

RESOLUTION NO. 16-03

**A RESOLUTION OF THE BOARD OF TRUSTEES OF MT. SAN ANTONIO
COMMUNITY COLLEGE AUTHORIZING EXEMPTION FROM LOCAL ZONING
ORDINANCES FOR THE PHYSICAL EDUCATION PROJECTS (PEP), AND
AUTHORIZATION OF MEASURE RR BOND FUNDS FOR THE ORDERING OF
IMPROVEMENTS TO THE PHYSICAL EDUCATION PROJECTS**

WHEREAS, the athletics projects were previously named the Athletics Complex East (Phase 1) and Physical Education Complex (Phase 2); and

WHEREAS, both phases are now called the Physical Education Projects (collectively, the PEP)

WHEREAS, the PEP consists of the demolition of the existing Hilmer Lodge Stadium (HLS) (11,940 seats), rather than renovation, and the construction of a new stadium (10,912 seats) built onsite and occupying the 32.2-acre site surrounding the HLS; and

WHEREAS, such demolition of HLS consists of demolishing the following buildings, which were not previously identified for demolition: Ticket Booth (50A), Restrooms (50B-50E), Stadium Press Box (50F), Field House (50G), Stadium Concessions (50H) and HLS proper; and

WHEREAS, the PEP (Phase 1) consists of constructing a 9-lane 400-meter track and 10,912 permanent seats, a scoreboard, lighting standards, two pedestrian bridges, five athletic fields, 6.90 acres of landscaping, and support facilities (i.e. concessions, restrooms, etc.); and

WHEREAS, the PEP (Phase 2) will occupy the northwest parking lot within the PEP (Phase 1) project site and has three elements: (1) Physical Education, Kinesiology and Wellness building (117,898 gsf), (2) Rooftop bleachers (2,800 seats) and, (3) a 50-meter Pool and a Diving Pool; and

WHEREAS, the College is duly authorized and existing under the laws of the State of California, and the Board of Trustees is empowered by Government Code Section 53094 to render city or county zoning ordinances inapplicable to the College's proposed use of facilities for educational purposes, except when the proposed use is for "non-classroom" facilities; and

WHEREAS, the College is in the process of planning for the design and construction of the PEP for proposed classroom and educational purposes; and

WHEREAS, the PEP consists of improvements to educational facilities as defined in Government Code Section 53094 and relevant case law; and

WHEREAS, pursuant to Education Code Section 15110, the College intends to use Measure RR funds to design and construct the PEP; and

WHEREAS, the PEP is intended for instructional classroom school purposes to serve the College's students and is further directly related or otherwise related to student instruction, and therefore, the PEP does not consist of "non-classroom" facilities as defined by Government Code Section 53094 and relevant case law; and

WHEREAS, the PEP is for educational facilities as required by Government Code Section 53094 and is subject to design review by the Division of the State Architect (DSA) under Education Code section 17280 *et seq.*; and

WHEREAS, by allowing for exemptions from local zoning ordinances based on educational purposes, the Legislature recognized that school construction is subject to almost complete control by the State, and compliance with local ordinances would therefore be redundant, and in some cases could result in conflicting obligations; and

WHEREAS, the PEP is located within the boundaries of the City of Walnut and County of Los Angeles; and

WHEREAS, there are or may be chapters of the City of Walnut's Zoning Ordinance and the County of Los Angeles' Zoning Ordinance (together the Zoning Ordinances) that could otherwise be applicable to the Mt. San Antonio College campus and the PEP; and

WHEREAS, compliance with applicable provisions of the Zoning Ordinances, if any, could significantly delay, interfere with, or increase the cost relating to the construction of the PEP and use of the facilities at the Mt. San Antonio College campus, which in turn could result in an educational detriment to its students; and

WHEREAS, the College is subject to numerous State requirements and State oversight regarding the design and construction of the PEP on the Mt. San Antonio College campus, which are designed to ensure that school construction projects are safe and promote the public interest, and State approval of the PEP and its improvements have been or will be obtained where required by applicable law, and compliance with the Zoning Ordinances may interfere with those State standards; and

WHEREAS, the Mt. San Antonio College campus is an integral part of the College's education program; and

WHEREAS, the College has balanced the interests of the public, including those of the College and the City of Walnut, as well as the County of Los Angeles, and determined that the interests of the public are best served by the College exercising its rights under Government Code Section 53094 to exempt the PEP and its improvements from any and all applicable Zoning Ordinances; and

WHEREAS, Government Code section 53094 authorizes the College, by a vote of two-thirds of its members, to render city zoning ordinances inapplicable to the PEP and improvements to School Sites when the College's use is for classroom facilities.

NOW, THEREFORE, BE IT RESOLVED, FOUND, AND DETERMINED BY THE BOARD AS FOLLOWS:

SECTION 1. Pursuant to Education Code section 15110, the College hereby authorizes the use of Measure RR bond funds for the PEP construction and for the ordering of improvements to that Project.

SECTION 2. By this Resolution, the Board finds it is in the best interest of the College to exercise Board authority under Government Code Section 53094 to render any and all otherwise applicable portions of the Zoning Ordinances inapplicable to the Physical Education Projects (PEP) on the Mt. San Antonio College campus. The Board directs the President & CEO, within ten days of the Board's approval of this Resolution, to notify the City of Walnut and the County of Los Angeles of the action to exempt PEP from Zoning Ordinances taken by the Board further to this Resolution.

SECTION 3. The President & CEO or his designees are delegated authority to take all steps and perform all actions necessary to carry out the actions of the Board as set forth in this Resolution.

SECTION 4. This Resolution shall become immediately effective upon adoption by the Board.

I HEREBY CERTIFY THAT the foregoing is a full, true, and correct copy of a resolution adopted by the Governing Board of Mt. San Antonio Community College District of Los Angeles County, California, at its regular meeting on October 12, 2016.

AYES, and in favor of, Board Members: Baca, Bader, Chen, Chen Haggerty, Hall, Hidalgo, Santos

NOES, Board Members: None.

ABSENT, Board Members: None.



William T. Scroggins
College President & CEO and
Secretary, Governing Board