

**RESOLUTION NO. 13/14-01**

**RESOLUTION OF THE GOVERNING BOARD OF THE MOUNT DIABLO UNIFIED SCHOOL DISTRICT  
RENDERING LOCAL ZONING ORDINANCES INAPPLICABLE TO THE  
PROPOSED NORTHGATE HIGH SCHOOL AQUATIC CENTER PROJECT**

**WHEREAS**, the Mount Diablo Unified School District (District) owns and operates school facilities located at 425 Castle Rock Road, in the City of Walnut Creek and formally known as Northgate High School (School Site); and

**WHEREAS**, the District proposes to construct an aquatics facility to include a competitive swimming pool, new sports medicine classroom and new restroom building upon the School Site (Project); and

**WHEREAS**, Government Code section 53094(b) 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 when such use is not for non-classroom facilities; and

**WHEREAS**, the purpose of the Project is provide a forum to provide notifications, instruction, alerts and other information to students, staff, parents and the community as part of the District's educational purpose and mission; 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 rendering the City's zoning ordinances inapplicable to the Project; and

**WHEREAS**, the California Division of the State Architect will review and approve the plans and specifications for the Project and oversee the construction of the Project; and

**WHEREAS**, the City of Walnut Creek's zoning ordinances would potentially unduly hamper, interfere with, or prohibit the Project;

**NOW, THEREFORE, BE IT RESOLVED**, the Governing Board of the Mount Diablo Unified School District hereby finds, declares, orders and resolves as follows:

1. That all of the recitals set forth above are true and correct;
2. That the Mount Diablo Unified School District hereby renders inapplicable any and all of the City of Walnut Creek zoning ordinances which would otherwise be applicable to the Project and the School Site, to the extent the Project does not pertain to non-classroom facilities;

3. That District's Superintendent, or the Superintendent's designee, is 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 the Board's action; and
4. That this Resolution shall take effect immediately upon adoption.
5. The Board is not exempting itself from any of the drainage or street improvement requirements referenced in Government Code Section 530997.

PASSED AND ADOPTED at the regular meeting of the Mount Diablo Unified School District Board of Trustees duly held on \_\_\_\_\_, 2013, by the following vote:

AYES	_____
	_____
	_____
	_____
	_____
NOES	_____
	_____
ABSENT	_____
	_____

Attest:

\_\_\_\_\_,  
 Superintendent and Secretary to the Board