

RESOLUTION NO. 16/17-53

**RESOLUTION OF THE BOARD OF EDUCATION
OF THE MT. DIABLO UNIFIED SCHOOL DISTRICT
RENDERING LOCAL ZONING ORDINANCES INAPPLICABLE
AT PROPERTIES USED FOR INSTRUCTIONAL PURPOSES**

WHEREAS, the Mt. Diablo Unified School District (“District”) owns and operates school facilities located at the site identified in Attachment “A” hereto, incorporated herein by this reference as though fully set forth herein (the “Site”); and

WHEREAS, Government Code Section 53094 provides that a school district, by a vote of two-thirds of its members, may render city or county zoning ordinances inapplicable to a proposed use of property by such school district when such use is for classroom facilities and uses related to student instruction; and

WHEREAS, the entire Site is used for educational purposes, and not as nonclassroom facilities as defined under Government Code Section 53094; and

WHEREAS, the District has balanced the interests of the public, including those of the District and those of the City of Walnut Creek, and has determined that the interests of the public are best served by exempting the Site from local planning and zoning ordinances; and

WHEREAS, the Division of the State Architect having jurisdiction of planning and construction of school facilities under the Field Act, Education Code sections 17280-17317 and 17365-17374, and the Division of the State Architect having not delegated that authority to the City of Walnut Creek under Government Code Section 53092, the Site is not subject to local building ordinances but for those matters specified under Government Code Section 53097;

NOW, THEREFORE, the Governing Board of the Mt. Diablo Unified School District hereby finds, determines, declares, orders and resolves as follows:

Section 1. That all of the recitals set forth above are true and correct, and the Board so finds and determines.

Section 2. That the District hereby renders inapplicable any and all City of Walnut Creek zoning ordinances which would otherwise be applicable to the Site, including, but not limited to, signage (lighted or not) or other similar means of communication of curricular, co-curricular, or extra-curricular activities.

Section 3. That District’s Superintendent, or the Superintendent’s designee, is further directed to give written notice of the adoption of this Resolution to the City of Walnut Creek, as required by Government Code Section 53094, within ten (10) days of this action

Section 4. This Resolution shall take effect immediately upon adoption.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Mt. Diablo Unified School District on June 26, 2017, by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

ABSENT: _____

President
Governing Board of the
Mt. Diablo Unified School District

Attested to:

Secretary
Governing Board of the
Mt. Diablo Unified School District