

**SAN MATEO-FOSTER CITY SCHOOL DISTRICT**

**RESOLUTION NO. 15/20-21**

**EXEMPTING THE SAN MATEO-FOSTER CITY SCHOOL DISTRICT  
FROM ZONING ORDINANCES AND REGULATIONS OF THE CITY  
OF FOSTER CITY**

**WHEREAS**, the San Mateo-Foster City School District ("District") is a school district duly organized and validly existing under the laws of the State of California, and located within the boundaries of the City of Foster City ("City"); and

**WHEREAS**, the District's Board of Trustees ("Board") requested in spring 2019 that District staff develop a new facilities master plan with the involvement of each school's staff and parent community; and

**WHEREAS**, the Facilities Master Plan for the New Decade was developed by considering projects from the 2013 facilities plan which had not been completed due to lack of funding, identifying new District needs since 2013 that have not been addressed due to lack of funding, and soliciting input from school communities and school facilities teams; and

**WHEREAS**, the District retained an architectural firm as an independent consultant to validate these identified needs with cost estimates; and

**WHEREAS**, the Board reviewed the draft of the Facilities Master Plan for the New Decade in July 2020 and provided direction on immediate priorities and adopted the Facilities Master Plan at its July 30 Board meeting; and

**WHEREAS**, in August 2020, the Board of Trustees approved the placement of a general obligation bond (Measure T) on the November 2020 ballot to fund a variety of Facilities Master Plan and related projects at school sites throughout the District, including all school sites within the City of Foster City; and

**WHEREAS**, on November 3, 2020, Measure T passed with a 64% yes vote by the voters living within the District's boundaries; and

**WHEREAS**, the proceeds of Measure T will be used, along with other District sources of funding when available, to complete projects ("Projects") identified in the Facilities Master Plan for the New Decade as well as related projects including, but not limited to, the following:

- Facilities improvements to ensure the health and safety of staff and students including hand-sanitizing stations, water bottle filters, improved air filtration, and restroom modernizations and the addition of air conditioning in the many classrooms and adjoining facilities where it doesn't exist;
- Facilities improvements to support the provision of a 21<sup>st</sup> century education including middle school science classrooms/labs, Makers spaces and rooms for art and music instruction;
- Addition of new facilities where needed for increased enrollments and improved environments including a new gym and locker rooms at Bowditch Middle School;
- Renovation including rebuilding part of the Bowditch campus;

- Infrastructure improvements such as plumbing, electrical and mechanical; and
- Addition of solar systems to advance the District’s goal of becoming a net-zero-energy efficient school district; and

**WHEREAS**, the proposed activities and use of the existing District properties are for instructional classroom school purposes, including the modernization of current facilities and construction of new facilities on current sites, subject to design review and approval by the Division of the State Architect under California Education Code Section 17280, *et seq.*, and such proposed use does not consist of “non-classroom” facilities as defined by Government Code 53094 and relevant case law; and

**WHEREAS**, by allowing for exemptions from local zoning ordinances based on educational purposes, the California Legislature recognized that school construction is subject to almost complete control by the State, and compliance with local ordinances would therefore be redundant, and in some cases could result in conflicting obligations; and

**WHEREAS**, California Government Code Section 53094 authorizes a school district, by a vote of two-thirds of the members of its Governing Board, to render City zoning ordinances inapplicable to the use of property when activities thereon are for the benefit of and will be used for educational purposes; and

**WHEREAS**, compliance with applicable provisions of the Zoning Ordinances and Regulations of the City of Foster City (“Zoning Ordinances”) that could otherwise be applicable to the Projects, if any, could significantly delay, interfere with, or increase the cost relating to construction of the Projects and use of the District’s facilities, which in turn could result in an educational detriment to the District’s students; and

**WHEREAS**, the District is subject to numerous State requirements and State oversight regarding the design and construction of the Projects, which are designed to ensure that school construction projects are safe and promote the public interest, and State approval of the Projects has or will be obtained where required by applicable law, and compliance with the Zoning Ordinances may interfere with those State standards; and

**WHEREAS**, the District will continue its communication efforts with the City of Foster City, as well as engage the community for input and feedback during the design and construction of the new facilities; and

**WHEREAS**, the District has balanced the interests of the public, including those of the District and the City of Foster City, as well as the County of San Mateo, and determined that the interests of the public are best served by the District exercising its rights under Government Code Section 53094 to exempt the Projects from any applicable Zoning Ordinances.

**NOW THEREFORE, THE GOVERNING BOARD OF THE SAN MATEO–FOSTER CITY SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1. That all of the above recitals are true and correct.

Section 2. That the Board finds it is in the best interest of the District to exercise Board authority to render any

and all otherwise applicable portions of any zoning ordinances of the City, including, without limitation, the City's Municipal Code, the City's General Plan, and related ordinances and regulations which otherwise would be applicable to the District in adding these new facilities or renovating existing ones inapplicable to the sites and proposed uses for the Projects. The Board directs the Superintendent, within ten days of the Board's approval of this Resolution, to give written notice to the City and County of San Mateo of the action taken by the Board further to this Resolution, as required by the Government Code Section 53094.

Section 3. That the Superintendent or designee is delegated authority to take all steps and perform all actions necessary to carry out the action of the Board as set forth in this Resolution.  
Section 4. That this Resolution shall become immediately effective upon adoption by the Board.

**APPROVED, PASSED, AND ADOPTED** by the Governing Board of the San Mateo-Foster City School District at a public meeting duly called and held on this December 14, 2020 by the following vote:

AYES:

NOES:

ABSTENTIONS:

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President, Governing Board

ATTEST:

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Clerk, Governing Board