

ORDINANCE NO. 91-001

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JAN 0 8 1991

AN INTERIM ORDINANCE PROHIBITING CERTAIN USES OF PROPERTY WITHIN THE ELK GROVE UNIFIED SCHOOL DISTRICT, AND DECLARING THE ORDINANCE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Findings.

The City Council hereby finds as follows:

(a) That the funding mechanisms currently available to the Elk Grove Unified School District ("District") are insufficient to finance those interim and permanent school facilities that will be needed to serve the level of development authorized or anticipated within the boundaries of the District;

(b) That existing residential land use designations, coupled with the lack of such adequate funding mechanisms, constitutes a school funding crisis in that the District will be unable to provide minimally adequate educational services to students generated by such development;

(c) That after extensive review of this school funding crisis with the District, property owners and residents within that portion of the incorporated area served by the District and affected developers, this ordinance is for the benefit of all such parties;

(c) That the lack of a means to finance adequate interim and permanent school facilities, coupled with existing land use designations within the District, creates a current and immediate threat to public welfare, health and safety, and the approval of additional subdivisions, use permits, development plans and other, similar entitlements necessary for residential development within the District will create a threat to the public welfare, health and safety; and

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(e) That a purpose of this ordinance is to allow the City time to study and consider general plan, community plan, zoning or other ordinance amendments which may ease the crisis identified by the Council.

SECTION 2.

(a) On or after the effective date of this ordinance, all land use designations within the District which permit residential development shall be conditional designations and are hereby conditioned in the manner substantially as set forth in Exhibit "A", which is attached hereto and by this reference herein incorporated. No applications for tentative subdivision maps or tentative parcel maps, use permits, development plan review, or similar entitlements requested for the ultimate purpose of residential development shall be approved for property within the boundaries of the District which are inconsistent with said conditional land use designations.

(b) In contemplation that a condition similar to that described in Exhibit "A" will be proposed for land use designation on an other-than-interim, emergency basis, a further purpose of this ordinance is to prohibit uses in conflict with that contemplated proposal.

SECTION 3.

(a) No building permits shall be issued for any residential development project within the District unless such development is consistent with the conditional land use designations established by Section 2 of this ordinance.

(b) The Council hereby finds that issuance of building permits for residential development projects which were approved prior to the effective date of this ordinance would imperil the public welfare, health, and safety of the residents of the District. The Council has heard, read, and considered evidence relating to the overcrowding of children within existing school facilities which creates immediate health and safety problems, both physically and from the standpoint of educational impairment, the latter of which may lead to a spiraling deleterious effect upon the present and future residents of the District as well as present and future residents of the other areas of the City.

Further, the Council finds that issuance of building permits for residential developments which are inconsistent with the land use designations established by Section 2 hereof would not be in compliance with the zoning established by that section.

(c) This section is severable from the remaining provisions of this ordinance, and if it is determined to be invalid, such determination shall not invalidate the remaining provisions.

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SECTION 4.

On January 29, 1991, the Council shall hold a public hearing to determine whether this ordinance shall be extended, at which hearing, in addition to those matters required by law to be considered, the Council shall consider additional information provided by City staff, the public, affected property owners, and the District relative to residential development and its impact within the District, including its impact on other public infrastructure and services. A zoning proposal that would implement, other than on an interim, urgency basis, the condition imposed by this ordinance, shall be considered.

SECTION 5.

This ordinance is an emergency measure to take effect immediately, and shall remain in effect until February 4, 1991. The facts constituting the emergency are the need to immediately provide an interim means to control and lessen the effects of school overcrowding in the District pending further study of the matter.

PUBLISHED IN FULL: January 11, 1991

DATE ENACTED: January 08, 1991

DATE EFFECTIVE: January 08, 1991


MAYOR

ATTEST:


CITY CLERK

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EXHIBIT A

SCHOOL DISTRICT ALTERNATIVE

No building permit shall be issued until the developer/owner contributes an amount equivalent to \$1.09 per square foot of residential building area to the Elk Grove Unified School District for the construction of school facilities, unless reduced or waived by the school district. This amount shall be in addition to any developer fees required pursuant to Government Code Section 65995 and the school district's Mello-Roos tax (Elk Grove Unified School District CFD #1 [Measure A]). Such additional contribution shall be calculated using the same square footage methodology as that provided pursuant to Government Code Section 65995. This additional contribution shall be adjusted for inflation each January 1 based upon the change in the Engineering News Record Building Cost Index (average of 20 cities and San Francisco) for the prior year, beginning July 1, 1990. The \$1.09 contribution may be reduced upon the mutual consent of the Elk Grove Unified School District and the developer/owner, to account for land reserved for or conveyed to the school district by the developer/owner and the school district. If the City Council approved any subsequent district-wide plan to finance new school facilities within the Elk Grove Unified School District, no building permits shall be issued unless consistent with that financing plan, which may include the payment of an amount different than the \$1.09 per square foot of residential development incorporated herein.

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