

**BOARD OF EDUCATION  
OF THE  
SAN DIEGO UNIFIED SCHOOL DISTRICT**

**RESOLUTION RENDERING ZONING ORDINANCES INAPPLICABLE TO  
KING CHAVEZ ACADEMY OF EXCELLENCE'S CLASSROOM FACILITY  
USE OF PROPERTY LOCATED AT SAN DIEGO, CALIFORNIA**

**WHEREAS**, section 53097.3 of the California Government Code authorizes the governing board of a school district, by vote of two-thirds of its members, to render a local zoning ordinance inapplicable to a proposed use of property by a charter school for classroom facilities if the charter school is located within the geographical jurisdiction of the school district; and

**WHEREAS**, King Chavez Academy of Excellence has been granted a charter by the San Diego Unified School District ("District") and is located within the geographical jurisdiction of the District; and

**WHEREAS**, King Chavez Academy of Excellence offers high quality educational services in an historically underserved part of our community; and

**WHEREAS**, King Chavez Academy of Excellence's program has strong support of the community it serves and has become an important part of that community; and

**WHEREAS**, the school site is presently being used for elementary and middle school purposes, and has been for several years; and

**WHEREAS**, the Board of Education of the District deems it necessary and advisable to exercise its statutory right of exemption from local zoning ordinances applicable to certain real property used by the King Chavez Academy of Excellence (the "Property") for continued use as classroom facilities purposes; and

**WHEREAS**, the Property (735 Cesar E. Chavez Parkway, 740 Cesar E. Chavez Parkway, 626-628 Cesar E. Chavez Parkway, 1884 Julian Avenue, 1893 Julian Avenue, 1894 Julian Avenue, 1901 Julian Avenue, 1918-1926 Julian Avenue, 1964 Julian Avenue, 1940 Kearney Street, and Julian and Dewey corner lot [Lots 20-24 Blk 226 and Lots 41-48 Blk 188]) is located within the City of San Diego, California; and

**WHEREAS**, alternative sites, including the Property, and in connection therewith location, traffic conditions, accessibility to mass transit, appropriateness of facilities for classroom purposes and costs related thereto have been evaluated and considered,

**WHEREAS**, King Chavez Academy of Excellence has agreed to defend, indemnify and hold harmless the District against any liability, claims, actions and/or damages arising out of this resolution or any related use of its facilities or property.

**NOW, THEREFORE, BE IT RESOLVED:**

1. Any and all zoning ordinances of the City of San Diego, California, otherwise applicable to the Property and King Chavez Academy of Excellence's proposed continued use of the Property for classroom facilities use are hereby declared to be inapplicable.

2. District shall notify the City of San Diego, California, of this Resolution to render inapplicable the zoning ordinances for purposes of classroom facilities at the Property, within ten (10) days of this Resolution.

**PASSED AND ADOPTED** by the Board of Education of the San Diego Unified School District, this 24<sup>th</sup> day of April, 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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President, Board of Education  
San Diego Unified School District

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STATE OF CALIFORNIA            )  
COUNTY OF SAN DIEGO        )

I, Cheryl Ward, Board Action Officer, Board of Education, San Diego Unified School District, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by said board at a meeting thereof held on the day and by the vote above stated, which resolution is on file with the minutes of said meeting.

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Board Action Officer, Board of Education  
San Diego Unified School District