



CITY OF SACRAMENTO

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DEPARTMENT OF PLANNING AND DEVELOPMENT
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CITY CLERK

August 26, 1985

City Council
Sacramento California

Honorable Members in Session:

SUBJECT: City Review of State and County Facilities Locating in the City
(M85-094)

SUMMARY

At the April 30, 1985 meeting, the City Council expressed a concern that State and County agencies are initiating projects in the City without City review. Planning staff has researched the subject and recommends that the City Council make a request to the County to refer projects to the City Planning Division to coordinate the review of County projects locating in the City.

BACKGROUND INFORMATION

Planning staff was requested to research the subject and report back on guidelines for improved City/County/State cooperation. During staff's research, the following were contacted: the City Attorney's Office, the Governor's Office of Planning and Research, County and other State representatives. Their responses were as follows:

City Attorney's Office

The City Attorney's opinion is that the State and the County are exempt from City zoning regulations in their governmental operations. Information received from the Office of Planning and Research (OPR) supports this conclusion.

Office of Planning and Research

OPR staff cited a 1962 Attorney General opinion which states: "Cities and Counties are mutually exempt from each other's zoning regulations relative to property that one such entity may own within the territory of each other".

This issue was further clarified in a May 23, 1985 Attorney General opinion which says that State and County agencies are immune from local building and zoning regulations. The lessee of a governmental agency may or may not be

immune from local regulations depending on whether or not they are furthering the purpose of the agency or acting for purely private purposes.

It was also pointed out by OPR that within the State Constitution there is a State supremacy clause which exempts the State from City and County regulations.

Even though it was found that the State and Sacramento County are not required to comply with City regulations, representatives of each were contacted to determine the status of their referral programs.

County Representatives

Jack Thompson of the County's Capital Improvement Program indicated that the County currently coordinates review of projects with the City. Referrals are sent to the City on major projects by the County Executive Officer. As a matter of practice, the County also sends referrals to the City through the environmental review process. These referrals are sent to various Departments within the City. For example, County public works projects are sent to the City Department of Public Works, other project referrals are sent to the Planning Department and/or City Manager's office. There is no centralized location where projects are logged and notifications sent to applicable Council members.

State Representatives

Steve Sanders with the State's General Services Agency was contacted. He indicated that the State currently has the Capital Area Plan Committee comprised of the capital area's Assemblyman, Senator, County Supervisor, City Councilman, citizens at large and representatives of the State General Services Agency. The Capital Area Plan Committee is supported by the Capital Area Technical Advisory Committee comprised of representatives from various State agencies, citizens at large, the City Planning Division, the Parking Division, and the Redevelopment Agency. These committees provide the opportunity for City staff review of State projects.

Paul Savona with the State Office of Space Management was consulted regarding State leased property. Mr. Savona indicated that their current leasing practice considers City zoning regulations. They are willing to work with the City when leasing within the City. If additional review is desired, Mr. Savona requests a letter describing our needs.

In conclusion, the County and State are exempt from City regulations with regard to their governmental operations. A request should be made to the County Executive and County Planning Director to forward to the City Planning Division County projects locating within the City. Once received by the Planning Division, project referral should be distributed to appropriate Council Members and City Departments. A request to the State was not found to be necessary since the City is represented on the Capital Area Plan Committees and the State considers City zoning requirements when leasing buildings.

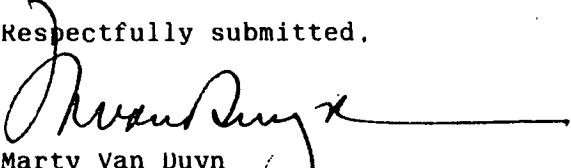
CITY COUNCIL

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AUGUST 26, 1985

RECOMMENDATION

Staff recommends that the Council request that the County Executive and County Planning Director refer County projects locating within the City to the City Planning Division for distribution to appropriate Departments and Council members.

Respectfully submitted,

Marty Van Duyn
Planning Director

RECOMMENDATION APPROVED:


Walter J. Slipe, City Manager

MVD:DS:lr
M85-094

September 10, 1985
All Districts