



February 24, 2026

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

**RE: AB 130 CEQA STATUTORY EXEMPTION -- SITE AND CRITERIA ANALYSIS REPORT
555 W. MIDDLEFIELD ROAD PROJECT**

Dear Mr. Hughes:

JHS Consulting (JHS) has prepared the attached memorandum report to summarize our review of the proposed Avalon Bay project located at 555 West Middlefield Road project (herein after referred to as the “555 W. Middlefield Road project” or “the project”) and its eligibility for the new Assembly Bill 130 (AB 130) Statutory Exemption under the California Environmental Quality Act (CEQA). The attached report provides a brief overview of the site context and the proposed project, followed by a review of the specific AB 130 Statutory Exemption criteria.

As demonstrated in the attached analysis, JHS concludes that with implementation and completion of the requirements outlined, as well as adherence to the City of Mountain View’s conditions of approval, the project will meet the criteria and qualify for the AB 130 statutory CEQA exemption.

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

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

Best regards,

John Schwarz
President



**CITY OF MOUNTAIN VIEW
555 W. MIDDLEFIELD ROAD PROJECT**

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
AB 130 STATUTORY EXEMPTION ELIGIBILITY ANALYSIS**

PROJECT NAME:	555 W. Middlefield Road Project	FILE NUMBER:
SITE ADDRESS:	555 W. Middlefield Road Mountain View, CA 94043	APN: 158-49-001
APPLICANT:	Charlie Koch, Senior Development Manager AvalonBay Communities 455 Market Street, Suite 1650 San Francisco, CA 94105	PHONE: (415) 730-3134
PROPERTY OWNER:	AvalonBay Communities 455 Market Street, Suite 1650 San Francisco, CA 94105	
PROJECT DESCRIPTION SUMMARY: The project proposes the development of 323 additional apartment dwelling units on an existing residential site within three new buildings to be constructed on current surface parking areas. The project also proposes: two new above-ground garages, outdoor open spaces, and an indoor amenity space; the removal of 49 Heritage trees; and dedication of a 1.34-acre public park to the City. All of the existing residential units will be retained.		
ENVIRONMENTAL SETTING: The 14.5-acre project site is located on the south side of West Middlefield Road, between Moffett Boulevard and State Route 85 (SR 85), within a largely residential area of central Mountain View. The existing site currently contains 404 multi-family residential apartment units, within 15 buildings, as well as a clubhouse, leasing and amenity space, six surface parking lots, and related improvements. The existing complex also contains tennis and basketball facilities located along the Cypress Point Drive frontage. The site contains approximately 417 trees, including approximately 255 Heritage Trees, and mature landscaping throughout the property. The site is generally flat and is currently developed at a density of approximately 27.8 dwelling units per acre (du/ac) and a floor area ratio (FAR) of 0.55.		

As outlined in this report, the proposed project meets the eligibility requirements for the AB 130 Statutory Exemption as codified in Public Resources Code Section 21080.66.

Prepared by: _____ **Date:** _____
Community Development Department

All referenced documentation is available for public review at the City of Mountain View, located at 500 Castro Street, Mountain View, CA 94039 during normal business hours.

1.0 INTRODUCTION

Assembly Bill 130, passed 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 streamlined environmental review.

This memorandum is intended to provide a summary of the proposed project's eligibility for the AB 130 CEQA statutory exemption.

2.0 PROJECT DESCRIPTION

Project Location

The 14.5-acre project site is located on the south side of West Middlefield Road, between Moffett Boulevard and State Route 85 (SR 85), within a largely residential area of central Mountain View. The existing site currently contains 404¹ multi-family residential apartment units within 15 buildings (totaling approximately 310,263 square feet) with three levels of housing, as well as a clubhouse, leasing and amenity space (totaling approximately 7,493 square feet), six surface parking lots containing a total of approximately 670 spaces, and related improvements. The existing complex, which was developed in 1968, also contains tennis and basketball facilities located along the Cypress Point Drive frontage. The site contains approximately 417 trees, including 255 Heritage Trees, and mature landscaping throughout the property. The site is generally flat and is currently developed at a density of approximately 27.8 dwelling units per acre (du/ac) and a floor area ratio (FAR) of 0.55.

The site has a General Plan designation of *High-Low-Density Residential*, which allows for multi-family housing such as apartments and condominiums with shared open space provided for common use, close to transit, shopping and public facilities, and a zoning designation of *P (Planning Community)*. This zoning district is designed to provide for those uses or combinations of uses that may be appropriately developed as a planned area development and allows any use permitted in any other zoning district.

The site is bordered by W. Middlefield Road to the north, State Route (SR) 85 to the east, Cypress Point Drive to the south, and Moffett Boulevard to the west. Surrounding land uses include multi-family residential and commercial uses, as well as a gas station to the north. The project site is situated approximately 1.1 miles north of SR 82 (El Camino Real), 0.6 miles south of US 101, and immediately west of SR 85. The project site consists of one legal lot (assessor's parcel number [APN] 158-49-001) that would be subdivided into three lots (Block A through C) as part of the project. The existing vehicular access points are from West Middlefield Road and Cypress Point Drive.

¹ During the entitlements application process for the previously approved project, there were 402 existing units onsite. Two units have been subsequently added to the property as accessory dwelling units within the footprints of the existing buildings.

Previously Approved Project

While it does not impact the eligibility of the project for the AB 130 Exemption, it is worth noting for context purposes that a prior development proposal was approved on this site. AvalonBay Communities filed a development proposal for the site in 2017 (PL-2017-004), and an Environmental Impact Report (EIR) was prepared to evaluate that project, and ultimately the previous project was approved by the City on May 10, 2022. The City Council specifically approved the following entitlements:

- General Plan Amendment from *Medium Density Residential* Land Use Designation to *High-Low Density Residential*;
- Planned Community Permit and Development Review Permit to demolish existing surface parking lots, recreation facilities, and common amenity areas, while retaining 402² existing residential units, to construct 323 new residential units (48 of which would be affordable) in three new buildings, three new subterranean parking garages, new common and private open spaces, and a new amenity building/leasing office at an existing multi-family residential complex;
- Vesting Tentative Map;
- A Heritage Tree Removal Permit to remove 51 Heritage trees; and
- Dedication of a 1.34-acre public park to the City.

On July 25, 2024, the Planning Division granted a two-year extension to the original permit entitlements (PL-2024-052 and PL-2024-053) until July 2026.

Proposed Project

AvalonBay Communities has now applied for a revised project on the site, which is similar to the approved project, except that the design has been reconfigured to construct the parking garages above-grade instead of below-grade. Residential units will be “wrapped” around the garage areas in order to conceal them from public view. The currently proposed project includes the same number of new units, including affordable units, and similar design elements as the previously approved project.

Specifically, the 555 West Middlefield Road Project (“project”) is an infill residential project proposing the redevelopment of a portion of an approximately 14.52-acre site in a (*P*) *Planned Community* zoning district within central Mountain View. The project proposes a Planned Community Permit, Development Review Permit, and a Heritage Tree Removal Permit to allow:

- 323 additional apartment dwelling units (for a total of 727 apartment units on site) and two new above-ground garages to an existing residential site within three new buildings occupying existing surface parking areas with two new above-ground garages, outdoor open spaces and an indoor amenity space;

² During the entitlements application process for the previously approved project, there were 402 existing units onsite. Two units have been subsequently added to the property as accessory dwelling units within the footprints of the existing buildings.

- The removal of 49 Heritage trees;
- Dedication of a 1.34-acre public park to the City; and
- Subdivision of the existing parcel into three lots.

All of the existing residential apartment units onsite will be retained. With the addition of the proposed units to the existing complex, the site will have a total of 727 dwelling units, at a density of 49.97 dwelling units per acre and a FAR of 1.51.

Buildings A and B will be four stories in height and Building C will be five stories in height. The residential buildings at Buildings A and B are proposed to be Type V-A construction, with the garage at Building A being Type I-A. Building C will be Type III-A (residential) and Type I-A (garage). Surface parking will be provided at Buildings A and B. A new central trash compactor is also proposed as part of the development.

The project proposes to avoid tenant displacement by retaining the 404 existing residential units and demolishing most of the existing surface parking areas, tennis and basketball facilities, as well as the existing leasing office and amenity building, pool, and spa, and then redeveloping those areas with the three new residential buildings.

Upon completion of the proposed project, the total above-grade gross floor area at the site will be approximately 957,114 square feet (sf), including approximately 285,039 sf of existing uses to remain and approximately 672,075 sf of new above-grade uses, resulting in a new total of 727 residential units at the site. The project also proposes to offer approximately 1.34 acres of land along Cypress Point Drive for dedication to the City for use as a future public park.

The project proposes three new buildings, referred to in the materials submitted by the Applicant team as Building A, Building B, and Building C. Building A will be located in the center of the site at the existing leasing office and outdoor pool area, Building B will be located at the west end of the site at an existing surface parking lot, and Building C will be located at the east end of the site at an existing surface parking lot and berm area.

Building A will be comprised of a new four-story residential building with 30 residential units, four levels of above grade parking (along with a half-level of parking extending partially below grade), and a total of approximately 135,221 square feet of residential and amenity uses. Building B will be comprised of a four-story building with 97 condominium units and surface level parking. The building will have a total of approximately 127,812 square feet of residential and amenity uses.

Building C will be a new five-story residential building with 197 residential units, five levels of above grade parking, and a total of approximately 407,871 square feet of residential and amenity uses.

Trees and vegetation removed are proposed to be replaced in accordance with the project's landscape plan (see sheets L.2.0 through L.6.13 of the plan sheet submittal) and consistent with the City's Tree Preservation Ordinance and standard conditions of approval.

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 project’s compliance. Further discussion of these criteria is provided in Section 4.0, below.

Criterion	Requirement	Project Compliance (Yes/No/N/A)
Housing Project	<p>The project must be a housing project, which includes:</p> <ul style="list-style-type: none"> – Projects consisting of residential uses only; – Mixed-use projects where at least two thirds of the new or converted square footage is designated for residential use; – Mixed-use projects with greater than 500 units where at least half of the new or converted square footage is designated for residential use and other specific requirements are met; – Transitional housing or supportive housing; and – Farmworker housing. 	<p>Yes.</p> <p>The project meets the definition of a housing project as defined in AB 130.</p>
Project Site Size -- General -- Builder's Remedy	<p>The project site must not exceed:</p> <ul style="list-style-type: none"> – 20 acres for general projects. – A builder's remedy project site must not exceed 5 acres. 	<p>Yes.</p> <p>The project site is 14.5 acres in size. The project is not a builder’s remedy project.</p>
Location -- Incorporated Municipality -- Urban Area (Census Bureau)	<p>The project site is either:</p> <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. 	<p>Yes.</p> <p>The project site is located within the incorporated City of MV and is surrounded by urban uses.</p>
Site Developed with or Adjacent to Urban Uses¹	<p>The project site meets any of the following criteria:</p> <ul style="list-style-type: none"> – The site was previously developed with an urban use. 	<p>Yes.</p> <p>The site is currently developed with existing residential apartment</p>

Criterion	Requirement	Project Compliance (Yes/No/N/A)
	<ul style="list-style-type: none"> – 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. 	uses and is surrounded on all sides by developed urban land uses and roadways.
General Plan, Zoning, and Local Coastal Program Consistency	The project must be consistent ² with the: <ul style="list-style-type: none"> – General Plan – Zoning Ordinance – Local Coastal Program (if applicable). 	Yes. The project meets this requirement. ³
Minimum Density Requirement	The project density must be at least 50% of Gov. Code Section 65583.2(c)(3)(B) requirements.	Yes. The project is proposed at a density of 49.97 dwelling units per acre and exceeds this density requirement.
Project Satisfies Section 65913(a)(6) of Government Code	In accordance with Government Code Section 65913.4(a)(6), the site is not any of the following: <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. 	N/A. The project site is not designated as any of these. See discussion below.

Criterion	Requirement	Project Compliance (Yes/No/N/A)
No Historic Structure Demolition	No demolition of historic structure listed on national, state, or local historic register.	N/A. No listed or potential historic structures are present.
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).	N/A. No lodging is present or proposed on the site.
Native American Tribal Consultation	Local government must notify and invite consultation with affiliated tribes.	Yes. This tribal consultation process will need to be completed. Upon completion, the project would comply with this requirement.
Phase I Environmental Site Assessment	Development proponent must complete Phase I environmental assessment. <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 removed or any 	Yes. A Phase I ESA was previously completed for the site in 2013 and updated in 2020 for the prior project proposed on this site. The project will be required to complete an updated Phase I ESA and to comply with regulatory oversight agency requirements, prior mitigation measures identified in the Phase I ESA, and the City’s standard Conditions of Approval. See discussion below.

Criterion	Requirement	Project Compliance (Yes/No/N/A)
	<p>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. 	
<p>Air Filtration Requirements (Near Freeways)</p>	<p>For housing projects within 500 feet of a freeway, the project must include additional HVAC system and air filtration requirements apply (MERV 16) and the project cannot include freeway-facing balconies.</p>	<p>The project site is located adjacent to the State Route 85 freeway and the proposed Building C is within 500 feet of SR 85. The project will be required to include these additional HVAC and air filtration requirements. The project proposes to include MERV 16 filters. The project does not propose any freeway-facing balconies within Building C and will be conditioned by the City not to include any freeway-facing balconies within 500 feet of the SR 85 freeway.</p>
<p>Labor Requirements</p>	<p>100% affordable projects must pay construction workers prevailing wages.</p>	<p>N/A. The project is not a 100% Affordable Housing</p>

Criterion	Requirement	Project Compliance (Yes/No/N/A)
	<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>	<p>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 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 HOUSING PROJECT

Yes No

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

for residential use and other specific requirements are met; (4) transitional housing or supportive housing; and (5) farmworker housing.

The project proposes the development of 323 additional apartment units on the existing residential site. Therefore, the project meets the definition of a housing development project as defined in AB 130.

4.2 PROJECT SITE SIZE

Yes No
 The project site must not exceed: 1) 20 acres for general projects; or 2) 5 acres for a builder's remedy project site.

The project site is 14.52 acres in size and therefore meets this requirement. The proposed project is not a builder's remedy project.

4.3 PROJECT SITE LOCATION

Yes No
 The project site is either: 1) located within the boundaries of an incorporated municipality; or 2) located within an urban area, as defined by the US Census Bureau.

The project site is located within the central portion of the incorporated City of Mountain View and is developed with an existing residential apartment complex including apartment buildings, leasing and amenity spaces, surface parking lots, landscaping, and pedestrian walkways. The site is located within an urbanized, developed residential and commercial area of the city, and is surrounded by existing urban uses and roadways. Therefore, the project would meet this criterion.

4.4 SITE DEVELOPED WITH OR ADJACENT TO URBAN USES

Yes No
 The project site meets any of the following criteria: 1) The site was previously developed with an urban use; 2) At least 75% of the perimeter of the site adjoins parcels developed with urban uses; 3) At least 75% of the area within ¼ mile radius of the site is developed with urban uses; or 4) For sites with 4 sides, at least 3 out of 4 sides are developed with urban uses and at least 2/3 of the site perimeter adjoins parcels developed with an urban use.

The site is currently developed with existing residential uses, and the site is surrounded on three sides by developed urban land uses and on the fourth side by an existing freeway (SR 85). The project site is developed with an existing residential apartment complex, and is located

within a developed, urban area of the city. The site is surrounded by existing residential and commercial uses. Therefore, the project would meet this criterion.

4.5 GENERAL PLAN, ZONING, AND LOCAL COASTAL PROGRAM CONSISTENCY

<u>Yes</u>	<u>No</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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 has a General Plan designation of *High-Low-Density Residential*, which allows for multi-family housing such as apartments and condominiums with shared open space provided for common use, close to transit, shopping and public facilities, and a zoning designation of *P (Planning Community)*. This zoning district is designed to provide for those uses or combinations of uses that may be appropriately developed as a planned area development and allows any use permitted in any other zoning district. Surrounding properties consist of multi-family residential and commercial uses, including lands zoned *R3-Multifamily, Commercial/Residential Arterial, and Planned Community*.

The project site is not located within the coastal zone and is not subject to a local coastal program.

The project site consists of one legal lot (assessor’s parcel number [APN] 158-49-001) that will be subdivided into three lots (Block A through C) as part of the project. According to the project plans, Building A will have a height of approximately 70 feet, Building B will have a height of approximately 57 feet, and Building C will have a height of approximately 67 feet. All of the existing residential apartment units onsite will be retained. With the addition of the proposed units to the existing complex, the site will have a total of 727 dwelling units, at a density of 49.97 du/ac and an FAR of 1.51.

The project generally complies with the land use requirements and will use the State Density Bonus Law to achieve modifications and waivers from certain Precise Plan Standards. Per AB 130, density bonus waivers or concessions are not grounds for concluding inconsistency with the General Plan or zoning designations. For this reason, the project is consistent with this criterion.

4.6 MINIMUM DENSITY REQUIREMENT

<u>Yes</u>	<u>No</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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:</p> <ol style="list-style-type: none"> 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 meets this requirement because Mountain View is within a metropolitan county, which has an applicable density of 30 dwelling units per acre (du/ac), and half of which is 15 du/ac. The project is proposed at a density of approximately 49.97 du/ac, which exceeds the minimum requirement of 15 du/ac for a jurisdiction in a metropolitan county. Therefore, the project meets this criterion.

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

<u>Yes</u>	<u>No</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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.

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.

As described in the prior 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, 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. See discussion in Section 4.11 below. 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.

Project Site

According to the Phase I ESA prepared for a prior development proposal on the site, the property is listed as historically handling hazardous materials including oil containing waste (2004), aqueous solutions (2007 and 2008) organics, inorganic solid waste, organic solids, pesticides and pesticide waste (2012) and asbestos containing waste (1998, 2010, 2012, 2013, 2014 and 2016). Due to handling of hazardous materials, site is also listed in the Hazardous Waste Tracking System database. The site was also classified as a Resource Conservation and Recovery Act non generator in 2018 and was listed in the California Environmental Reporting System (CERS) Tanks database. The site is also listed in the Pesticide Regulation Licenses

Listing database for a license issued in January 2020.³ The project site does not, however, use large quantities of these materials, and the site does not have any open cases or violations and is not listed on the Cortese List.

Gas Station 495 Moffett Boulevard

There is a gas station adjacent to the site, to the northwest, which is listed on several regulatory databases, including the Cortese List as a leaking underground storage tank closed case.⁴ According to the prior Phase I ESA, groundwater sampling at the gas station property in 1991 revealed concentrations of total petroleum hydrocarbon-gasoline (TPHg), benzene, toluene, ethylbenzene and xylene (BTEX). In August of 1992, four underground storage tanks (USTs) were removed from that property. TPHg and benzene concentrations were detected in soil samples collected during the UST removal. Excavation of impacted soil was conducted. Groundwater monitoring was conducted from 1992 until 2009. On July 2, 2010, the County of Santa Clara Department of Environmental Health (DEH) issued a case closure letter for the gas station property. The case closure summary stated that residual contamination remains at the site and the DEH should be notified if redevelopment of that property is to occur or installation of water wells is planned. The direction of groundwater flow in the area was characterized as north-northeast flowing, therefore, the gas station property is downgradient from the project site. The gas station property is listed with violations under CERS and is listed as handling hazardous waste, including aqueous solutions with organic residues and organic solids.⁵

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

A portion of the western boundary of the Middlefield Road-Ellis Street-Whisman Road (MEW) Superfund Study Area is located approximately 0.5 mile east of the project site. The MEW area 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). Although the MEW area is considered a large-scale groundwater remediation effort in the area, due to the distance from the project site along with the groundwater flow direction in the area (to the north), groundwater issues associated with the MEW plume are not anticipated to impact the project during construction activities or operation.

The project site is not impacted by contamination and is not designated as a hazardous waste site or included on any of the Section 65962.5 lists (the Cortese List), nor is it designated as a

³ City of Mountain View. 555 West Middlefield Road Environmental Impact Report. SCH #2019070252. 2021. p. 3.8-2--3.8-3.

⁴ <https://geotracker.waterboards.ca.gov/map/?myaddress=California&from=header&cqid=8672132194>. Exxon #7-3528 (T0608500578), 495 Moffett Boulevard, Mountain View, CA 94043. LUST Cleanup Site. Status: Completed - Case Closed (Loc Case #: 06S2W22C02f). Accessed February 12, 2026.

⁵ City of Mountain View. 555 West Middlefield Road Environmental Impact Report. SCH #2019070252. 2021.

hazardous waste site under Health & Safety Code Section 25356.29. Given that the gas station case is closed and the property is located downgradient of the site, residual contamination at that property is not anticipated to impact the project.

Due to the presence of nearby recognized environmental conditions, the Applicant will be required by the City to complete additional analysis to determine the potential for exposure to significant health hazards to future occupants. 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 appropriate. 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 nearby 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 nearby 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.

4.8 NO HISTORIC STRUCTURE DEMOLITION

<u>Yes</u>	<u>No</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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 residential buildings to remain are not considered to be potential historic resources or part of an historic district. Therefore, the project is consistent with this criterion.

4.9 NO TRANSIENT LODGING

<u>Yes</u>	<u>No</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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 any lodging uses. Therefore, the project complies with this criterion.

4.10 NATIVE AMERICAN TRIBAL CONSULTATION

Yes No

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

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

4.11 PHASE I ENVIRONMENTAL SITE ASSESSMENT

Yes No

The local government shall, as a condition of approval for the development, require the development proponent to complete a Phase I Environmental Site Assessment, as defined in Section 78090 of the Health and Safety Code.

1) If a recognized environmental condition is found, the development proponent shall complete a preliminary endangerment assessment, as defined in Section 78095 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.

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

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

A Phase I ESA was completed in 2013 and updated in 2020 as part of prior CEQA documentation for a previously proposed project on the site. As described in the Phase I ESA conducted for the property, the project site is not included on any list compiled pursuant to Section 65962.5 ("Cortese List") of the California Government Code.

As described above under *Section 4.7*, the project will 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 nearby 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 additional site evaluation and mitigation, where necessary. For these reasons, the project would comply with this criterion.

4.12 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 located adjacent to the State Route 85 freeway, and the proposed Building C is within 500 feet of SR 85. Proposed Buildings A and B are located greater than 500 feet from the SR 85 freeway.⁶ The project will be required to include these additional heating, ventilation, and air-conditioning (HVAC) and air filtration requirements mentioned above. The project proposes to include MERV 16 filters and does not propose any freeway-facing balconies within Building C within 500 feet of the SR 85 freeway. The City of Mountain View will condition the project to provide the above-described HVAC and filtration requirements and to ensure no balconies are proposed facing SR 85 in Building C.

4.13 LABOR REQUIREMENTS

Yes No

Projects must meet the labor requirements outlined below:

- 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.

⁶ It should be noted that large trucks over 9,000 pounds, which tend to be the largest polluting vehicles, are not allowed on SR 85 between Interstate 280 in Cupertino and the southern terminus of SR 85 at the US 101 interchange in south San Jose. While this restriction does not apply to the northern portion of SR 85 in Mountain View, this restriction does generally limit the number of larger trucks and vehicles that use SR 85.

- 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 Building A, B, and C heights are all less than 85 feet. 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 555 W. Middlefield Road project materials and the *AB 130 CEQA Exemption Criteria*. JHS has reviewed the project plans, technical reports, and other relevant background materials.

As demonstrated in the analysis in Sections 3.0 and 4.0 above, JHS concludes that with implementation and completion of the tribal consultation requirements and process, as well as adherence to the recommendations and requirements outlined: 1) in the Phase I Environmental Site Assessment, 2) by the EPA, DTSC, and SRWQCB, and 3) by the City of Mountain View's standard conditions of approval, the project will meet the criteria and qualify for the AB 130 statutory CEQA exemption.

6.0 REFERENCES

555 W. Middlefield Road Project. Plan Set Submittal. Formal Application #2. June 13, 2025.

555 West Middlefield Road, Mountain View, CA. Project Description. 6/20/2025.

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

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

Cardno, ATC. Phase I Environmental Site Assessment of Mountain View at Middlefield. 555 West Middlefield Road, Mountain View, California 94043. January 31, 2013.

City of Mountain View. 555 West Middlefield Road Project Environmental Impact Report and Appendices (State Clearinghouse #2019070252). Prepared by ICF. 2021.

City of Mountain View. General Plan 2030. Adopted July 10, 2012.

EDR. Radius Map Report with GeoCheck. 555 Middlefield. 555 W. Middlefield Road. Mountain View, CA. Inquiry Number: 6294401.2s. December 9, 2020.