



# CITY OF SACRAMENTO

27

CITY PLANNING DEPARTMENT  
927 TENTH STREET  
SUITE 300  
SACRAMENTO, CA 95814  
TELEPHONE (916) 449-5604

MARTY VAN DUYN  
PLANNING DIRECTOR

October 26, 1982

**APPROVED**  
BY THE CITY COUNCIL

NOV - 3 1982

OFFICE OF THE  
CITY CLERK

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: 1. Environmental Determination; and  
2. Ordinance repealing Section 24.08 of the Comprehensive Zoning Ordinance, relating to the regulation of publicly owned property in the American River Parkway Flood Zone (M-689)

## SUMMARY

The proposed ordinance amendment would basically allow the City authority to regulate private projects on publicly owned land within the American River Parkway. The staff and Planning Commission recommend approval of the proposed ordinance amendment.

## BACKGROUND INFORMATION

Section 24 of the Zoning Ordinance regulates development within the American River Parkway. The ordinance prohibits certain uses and allows other uses providing a Special Permit is issued by the Planning Commission. Section 24.08, however, exempts uses that are located on publicly owned properties. Therefore, private uses on public land would not require any review by the City.

The proposed ordinance would repeal this section and would basically require private projects on publicly owned lands to meet the City's zoning requirements. It would allow the City an opportunity to review projects that are located within the Parkway.

## VOTE OF PLANNING COMMISSION

On September 23, 1982, the Planning Commission, by a vote of six eyes, three absent, recommended approval of the ordinance amendment.

## RECOMMENDATION

The staff and Planning Commission recommend that the City Council approve the proposal by:

1. Ratifying the Negative Declaration; and


City Council

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October 26, 1982

2. Adopting the attached ordinance.

Respectfully submitted,

  
 Marty Van Duyn  
 Planning Director

FOR CITY COUNCIL INFORMATION  
 WALTER J. SLIPE  
 CITY MANAGER

MVD:HY:cp  
 Attachments  
 M-689

November 3, 1982  
 District Nos. 1,3,6

ORDINANCE NO. 82-~~089~~<sup>091</sup>

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE REPEALING SECTION 24.08 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, NO. 2550, FOURTH SERIES, RELATING TO THE REGULATION OF PUBLICLY OWNED PROPERTY IN THE AMERICAN RIVER PARKWAY FLOOD ZONE (M-689)

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

SECTION 1:

Section 24.08 of the Comprehensive Zoning Ordinance of the City of Sacramento, No. 2550, Fourth Series, is hereby repealed.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

City Planning Commission  
Sacramento, California

Members in Session:

SUBJECT: Ordinance repealing Section 24.08 of the Comprehensive Zoning Ordinance of the City of Sacramento, No. 2550, Fourth Series, relating to the regulation of publicly owned property in the American River Parkway Flood Zone (M-689)

SUMMARY

The proposed ordinance amendment would repeal section 24.08 of the City Zoning Ordinance. This deletion is being proposed because the section unnecessarily restricts the City's ability to regulate private projects on publicly owned land within the American River Parkway Flood Zone that is located within the City limits. A copy of the proposed amendment is attached for the Commission's consideration.

Staff recommends that the Commission ratify the Negative Declaration and approve this proposed ordinance amendment for transmittal to the City Council.

BACKGROUND INFORMATION

Staff is proposing this amendment as a result of the City's diminished regulatory power over two recent private proposals which were to be located on county and state owned property in a portion of the American River Parkway within the City limits. One of the proposals was Discovery Park Marina which under normal circumstances would have required a Special Permit from the City. The other proposal, a dredging operation along the American River, is an expressly prohibited activity in the American River Parkway. However, both of the projects were immune from City regulation due to the provision set forth by section 24.08 which relinquishes City control over all activities that take place on publicly owned land in the ARP-F zone.

As a general rule, cities and counties are mutually exempt from each other's zoning regulations relative to property that one such entity may own within the legal boundaries of the other. The State is immune from local land use regulations. The sovereign immunity rule should logically apply to governmental activities (i.e., maintenance, regulatory, administrative) but should not be extended to private projects conducted on city, county or state owned property nor should immunity apply to those activities undertaken by a governmental agency for which the primary purpose is to generate revenue.

Section 24.08 of the City Zoning Ordinance fails to consider proprietary activities and issues blanket immunity to all activities conducted on publicly owned land. This unnecessarily restricts the City's regulatory abilities in the American River Parkway. Staff believes that future proposals in the Parkway occurring on public property should be subject to City review and regulation to insure that the goals of the American River Parkway Plan are upheld uniformly.

ENVIRONMENTAL ASSESSMENT

The City Environmental Coordinator has determined that the proposed ordinance amendment will not have a significant effect on the environment and has filed a Negative Declaration.

RECOMMENDATION

The Planning staff recommends that the Commission ratify the Negative Declaration and approve this ordinance amendment for transmittal to the City Council for adoption.

Respectfully submitted,

*Howard Yee*  
Howard Yee *H.Y.*  
Principal Planner

HY:JH:cp

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE REPEALING SECTION 24.08 OF THE  
COMPREHENSIVE ZONING ORDINANCE OF THE CITY  
OF SACRAMENTO, NO. 2550, FOURTH SERIES, RELATING  
TO THE REGULATION OF PUBLICLY OWNED PROPERTY IN  
THE AMERICAN RIVER PARKWAY FLOOD ZONE (M-689)

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

SECTION 1.

Section 24.08 of the Comprehensive Zoning Ordinance of the City of Sacramento,  
No. 2550, Fourth Series, is hereby repealed.

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MAYOR

ATTEST: \_\_\_\_\_

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CITY CLERK



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TELEPHONE (916) 449-5604

MARTY VAN DUYN  
PLANNING DIRECTOR

October 18, 1982

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: Ordinance repealing Section 24.08 of the Comprehensive Zoning Ordinance of the City of Sacramento, No. 2550, Fourth Series, relating to the regulation of publicly owned property in the American River Parkway Flood Zone (M-689)

SUMMARY

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 38.


BACKGROUND

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

RECOMMENDATION

It is recommended that the item be passed for publication of title and continued to November 3, 1982

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

PASSED FOR  
PUBLICATION  
& CONTINUED  
TO 11-3-82

MVD:cp  
Attachment  
M-689

October 26, 1982  
Districts 1,3,6

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# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE REPEALING SECTION 24.08 OF THE  
COMPREHENSIVE ZONING ORDINANCE OF THE CITY  
OF SACRAMENTO, NO. 2550, FOURTH SERIES, RELATING  
TO THE REGULATION OF PUBLICLY OWNED PROPERTY IN  
THE AMERICAN RIVER PARKWAY FLOOD ZONE (M-689)

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