

## **RESOLUTION NO. 20-029**

### **RESOLUTION OF THE BOARD OF EDUCATION OF THE BERKELEY UNIFIED SCHOOL DISTRICT EXEMPTING DISTRICT CONSTRUCTION PROJECTS AND THE BERKELEY HIGH SCHOOL CAMPUS FROM LOCAL CITY ZONING AND BUILDING ORDINANCES AND REGULATIONS**

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

**WHEREAS,** the District currently owns and operates its Berkeley High School campus, located at 1980 Allston Way, Berkeley, CA, which also includes the property located on Milvia Street between Bancroft and Durant (aka APN 055-1894-007-02) (collectively, the "School Site"), for educational purposes, and proposes to construct new educational facilities to replace aging facilities at the School Site;

**WHEREAS,** the District may from time to time construct, modernize, and/or renovate certain facilities on the School Site to provide educational services in order to serve the surrounding community, including the District's proposed construction of a new 2-6 story parking structure with rooftop tennis courts (approximately 4-6 courts) to replace the existing parking lot in the location of the Milvia Street property (APN 055-1894-007-02) at the School Site (the "Project");

**WHEREAS,** Government Code section 53094 authorizes the District, by a vote of two-thirds of the members of its Board of Trustees, to render City and County zoning ordinances inapplicable to the Project and School Site when used for educational purposes;

**WHEREAS,** the proposed use of the Project and School Site is for educational purposes and the Project and School Site are subject to design review by the Division of the State Architect ("DSA"); and

**WHEREAS,** the District has balanced the interests of the public, including those of the City, and the District, and determined that the interests of the public are best served by commencing and completing the Project on the School Site under DSA review.

**NOW, THEREFORE,** the Board of Education of the Berkeley Unified School District hereby resolves, determines, and finds the following:

**Section 1.** That the foregoing recitals are true.

**Section 2.** That pursuant to Government Code section 53094, the District hereby does exempt itself from, and renders inapplicable to the Project and School Site, any zoning ordinances and regulations of the City of Berkeley, including, without limitation, the City's Municipal Code, the City's General Plan, and any related City ordinances or regulations that otherwise would be applicable to the District, Project, and/or School Site; and

**Section 3.** That the Superintendent of the District, or his designee, is directed to give written notice to City of Berkeley as required by Government Code section 53094 within ten (10) days of this action, and is authorized to take all further action necessary to carry out, give effect to, and comply with the terms and intent of this Resolution.

**APPROVED, PASSED, AND ADOPTED** by the Board of Education of the Berkeley Unified School District on this 3rd day of February, 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

President of the Board of Education of the  
Berkeley Unified School District

Attested to:

Clerk of the Board of Education of the  
Berkeley Unified School District