flood Hazard Area

Pursuant to Government Code Section 65913.4 (a)(6)(G), development is not to be located on a site within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA). Based on FEMA flood hazard mapping and as shown on FEMA map number 06085C0037H (effective 5/18/2009), the Project site is within Zone X – 0.2 percent annual chance flood hazard.¹³ The Project site is within a 500-year floodplain, which is outside any 100-year flood hazard zones. Therefore, the Project meets the flood hazard area requirements of Government Code Section 65913.4 (a)(6)(G).

H) Regulatory Floodway

Pursuant to Government Code Section 65913.4 (a)(6)(H), development is not to be located on a site within a regulatory floodway as determined by FEMA in any official maps published by FEMA. According to FEMA, a "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water

⁹ Department of Toxic Substances Control, 2024. Hazardous Waste and Substances Site List (Cortese). Available: https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,FUDS&status=ACT_BKLG.COM&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29. Accessed October 10, 2025.

¹⁰ California State Water Resources Control Board, 2025. GeoTracker Electronic Database Search. Available: <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=901+n+rengstorff+ave>. Accessed October 10, 2025.

¹¹ ENGEO, 2025. *Phase II Environmental Site Assessment*. Accessed October 10, 2025.

¹² California Department of Conservation, 2024. Earthquake Zones of Required Investigation. Available: <https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/>. Accessed October 10, 2025.

¹³ Federal Emergency Management Agency (FEMA), 2025. National Flood Hazard Layer (NFHL) Viewer. Available: <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>. Accessed October 10, 2025.

surface elevation more than a designated height.¹⁴ The Project site is not located within a regulatory floodway as determined by FEMA.¹⁵ Therefore, the Project meets the floodway requirements of Government Code Section 65913.4 (a)(6)(H).

I) Natural Community Conservation Plan

Pursuant to Government Code Section 65913.4 (a)(6)(I), development is not to be located on a site within an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 [commencing with Section 2800] of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan. The Project site is not located within the Santa Clara Valley Habitat Plan permit area and there are no Natural Community Conservation Plans applicable to the Project site.¹⁶ Therefore, the Project meets the natural community conservation plan requirements of Government Code Section 65913.4 (a)(6)(I).

J) Habitat for Protected Species

Pursuant to Government Code Section 65913.4 (a)(6)(J), development is not to be located on a site that contains habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code). The Project site is in an urban environment consisting primarily of residential, commercial and light industrial uses and has high levels of human activity. Vegetation in the Project area consists of predominantly non-native landscape plants and trees. No USFWS-designated critical habitat for threatened and endangered species is present in the Project area.¹⁷

An ESA biologist conducted a site visit on May 14, 2025, to identify site conditions and evaluate potential biological resources on site. Due to the developed and urbanized condition of the Project site and adjacent parcels, habitat values for special-status wildlife and plant species are considered low. Potential bird nesting and bat roosting habitats are present for several common wildlife species that could use trees and existing buildings on and near the site. Potential roosting habitat is present for bats including Townsend's big-eared bat (*Corynorhinus townsendii*), a California Department of Fish and Wildlife species of special concern. Townsend's big-eared bat roosts in caves, mines, hollow trees, and tunnels with minimal disturbance, but can also be found in abandoned open buildings or other human-made structures but is very sensitive to human disturbance. However, the potential for Townsend's big-eared bat is very unlikely

¹⁴ FEMA, 2020. Floodway. Available: <https://www.fema.gov/about/glossary/floodway>. Accessed October 10, 2025.

¹⁵ Federal Emergency Management Agency (FEMA), 2025. National Flood Hazard Layer (NFHL) Viewer. Available: <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>. Accessed October 10, 2025.

¹⁶ California Department of Fish & Wildlife, 2023. California Natural Community Conservation Plans. Available: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>. Accessed October 10, 2025.

¹⁷ United States Fish and Wildlife Service (USFWS), 2025b. Environmental Conservation Online System (ECOS) Information for Planning and Consultation (IPaC) tool. Available at: <https://ecos.fws.gov/ipac/>. Accessed in October 10, 2025.

to occur on the Project site as the species has been extirpated from the Santa Clara Valley floor.^{18,19,20} As such, the Project site would not be considered to contain habitat for this special status species.

Considering the Project site setting and site-specific evaluation, the Project site does not currently support any candidate, sensitive, or special-status species, identified state or federal agencies or by CDFW. Therefore, the Project meets the protected-species habitat requirements of Government Code Section 65913.4 (a)(6)(J).

K) Conservation Easement

Pursuant to Government Code Section 65913.4 (a)(6)(K), development is not to be located on a site under a conservation easement. A conservation easement is a voluntary, legal agreement that permanently limits uses of the land to protect its conservation values. The Project site is not on land under a conservation easement.²¹ Therefore, the Project meets the conservation easement requirements of Government Code Section 65913.4 (a)(6)(K).

Historic Resources - PRC Section - 21080.66(a)(7)

Pursuant to PRC Section 21080.66(a)(7), a project must 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 a project pursuant to Government Code Section 65941.1.

ESA completed a records search at the Northwest Information Center of the California Historical Resources Information System (NWIC) of the California Historical Resources Information System on April 29, 2025 (File No. 24-1715). The review included the Project site and a 0.25-mile radius. Previous surveys, studies, and site records were accessed. Records were also reviewed in the Built Environment Resources Directory for Santa Clara County, which contains information on places of recognized historical significance including those evaluated for listing in the *National Register of Historic Places*, the *California Register of Historical Resources*, the *California Inventory of Historical Resources*, *California Historical Landmarks*, and *California Points of Historical Interest*. ESA also prepared a preliminary draft Project-specific historic resource evaluation for the Project site in July 2025.²² The records search, background research, and historic resource evaluation determined that no historic architectural resource was identified within the current boundaries of 901 N. Rengstorff Avenue (APN 153-02-040); which is located entirely within the Project site. However, one potentially eligible historical resource was identified within

¹⁸ Johnston, Dave, Wildlife Ecologist and Bat Biologist, H. T. Harvey & Associates, telephone conversation, March 10, 2020.

¹⁹ City of San José, 2020. *Downtown West Mixed-Use Plan Draft Environmental Impact Report*, Section 3.2, Biological Resources, October 2020. Available at: https://sj-admin.s3-us-west-2.amazonaws.com/3.02_GSJ_BiologicalResources_DEIR.pdf. Accessed October 15, 2025.

²⁰ Santa Clara Valley Water District (Valley Water), 2011. *Santa Clara Valley Water District Stream Maintenance Program Update Final Subsequent Environmental Impact Report*, Section 3.3, Biological Resources, December 2011. Available at: https://s3.us-west-2.amazonaws.com/assets.valleywater.org/Vol_II_SCVWD_SMP_FSEIR-Chapter-3.3-152%20to%203.3-214.pdf. Accessed October 15, 2025.

²¹ California Natural Resources Agency, 2025. California Conservation Easement Database (CCED) Viewer. Available: <https://gis.cnra.ca.gov/apps/cced/>. Accessed October 10, 2025.

²² ESA, 2025. *Historic Resource Evaluation [for] 901–987 N. Rengstorff Avenue, Mountain View, California*. Prepared for the City of Mountain View. Preliminary Draft, June 2025.

the current combined boundaries of 913 and 987 N. Rengstorff Avenue (APNs 153-02-039 and -041, respectively): the former Ambra Olive Oil Co. olive oil production facility.

The entire parcel at 913 N. Rengstorff Avenue is located within the Project site. The southern portion of the parcel at 987 N. Rengstorff Avenue is within the Project site, while the northern portion of the parcel is outside of and immediately north of the Project site. Currently, there are character-defining features of the potentially eligible historic resource on both parcels (APNs 153-02-039 and -041), consisting of all the buildings within 987 N. Rengstorff Avenue (APN 153-02-041) and the remaining olive trees from the Ambra family's olive orchard within 913 N. Rengstorff Avenue (APN 153-02-039). However, under the Project, there would be a lot line adjustment between APNs 153-02-039 and -041. As a result of that adjustment, the distribution of character-defining features would not change. The eight olive trees would remain within the Project site, and all other character-defining features would remain outside of the Project site. Under the Project, five olive trees would be relocated to the northwest corner of 987 N. Rengstorff Avenue (APN 153-02-041), a location that is immediately adjacent to the former olive oil production facility.²³ This would co-locate all the historical resource's viable, character-defining trees within one parcel, which would be outside of and adjacent to the Project site. Three additional olive trees located within the project site are in poor health and would be removed entirely.²⁴

The removal of olive trees from the Project site and the select relocation of olive trees to the proposed new lot immediately north of the Project site would alter a character-defining feature of the potentially eligible historical resource. However, by relocating five olive trees to within the redrawn boundaries of 987 N. Rengstorff Avenue (APN 153-02-041), the trees would be in a new location that is in immediate proximity to the primary resource, i.e., the former Ambra Olive Oil production facility at 987 N. Rengstorff. The connection between the remnants of the former olive grove and the former olive oil production facility will be made clearer by this relocation and the significance of the historical resource would be reinforced, not diminished.

As noted above under *General Plan/Zoning Consistency*, the Project applicant submitted a SB 330 (Builder's Remedy) application on April 5, 2023. The Project would not be eligible for an AB 130 Exemption if it were to demolish a historic structure that was placed on a national, state, or local historic register before April 5, 2023, pursuant to Government Code Section 65941.1. The former Ambra Olive Oil Co. olive oil production facility and its associated character defining features were not listed at the time the application was filed and the Project would not require the demolition of a historic structure pursuant to PRC Section 21080.66(a)(7). Therefore, the Project meets the historic resources requirements of PRC Section 21080.66(a)(7).

Hotel Use - PRC Section - 21080.66(a)(8)

Pursuant to PRC Section 21080.66(a)(8), no portion of the project shall be designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging. The Project would construct a multi-family

²³ RW Stover & Associates, Inc., 2024. "Landscape Plan Ground Level" (Sheet L-1.1). September 2023, rev. May 2024. Included in LPMD Architects, plan set for "Ambra Apartments, 901-987 N. Rengstorff Avenue, Mountain View, CA." October 2023, rev. June 2024.

²⁴ HMH. Arborist Report: Ambra Property, Mountain View, CA. Prepared for Mario Ambra. March 2019, rev. May 2024.

residential building and does not propose any hotel, motel, bed and breakfast inn, or other transient lodging uses. Therefore, the Project meets the requirements of PRC Section 21080.66(a)(8).

Phase I Environmental Assessment - PRC Section - 21080.66(c)(1)(A)

Pursuant to PRC Section 21080.66(c)(1)(A), the City must, as a condition of approval for the development, require the Project Applicant to complete a Phase I Environmental Assessment. If a recognized environmental condition is found, certain studies and mitigation for cleanup are required (PRC Sections 21080.66[c][1][B through D]). A Phase I Environmental Site Assessment (Phase I ESA) prepared for the Project site in August 2023 by Stratus Engineering Associates LLC. The Phase I ESA identified potential environmental concern related to groundwater and soil contamination at the Project site originating from an adjacent clean-up site (discussed above under *E) Hazardous Waste Site*).²⁵

A Phase II ESA including subsurface investigations were performed in May 2025 by ENGEO. The results of soil, soil vapor, and groundwater sampling by ENGEO did not indicate the presence of a significant source area related to the former USTs on-site. Slightly elevated concentrations of benzene were found in two of the soil samples collected for the Phase II ESA, however oxygen concentrations present at the site indicate a strong attenuation zone, which would minimize the toxicity of the benzene present on site and also increase the allowable soil gas benzene concentration to well above the benzene concentrations measured during this investigation.²⁶ While the Phase II assessment did not identify any contaminants of concern due to the adjacent clean-up site, the proximity of several former gasoline service stations, as well as the excavation depth required for the Project, could result in the discovery of unknown groundwater or soil contamination during Project construction. If such contamination is encountered, the Project Applicant would be required to implement the City Standard Condition of Approval (*Discovery of Contaminated Soils*), which requires the development of a site management plan when contaminated groundwater, soil, or soil vapor is identified during ground disturbance. Therefore, the Project would meet the requirements of PRC Sections 21080.66(c)(1)(A through D).

Freeway within 500 Feet - PRC Section - 21080.66(c)(2)

PRC Section 21080.66(c)(2) specifies design features that shall apply to any proposed housing within 500 feet of a freeway. The Project site is located approximately 650 feet southwest of the U.S. 101 freeway; therefore, the Project would not be required to implement the specific design features and meets the requirements of PRC Section 21080.66(c)(2).

Tribal Consultation - PRC Section - 21080.66(b)(1)(A)

Pursuant to PRC Section 21080.66(b)(1)(A), the 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 project, its location, and the project's potential effects on tribal cultural resources. Therefore, the City is required to notify the California Native

²⁵ Stratus Engineering Associates LLC, 2023. Phase I Environmental Site Assessment 901-987 North Rengstorff Avenue Mountain View Santa Clara County, California. August 2023.

²⁶ ENGEO, 2025. 901 to 987 N. Rengstorff Avenue Phase II Environmental Site Assessment. July 2025.

American tribe traditionally affiliated with the project area within 14 days of notifying the local government that the project is eligible to be exempt from this division pursuant to PRC Section 21080.66(b)(1)(A)(ii). According to PRC Section 21080.66(b)(1)(B), the formal notification should include detailed project information to help inform the consultation, including site maps, project scope, and any known cultural resource studies as well as contact information for the local government, project proponent, and a 60 day notice to request consultation with the local government. The City mailed notices via certified mail and email pursuant to PRC Section 21080.66(b)(1)(A) on August 14, 2025 to a list of tribes who may have knowledge of cultural resources in the Project area provided by the California Native American Heritage Commission (NAHC).²⁷ The City received one request for tribal consultation from Tamien Nation, on August 28, 2025, and initiated tribal consultation with the tribe on September 11, 2025. The City held a consultation meeting with Tamien Nation tribal representatives on September 17, 2025 to share additional information about the project, answer questions from the tribe and receive input on potential project impacts to tribal cultural resources. During and after the consultation meeting, Tamien Nation representatives identified that tribal cultural resources could be impacted by the project and requested measures to address the potential impacts.

The tribal consultation process concluded on October 26, 2025, with no request made by Tamien Nation for an extension to the codified 45-day deadline (from the initiation of the tribal consultation process) to conclude the tribal consultation process. The Project applicant will be required to implement the tribal cultural resources conditions of approval required by AB 130, pursuant to Public Resources Code Section 21080.66(b)(4), with modifications thereto based on potential impacts identified and measures requested by Tamien Nation through the tribal consultation process (listed in the City of Mountain View Project Resolution for this Project under the heading “*Public Resources Code Section 21080.66 Requirements*”). The City has implemented the tribal consultation process as required.

Conclusion

As described above, the Project meets the criteria for a CEQA exempt housing project under AB 130 which includes the environmental factors under PRC Section 21080.66. Therefore, the Project is eligible to use the exemption under AB 130.

²⁷ NAHC, 2025. NAHC Sacred Lands File Record Search Response Re: 901 N. Rengstorff Avenue Project, Santa Clara County, May 1, 2025.