September 10, 2014

Mt San Antonio College
Subpoena-PRA Unit
1100 N. Grand Ave.
Walnut, CA., 91789

Re: Request to view and/or copies of Public Records

Dear Sir/Madam,

Under the California Public Records Act (Government Code Section 6250 and following), **I hereby request access to and/or copies of the following documents, which are filed with, retained by, or prepared by the Mt San Antonio College that involve and/or relate to the proposed North Parking Structure**. For the purpose of these requests **the** term reports is meant to include studies, memorandum, recommendations, findings, communications whether in written or electronic form, i.e. fax, email or text, between trustees, staff, CEO, excluding attorney-client communicatons.

1. Any soil and geology reports that evaluated the excavation and risks of collapse or landslides to the adjoining Timberline properties and whether any other alternatives were made known.

2. Any engineering reports or documents that evaluated the dangers and whether any other alternatives were made known.

3. Any reports or documents that evaluated the potential short-term dangers of increased vehicle emissions and toxic airborne particulants to the health and welfare of the citizens of Walnut and in particular to the adjoining community of Timberline and whether any other alternatives were made known.

4. Any reports or documents that evaluated the potential long-term dangers of increased vehicle emissions and toxic airborne particulants to the health and welfare of the citizens of Walnut and in particular to the adjoining community of Timberline and whether any other alternatives were made known.

5. Any reports or documents that evaluated the potential dangers of increased public safety to the citizens of Walnut and in particular to the adjoining community of Timberline and whether any other alternatives were made known.

6. Any reports or documents that evaluated the potential negative response of the citizens of Walnut and in particular the adjoining community of Timberline and whether any other alternatives were made known.

7. Any reports that evaluated any evacuation plans in the event of any fire or disaster on Mt SAC to the citizens of Walnut and in particular to the adjoining community of Timberline and whether any other alternatives were made known.

8. Any reports or documents that concluded that no other area of Mt SAC land could be used.

9. Any reports or documents that evaluated the potential costs savings by building without having to excavate.

10. Any reports or documents that evaluated the potential application of Government Code §53094, excluding attorney client communications.

11. Any reports or documents that evaluated whether any of the residents of Timberline were required to get notice by mail of the proposed parking structure.

12. Any reports or documents that evaluated the potential negative impact on the market value of the homes located within Walnut and in particular the adjoining community of Timberline.

13. Any reports or documents that evaluated the potential negative impact and increased road maintenance that increased vehicle traffic would have on the roads that are maintained by the taxpayers of Walnut.

14. Copies of any and all agendas where the parking structure was agendized.

Please respond within ten (10) calendar days from the date that Mt San Antonio College receives this request as to whether this request specifies identifiable records that are not exempt from disclosure under the California Public Records Act, or are privileged or otherwise confidential, and therefore subject to disclosure. I understand that this time may be extended up to 14 days for unusual circumstances, as provided by California Government Code Section 6253, subdivision (c), and that I will be notified of such extension, if any, and the reasons therefore.

I further understand that I may obtain copies of the requested documents at a cost of 10 cents per page. I am also aware that if the requested records are too voluminous, the College will contact me and provide me access to the records to review and photocopy them with my own equipment and at my own expense.

Sincerely,

Mansfield Collins
1602 N. Timber Ridge Lane
Walnut, CA., 91789

September 10, 2014

Mt San Antonio College
Board of Trustees
1100 N. Grand Ave.
Walnut, CA., 91789

Re: Request to change your meeting dates to one day before or one day after the Walnut City Council meetings

Dear Sir/Madam,

On behalf of the members of United Timberline and all residents of Walnut, we would like Mt San Antonio College to change its official board meetings to either one day before or one day after the official board meetings of the Walnut City Council. For example, we just realized that you dropped the reference to "community college" which was contained in the 2008 bond measure and now call yourself Mt San Antonio College. So much is going on, it's like a pandora's box with the lid slowly lifting.

The residents of Walnut should have the unfettered right to attend and participate in both meetings, not chose one over the other and be forced to forfeit their right as taxpayers and citizens to participate in both. The same would apply to situations that would allow the Walnut council to invite members of Mt Sac Bd to Walnut meetings, and allow members of Mt Sac Bd to invite members of Walnut to their meetings.

For example, right now if you notice something on your agenda that will affect Walnut, and the City of Walnut notices something on its agenda, it is almost an unintended denial of due process by making us chose which meeting to attend when each one is considering quality of life issues for the residents of Walnut.

Sincerely,

Mansfield Collins
1602 N. Timber Ridge Lane
Walnut, CA., 91789

2002 WL 1057448
Not Officially Published
(Cal. Rules of Court, Rules 8.1105 and 8.1110, 8.1115)
Only the Westlaw citation is currently available.

Court of Appeal, Sixth District, California.

CITY OF SARATOGA, Plaintiff and Appellant,
v.
WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT, et al., Defendants and Respondents.

No. H022365. | (Santa Clara County Superior Court No. CV76340). | May 24, 2002.

City sued college district for declaratory relief and writ of mandate to prevent district from exempting its proposed athletic stadium from city's zoning ordinance. The Superior Court, Santa Clara County, No. CV76340, entered judgment for district. City appealed. The Court of Appeal, Mihara, J., held that athletic stadium was a nonclassroom facility that could not be exempted from city's zoning ordinance.

Reversed.

Elia, acting P.J., concurred and filed separate opinion in which Wunderlich, J., joined.

Mihara, J., concurred and filed separate opinion.

West Headnotes (1)

[1] **Zoning and Planning**⇐Government and related entities
Zoning and Planning⇐Schools and education

College district's proposed athletic stadium was a "nonclassroom facility" that could not be exempted by district from city zoning ordinance, where legislative history of amendment to statute that limited zoning exemptions to "classroom facilities" reflected that athletic stadium was a "nonclassroom facility" that was required to comply with zoning ordinances. West's Ann.Cal.Gov. Code § 53094.

Cases that cite this headnote

Opinion

MIHARA, J.

*1 Defendant West Valley-Mission Community College District (the District) passed a resolution purporting to exempt its

proposed athletic stadium under the authority of former Government Code section[1] 53094 from plaintiff City of Saratoga's (the City's) zoning ordinance. The City filed a petition for a writ of mandate and a complaint for declaratory and injunctive relief seeking to invalidate the District's resolution. The superior court entered judgment for the District after it concluded that the District had properly exempted its proposed athletic stadium under former section 53094. In doing so, the superior court relied heavily on this court's 1989 decision in *City of Santa Cruz v. Santa Cruz City School Bd. of Education* (1989) 210 Cal.App.3d 1, 258 Cal.Rptr. 101 (*City of Santa Cruz*) construing former section 53094. The City appeals and challenges the District's right to exempt its proposed athletic stadium under former section 53094. We conclude that the legislative history of former section 53094 unambiguously reflects that the Legislature intended to preclude a school district from exempting an athletic stadium from a zoning ordinance. Therefore, we reverse the judgment.

Factual Background

In 1967, the City granted the District a conditional use permit allowing the District to operate a community college campus on the District's property in a residential area in the City of Saratoga. This permit was issued on the condition that "[t]he campus shall not include an outdoor sports stadium designed for large-scale public attendance at intercollegiate games or events." The District constructed an athletic field with no bleachers, no lighting and no other amenities. In 1976, the District requested an amendment of the conditional use permit to allow it to convert the athletic field into a sports stadium. The City denied the request.

In October 1976, the City enacted a resolution that reaffirmed its position. "[A]n outdoor sports stadium specifically designed to attract and accommodate spectators and which includes such facilities as outdoor lighting, ticket booths, press boxes, public address system and other spectator-oriented accessory structures is detrimental to the health, safety and welfare of persons residing in the surrounding areas, and is detrimental to existing and prospective property values and improvements in the surrounding areas, and the enjoyment thereof ...."

During the 1976 legislative session, the Legislature passed, and the Governor signed, Senate Bill 1714 (SB 1714), which amended former section 53094 to restrict the ability of a school district to exempt "nonclassroom" facilities from zoning regulations. In December 1976, less than a month prior to the effective date of SB 1714, the District passed a resolution purporting to exempt "its campus" under former section 53094 from the City's zoning ordinance. In January 1977, the City filed an action against the District challenging its attempt to exempt itself from the City's zoning ordinance, seeking declaratory and injunctive relief and seeking to abate a "public nuisance." In March 1977, the court issued a preliminary injunction restraining the District from constructing a stadium. In May 1977, the District rescinded its December 1976 resolution, but it did not abandon its plans for a stadium. In 1977, the City passed an ordinance prohibiting stadiums in all zoning districts but excluding from its prohibition facilities at elementary and secondary schools and facilities built by "private, nonprofit, youth-oriented organizations ...." (Saratoga Municipal Code, § 15-80.070.)

*2 In 1979, the District and the City agreed to a modification of the use permit condition. The modified condition read as follows: "The District will not develop any new outdoor intercollegiate sports facilities with permanent sound system or permanent seating or permanent lights on the Saratoga campus. No sports stadium will be built on the campus. No existing outdoor facility or area of the campus will be modified to include lights, sound, seats or other accommodations for intercollegiate sports or other spectator events. There will be no further development of the existing track and practice field located on the south side of the campus for intercollegiate sports or other spectator events. Should any or all of the other provisions of this use permit (other than Condition # 7) be declared null, void or invalid, then this section (Condition # 7) shall remain as a separate binding agreement between the City of Saratoga and West Valley Joint Community College District with regard to the use of the land on which the Saratoga campus is located."

In 1993, the District began holding "spectator-oriented events" at the athletic field utilizing portable seating and amplified speakers. In September 1996, the District adopted a resolution purporting to render the City's zoning ordinance inapplicable to the District's West Valley campus. In February 1998 and again in June 1998, the District amended the resolution. The final version of the resolution proposed the construction by the District of a spectator-oriented athletic stadium and purported to exempt the stadium from the City's zoning ordinance. The resolution described the proposed stadium as "an outdoor stadium facility (hereinafter 'Facility') in which to conduct intramural or intercollegiate sporting events, other intercollegiate or

intramural events, athletic or otherwise, and other events. The Facility shall be designed to seat not more than 5,000 people ... and include, among other amenities, some or all of the following permanent or temporary features: seating, amplified public address and speaker systems, scoreboards, outdoor lighting (including lights, poles and standards), ticket booths, restrooms, concession stands, and other spectator-oriented accessory structures or other such features ...."

The District's resolution made a finding that "the Facility that it desires to construct as described above does not constitute a 'large-scale' stadium as described in [the use permit condition], and that the Facility advances the educational goals of the District to serve the needs and interests of its students by providing its students with a broad variety of educational experiences ...." The District purported to act "pursuant to the authority of the provisions of California Government Code § 53094 and any applicable California decisional law, including but not limited to *City of Santa Cruz v. Santa Cruz City Schools Board of Education* (1989) 210 Cal.App.3d 1, 258 Cal.Rptr. 101," and the District "reaffirm[ed] its intention to render inapplicable to the development and use of any of the facilities of the College (except for 'nonclassroom facilities') used for purposes of student instruction and related and incidental uses, including but not limited to its football field, its track and field area, its related sports facilities, and any and all improvements to and surrounding its football field, its track and field area and its related sports facilities used for such purposes, to the greatest extent permitted by such authority, and, specifically, inapplicable to the development and use of the Facility, with reference to all existing municipal or county zoning ordinances or codes and any permits or petitions arising therefrom made by the City of Saratoga or the County of Santa Clara ...."[2]

Procedural Background

***3** The City initiated this litigation in March 1996 when it filed a complaint for declaratory and injunctive relief and a petition for a writ of mandate. The declaratory relief portion of the action sought a declaration that the condition of the use permit prohibiting a stadium was legally enforceable. It also sought a declaration that the City's ordinance prohibiting stadiums was legally enforceable against the District. The City also asked that the District's current and proposed spectator-oriented uses of the athletic field be "deemed a public nuisance" and abated. The City sought injunctive relief to remediate the violation of the condition, the violation of the ordinance and the public nuisance. In addition, the City's complaint included causes of action for breach of implied contract and breach of quasi-contract. The implied contract cause of action alleged that the 1967 conditional use permit was the product of "negotiations" that resulted in an implied contract under which "the City would allow the construction of the campus, while the DISTRICT would forego the construction of a sports stadium." The City did not seek money damages but did seek its attorney's fees and costs. The City amended its complaint after the District passed and amended its resolution. The City then sought a writ of mandate ordering the District to rescind its resolution. It claimed that the resolution was "arbitrary and capricious and outside [the District's] legal authority."

The District demurred to the complaint and petition. As to the breach of implied contract cause of action, the District argued that it failed to state a cause of action because damages were unavailable, the District was exempt from zoning, the statute of limitations had run and violations of a use permit could not support a breach of contract action. As to the petition, the District asserted that relief was not available under Code of Civil Procedure section 1085 but only through the remedy set forth in former section 53094.

The City responded that the breach of contract cause of action was not based simply on the use permit violation but on the violation of the negotiated agreement by which the City had agreed to permit the construction of the campus in exchange for the District's agreement not to construct a stadium. The City asked the trial court to take judicial notice of the legislative history of the amendment of former section 53094 by SB 1714 in 1976. In October 1998, the court sustained the demurrer to the two contract causes of action without leave to amend and overruled the demurrer as to the other causes of action and the mandate petition. The court accepted the District's argument that an implied contract cause of action could not be based on a use permit. The court did not rule on the City's judicial notice request.

The District thereafter filed a cross-complaint for declaratory relief seeking a declaration that (1) its proposed stadium was "not a nonclassroom facility within the meaning of Government Code § 53094 as interpreted by *City of Santa Cruz,*" (2) its invocation of former section 53094 was "not arbitrary and capricious" and (3) it was entitled to "hold 'spectator oriented events' at its athletic field."

*4 In June 2000, the City moved for summary adjudication of its declaratory relief causes of action, the District's cross-complaint and the District's affirmative defense based on former section 53094. The City asserted that it was entitled to prevail on these matters because the proposed stadium was a "nonclassroom facility" within the meaning of former section 53094. The City renewed its request that the court take judicial notice of the legislative history of the 1976 amendment of former section 53094.

The District also sought summary adjudication. It sought an adjudication of its affirmative defense that "the proposed athletic stadium ... constitutes a ... '[non] nonclassroom facility' within the meaning of Government Code Section 53094 ...." The District asserted that this affirmative defense provided a complete defense to all of the City's causes of action and its petition.[3] The City opposed the District's motion but conceded that there were no triable issues of fact. It argued, however, that the District's affirmative defense, even if proven, would not provide a defense to its petition, its cause of action to abate a nuisance and its request for injunctive relief. In July 2000, the City filed a motion for judgment on its mandate petition.

The competing summary adjudication motions and the motion for judgment were heard together. The court concluded that the issue was "a pure question of law" that was "not ... a very hard legal question ...." On September 11, 2000, the superior court filed a minute order denying the City's motions and granting the District's motion. "There is no triable issue of material fact that the District's Resolution 9609191 was arbitrary or capricious. The District's resolution exempting itself is supported by the findings and the findings are supported by both the facts and the law." On October 10, 2000, the court entered judgment in favor of the District. The City filed a timely notice of appeal.

Discussion

City of Santa Cruz was the central focus of the trial court proceedings in this case. The superior court judge told the City: "So distinguish Santa Cruz for me. That is really your task; isn't it?" After hearing the City's attorney out, the court was unconvinced. "We have a very explicit case in the City of Santa Cruz case that interprets the statutory history for us." Although the trial court relied heavily on *City of Santa Cruz,* we do not consider the validity of *City of Santa Cruz* in this case because, although former section 53094 is ambiguous, the legislative history unambiguously indicates that the Legislature intended to preclude school districts from exempting athletic stadiums from zoning ordinances under former section 53094.

A. Standard of Review

The City challenges the superior court's ruling on the cross-motions for summary adjudication and its motion for judgment on its writ petition. The superior court's rulings on the summary adjudication motions, including its construction of former section 53094, are subject to independent review on appeal. (*Regents of University of California v. Superior Court* (1999) 20 Cal.4th 509, 531, 85 Cal.Rptr.2d 257, 976 P.2d 808.) "In reviewing the trial court's ruling on a writ of mandate, the appellate court is ordinarily confined to an inquiry as to whether the findings and judgment of the trial court are supported by substantial, credible and competent evidence. [¶] This limitation, however, does not apply to resolution of questions of law where the facts are undisputed. In such cases, as in other instances involving matters of law, the appellate court is not bound by the trial court's decision, but may make its own determination. Statutory construction is such a question of law for the courts ...." (*Evans v. Unemployment Ins. Appeals Bd.* (1985) 39 Cal.3d 398, 407, 216 Cal.Rptr. 782, 703 P.2d 122, internal quotations and citations omitted; *Greenwood Addition Homeowners Assn. v. City of San Marino* (1993) 14 Cal.App.4th 1360, 1367, 18 Cal.Rptr.2d 350.) Here, it was conceded that there were no triable issues of fact and that the sole issue was a question of law involving statutory interpretation. Hence, this court independently reviews the superior court's rulings.

B. Interpretation of former section 53094

*5 Section 53091 provides that local agencies *must comply* with city and county zoning ordinances.[4] (*City of Lafayette v. East Bay Mun. Utility Dist.* (1993) 16 Cal.App.4th 1005, 1013, 20 Cal.Rptr.2d 658.) "Each local agency shall comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory of the local agency is

situated." (Gov.Code, § 53091, subd. (a); Former Gov.Code, § 53091.) Former section 53094 provided a limited means by which a school district could exempt a proposed use from section 53091's requirement of compliance with zoning ordinances.[5] The portion of former section 53094 at issue here was not altered by the Legislature between 1977 and 2001.[6] It provides that "the governing board of a school district, by vote of two-thirds of its members, may render a city or county zoning ordinance inapplicable to a proposed use of property by such school district *except when the proposed use of the property by such school district is for nonclassroom facilities,* including, but not limited to, warehouses, administrative buildings, automotive storage and repair buildings." (Former Gov.Code, § 53094, emphasis added.) Former section 53094 permitted a school district to exempt from zoning any facilities *other than* "nonclassroom facilities." The dispute here centers around the meaning of "nonclassroom facilities." The City contends that the District's proposed athletic stadium is a "nonclassroom" facility, but the District claims that its proposed athletic stadium is a "non nonclassroom" facility. Resolution of this dispute requires this court to interpret the meaning of the statutory language.

"[I]n construing a statute, a court [must] ascertain the intent of the Legislature so as to effectuate the purpose of the law. In determining that intent, we consider the statute read as a whole, harmonizing the various elements by considering each clause and section in the context of the overall statutory framework. [W]e first examine the words of the [statute]: If there is no ambiguity in the language of the statute, 'then the Legislature is presumed to have meant what it said, and the plain meaning of the language governs.' ... If, however, the terms of a statute provide no definitive answer, then courts may resort to extrinsic sources, including the ostensible objects to be achieved and the legislative history." (*People v. Steffens* (1998) 62 Cal.App.4th 1273, 1283-1284, 73 Cal.Rptr.2d 314, citations and quotation marks omitted; *In re Do Kyung K .* (2001) 88 Cal.App.4th 583, 591, 106 Cal.Rptr.2d 31.)

1. No Plain Meaning

Neither former section 53094 nor any other California statute contains a definition of "nonclassroom facilities" or even a definition of "classroom facilities" (let alone a definition of what the District calls "non nonclassroom facilities"). In the absence of a statutory definition of "nonclassroom facilities," the next step is to see whether these words have a commonly understood meaning. Ordinarily, the primary reference for finding the common meanings of words is the dictionary. "The interpretation of a statute may well begin, but should not end, with a dictionary definition of a single word used therein .... A word is a symbol of thought but has no arbitrary and fixed meaning like a symbol of algebra or chemistry, and it may take on values from the words and ideas with which it is associated.... Words used in a statute may, as applied to the words with which they are combined and to the words with which they were intended to be related, have connotations which they might not have when used in context with, or in relation to, other language or where used to express a different purpose." (*In re Do Kyung K., supra,* 88 Cal.App.4th at p. 592, 106 Cal.Rptr.2d 31, citations and quotation marks omitted.)

***6** The dictionary is not remarkably helpful in the search for the meaning of "nonclassroom facilities." There are no definitions of "nonclassroom." "Classroom" is defined either narrowly as "a room" where classes are conducted or students are taught or it is defined broadly as "a place" where classes are conducted, students are taught or learning takes place. (The Oxford Paperback Dict. www .askoxford.com; American Heritage College Dict. (3d. ed.1997) p. 259; Merriam-Webster's Collegiate Dict. (10th ed.1993) p. 212.) Because an athletic stadium may arguably constitute a "place" where classes could be conducted but does not constitute a "room" where classes are conducted, the alternative common meanings in the dictionary do not resolve the issue before this court.

"To understand the intended meaning of a statutory phrase, we may consider use of the same or similar language in other statutes, because similar words or phrases in statutes in pari materia [that is, dealing with the same subject matter] ordinarily will be given the same interpretation." (*In re Do Kyung K., supra,* 88 Cal.App.4th 583, 589, 106 Cal.Rptr.2d 31, citations and quotation marks omitted.) No other statutes contain the phrase "nonclassroom facilities." The words "classroom facilities" appear in a few statutes. (Ed.Code, § 17092 ["No portable classrooms shall be made available to any school district unless the district furnishes evidence, satisfactory to the board, that the district has no available bond proceeds that could be used for the purchase of classroom facilities."]; Ed.Code, § 52084 [school district may lease additional "classroom space" if needed for "additional classroom facilities" in order to "reduce overcrowded classroom conditions and to reduce pupil-to-teacher ratios."]; Gov.Code, § 65970 [new development can result in overcrowding when funds are not available for "classroom facilities."]; Gov.Code, §§ 65974, 65976 [dealing with land, funds and scheduling for "interim classroom facilities" to ease overcrowding]; Gov.Code, § 65980 [defining interim classroom facilities "as a structure [without a permanent foundation] containing one or more rooms, each of which is designed, intended, and equipped for use as a place for formal instruction of

pupils by a teacher in a school."].)[7] While these statutes tend to support the narrower dictionary definition of "classroom" as a "room," they are not without ambiguity.

2. Legislative Intent

"[I]f the statutory language permits more than one reasonable interpretation, courts may consider various extrinsic aids, including the purpose of the statute, the evils to be remedied, the legislative history, public policy, and the statutory scheme encompassing the statute. In the end, we must select the construction that comports most closely with the apparent intent of the Legislature, with a view to promoting rather than defeating the general purpose of the statute, and avoid an interpretation that would lead to absurd consequences." (*Torres v. Parkhouse Tire Service, Inc.* (2001) 26 Cal.4th 995, 1003, 111 Cal.Rptr.2d 564, 30 P.3d 57.)

*7 The City presented a large collection of legislative history materials to the superior court, and it asked the court to take judicial notice of these materials as evidence of the Legislature's intent in amending former section 53094 in 1976. The superior court did take judicial notice of these materials, but this court must be more discriminating since only a few types of documents may be properly considered as evidence of the Legislature's intent.[8]

The Legislative Counsel's digest may properly be considered evidence of the Legislature's intent. (*People v. Superior Court (Douglass)* (1979) 24 Cal.3d 428, 434, 155 Cal.Rptr. 704, 595 P.2d 139; *Hartford Fire Ins. Co. v. Macri* (1992) 4 Cal.4th 318, 327, 14 Cal.Rptr.2d 813, 842 P.2d 112.) "Statements in legislative committee reports concerning the statutory objects and purposes which are in accord with a reasonable interpretation of the statute are legitimate aids in determining legislative intent." (*Southern Cal. Gas Co. v. Public Utilities Com.* (1979) 24 Cal.3d 653, 659, 156 Cal.Rptr. 733, 596 P.2d 1149; *Hutnick v. United States Fidelity & Guaranty Co.* (1988) 47 Cal.3d 456, 465, fn. 7, 253 Cal.Rptr. 236, 763 P.2d 1326.) "The rationale for considering committee reports when interpreting statutes is similar to the rationale for considering voter materials when construing an initiative measure. In both cases it is reasonable to infer that those who actually voted on the proposed measure read and considered the materials presented in explanation of it, and that the materials therefore provide some indication of how the measure was understood at the time by those who voted to enact it." (*Hutnick* at p. 465, fn. 7, 253 Cal.Rptr. 236, 763 P.2d 1326.) Additionally, the California Supreme Court has routinely considered statements in enrolled bill reports and memoranda as evidence of the Legislature's intent. (*Lockheed Information Management Services Co. v. City of Inglewood* (1998) 17 Cal.4th 170, 184, 70 Cal.Rptr.2d 152, 948 P.2d 943; *People v. Jones* (1995) 11 Cal.4th 118, 122, fn. 1, 44 Cal.Rptr.2d 164, 899 P.2d 1358; *California Correctional Peace Officers Assn. v. State Personnel Bd.* (1995) 10 Cal.4th 1133, 1149, 43 Cal.Rptr.2d 693, 899 P.2d 79; *Dyna-Med, Inc. v. Fair Employment & Housing Com.* (1987) 43 Cal.3d 1379, 1399, 241 Cal.Rptr. 67, 743 P.2d 1323.) Hence, in considering the legislative history of former section 53094, this court should limit its consideration to the Legislative Counsel's digest, the committee reports and analyses and the enrolled bill report and memorandum.

Section 53094 was originally enacted in 1959 concurrently with section 53091. Section 53091 set forth the general rule that "[e]ach local agency shall comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory of the local agency is situated." School districts were, however, exempted from compliance with "building ordinances." In addition, section 53091 originally provided a very limited exemption for school districts from zoning ordinances where the city or county zoning ordinance did not provide "for the location of public schools" and the city or county planning commission had not adopted a "master plan." (Stats.1959, ch. 2110, § 1.) The current version of section 53091 continues to contain all of these provisions.

*8 Section 53094 originally permitted a school district board, by a two-thirds vote, to "render a city or county zoning ordinance inapplicable to a proposed use of property." The exemption was available regardless of the location or type of use. In 1965, section 53094 was amended to restrict the proposed uses that could be exempted from zoning. The 1965 amendment permitted such exemptions "except when the proposed use of the property by such school district is for nonclassroom facilities, including, but not limited to, warehouses, administrative buildings, automotive storage and repair buildings, when such nonclassroom facilities will not be located upon, or adjacent to, or contiguous to land used for classroom facilities." (Stats.1965, ch. 1538 (AB 3299).) The enrolled bill memorandum sent to the Governor stated that the amendment "limits authority of school district to override local zoning ordinances when the proposed property use is for facilities *other than classrooms,* such as warehouses, shops and garages, and the facilities will not be located on or near classrooms." (Bill Memorandum, AB 3299, 7/12/65, Frank A. Mesple, emphasis added .)

In 1976, Senator Jerry Smith introduced SB 1714. SB 1714 was sponsored by the City and the "West Valley Taxpayers and Environmental Association of Saratoga."[9] SB 1714, as introduced, would have repealed section 53094 in its entirety. (Orig. SB 1714 introduced 3/8/76.) SB 1714 was subsequently amended so that it would amend rather than repeal section 53094. The amended version of SB 1714 proposed to preclude a school district from exempting "nonclassroom facilities" from zoning regardless of whether those facilities were "located upon, adjacent to, or contiguous to land used for classroom facilities." The committee reports and analyses stated that SB 1714 was intended to preclude the construction of "nonclassroom facilities, *such as athletic stadiums* and parking facilities, in areas where these facilities are not compatible with the zoning and use of adjacent property." (Assembly Comm. on Local Govt. analysis of SB 1714, 8/3/76; Assembly Office of Research analysis of SB 1714, amended 6/30/76, emphasis added.) This version of SB 1714 was passed by the Legislature and forwarded to the Governor.

The enrolled bill memorandum prepared for the Governor stated that SB 1714 "deletes the authority of school boards to override local zoning ordinances for the construction of nonclassroom facilities. School district boards could *still* override local zoning to build classroom facilities." (Emphasis in original.) The enrolled bill report noted that Senator Smith had introduced SB 1714 at the request of "the West Valley Taxpayers and Environmental Association of Saratoga" because this group "was concerned that the West Valley Community College planned to build nonclassroom facilities in a residential neighborhood where, the Association claimed, such uses would be incompatible with surrounding properties ." The Governor signed SB 1714, and it took effect on January 1, 1977.[10]

*9 The legislative history of former section 53094 clearly reflects that the 1976 amendment of section 53094 was intended to preclude the District from exempting its proposed "athletic stadium" from the City's zoning ordinance. In fact, the City sponsored the legislation specifically to accomplish this purpose. Since it is obvious that the Legislature intended its use of the term "nonclassroom" facilities to include athletic stadiums, and there is no support for any contrary construction of the statutory language, the District's proposed athletic stadium is a "nonclassroom facility" within the meaning of former section 53094 and therefore may not be exempted from the City's zoning ordinance.[11]

Disposition

The judgment is reversed. The superior court is directed to vacate its orders granting the District's summary adjudication motion and denying the City's motion for judgment on its writ petition and directed to enter new orders granting the City's summary adjudication motion and granting the City's motion for judgment on its writ petition. The City shall recover its costs on appeal.

ELIA, Acting P.J.

I concur in the judgment. I write separately to express an additional rationale for the result. I also write in response to Justice Mihara's concurrence.

I agree that the West Valley-Mission Community College District's proposed athletic stadium is not a classroom facility, which may be exempted from local zoning ordinances pursuant to Government Code section 53094. A "classroom" is defined in Webster's Third New International Dictionary (1993) at page 417 as "a place for conducting formal instruction of students by a teacher in a school or college." "Facility" is defined in Webster's Third New International Dictionary, *supra,* at pages 812-813 as "something (as a hospital, machinery, plumbing) that is built, constructed, installed, or established to perform some particular function or to serve or facilitate some particular end." Statutory examples of nonclassroom facilities are "warehouses, administrative buildings, and automotive storage and repair buildings." (Gov.Code, § 53094.)

The proposed athletic stadium contemplates seating for no more than 5,000 and spectator-oriented accessory structures such as ticket booths and concession stands. I do not believe that the proposed stadium can be reasonably characterized as a place for conducting formal instruction of students. (Cf. *City of Lafayette v. East Bay Mun. Utility Dist.* (1993) 16 Cal.App.4th 1005, 1014, 20 Cal.Rptr.2d 658 [absolute exemption of section 53091 was intended to be limited to facilities *directly and*

immediately used to produce, generate, store or transmit water].) In any event, it undeniably includes significant nonclassroom components. Consequently, in my view the proposed stadium is not eligible for an exemption from local zoning ordinances pursuant to Government Code section 53094. (Cf. *City of Lafayette v. East Bay Mun. Utility Dist., supra,* 16 Cal.App.4th at pp. 1016-1018, 20 Cal.Rptr.2d 658 [proposed water district facility did not qualify for an exemption under Government Code section 53096 because it had significant nonexempt components].)

***10** As to *City of Santa Cruz v. Santa Cruz City School Bd. of Education* (1989) 210 Cal.App.3d 1, 258 Cal.Rptr. 101 (*City of Santa Cruz*), it does not require a different result. In that case, the issue was framed as whether or not there was substantial evidence to support the trial court's implicit finding that the Santa Cruz High School's Memorial Field, including its lights, was "used for or directly related to student instruction." (*Id.* at p. 8, 258 Cal.Rptr. 101.) The evidence showed that Memorial Field was used primarily for physical education classes, interscholastic athletics, spirit activities, and band performances, these activities were an integral part of the high school's educational program, and students received academic credit for participation in those activities. (*Ibid.*) This court concluded that the evidence was sufficient to support a finding that Memorial Field served an important educational purpose and was "*directly used for student instruction.*" (*Ibid.,* italics added.)

Although *City of Santa Cruz, supra,* 210 Cal.App.3d 1, 258 Cal.Rptr. 101 broadly discusses the educational value of extracurricular activities, any concern with this dictum does not require this court to overrule the case. "A decision 'is not authority for everything said in the ... opinion but only "for the points actually involved and actually decided." [Citations.]' (*Santisas v. Goodin* (1998) 17 Cal.4th 599, 620, 71 Cal.Rptr.2d 830, 951 P.2d 399 ....) '[O]nly the ratio decidendi of an appellate opinion has precedential effect [citation] ....' (*Trope v. Katz* (1995) 11 Cal.4th 274, 287, 45 Cal.Rptr.2d 241, 902 P.2d 259 ....)" (*People v.. Mendoza* (2000) 23 Cal.4th 896, 915, 98 Cal.Rptr.2d 431, 4 P.3d 265.)

Modern public schools may instruct students in a variety of subjects that are not necessarily taught in a room. For example, outdoor science education is a recognized and authorized part of public education (see Educ.Code, § 8760) as is practical instruction in agriculture (see Educ.Code, § 52700). A swimming pool, a basketball or tennis court, an outdoor stage, a school garden, an athletic field, to name only a few examples, may be places where formal instruction of students is conducted.

The power of public school districts to implement a quality curriculum and conduct formal instruction should not be impaired by an overly narrow interpretation of "classroom facilities." I find Justice Mihara's "a fortiori" reasoning as to legislative intent, namely that legislative intent to exclude athletic stadiums necessarily evinces an intent to exclude athletic fields even if they are used for formal instruction, unsound. The term "classroom facilities" should not be construed in a way that may undermine the ability of public school districts to deliver certain kinds of instruction and contravene the purposes for which they are established. (See e.g. Educ.Code, § 66010.4, subd. (a) [mission of California Community Colleges]; see also *Butt v. State of California* (1992) 4 Cal.4th 668, 680-681, 15 Cal.Rptr.2d 480, 842 P.2d 1240; Cal. Const., art. IX, §§ 1, 5, 6, 14.)

***11** I am well aware that the doctrine of stare decisis is a flexible policy, which permits a court to reconsider, and ultimately to depart from, its own prior precedent in an appropriate case. (*Moradi-Shalal v. Fireman's Fund Ins. Companies* (1988) 46 Cal.3d 287, 296, 250 Cal.Rptr. 116, 758 P.2d 58.) However, I am also cognizant of the strong policy considerations against overruling precedent.

"It is ... a fundamental jurisprudential policy that prior applicable precedent usually must be followed even though the case, if considered anew, might be decided differently by the current justices. This policy ... 'is based on the assumption that certainty, predictability and stability in the law are the major objectives of the legal system; i.e., that parties should be able to regulate their conduct and enter into relationships with reasonable assurance of the governing rules of law.' " (*Moradi-Shalal v. Fireman's Fund Ins. Companies, supra,* 46 Cal.3d at p. 296, 250 Cal.Rptr. 116, 758 P.2d 58.)

The *City of Santa Cruz* case has been judicially cited. In *People ex rel. Cooper v. Rancho Santiago College* (1990) 226 Cal.App.3d 1281, 1286, 277 Cal.Rptr. 69, the court stated: "*Santa Cruz* correctly resolves the tension between the state's interest in education and the local entity's interest in zoning control. Based on that standard, a commercial swap meet operated by a third party on a community college district's property cannot be exempted from a city's zoning ordinance under section 53094."

In addition, the *City of Santa Cruz* opinion has been on the books for over a decade. Since the decision was issued, the Legislature has amended Government Code section 53094 twice in other respects. (Stats.1990, ch. 275, § 1, pp. 1545-1546; Stats.2001, ch. 396, § 2, pp. 2981-2982.) " 'It is a generally accepted principle that in adopting legislation the Legislature is presumed to have had knowledge of existing domestic judicial decisions and to have enacted and amended statutes in the light of such decisions as have a direct bearing upon them. [Citations.]' [Citations.]" (*Estate of McDill* (1975) 14 Cal.3d 831, 839, 122 Cal.Rptr. 754, 537 P.2d 874.) " 'The failure of the Legislature to change the law in a particular respect when the subject is generally before it and changes in other respects are made is indicative of an intent to leave the law as it stands in the aspects not amended.' [Citations.]" (*Estate of McDill, supra,* 14 Cal.3d at pp. 837-838, 122 Cal.Rptr. 754, 537 P.2d 874.) " 'There is a strong presumption that when the Legislature reenacts a statute which has been judicially construed it adopts the construction placed on the statute by the courts.' [Citation.]" (*Wilkoff v. Superior Court* (1985) 38 Cal.3d 345, 353, 211 Cal.Rptr. 742, 696 P.2d 134, fn. omitted.)

In any event, the present case does not require this court to decide whether or not a "classroom" is a place or a room. None of the parties ask us to reach that issue or to overturn *City of Santa Cruz.* In my view, the greater wisdom lies in judicial restraint until such time as the issue is squarely before this court.

I CONCUR: WUNDERLICH, J.

MIHARA, J., concurring.

***12** I write separately solely to express my belief that the analysis and conclusion in *City of Santa Cruz* are erroneous and should be overruled.

City of Santa Cruz was the first case to construe the meaning of former section 53094 after the 1976 amendment. *City of Santa Cruz* was followed by the Fourth District Court of Appeal in *People ex rel. Cooper v. Rancho Santiago College* (1990) 226 Cal.App.3d 1281, 277 Cal.Rptr. 69, but that case did not analyze the issue now before this court because it concerned a use that was clearly outside the scope of the exemption. No other appellate court has construed the "nonclassroom facilities" language in former section 53094.

The issue in *City of Santa Cruz* was whether the Santa Cruz City School District (SCCSD) could exempt "the replacement of lighting fixtures on Santa Cruz High School's Memorial Field" under former section 53094 from the City of Santa Cruz's zoning ordinance. (*City of Santa Cruz* at pp. 2-3, 258 Cal.Rptr. 101.) Memorial Field was an existing athletic field with existing lighting consisting of incandescent lights on 60-foot wooden poles. The City of Santa Cruz (CSC) declined to permit SCCSD to replace these poles with taller poles with metal halide lights. (*City of Santa Cruz* at pp. 3-4, 258 Cal.Rptr. 101.) CSC was only willing to permit replacement of the poles with poles of the same height. SCCSD responded by passing a resolution exempting the proposed replacement lighting from CSC's zoning ordinance under former section 53094. (*City of Santa Cruz* at p. 4, 258 Cal.Rptr. 101.) CSC challenged SCCSD's right to exempt the proposal under former section 53094, but the trial court sided with SCCSD. (*City of Santa Cruz* at p. 4, 258 Cal.Rptr. 101.)

CSC argued on appeal that the proposal could not be exempted because Memorial Field was a "nonclassroom" facility. It relied on various dictionary definitions of "classroom" that defined the word as "a room" where classes were held. This court rejected CSC's reliance on these dictionary definitions of "classroom." "The City's argument is flawed because it focuses on the 'room' in 'classroom.' However, section 53094 does not, in fact, use the word 'classroom' either as a noun or by itself. Rather, the statute uses the phrase 'nonclassroom facilities.' " (*City of Santa Cruz* at p. 4, 258 Cal.Rptr. 101.) Noting that the word "facility" meant something that was built to perform some function or serve some end, this court concluded that the question was not the meaning of the noun "classroom" but instead "the meaning of the adjective 'nonclassroom.' " The court found that the adjective "nonclassroom" had no common meaning and proceeded to consider other extrinsic evidence of the meaning of the statutory language. (*City of Santa Cruz* at p. 4, 258 Cal.Rptr. 101.)

The court traced the history of section 53094 from 1959 through 1984 without any mention of the Legislature's intent with respect to the 1965 and 1976 amendments of the statute dealing with the "nonclassroom facilities" limitation. (*City of Santa Cruz* at pp. 5-7, 258 Cal.Rptr. 101.) Then, based on "the legislative genealogy of section 53094," the court concluded that "

'nonclassroom facilities' are those that are not by their nature so directly or sufficiently related to a school board's unique function as to distinguish it from any other local agency." (*City of Santa Cruz* at p. 7, 258 Cal.Rptr. 101.) "[W]e perceive in section 53094 an intention to distinguish between instructional and support facilities. Accordingly, we consider it reasonable and consistent with the legislative history and purpose of section 53094 to interpret 'nonclassroom facilities' to mean those not directly used for or related to student instruction.... [T]his interpretation preserves the balance in section 53094 between the state's strong interest in public education and the value of local zoning controls." (*City of Santa Cruz* at pp. 7-8, 258 Cal.Rptr. 101.)

***13** The analysis employed in *City of Santa Cruz* was erroneous because it failed to consider the indisputable evidence that the 1976 amendment of former section 53094 was specifically intended by the Legislature to preclude the utilization of former section 53094's exemption with respect to athletic *stadiums.* Had this evidence been considered, it would have been difficult to conclude that the Legislature *intended* for replacement lights for an *athletic field* to fall *outside* of the "nonclassroom" limitation of former section 53094 even though the Legislature obviously intended for an *athletic stadium* to fall *within* the limitation in former section 53094. Thus, *City of Santa Cruz* erroneously construed and applied former section 53094.

The next question is whether the doctrine of *stare decisis* precludes a departure from the *City of Santa Cruz* decision broadly construing former section 53094. "[T]he burden borne by the party advocating the abandonment of an established precedent is greater where the Court is asked to overrule a point of statutory construction. Considerations of *stare decisis* have special force in the area of statutory interpretation, for here, unlike in the context of constitutional interpretation, the legislative power is implicated, and [the Legislature] remains free to alter what we have done. [¶] This is not to say that decisions of statutory interpretation may never be overruled. We have recognized that legislative inaction alone does not necessarily imply legislative approval. The Legislature's failure to act may indicate many things other than approval of a judicial construction of a statute: the sheer pressure of other and more important business, political considerations, or a tendency to trust to the courts to correct their own errors. [¶] In piloting a path between the conflicting considerations involved here, questions of reliance are often crucial. Parties, society, and legislative bodies may act in reliance on a particular statutory interpretation; overruling that interpretation might have undesirable consequences not present at the time of the original decision." (*People v. Latimer* (1993) 5 Cal.4th 1203, 1213-1214, 23 Cal.Rptr.2d 144, 858 P.2d 611, citations and quotation marks omitted.)

Here, there is no indication that, outside of this particular action, the parties, society or the Legislature has relied on *City of Santa Cruz.* Indeed, the District has apparently desired to construct the proposed athletic stadium for many years but has not done so due to the City's disapproval of its proposal. The Legislature spoke unmistakably in 1976 when it acceded to the City's desire to prevent the District from acting on its proposal, and there is no evidence that the Legislature has retreated from this position. In particular, there has not been any significant reliance on the *erroneous portion* of *City of Santa Cruz.* Consequently, the doctrine of *stare decisis* does not preclude a correction of that specific analysis. Hence, notwithstanding *City of Santa Cruz,* the District's proposed athletic stadium may not be exempted from the City's zoning ordinance. It follows that the superior court erred in granting the District's summary adjudication motion and denying the City's summary adjudication motion and motion for judgment on its writ petition.

Footnotes

1 Subsequent statutory references are to the Government Code unless otherwise specified.

2 The resolution also contained a clause that stated "should any provision of this resolution be found to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining provisions, which remaining provisions shall remain in full force and effect ...."

3 The District had earlier conceded that the failure of its affirmative defense would also mean that "the case is over" and it lost.

4 Local agencies are subject to city and county zoning ordinances because the Legislature has consented to such regulation by enacting section 53091. "When [a local agency] engages in such sovereign activities as the construction and maintenance of its buildings, as differentiated from enacting laws for the conduct of the public at large, it is not subject to local regulations unless the Constitution says it is *or the Legislature has consented to such regulation.*" (*Hall v. City of Taft* (1956) 47 Cal.2d 177, 183, 302 P.2d 574, emphasis added.)

5 Former Government Code section 53094 stated: "Notwithstanding any other provisions of this article except Section 53097, the governing board of a school district, by vote of two-thirds of its members, may render a city or county zoning ordinance inapplicable to a proposed use of property by such school district except when the proposed use of the property by such school district is for nonclassroom facilities, including, but not limited to, warehouses, administrative buildings, automotive storage and repair buildings. The board shall, within 10 days, notify the city or county concerned of such action. If such governing board has taken such action the city or county may commence an action in the superior court of the county whose zoning ordinance is involved or in which is situated the city whose zoning ordinance is involved, seeking a review of such action of the governing board of the school district to determine whether it was arbitrary and capricious. The city or county shall cause a copy of the complaint to be served on the board. If the court determines that such action was arbitrary and capricious, it shall declare it to be of no force and effect, and the zoning ordinance in question shall be applicable to the use of the property by such school district."

6 See footnote 10, *ante.*

7 One interesting statute juxtaposes "classroom" and "gymnasium" as different uses of facilities. "(c) The planning and construction, reconstruction, alteration of, the moving of portable classroom buildings on an existing site or to another schoolsite, and addition to, school buildings, including built-in or fixed equipment, for any facilities that are approved by the State Department of Education as essential, except a room used solely for an auditorium for a school of any type or class and a room used solely for a gymnasium or a room used solely for a cafeteria for elementary schools. This section does not prohibit the State Department of Education from approving multipurpose rooms which are rooms designed to be used for two or more of the following purposes: [¶] (1) Classroom. [¶] (2) Auditorium. [¶] (3) Gymnasium. [¶](4) Cafeteria. [¶] (5) Any other purposes that district requires which are approved by the State Department of Education." (Ed.Code, § 16014.) If a gymnasium is not a classroom, it could hardly be that an athletic stadium is a classroom.

8 One of the items in the City's collection is a letter from Senator Jerry Smith, the author of SB 1714, to the Governor seeking his signature on SB 1714. "SB 1714 was introduced because numerous localities in this State expressed concern over school districts which have used the provisions of this existing law to authorize various non-classroom facilities, such as athletic stadiums, parking lots, corporation yards and other such structures in areas where these facilities are incompatible with the zoning and use of adjacent property." The District objected below to the admission of this letter as part of the legislative history, but the court overruled the objection.

A letter expressing the views of a single legislator, even the author of a bill, is not properly considered on the issue of the Legislature's intent unless "it is a reiteration of legislative discussion and events leading to adoption of proposed amendments rather than merely an expression of personal opinion" or "it gave some indication of arguments made to the Legislature and was printed upon motion of the Legislature as a 'letter of legislative intent.' " (*California Teachers Assn. v. San Diego Community College Dist.* (1981) 28 Cal.3d 692, 700, 170 Cal.Rptr. 817, 621 P.2d 856.) "The motive or purpose of the drafters of a statute is not relevant to its construction, absent reason to conclude that the body which adopted the statute was aware of that purpose and believed the language of the proposal would accomplish it." (*Taxpayers to Limit Campaign Spending v. Fair Pol. Practices Com.* (1990) 51 Cal.3d 744, 764, fn. 10, 274 Cal.Rptr. 787, 799 P.2d 1220.)

Here, Senator Smith's statement in his letter to the Governor might be characterized as a reiteration of "events leading to adoption of proposed amendments," and the remainder of the legislative history makes clear that the statement in his letter had been communicated to other legislators through committee reports and floor analyses. Therefore, this court could potentially consider Senator Smith's letter as evidence of the Legislature's intent. However, since Senator Smith's letter is merely cumulative of the remainder of the legislative history and one might question the propriety of considering it as evidence of the Legislature's intent, it will be disregarded.

9 The District opposed SB 1714.

10 Until the 2001 legislative session, there had been no significant amendments to section 53094 since 1976. One minor restriction on the scope of section 53094 had been made in 1984 when the Legislature enacted section 53097. Section 53097 requires school districts to comply with local ordinances regulating drainage, grading and road improvements for "onsite facilities and improvements." When section 53097 was enacted, section 53094 was amended to preclude school districts from exempting themselves from the ordinances that section 53097 required them to obey. This was accomplished by the addition of "except Section 53097" after "Notwithstanding any other provisions of this article" at the beginning of section 53094. Section 53097 states that it is "Notwithstanding any other provisions of this article ...." (Stats.1984, ch. 657, pp. 2420-2421.) As enacted in 1984, section 53097 and its exemption from the scope of section 53094 were temporary provisions scheduled to sunset in January 1991. (Stats.1984, ch. 657, pp. 2420-2421.) In 1990, the Legislature deleted the sunset provision thereby making permanent section 53097 and the reference to it in section 53094. (Stats.1990, ch. 275, pp. 1545-1546.)

In 2001, the Legislature extensively revised sections 53091 and 53094 along with numerous other statutes to further restrict the ability of school districts to exempt themselves from city and county zoning ordinances. These changes did not alter the "nonclassroom facilities" language in former section 53094. (Stats.2001, ch. 396 (AB 1367); Gov.Code, §§ 53091, 53094.) Section 53094 now reads: "(a) Notwithstanding any other provision of this article, this article does not require a school district to

comply with the zoning ordinances of a county or city unless the zoning ordinance makes provision for the location of public schools and unless the city or county has adopted a general plan. [¶] (b) Notwithstanding subdivision (a), the governing board of a school district, that has complied with the requirements of Section 65352.2 of this code and Section 21151.2 of the Public Resources Code, by a vote of two-thirds of its members, may render a city or county zoning ordinance inapplicable to a proposed use of property by the school district. The governing board of the school district may not take this action when the proposed use of the property by the school district is for nonclassroom facilities, including, but not limited to, warehouses, administrative buildings, and automotive storage and repair buildings."
The legislative history of this change does not reflect that the Legislature intended that the rewording of section 53094 would change its meaning. The primary intent of the legislation was to provide more notice by districts to cities and counties and more coordination between them. The Senate Local Government Committee report notes: "Cities and counties must plan and zone for schools but school districts can override local planning and zoning. This odd arrangement relies on an implicit political balancing act because the school district and the city or county share the same constituents. Local elected officials are reluctant to snub one another when they serve the same community. But this balancing act was never the conscious creation of legislators. It's been assembled in bits and pieces over the years without much overall thought to how the parts fit together." (Sen. Local Govt. Comm. Report, AB 1367 (7/2/01) Sen. Torlakson, Land Use and Schools.) AB 1367, which enacted the new versions of sections 53091 and 53094, was sponsored by cities, not school districts.

11 As the City's alleged implied contract with the District cannot be violated if the City obtains relief on its petition, the issue of whether the court correctly sustained the District's demurrer to the implied contract cause of action is moot.

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