

MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT

Resolution No. 01-020923

Resolution Making Required CEQA Findings and Adopting Mitigation Measures for the Educator Workforce Housing Project at 231 Grant Avenue in Palo Alto and Approving Project Funding Agreement

WHEREAS, Santa Clara County has one of the most expensive housing markets in the world and a severe shortage of housing that is affordable to low and moderate income households; and

WHEREAS, the high cost of living in Santa Clara County is a significant impediment to the ability of local school districts to recruit and retain teachers, administrators, and other staff; and

WHEREAS, the County of Santa Clara (“County”) proposes to partner with Mercy Housing Management Group, which is comprised of Mercy Housing and Abode Communities (“Developer”) to build below market rate workforce housing on an approximately 1.4-acre property at 231 Grant Avenue in Palo Alto that is owned by the County; and

WHEREAS, the proposed project includes demolition of the existing 6,800-square foot, late-1950s single-story office building at 231 Grant Avenue, and construction of a new 115,000-square foot, four-story building with approximately 110 residential units, associated amenities, and approximately 1,100 square feet of “flex space” for a café or other retail/commercial use (the “Project”); and

WHEREAS, the Project’s residential units would primarily serve teachers and classified staff from schools in Santa Clara County and southern San Mateo County, including schools in the Mountain View Whisman School District (“District”); and

WHEREAS, the Project is being undertaken by the County pursuant to its intergovernmental and sovereign immunity and, therefore, the County is the approval authority for the project for local land use and regulatory purposes, which includes serving as the lead agency for conducting environmental review of the Project pursuant to the California Environmental Quality Act (CEQA), Pub. Res. Code § 21000 *et seq.*, issuing building permits, and conducting inspections during Project construction; and

WHEREAS, on October 5, 2021, the County published a Draft Environmental Impact Report (DEIR) for the Project pursuant to CEQA and circulated for a 45-day public review and comment period ending November 19, 2021; and

WHEREAS, the County prepared a Final Environmental Impact Report (FEIR) for the Project that was published in December 2021; and

WHEREAS, the DEIR and FEIR collectively constitute the Environmental Impact Report (EIR) for the Project; and

WHEREAS, at its January 11, 2022 regular meeting, the County Board of Supervisors adopted Resolution No. BOS-2022-4 certifying an environmental impact report (EIR), making all required findings, and adopting a mitigation monitoring and reporting program (MMRP) for the Project in compliance with CEQA; and

WHEREAS, on January 13, 2022, a Notice of Determination for the Project was filed with the County Clerk and posted in compliance with CEQA; and

WHEREAS, the District desires to enter into a Funding Agreement with the County to contribute \$600,000 to development of the Project in exchange for the right to have 12 units in the Project offered for rent to teachers and staff employed by the District (the “Funding Agreement”), and therefore the District is a responsible agency for the Project for CEQA purposes;

NOW THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED by the Board of Education of the Mountain View Whisman School District as follows:

1. Consideration of EIR. The EIR has been presented to the Board of Education and the Board of Education has reviewed and considered the information contained therein before approving the allocation of funding for the Project.
2. Potentially Significant Impacts. The EIR discloses that the Project has the potential to directly and/or indirectly significantly impact the following environmental resources: air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise and vibration, transportation, and tribal cultural resources. The Project’s potential impacts are summarized in Table ES-1 of the DEIR (pages ix through xxvi), as revised in section 4 of the FEIR (pages 4-1 through 4-2), and are more thoroughly discussed in sections 3.2 through 3.19 of the DEIR.
3. Impacts that Can be Mitigated. Except for the significant and unavoidable noise and vibration impacts identified in Section 4 below, all of the Project’s potentially significant environmental impacts can and will be mitigated to less-than-significant levels through adoption and implementation of mitigation measures identified in the EIR and set forth in the Mitigation Monitoring and Reporting Program attached hereto and adopted pursuant to Section 8 below. The post-mitigation level of each of the Project’s environmental impacts is set forth in Table ES-1 of the DEIR (pages ix through xxvi), as revised in section 4 of the FEIR (pages 4-1 through 4-2).
4. Significant and Unavoidable Impacts. The environmental impacts of the Project that cannot be avoided or mitigated to less-than-significant levels, despite the adoption and implementation of all feasible mitigation measures and alternatives, are as follows:
 - Impact NOI-1: Project construction would result in generation of a substantial temporary increase in ambient noise levels.
 - Impact C-NOI-1: Noise from Project construction, combined with other construction

projects in the vicinity, could result in a cumulatively significant temporary increase in ambient noise levels.

- Impact NOI-2: Project construction would result in generation of substantial temporary vibration effects.
- Impact C-NOI-2: The vibration effects from Project construction, combined with vibration from other construction projects in the vicinity, could result in cumulatively significant temporary vibration effects.

5. Alternatives Analysis. The EIR evaluated three alternatives; the No Project Alternative, Alternative 1 – Traditional Construction Methods, and Alternative 2 – Reduced-Scale Alternative. The Board of Education concurs with the County Board of Supervisors’ determination that none of the alternatives are feasible for the reasons set forth in Section 3.D of County Resolution No. BOS-2022-4.

6. Public Agencies Responsible for Mitigation Measures. As shown in the MMRP attached hereto as Exhibit 1, all of the mitigation measures identified in the EIR are wholly within the responsibility and jurisdiction of the County and other public agencies and can and should be adopted by those agencies.

7. Statement of Overriding Considerations. With respect to the Project’s significant and unavoidable noise and vibration impacts identified and described in the EIR and Section 4 above, the Board of Education finds that all feasible mitigation measures and alternatives have been adopted and that, pursuant to Public Resources Code section 21081(b), there are specific overriding economic, legal, social, technological and other benefits of the Project that outweigh the significant noise and vibration effects on the environment during construction. These benefits, which will accrue to the City of Palo Alto, the participating school districts, the County of Santa Clara, and the general public, warrant approval of the Project notwithstanding the Project’s remaining significant effects on the environment, include the following:

a. Santa Clara County has one of the most expensive housing markets in the world and a severe shortage of housing that is affordable to moderate-income households¹;

b. It is extremely difficult for teachers and other school employees in northern Santa Clara County to afford housing within reasonable proximity to the schools where they work²;

¹ See, e.g., Ordinance No. NS-1200.375, adopted by the County Board of Supervisors on Oct. 6, 2020, for further evidentiary findings regarding Santa Clara County’s housing crisis; and comment letter submitted by Silicon Valley at Home in support of item 11 on the Board of Supervisors’ January 23, 2018 regular meeting agenda.

² See, e.g., comment letters submitted by Foothill-De Anza Community College District, Palo Alto Educators Association, Evergreen Teachers Association, and Silicon Valley at Home in support of item 11 on the County Board of Supervisors’ January 23, 2018 regular meeting agenda; written comments LWV-1 and JAMASON-1 in the FEIR, and verbal comments BALDWIN-1, DIBRIENZA-1, and STEINER-1 in the FEIR.

c. The high cost of living in Santa Clara County is a significant impediment to the ability of local schools to recruit and retain teachers, administrators, and other staff,³ including District schools;

d. There are numerous social and environmental benefits associated with teachers living in the neighborhoods where they work, including enhancing the ability for teachers to participate in extracurricular school activities, to be active in the neighborhoods and extended school communities in which they serve, to reduce their lengthy commutes, to increase their use of public transportation, and to reduce their vehicle miles traveled and associated greenhouse gas emissions⁴; and

5. The Project would provide 110 units of housing primarily for educators and other school staff for at least 50 years, whereas the Project’s significant and unavoidable impacts would be limited to the Project’s construction phase (approximately 15-18 months).

8. Adoption of MMRP. A Mitigation Monitoring and Reporting Program (“MMRP”) has been prepared for the Project pursuant to Public Resources Code section 21081.5 that provides for implementation, monitoring, reporting, and enforcement of all conditions and mitigation measures adopted to mitigate and/or avoid the Project’s significant environmental impacts. The MMRP is attached hereto as Exhibit 1 and incorporated herein. The Board of Education hereby adopts and approves the MMRP.

9. Custodian and Location of Administrative Record. The Office of the Clerk of the District’s Board of Education at 1400 Montecito Avenue, in the City of Mountain View, is the location and custodian of the documents or other materials that constitute the record of the proceedings upon which this decision is based.

10. Approval of Funding Agreement. The District hereby approves the Funding Agreement, which is attached hereto as Exhibit 2, and authorizes Superintendent or designee to execute the Funding Agreement on behalf of the District.

PASSED AND ADOPTED this February 9, 2023, by the Board of Education of the Mountain View Whisman School District of the County of Santa Clara, State of California, by the following vote:

AYES: _____

NOES: _____

³ See, e.g., comment letters submitted by the Mountain View Los Altos High School District, Foothill-De Anza Community College District, Palo Alto Educators Association, and Evergreen Teachers Association in support of item 11 on the County Board of Supervisors’ January 23, 2018 regular meeting agenda.

⁴ See, e.g., comment letter submitted by Palo Alto Educators Association in support of item 11 on the County Board of Supervisors’ January 23, 2018 regular meeting agenda; written comment JAMASON-1 in the FEIR; and verbal comments DIBRIENZA-1, KNISS-1, PENNINGTON-1, RATNER-1, SHEPPARD-1, and SUNG-1 in the FEIR.

ABSTAIN: _____

ABSENT: _____

This is to certify that this is a true and correct copy of the resolution as adopted and approved at a regular meeting of the Board of Education of the Mountain View Whisman School District.

Attest: _____

Board President

Mountain View Whisman School District

Clerk, Board of Education,
Mountain View Whisman School District

Exhibits to this Resolution:

- 1 – Mitigation Monitoring and Reporting Program
- 2 – Funding Agreement for 231 Grant Educator Workforce Housing Project

Exhibit 1
Mitigation Monitoring and Reporting Program

Exhibit 2
Funding Agreement for 231 Grant Educator Workforce Housing Project