

## District 2 Land Use Cannabis Study

### Frequently Asked Questions (FAQ)

- Q1. How does this Ordinance affect my Conditional Use Permit (CUP) and Business Operating Permit (BOP) if my site is within the 1,000- or 1,500-foot buffer?*
- A1. Existing operational businesses will be allowed to continue operating in perpetuity as a legal nonconforming use as long as they do not cease operations for a continuous period of one year. Businesses that have obtained their CUP but have not begun operating will also be allowed to finish activating their CUP and begin operations as long as they do it before their CUP expires three years after issuance. Applicants can also apply with Planning to extend their CUP expiration date. Businesses will also be able to apply for their BOPs if they have not already done so, in addition to ongoing renewals thereafter and in perpetuity as long as their CUP remains active by maintaining a continuous operational status.
- Q2. Can an exception to the Ordinance be made for pipeline projects that are currently in process and have already applied for a Conditional Use Permit (CUP)?*
- A2. Currently, there is no exception within the Ordinance, meaning once the Ordinance becomes effective, CUP applications located within the buffer restrictions would be subject to the new regulations. The City Council could add an exception to the Ordinance to allow pipeline projects in District 2 to be heard under the current regulations even after the effective date of the Ordinance. Even if an exception were made for affected pipeline projects, those projects would still need to finish the public hearing process with a decision rendered by the Zoning Administrator or Planning and Design Commission. Furthermore, the Councilmember would still have the ability to call up these projects for City Council review.
- Q3. Can an exception be made only for CORE applicants?*
- A3. No. Land use entitlements, such as CUPs, regulate the use of the land and not the type of operator or business. For example, a CUP for a drive-through restaurant does not distinguish if the business is either a Starbucks, McDonalds, or any other type of drive-through restaurant. Furthermore, CUPs “run with the land”, meaning they can be transferred from one property owner to the next. Using the example of the drive-through restaurant, a CUP from Starbucks could be transferred to McDonalds without the need to obtain a new CUP. The use is the same and the conditions of approval from the original CUP carry over to the new business.
- Q4. Why is a buffer restriction from residential zones, schools, parks, and places of worship, proposed as opposed to a building square footage cap like in the southeast area of the City, or the Power Inn area?*
- A4. The industrial areas in Council District 2 are in close proximity to residential neighborhoods and often contain an eclectic mix of land uses that provide essential neighborhood services to the nearby residents. For this reason, it seems more appropriate to create distance requirements from sensitive uses (i.e., residential zones, schools, parks, and places of worship) that are located near or in North Sacramento’s industrial zones. Whereas the industrial cluster in the

southeast area often has less neighborhood serving uses and is much more isolated from residential zones and uses. This industrial area also has more heavy manufacturing and industrial businesses seeking to expand and thus warranted a different type of regulation to preserve more industrial building space for other types of industrial businesses. The proposed Ordinance was also developed in close coordination with the Councilmember.

*Q5. What is the available remaining land for cannabis uses in District 2 after the buffers are applied?*

A5. As shown in Attachment 7, there is approximately 292 acres of industrial property remaining for potentially siting new cannabis businesses in District 2. However, roughly 240 of those acres are either owned by the Federal government or are within a flood zone, making them unlikely for development at the present time.

*Q6. What happens if the Council District 2 boundary changes during redistricting?*

A6. The Ordinance contains a metes and bounds description that describes the current boundaries of Council District 2: "The area bounded by Hwy 160 and Arden Way on the south, the Natomas East Main Drainage Canal on the west, and the City limits to the north and east." If during the redistricting process, the boundaries of Council District 2 change, the metes and bounds described in the Ordinance (above) will remain because it would be codified within City Code. This means, the buffer restrictions would only apply within the boundaries described above, even if the Council District 2 boundaries change in the future. It would take an amendment to the City Code and approval by City Council in order to change the boundary description.

*Q7. What is the definition of undue concentration or overconcentration for District 2?*

A7. The new restrictions define overconcentration by setting limitations from residential zoning, schools, parks, and places of worship. With the adoption of this ordinance, cannabis would be deemed to be overconcentrated in District 2 if the use is located within the 1,000- or 1,500-foot buffer. The decision-maker (i.e., Zoning Administrator, Planning and Design Commission, or City Council) must make a finding for undue concentration before approving a new CUP that acknowledges a proposed cannabis use is outside of the 1,000- or 1,500-foot buffer restrictions in District 2.