

MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT

County of Santa Clara, State of California

RESOLUTION NO. 01-082525

RESOLUTION DETERMINING THAT THE SALE OF AN UNDIVIDED 35% INTEREST AS TENANTS IN COMMON INCLUDING 50 RESIDENTIAL UNITS AT THE PROPERTY LOCATED AT 699 N. SHORELINE BLVD., IN THE CITY OF MOUNTAIN VIEW (APN: 153-24-027) PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING THE PURCHASE AND SALE AGREEMENT, DECIDING TO CARRY OUT THE PROJECT, AND DIRECTING THE FILING OF A NOTICE OF EXEMPTION

WHEREAS, Mountain View Whisman School District (“**MVWSD**”) is the fee simple owner of the property located at 699 N. Shoreline Blvd., in the City of Mountain View, California and County of Santa Clara, with the assessor parcel number (**APN**) 153-24-027, which includes a 144-unit below market rate residential apartment building for employee housing (“**Property**”); and

WHEREAS, the Property is adjacent to and was developed as part of an integrated residential apartment complex with the Property and the adjacent parcel commonly referred to as 777 West Middlefield Road, in the City of Mountain View, County of Santa Clara, State of California is owned and was developed by Mountain View Owner LLC consisting of 572 market-rate residential units, for a total of 716 residential units, subterranean parking structure (“**Parking Garage**”) and certain amenities shared with the Property (“**Master Development**”); and

WHEREAS, the Property and Master Development are subject to recorded Declaration of Covenants, Conditions, Restrictions and Establishment of Easements and Cost Sharing Obligations for 777 West Middlefield” recorded on December 6, 2022 as Instrument No. 25411919 in the Official Records of the County of Santa Clara (“**CC&Rs**”) and an Agreement by and among the City of Mountain View, Mountain View Owner, LLC and Mountain View Whisman School District regarding the provision of Affordable Rental Housing Units for a Residential Project Located at 777 West Middlefield Road” dated September 19, 2022 and recorded on October 13, 2022 as Instrument No. 25386075 in the Official Records of the County of Santa Clara (“**Agreement for Affordable Rental Housing Units**”); and

WHEREAS, for the purchase price of Fifty-Four Million Four Hundred Fifty Thousand Dollars (\$54,450,000.00) MVWSD now intends to sell to Foothill-De Anza Community College District (“**FHDA**”), and FHDA intends to purchase from MVWSD subject to those CC&Rs, and Agreement for Affordable Rental Housing Units and Amendment thereto, and the MVWSD and FHDA Co-Tenancy Agreement, all as further set forth in the Purchase and Sale Agreement for Real Property with Joint Escrow Instructions (“**PSA**”), attached hereto as **Exhibit A**, an “**Ownership Interest**” (as further set forth in the PSA) of an undivided thirty-five percent (35%) interest as tenants in common in the Property, including ownership of fifty (50) residential units

and a proportionate share of the land, improvements, access to and use of a proportionate share of parking spaces in the Parking Garage, access to and use of all amenities, common areas and appurtenances of the Property, including easements or rights-of-way relating thereto, in the Master Development, of which the Property is a part thereof; and

WHEREAS, the District must comply with the California Environmental Quality Act (“**CEQA**”) before approving the sale of the Property (“**Project**”); and

WHEREAS, exemptions to CEQA are set forth in Article 19 of Title 14 of the California Code of Regulations (“**CEQA Guidelines**”); and

WHEREAS, section 15061(b)(3) of the CEQA Guidelines describes the so-called Common-Sense Exemption, which exempts projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, the Project will not have a significant effect on the environment as the District will not change the use of the Property after sale of the Ownership Interest to FHDA, and FHDA will not change the use of the Property after its acquisition of the Ownership Interest; and

WHEREAS, it can be seen with certainty that the Project will not have a significant effect on the environment because the sale of the Ownership Interest will only result in a change of ownership and not a change in use or increase in use of the Property or an environmental or physical change.

NOW, THEREFORE, BE IT RESOLVED, for good and sufficient cause based on the entire record of proceedings, the Board of Education of the Mountain View Whisman School District (“**Board**”) hereby finds, determines, declares, decides, orders, and resolves as follows:

Section 1. The above recitals are true and correct.

Section 2. The District shall sell to FHDA an Ownership Interest in the Property.

Section 3. The PSA for the Sale of the Ownership Interest attached as **Exhibit A** is approved subject to minor revisions approved by staff and legal counsel that do not alter or reduce the “intent” and “best interests” of the PSA or this Resolution.

Section 4. The Proposed Project is exempt under the Common-Sense Exemption (CEQA Guidelines, § 15061(b)(3)).

Section 5. The applicable requirements of CEQA have been fulfilled for the Project.

Section 6. The District will carry out the Project (i.e., sell the Ownership Interest).

Section 7. The District's Superintendent (Jeffrey Baier), the District's Chief Business Officer (Rebecca Westover), the Board President (William Lambert) or the Board Clerk (Lisa Henry) are each individually authorized by the Board to perform all or some of the required actions and execute all or some of the documents necessary to carry out the intent of this Resolution, including but not limited to entering into the PSA, filing of the Notice of Exemption for the Project with Santa Clara County and the State Clearinghouse and to taking all such future actions and execute additional documents, as necessary, to complete the sale to FHDA of the Ownership Interest in the Property.

PASSED AND ADOPTED this 25th day of August 2025, 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: _____

Absent: _____

Abstention: _____

CERTIFICATION

I, _____, Clerk of the Governing Board of the Mountain View Whisman School District, Santa Clara County, State of California, do hereby certify that the foregoing Resolution was duly approved and adopted by the Governing Board of said district at a meeting thereof held on the _____ day of August, 2025, with a copy of the Resolution being on file in the Administrative Office of the District.

**Clerk of the Governing Board of the
Mountain View Whisman School District**

Exhibit A
Purchase and Sale Agreement for Real Property with Joint Escrow Instructions