

**RESOLUTION NO. 21/22-41**

**RESOLUTION OF THE BOARD OF TRUSTEES  
OF THE PERALTA COMMUNITY COLLEGE DISTRICT  
EXEMPTING DISTRICT CONSTRUCTION PROJECTS AND THE BERKELEY CITY  
COLLEGE CAMPUS FROM LOCAL ZONING ORDINANCES AND REGULATIONS OF THE  
CITY OF BERKELEY**

**WHEREAS**, the Peralta Community College District ("District") is a California public community college district duly organized and validly existing under the laws of the State of California, and is located, in part, within the boundaries of the City of Berkeley ("City");

**WHEREAS**, the District currently owns and operates its Berkeley City College campus, located at 2050 Center Street, Berkeley, CA (the "School"), for educational purposes, and proposes to construct new educational facilities located at 2118 Milvia Street, Berkeley, CA (the "Milvia Site") in order to expand educational programs for the School;

**WHEREAS**, the District may from time to time construct, modernize, and/or renovate certain facilities for the School to provide educational services in order to serve the surrounding community, including the District's proposed construction of a new energy efficient six-story, 60,000-gross-square-foot educational and student services facility. The new facility will provide general education classrooms, an anthropology laboratory, two art studios, a communications classroom, spaces for student services and learning communities, a learning resource center, restrooms, and office spaces for faculty and administration. ("Projects");

**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 Projects and the Milvia Site when used for educational purposes;

**WHEREAS**, the proposed use of the Projects and the Milvia Site is for educational purposes and the Projects and the Milvia 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 Projects on the Milvia Site under DSA review.

**NOW, THEREFORE**, the Board of Trustees of the Peralta Community College 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 Projects and the Milvia 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, Projects, and/or the Milvia Site; and

**Section 3.** That the Chancellor of the District, or her 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 Trustees of the Peralta Community College District on this 14th day of September, 2021, by the following vote:

**AYES:** Cindi Napoli-Abella Reiss, Nicky Gonzlez-Yuen, Linda Handy, Bill Withrow, Julina Bonilla, Kevin Jenkins, Dyana Delfin-Polk

**NOES:**

  
Cindi Napoli-Abella Reiss (Sep 24, 2021 12:39 PDT)

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President of the Board of Trustees of the  
Peralta Community College District

Attested to:

  
Sasha Amiri-Nair (Sep 24, 2021 12:41 PDT)

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Clerk of the Board of Trustees of the  
Peralta Community College District