

AMENDED IN SENATE APRIL 29, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 313

Introduced by Senator Galgiani

February 23, 2015

An act to amend Section 53094 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 313, as amended, Galgiani. Local government: zoning ordinances: school districts.

Existing law authorizes the governing board of a school district, by a $\frac{2}{3}$ 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.

This bill would additionally condition this authorization upon compliance with a notice requirement regarding a schoolsite on agricultural land, and would require the governing board to notify the city or county, in writing, of the reason the governing board intends to take that vote at least ~~90~~ 30 days prior to the vote. The bill would also require that vote to be based upon written findings ~~on the record that contain substantial evidence~~ that a zoning ordinance fails to accommodate the need to renovate and expand an existing public school or locate a new public school within the city or county.

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 unless the zoning ordinance
6 makes provision for the location of public schools and unless the
7 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, Section 21151.2 of the Public Resources Code, and
11 Section 17215.5 of the Education Code, by a vote of two-thirds of
12 its members taken at least ~~90~~ 30 days after the governing board
13 has notified the city or county, in writing, of the reason the
14 governing board intends to take action pursuant to this subdivision,
15 and based upon written findings ~~on the record that contain~~
16 ~~substantial evidence~~ that a zoning ordinance fails to accommodate
17 the need to renovate and expand an existing public school or locate
18 a new public school within the city or county, may render a city
19 or county general plan or zoning ordinance inapplicable to a
20 proposed use of property by the school district. The governing
21 board of the school district may not take this action when the
22 proposed use of the property by the school district is for
23 nonclassroom facilities, including, but not limited to, warehouses,
24 administrative buildings, and automotive storage and repair
25 buildings.

26 (c) The governing board of the school district shall, within 10
27 days of its vote, notify the city or county concerned of any action
28 taken pursuant to subdivision (b). If the governing board has taken
29 such an action, the city or county may commence an action in the
30 superior court of the county whose zoning ordinance is involved
31 or in which is situated the city whose zoning ordinance is involved,
32 seeking a review of the action of the governing board of the school
33 district to determine whether it was arbitrary and capricious ~~based~~
34 ~~upon substantial evidence in the public record~~ pursuant to Section
35 1094.5 of the Code of Civil Procedure. The city or county shall
36 cause a copy of the complaint to be served on the board. If the
37 court determines that the action was arbitrary and capricious, it
38 shall declare it to be of no force and effect, and the zoning

- 1 ordinance in question shall be applicable to the use of the property
- 2 by the school district.

O