

ORDINANCE NO. 92-034

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JUL 21 1992

AN INTERIM ORDINANCE EXTENDING SECTION 2 AND 3
OF ORDINANCE NO. 91-068 RELATING TO PROHIBITION
OF CERTAIN USES OF PROPERTY WITHIN THE ELK
GROVE UNIFIED SCHOOL DISTRICT

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; and,

b) That existing 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 service to students generated by such development; and,

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

d) That the lack of 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; and,

f) That on September 24, 1991, the City Council took action to adopt Ordinance No. 91-068 which extended Sections 2 and 3 of Ordinance No. 91-001 to August 21, 1992.

SECTION 2. Extension of Ordinance No. 91-068

Sections 2 and 3 of Ordinance No. 91-068 are hereby extended to August 21, 1993.

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 or 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 Districts, as well a present and future residents of the other areas of the City.

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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 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.

SECTION 3.

The City staff shall continue to consider general plan, community plan, zoning and other appropriate means and methods to alleviate the impact of residential development within the District, including its impact on other public infrastructure and services.

DATE PASSED FOR PUBLICATION: July 14, 1992

DATE ENACTED: July 21, 1992

DATE EFFECTIVE: August 21, 1992

ATTEST:

Darrie A. Burrows
CITY CLERK

Vic Lynn Kobi
MAYOR

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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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