



# CITY OF SACRAMENTO

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Transportation and Community  
Development Committee  
Sacramento, California

Honorable Members in Session:

Subject: **REPORT ON THE FEASIBILITY OF A PUBLIC USE ZONE (M85-039)**

## Summary

During hearings on the Willow Creek annexation in the South Natomas Community Plan area, the Townhouse (R-1A) pre-zone applied to the Swallows Nest private golf course became an issue. Swallows Nest residents wanted assurances that the golf course would be retained as open space.

Staff was directed to report on the feasibility of a public use zone which could be applied to Swallows Nest and other public and quasi-public uses. Staff has reviewed the alternatives and concludes that existing practices provide adequate review of public and quasi-public uses. In addition, current zoning practices offer some advantages for school and special districts when locating or disposing of school and park facilities that a public use zone would not offer.

## Background

Prior to discussing the alternative mechanisms available to control public and quasi-public uses, it is necessary to identify what public entities are regulated by the City.

There are public and quasi-public uses that the City can and cannot regulate. For example, Government Code Section 53094 contains a provision allowing school districts the option of rendering a Zoning Ordinance inapplicable when applied to classroom facilities. Section 29 of the City's Ordinance (No. 4319) permits high voltage transmission lines in any zone with an approved transmission facilities permit.

The City Attorney's Office states that the City cannot regulate Federal, State or County entities if acting in a governmental capacity. However, if the State or County acts in a proprietary capacity (e.g., constructing a hotel or office complex for lease), the City may regulate their activities.

When providing land use controls for public and quasi-public uses, two methods are available. One method would be to designate a Public Use zone. The second method would be to require a Special Permit for the use. A discussion of each method is provided for your consideration.

#### Public Use Zone

1. By zoning a parcel as a public use, the property owner may be able to construct various structures with a building permit only and would not necessarily be obligated to obtain any additional entitlements. Within the public use zone there would be permitted uses and uses which would require a Special Permit.
2. When implementing a public use zone the following issues become evident:
  - A. Defining which uses will be included as "public" and "quasi-public" uses. Public parks, schools, hospitals, and fire stations would typically be included. Uses such as churches, private hospitals and schools, private golf courses, etc. may or may not be included.
  - B. During a recent County of Sacramento analysis of the Public Use zone, school and special districts commented that the public use designation would make it difficult to assess the market value of surplus property. Under the present City Ordinance, the property has a zoning designation compatible with adjacent land uses making it possible for special districts to determine market value of the parcel. Depending upon the proposed use, purchasers or leasees of the site may need a special permit, but unlike the public use zone may not be required to obtain a rezone. Based upon the concern of the special districts, the County has discontinued the study.
  - C. Implementing a public use zone within the City of Sacramento is expected to be costly due to the number of Federal, State, County, City and Special District facilities in the City. Staffing costs to inventory, rezone and map each of these to a public use zone would be high.

#### Special Permit

1. The current City Ordinance provides for Special Uses in any zone upon the granting of a Special Permit by the Planning Commission (Section 2.F). Airports, amusement centers, cemeteries, churches, golf courses, penal institutions, and public and private schools are among the public and quasi-public uses listed as Special Uses. Currently, the City zones park and school sites to correspond with surrounding properties. This practice provides a special district with some latitude when locating, disposing or leasing a park or school site. It also assures adjacent property owners that compatible land uses will develop or that proper noticing of a special permit request will occur in the event of the sale or lease of surplus district properties. The procedure provides an opportunity for public comment.

An example of this is Sierra School in Curtis Park. The school did not meet earthquake standards and was closed. Special Permits were obtained for various uses including a coffee house, office and theater. A Special Permit heard by the Planning Commission saved the applicant processing time and fees while review by the City and interested parties was accomplished.

2. The Special Permit process provides the City with control over Special Uses. Section 15 of the Ordinance states: "In considering an application for a Special Permit, the following guidelines shall be observed:
  - A. Sound Principles of Land Use: A Special Permit shall be granted upon sound principles of land use.
  - B. Not Injurious: A Special Permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.
  - C. Must Relate to a Plan: A Special Permit use must comply with the objectives of the general or specific plan for the area in which it is to be located".

#### Swallows Nest

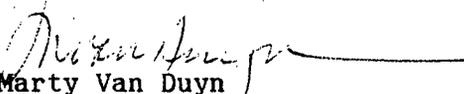
1. Swallows Nest, with its private golf course, was originally approved by the County under a Special Permit. During the Willow Creek Annexation it was zoned to the Townhouse (R-1A) zone. Any changes to the approved project would require amendments to the Community Plan and a Special Permit. Both entitlements require adequate public notice and hearings.
2. Because Swallows Nest was an existing use approved by the County under a Special Permit, a Planned Unit Development (PUD) overlay zone was not required. Typically, projects like Swallows Nest are approved as Planned Unit Developments in the City. An example is Campus Commons where open space and other features are retained by the designation of an overall schematic plan for the development. A Special Permit and an amendment to the PUD are required to modify a schematic plan.

In comparison to a public use zone, the Special Permit method of regulating public and quasi-public uses does not require extensive inventory mapping and rezonings. It also provides a school or other special district more latitude when acquiring, disposing, or leasing of surplus properties while providing adequate review to the City and other interested parties.

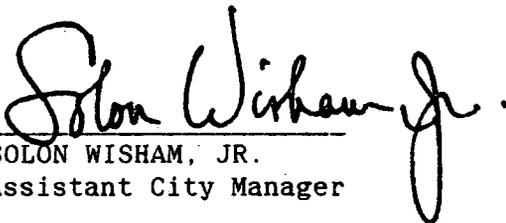
RECOMMENDATION

It is recommended that the Transportation and Community Development Committee recommend to the City Council that the existing mechanisms under the Zoning Ordinance provide adequate review of public and quasi public uses.

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

RECOMMENDATION APPROVED:

  
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SOLON WISHAM, JR.  
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