

RESOLUTION NO. 027-19/20
EXEMPTION OF MICHELL K-8 SCHOOL RENOVATION PROJECT
FROM THE CITY OF LIVERMORE ZONING CODE

WHEREAS, the Michell K-8 School campus is located within the City of Livermore ("City"); and

WHEREAS, the City's Development Code identifies public schools as a permitted use and imposes a Site Plan and Design Review upon all public-supported institutions, subject to Government Code section 53091, which generally requires local agencies to comply with municipal zoning ordinances. (City's Development Code, §§ 3.03.160(F) and (G).); and

WHEREAS, Government Code section 53094(b) expressly authorizes the District to exempt the Project from the City's zoning ordinances and entitlement requirements by a two-thirds' vote of the District's Board members; and

WHEREAS, the Project involves educational facilities within the meaning of Government Code section 53094(b); and

WHEREAS, the District has unique expertise in educational programs and is best suited for designing and locating facilities to serve the District's schools in the City; and

WHEREAS, the California Division of the State Architect reviews and approves the plans and specifications of school facilities and oversees the construction of school facilities, including the Project; and

WHEREAS, due to the construction schedule of the Project, the City's Development Code and entitlement requirements unduly hamper and delay the Project; and

WHEREAS, the Project would suffer undue delay and burdensome requirements unless the Project is exempted from the City's Development Code, zoning ordinances, and its entitlement/permitting requirements; and

WHEREAS, Project's facilities are an integral, important part of the education of the District's students.

NOW, THEREFORE, BE IT RESOLVED, for good and sufficient cause based on the entire record of proceedings, the Governing Board of the Livermore Valley Joint Unified School District hereby finds the Project to be educational facilities and exempts the Project from the City's Development Code and zoning ordinances, which includes all permitting conditions and prohibitions that would otherwise apply to the Project.

BE IT FURTHER RESOLVED that the Bond Program Director is directed to serve notice of this action upon the City within ten days.

PASSED AND ADOPTED by the Governing Board of the Livermore Valley Joint Unified School District on this 10th day of December 2019, by the following vote of two-thirds of all members:

AYES: Bueno_____Prusso_____Rogge_____Wenzel_____White_____

NOES: Bueno_____Prusso_____Rogge_____Wenzel_____White_____

ABSTENTIONS: Bueno_____Prusso_____Rogge_____Wenzel_____White_____

ABSENT: Bueno_____Prusso_____Rogge_____Wenzel_____White_____

Clerk of the Board of Education
Livermore Valley Joint Unified School District of Alameda County
and Contra Costa County, State of California