

AMENDED IN SENATE APRIL 13, 2009

**SENATE BILL**

**No. 780**

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**Introduced by Senator Walters**

February 27, 2009

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An act relating to ~~South Orange Community College District~~ to amend Section 53094 of the Government Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 780, as amended, Walters. ~~South Orange Community College District: real property.~~ Land use: school districts.

Existing law authorizes the governing board of a specified school district, by a <sup>2</sup>/<sub>3</sub> vote of its members, to render a city or county zoning ordinance inapplicable to a proposed use of school district property except when the proposed use is for nonclassroom facilities. The board is required to notify the city or county within 10 days of acting to render the city or county's zoning ordinance inapplicable to the proposed use of school district property.

This bill would make technical, nonsubstantive changes to this provision.

Existing law establishes the California Community Colleges as a segment of public postsecondary education in the state. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state.

This bill would provide ~~South Orange Community College District~~ with sole authority to make determinations with respect to the development of specified real property in County of Orange that is owned or leased by the community college district. The bill would

~~exempt the community college district from specified local regulations pertaining to the development of that real property. The bill would prohibit Orange County and the City of Tustin from imposing specified fees and conditions upon the development of the property. The bill would express the intent of the Legislature that these provisions supersede any inconsistent provisions of any contract or other agreement between the city and the community college district, or the county and the community college district, with respect to the property. The bill would make related findings and declarations.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 53094 of the Government Code is*  
2     *amended to read:*

3     53094. (a) Notwithstanding any other provision of this article,  
4     this article does not require a school district to comply with the  
5     zoning ordinances of ~~a county or city~~ *city or county* unless the  
6     zoning ordinance makes provision for the location of public schools  
7     and unless the city or county has adopted a general plan.

8     (b) Notwithstanding subdivision (a), the governing board of a  
9     school district, that has complied with the requirements of Section  
10    ~~65352.2 of this code~~ and Section 21151.2 of the Public Resources  
11    Code, by a vote of two-thirds of its members, may render a city  
12    or county zoning ordinance inapplicable to a proposed use of  
13    property by the school district. The governing board of the school  
14    district may not take this action when the proposed use of the  
15    property by the school district is for nonclassroom facilities,  
16    including, but not limited to, warehouses, administrative buildings,  
17    and automotive storage and repair buildings.

18    (c) The governing board of the school district shall, within 10  
19    days, notify the city or county concerned of any action taken  
20    pursuant to subdivision (b). If the governing board has taken such  
21    an action, the city or county may commence an action in the  
22    superior court of the county whose zoning ordinance is involved  
23    or in which is situated the city whose zoning ordinance is involved,  
24    seeking a review of the action of the governing board of the school  
25    district to determine whether it was arbitrary and capricious. The  
26    city or county shall cause a copy of the complaint to be served on

1 the board. If the court determines that the action was arbitrary and  
2 capricious, it shall declare it to be of no force and effect, and the  
3 zoning ordinance in question shall be applicable to the use of the  
4 property by the school district.

5 ~~SECTION 1. (a) For purposes of this section, the following~~  
6 ~~terms have the following meanings:~~

7 ~~(1) “City” means the City of Tustin.~~

8 ~~(2) “Community college district” means the South Orange~~  
9 ~~Community College District.~~

10 ~~(3) “County” means the County of Orange.~~

11 ~~(4) “Property” means the real property located in the County of~~  
12 ~~Orange that is owned in fee by, or leased to, the community college~~  
13 ~~district, and is both of the following:~~

14 ~~(A) The property was formerly part of a military base that was~~  
15 ~~closed pursuant to the federal Defense Base Closure and~~  
16 ~~Realignment Act of 1990 (Part A, Title XXIX, Public Law~~  
17 ~~101-510).~~

18 ~~(B) The property was conveyed in fee or leased by the United~~  
19 ~~States to an applicable local reuse authority as an economic~~  
20 ~~development conveyance pursuant to the federal Defense Base~~  
21 ~~Closure and Realignment Act of 1990 (Part A, Title XXIX, Public~~  
22 ~~Law 101-510).~~

23 ~~(b) The Legislature finds and declares all of the following:~~

24 ~~(1) Workforce development and worker training programs are~~  
25 ~~important to the economic well-being of this state.~~

26 ~~(2) The state’s community college districts are encouraged to~~  
27 ~~work with other public and private educational institutions and~~  
28 ~~private businesses to meet the state’s workforce development and~~  
29 ~~worker training needs.~~

30 ~~(3) The California Community Colleges are uniquely suited to~~  
31 ~~further job generation and economic development, which are the~~  
32 ~~primary purposes of economic development conveyances, as set~~  
33 ~~forth in the federal Defense Base Closure and Realignment Act of~~  
34 ~~1990 (Part A, Title XXIX, Public Law 101-510).~~

35 ~~(4) It is of critical importance to the state to facilitate the timely~~  
36 ~~development of the community college district property to provide~~  
37 ~~an education-oriented development that provides career education~~  
38 ~~and job retraining in both a traditional and nontraditional manner.~~

39 ~~(e) The community college district shall have sole authority,~~  
40 ~~with respect to the property, to determine all of the following:~~

1     ~~(1) The educational programs to be offered on the property and~~  
2     ~~facilities necessary to implement those programs.~~  
3     ~~(2) The lessees or sublessees authorized to lease or sublease the~~  
4     ~~property.~~  
5     ~~(3) Whether the community college district's development of~~  
6     ~~the property qualifies as an education-oriented development.~~  
7     ~~(d) The community college district, in developing the property,~~  
8     ~~is exempt from zoning ordinances, general plans, specific plans,~~  
9     ~~or any other planning or zoning requirement of the city and the~~  
10    ~~county. The city and the county shall not impose fees or conditions~~  
11    ~~upon the development or operation of the property in a manner~~  
12    ~~that delays, obstructs, or prevents the development or operation~~  
13    ~~of the property or interferes with the community college district's~~  
14    ~~mission and academic plans with respect to the property.~~  
15    ~~(e) It is the intent of the Legislature that this section supersede~~  
16    ~~any provisions of any contract or other agreement between the city~~  
17    ~~and the community college district, or the county and the~~  
18    ~~community college district, with respect to the property, that are~~  
19    ~~inconsistent with subdivisions (c) and (d).~~  
20    ~~SEC. 2. The Legislature finds and declares that due to unique~~  
21    ~~circumstances regarding the development of former military base~~  
22    ~~property by the Orange County Community College District, a~~  
23    ~~general statute cannot be made applicable within the meaning of~~  
24    ~~Section 16 of Article IV of the California Constitution. Therefore,~~  
25    ~~the special legislation contained in Section 1 of this act is~~  
26    ~~necessarily applicable only to the Orange County Community~~  
27    ~~College District, the City of Tustin, and Orange County.~~

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