

## Exhibit B

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**Document:** Cal Gov Code § 53094**Cal Gov Code § 53094****Copy Citation**

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**Deering's California Codes Annotated   GOVERNMENT CODE   Title 5 Local  
Agencies   Division 2 Cities, Counties, and Other Agencies   Part 1 Powers and  
Duties Common to Cities, Counties, and Other Agencies   Chapter 1 General   Article  
5 Regulation of Local Agencies by Counties and Cities**

§ 53094. Power of **school** district to render **zoning** ordinance  
inapplicable

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**(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.

**(c)** The governing board of the school district shall, within 10 days, notify the city or county concerned of any action taken pursuant to subdivision (b). If the governing board has taken such an 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 the 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 the 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 the school district.

## History

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Added Stats 1959 ch 2110 § 1. Amended Stats 1965 ch 1538 § 1; Stats 1976 ch 760 § 1; Stats 1984 ch 657 § 1; [Stats 1990 ch 275 § 1 \(AB 2781\)](#); [Stats 2001 ch 396 § 2 \(AB 1367\)](#).

### ▼ Annotations

#### Notes

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##### Amendments:

##### 1965 Amendment:

##### 1965 Amendment:

Added the exception at the end of the first sentence.

##### 1976 Amendment:

Deleted ", when such nonclassroom facilities will not be located upon, or adjacent to, or contiguous to land used for classroom facilities" after "repair buildings" in the first sentence.

##### 1984 Amendment:

Added (1) "except Section 53097" after "this article" in the first sentence; and (2) the second paragraph.

##### 1990 Amendment:

Deleted the former second paragraph which read: "This section shall remain in effect only until January 1, 1991, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1991, deletes or extends that date. If that date is not deleted or extended, then, on and after January 1, 1991, pursuant to Section 9611 of the government Code, Section 53094 of the Government Code, as amended by Section 1 of Chapter 760 of the Statutes of 1976, shall have the same force and effect as if this temporary provision had not been enacted."