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CITY OF WALNUT

March 2, 2015

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

Re: Proposed Parking Structure - Lot A

The Walnut City Council has instructed me to formally request that you withdraw your intention to construct a parking garage structure on your Lot A, and in the configuration presently planned. My previous letter of February 11 to the Board commented on the fact that the historical cooperation between the City of Walnut and Mount San Antonio College is being irrevocably damaged by your present position. Walnut has always supported the College, financially and by infrastructure, but never in a way destructive to adjoining residents.

While you did adopt your Resolution No. 14-05 last month on February 11, in order to exclude Lot A from Walnut's zoning code, which adopts residential uses only for the that area, we contend that action is a nullity. It relies upon Government Code §53094, which along with its companion sections, applies to "school districts". By express statute, a "community college district" is not a "school district" (Education Code §80). The College is also restricted from excluding its Lot A from Walnut's restrictive zone by Education Code §81901, et seq., "The Community College Revenue Bond Act of 1961." This Act provides that a "Community College District" may issue bonds to finance projects (§81901). "Bond" includes "any obligation issued by the Board" secured by a pledge of revenues "irrespective of . . . form" (§81903(d)). A condition is that the issuer must "comply with all applicable city zoning" (§81951). "Project" includes "vehicle parking facilities" (§81902(c)).

Thus, since Government Code §53904 and its related statutes do not apply, and because an express further restriction applies in Education Code §81901, et seq., Mount San Antonio College will need to process an application for zone modification if it wishes to proceed on Lot A. Absent a favorable response, injunctive relief will be sought by the City in order to enforce its' General Plan and Zoning Code.

Very truly yours,


MICHAEL B. MONTGOMERY
City Attorney
City of Walnut

MBM/pp
cc: Councilmembers
City Manager