



# REPORT TO PLANNING COMMISSION City of Sacramento

915 I Street, Sacramento, CA 95814-2671

**PUBLIC HEARING**  
**August 11, 2011**

To: Members of the Planning Commission

**Subject: Unity Non Profit Collective (P11-044)**

A request to operate a medical marijuana dispensary located in the General Commercial Review (C-2-R-PUD) zone, within the Point West Planned Unit Development area.

- A. Environmental Determination: Exempt (CEQA Guidelines Section 15301, Existing Facilities);
- B. Special Permit to allow a medical marijuana dispensary.

**Location/Council District:**

1832 Tribute Road, Suite E

Assessor's Parcel Number 277-0282-005-0000

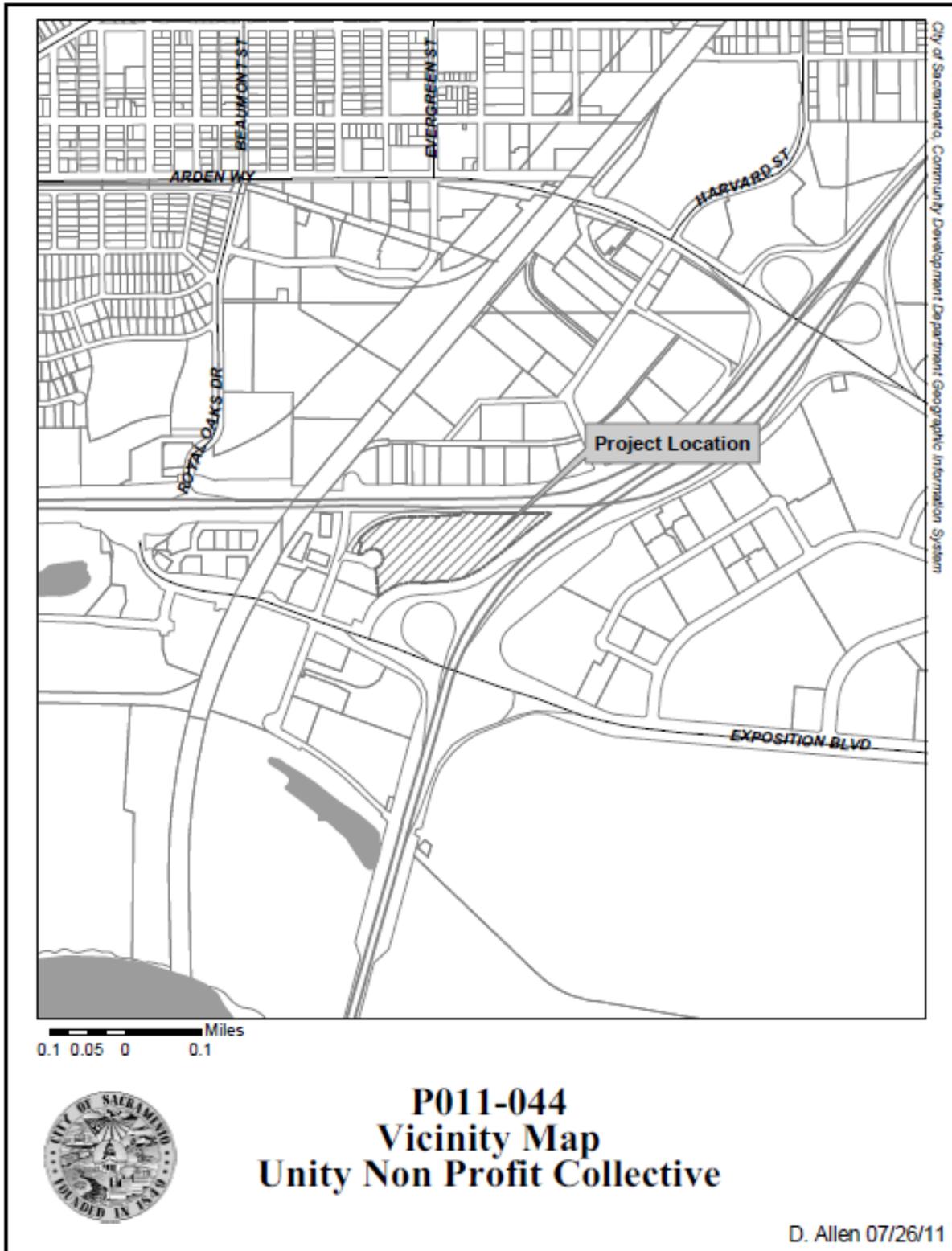
Council District 3

**Recommendation:** Staff recommends the Commission approve the request based on the findings and subject to the conditions listed in Attachment 1. The Commission has final approval authority over items A and B above, and its decision is appealable to City Council.

**Contact:** Dana Allen, Associate Planner, (916) 808-2762  
Lindsey Alagozian, Senior Planner, (916) 808-2659

**Applicant:** Michael Doherty, Unity Non Profit Collective, (916) 564-1824, 1832 Tribute Road, Suite E, Sacramento, CA 95815

**Owner:** Bar Pointe West 8 LLC and Bar Pointe West 9 LLC, (916) 924-5957, 31910 Del Obispo St. #100, San Juan Capistrano, CA 92675. Members of the Bar Pointe West 8 LLC include: The Babubhai D. Prajapati and Vimlaben B. Prajapati Trust DTD 8/6/88. Members of the Bay Pointe West 9 LLC include: Richard P. Heinz, as trustee of the Richard P. Heinz and Susan Heinz Family Trust (Husband's separate property) UDT dated February 1, 2005.



**Summary:** The project site is located within the Point West PUD, which is composed of residential, industrial, commercial, office and medical office uses. The site is currently developed with a 130,100 square foot building containing multiple tenant spaces which are primarily general commercial uses. The applicant is requesting to operate a 3,068 square foot medical marijuana dispensary. **At the time of writing this report, there were no outstanding issues or concerns regarding the project and the project is considered to be noncontroversial.**

<b>Table 1: Project Information</b>
<b>General Plan designation:</b> Urban Center Low (FAR: 0.40-4.00)
<b>Existing zoning of site:</b> C-2R - PUD, General Commercial zone (Point West PUD)
<b>Existing use of site:</b> Office/Warehouse Building
<b>Property area:</b> 449,000 square feet or 10.3 acres

**Entitlement History:** The Unity Non Profit Collective project was formally submitted on July 5, 2011. The project site is located within the Point West PUD, which was established by City Council January 13, 1971(P7082). The PUD is composed of residential, industrial, commercial, office and medical office building uses. On February 11, 1971, the City Council approved a rezone (P4473) of the site from Agriculture (A) to Light Industrial (M-1-S-R) by City Council Ordinance 1971-2957. On October 26, 1971 the Planning Commission approved a Special Permit (P4835) to develop an Industrial and Business Complex under a Planned Unit Development in the M-1-S-R Light Industrial Zone according to submitted development plans. The parcel was rezoned on October 27, 2009 from M-1-S-R -PUD to General Commercial (C-2-R-PUD) by City Council Ordinance 2009-047, effective January 1, 2010.

**Background Information:** In 1996, California voters passed Proposition 215 (The Compassionate Use Act of 1996) which decriminalized the cultivation and use of marijuana by seriously ill people. The possession, sale, cultivation, or transportation of marijuana is ordinarily a crime under California law, however, Proposition 215 made it possible for seriously ill people to cultivate and use marijuana for medical purposes when recommended by a physician who has determined that the person's health would benefit from the use of marijuana. The Act allows patients and their caregivers to possess and cultivate marijuana upon physician approval.

The Medical Marijuana Program, enacted by the State Legislature in 2003, allows medical marijuana patients ("qualified patients") and their primary caregivers to associate with one another in order to collectively or cooperatively cultivate marijuana for medical use by qualified patients. The co-ops and collectives must require membership applications, verify status as a caregiver or qualified patient and refuse membership to those who divert marijuana for non-medical use. They are to acquire marijuana from and allocate it only to members of the co-op or cooperative. State law

allows cities and counties to regulate and tax these co-ops and cooperatives, which are also known as medical marijuana dispensaries.

On November 9, 2010, the Sacramento City Council approved two ordinances which permit "medical marijuana dispensaries", under certain conditions, in the City of Sacramento. A medical marijuana dispensary is defined as a cooperative or collective of four or more qualified patients and their primary caregivers, who collectively or cooperatively cultivate and distribute marijuana exclusively for use by the qualified patient members for medical purposes.

Ordinance 2010-037 enacted the City's regulatory permit requirement for medical marijuana dispensaries (administered by the Revenue Division) and is found in Chapter 5.150 of the Sacramento City Code. One of the conditions is that only the dispensaries that registered with the City of Sacramento by July 14, 2009 are permitted to apply for dispensary permits with the Revenue Division. These dispensaries were required to apply for their Phase I permit by February 7, 2011. Thirty-five of the 39 eligible dispensaries applied by the deadline and of those, 33 have currently met the Phase I requirements and were invited to continue in the application process. These dispensaries are eligible and must apply for a Phase II application with the Revenue Division by October 11, 2011. One of the requirements of the Phase II application is a copy of a valid special permit (City Code 5.150.070). All dispensary permits must be approved by the Revenue Division by January 7, 2012 or the dispensary must cease operation.

Ordinance 2010-038 amended the Zoning Code (Title 17) to allow dispensaries in specified zones subject to special permit review and approval. The Zoning Code requires a Planning Commission special permit in the C-2 zone and a Zoning Administrator's special permit in the C-4, M-1, M-1S, M-2 and M-2S zones. When the dispensaries were notified in writing that they had completed their Phase I requirements (for the most part in April and May 2011), they were also notified of a planner assigned to their dispensary and encouraged to apply for the special permit. In June a second letter was sent to all dispensaries reminding them of the Phase II deadline and encouraging them to apply for a special permit by July 15, 2011.

The Zoning Code also requires a dispensary to be located a minimum of: 300 feet from a residential zone or use; 600 feet from a park, K-12 school, child care center, child care-family day care home, youth-oriented facility, church/faith congregation, substance abuse center, movie theater/cinema, tobacco store; and 1000 feet from another dispensary; HOWEVER, the location requirements do not apply to a dispensary that registered with the city as of July 27, 2009, is operating and has operated continuously at the location for which the special permit is requested since at least October 26, 2010, is organized as a cooperative or collective, and has not been cited or convicted of maintaining a public nuisance or of a public safety violation relating to the operation of a medical marijuana dispensary. If the registered dispensary location does not meet the location requirements a Planning Commission special permit is required, whether the

site is located in the C-2, C-4, M-1, M-1S, M-2, or M-2S zone. In evaluating the special permit staff and the Planning Commission can take into consideration all surrounding land uses and the proposed dispensary's impact on those land uses whether they are residential, non-residential, one of the land uses listed above or another dispensary.

Unity is located in the C-2-R PUD zone which requires a Planning Commission special permit. Unity is also within 600 feet of a faith congregation and a youth oriented facility. This site, therefore, requires Planning Commission special permit review and approval. Unity has been operating at the site since March 2009 and submitted their special permit application on July 5, 2011.

**Public/Neighborhood Outreach and Comments:** A public hearing notice was sent to property owners within 500 feet of the subject site. The City has received a letter of support from Birtcher Anderson Properties, the landlord/Property Manager for Unity (see Attachment 5). In addition, staff received a letter from Union Pacific on August 8, 2011 (see Attachment 6). The site was also posted more than 10 days in advance of the public hearing. No calls or letters of concern have been received concerning the project.

**Environmental Considerations:** The Environmental Services Manager has determined the project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines (Section 15301). Section 15301 consists of existing facilities involving no expansion of use.

**Policy Considerations:** The subject site is designated as Urban Center Low on the General Plan Land Use and Urban Form Diagram. The Urban Center Low designation provides for smaller urban areas throughout the city. Each center includes employment-intensive uses, a mix of housing, and a wide variety of retail uses. Urban Center Low is located around light rail stations, along local arterials, and in other key areas of the city. Building heights for Urban Center Low tend toward low- and mid-rise structures. Other characteristics will take into account adjacent neighborhoods, such as stepping down building heights from mid-rise structures to adjacent lower density neighborhoods.

### 2030 General Plan Development Standards

The minimum Floor Area Ratio (FAR) for the Urban Center Low designation is .40. The site is currently developed with a tenant space of 3,068 square foot within a 130,100 square foot building on a 449,000 square foot parcel. Therefore, the FAR is .29 and does not meet the General Plan Development Standards. The project site has been in existence since the 1970s, approximately 40 years before the current General Plan established the FAR requirement. The applicant is not proposing to make any changes to the footprint of the existing building with this proposal. General Plan Policy LU 1.1.6 allows for renovations or expansions to occur within existing buildings that do not meet the FAR.

2030 General Plan Policies:

The following General Plan Policies support the project:

**PHS 5.1.7 Healthy Communities.** *The City shall encourage the planning of new communities and revitalization of existing urban areas to achieve improvements in overall public health by encouraging a healthier living environment that includes walkable neighborhoods, access to recreation and open space, healthy foods, medical services, and public transit.*

**PHS 6.1.12 Safe and Fair Practices.** *The City shall maintain safe and fair business operations and ensure the health and safety of the general public through enforcement of State and local health and safety statues and codes.*

**PHS 1.1.7 Development Review.** *The City shall continue to include the Police Department in the review of development projects to adequately address crime and safety, and promote the implementation of Crime Prevention through Environmental Design principles.*

**Land Use**

The applicant proposes to establish a 3,068 medical marijuana dispensary in the Point West PUD within the General Commercial (C-2 –R-PUD) zone. Unity has been established at this location since March of 2009. This dispensary was properly registered with the city manager pursuant to Ordinance No. 2009-033, and is applying for a special permit for the location from which they have operated continuously since at least October 26, 2010, Unity is organized as a cooperative or collective, and has not been cited or convicted or maintaining a public nuisance or of a public safety violation relating to the operation of a medical marijuana dispensary. Therefore, this dispensary is exempt from the proximity restrictions that would otherwise apply (Section 17.24.050(85)(d)).

Staff has evaluated the site and has determined that there are two sensitive uses that are within 620 linear feet of the proposed medical marijuana dispensary. Soka Gakkai International - USA Buddhist Center is within 483 lineal feet of the dispensary. It is a faith congregation facility that is utilized primarily for religious related activities. The Mad Science Center is located approximately 620 linear feet from the dispensary and is an organization that provides after-school programs and workshops for children.

Staff visited the site on several occasions and has observed that the dispensary's operations do not extend beyond the specific location in which they are located. The dispensary operates such that members (qualified patients and caregivers), as well as prospective members, arrive at the parking lot, are escorted into the facility by the security guard, and screened for status of valid identification and if a qualified patient member, the required physician recommendation letter, and a medical marijuana ID prior to accessing the sales area. Futhermore, the parking lot is regulated by Unity staff

during business hours to ensure that members are entering and exiting the property efficiently. Staff has observed that members do not remain in the parking lot after utilizing the dispensary. The main entrance to the dispensary is located on the northern side of the building that they occupy, near the parcel boundary. Member parking is located along the parcel boundary, adjacent to Highway 160. The sensitive uses are located in separate buildings south west of the dispensary, with their parking on the southern boundary of the parcel. The customers and employees for either Soka Gakkai International or Mad Science would not come into contact with any of the members of Unity during their business operations. The two sensitive uses noted above also received the public hearing notice for this medical marijuana dispensary and staff has not received any calls or concerns from these uses.

Table 2 below provides specific information regarding sensitive uses in the vicinity of the subject site.

<b>Table 2: Surrounding Uses</b>		
<b>Land Use</b>	<b>Location</b>	<b>Distance from Site</b>
Soka Gakkai International-USA Buddhist Center	1812 Tribute Rd.	483 feet
Mad Science Center (youth oriented learning facility)	1808 Tribute Rd., Ste. E	620 feet

Unity Non Profit Collective operates a medical marijuana dispensary within a 3,068 square foot commercial space. The hours of operation are Monday through Saturday from 10:00 a.m. to 7:00 p.m. and on Sunday from 12:00 p.m. to 5:00 p.m. Unity currently has 8,588 members registered with their dispensary. Members tend to patronize the dispensary on average about 45 to 50 per day at peak times throughout the day – morning, noon, and around 5:00 p.m.

The applicant has stated that all of Unity's staff, owners and volunteers have not been convicted of felonies nor are they minors. Unity does not allow on-site consumption of marijuana, which is prohibited under SCC Chapter 5.150. There are clearly posted signs located inside the dispensary that informs the members that they assume the risk of injury or harm if they consume any marijuana product.

The floor plan of the dispensary includes the following: a lobby of the patient entrance on the north end of the space; a reception area separated by a reinforced wall and bullet proof glass window; a security door opens into the donation/classroom which contains display cabinets and community events bulletin board; the break room is located off the classroom; four offices used by the Board Members; a conference room and warehouse area occupy the remainder of the space.

The Police Department has reviewed the security plan for Unity and finds that they have implemented appropriate security measures for this use. As an added security measure, Unity handles their trash with consideration as well. For example, all sensitive materials left over from processing is hand delivered to the local landfill by one of Unity's staff members ensuring that no marijuana remnants are placed into a public trash facility located behind the dispensary. All of their member's information is kept confidential and secure. The lighting within the building and outside of the building provides an added security measure.

In evaluating special permit proposals of this type, the Planning Commission is required to make the following findings:

- a. Sound Principals of Land Use. The special permit for the dispensary shall be granted upon sound principals of land use. The dispensary is located in the C-2-R-PUD zone and is allowed to apply for a special permit because it has been properly registered with the City prior to the moratorium ordinance adopted on July 14, 2009, and has operated continuously at the subject location since at least October 26, 2010;
- b. Not injurious. The special permit for the dispensary 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. The dispensary is located in an area surrounded by commercial uses and operates with a security and business operation plan that takes into consideration the business neighbors;
- c. Must Relate to a Plan. The special permit for the dispensary must comply with the objectives of the general or specific plan for the area in which the dispensary is to be located. The operation of a dispensary (general commercial) is consistent with the types of uses located in Urban Center Low General Plan designation;
- d. The dispensary has not generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the dispensary. The Police Department has evaluated the number of calls for police service at the proposed address and the calls do not, currently, indicate that the dispensary has generated an excessive number of calls for police service compared to similarly situated businesses of the same size as the dispensary.
- e. The dispensary has not caused secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, or lewd conduct; and,
- f. The proposed location, size and other development standards of the medical marijuana dispensary are consistent with state law, SCC Chapter 5.150, and the

Zoning Code. Unity operates in compliance with the Medical Marijuana Program, and the 2008 Attorney General Guidelines, in addition to the C-2R –PUD requirements.

Staff believes that the Planning Commission can make adequate findings as required to approve the project. Staff does not have any objections to the requested entitlements.

### **Access, Circulation and Parking**

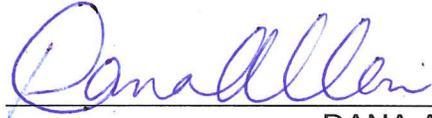
The proposed project site is located within an existing commercial building. The site includes a driveway access point along Tribute Road and is located within a cul-de-sac off the east side of Tribute near the entrance to Highway 160. Highway 160 bounds the site to the north, Exposition Boulevard is located south of the parcel, and Business 80 is located to the southeast of the site connecting to Exposition Boulevard. The project site is located to the north east of the parcel, paralleling Highway 160. The parking ratio for a medical marijuana facility is the same as for a retail use. Since the project is located within the C-2-R-PUD zone and the tenant space is located on a lot that is greater than 5,200 square feet or greater, the parking ratio is 1 space per 400 square feet for the first 9,600 square feet, and 1 space per 250 gross square feet for the area in excess of 9,600 square feet of gross floor area. This use within 3,068 square feet, requires 8 parking spaces. The total parking spaces within the 449,000 square foot parcel is 451 spaces. The combined parking spaces for the parcel is less than what is required for a C-2 zone. However, with the special permit approved by Planning Commission on October 26, 1971 (P4835) to develop an Industrial and Business Complex under a Planned Unit Development in the M-1-S-R Light Industrial Zone, the design was to allow for multi-use tenants and office occupancies. The parking was calculated at 1:330 square feet which falls within the PUD office parking requirements. This design was approved prior to the requirement of a special permit to exceed 25% office in the M-1 zone. A special permit was not required for office conversions within the PUD. With this application there are no changes to zoning of the site, existing access, circulation, and parking area. As such, the project site is consistent with the previously approved parking ratio.

### **Building design and signage**

The existing building is comprised of a one to two story structure with a concrete and stucco finish in neutral tones. The roof is flat with composition shingles. No exterior modifications or site improvements are proposed as a part of this project. Any new exterior signage is required to meet the Point West PUD Sign Guidelines. Within the Point West PUD, one sign per parcel per public street frontage is permitted for a maximum of two signs per parcel (attached or detached), at a maximum sign area of sixteen (16) square feet. The General Commercial Review (C-2R) zone allows up to two attached signs with a combined maximum size of 3 square feet per front foot of building occupancy. The site plan indicates the tenant space has 64 front feet of building

occupancy therefore signage may not exceed 192 square feet. No signage has been proposed at this time. Any future signage will require a sign permit.

Respectfully submitted by:



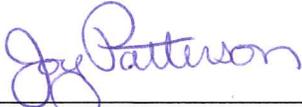
DANA ALLEN  
Associate Planner

Approved by:



LINDSEY ALAGOZIAN  
Senior Planner

Recommendation Approved:



JOY PATTERSON  
Principal Planner

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**Attachment 1  
Proposed Findings of Fact and Conditions of Approval  
Unity Non Profit Collective (P11-044)  
1832 Tribute Rd., Ste. E**

**Findings Of Fact**

- A. Environmental Determination:** Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning Commission finds that the Project is exempt from review under **Section 15301 Existing Facilities** of the California Environmental Quality Act because it involves the use of existing facilities without the expansion of use.
- B. The Special Permit** to allow a medical marijuana dispensary is approved subject to the following Findings of Fact:
1. Sound Principals of Land Use. The special permit for the dispensary shall be granted upon sound principals of land use. The dispensary is located in the C-2 zone and is allowed to apply for a special permit because it has been properly registered with the City prior to the moratorium ordinance adopted on July 14, 2009, and has operated continuously at the subject locations since at least October 26, 2010;
  2. Not injurious. The special permit for the dispensary 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. The dispensary is located in an area surrounded by commercial uses and operates with a security and business operation plan that takes into consideration the business neighbors;
  3. Must Relate to a Plan. The special permit for the dispensary must comply with the objectives of the general or specific plan for the area in which the dispensary is to be located. The operation of a dispensary is consistent with the types of uses located in Urban Center Low General Plan designation;
  4. The dispensary has not caused secondary criminal or public nuisance impacts in the surrounding area or neighborhood, including, but not limited to, disturbances of the peace, illegal drug activity, marijuana use in public, harassment of passersby, littering, loitering, illegal parking, loud noises, or lewd conduct; and,
  5. The proposed location, size and other development standards of the medical marijuana dispensary are consistent with state law, SCC Chapter 5.150, and the Zoning Code. Unity operates in compliance with the Medical Marijuana

Program, and the 2008 Attorney General Guidelines, in addition to the C-2R – PUD requirements.

### **Conditions Of Approval**

The **Special Permit** to allow a medical marijuana dispensary is **approved** subject to the following conditions of approval:

#### Planning

1. Any modification to the attached plans shall be subject to review and approval by Planning Division staff prior to the issuance of building permits.
2. The applicant/operator of the dispensary shall comply with the security plan on file with the Revenue Division.

#### Building

3. After reviewing the floor plan and researching City records, it appears that there was work within this space that was performed without a building permit. All work that has been performed will require a building permit and will be required to comply with the 2010 California Code of Regulations, Title 24.
4. Egress must meet the minimum requirements of Chapter 10 of the California Building Code (CBC).
5. Accessibility for disabled persons must meet the requirements of CBC, Section 1134B for existing buildings.

#### Advisory Notes:

##### *Planning*

ADV1. The applicant must apply for a Phase II Medical Marijuana Dispensary Permit with the City Revenue Division by October 11, 2011. The dispensary permit must be obtained by November 9, 2011 (90 days from the date of special permit approval) or the special permit shall be revoked.

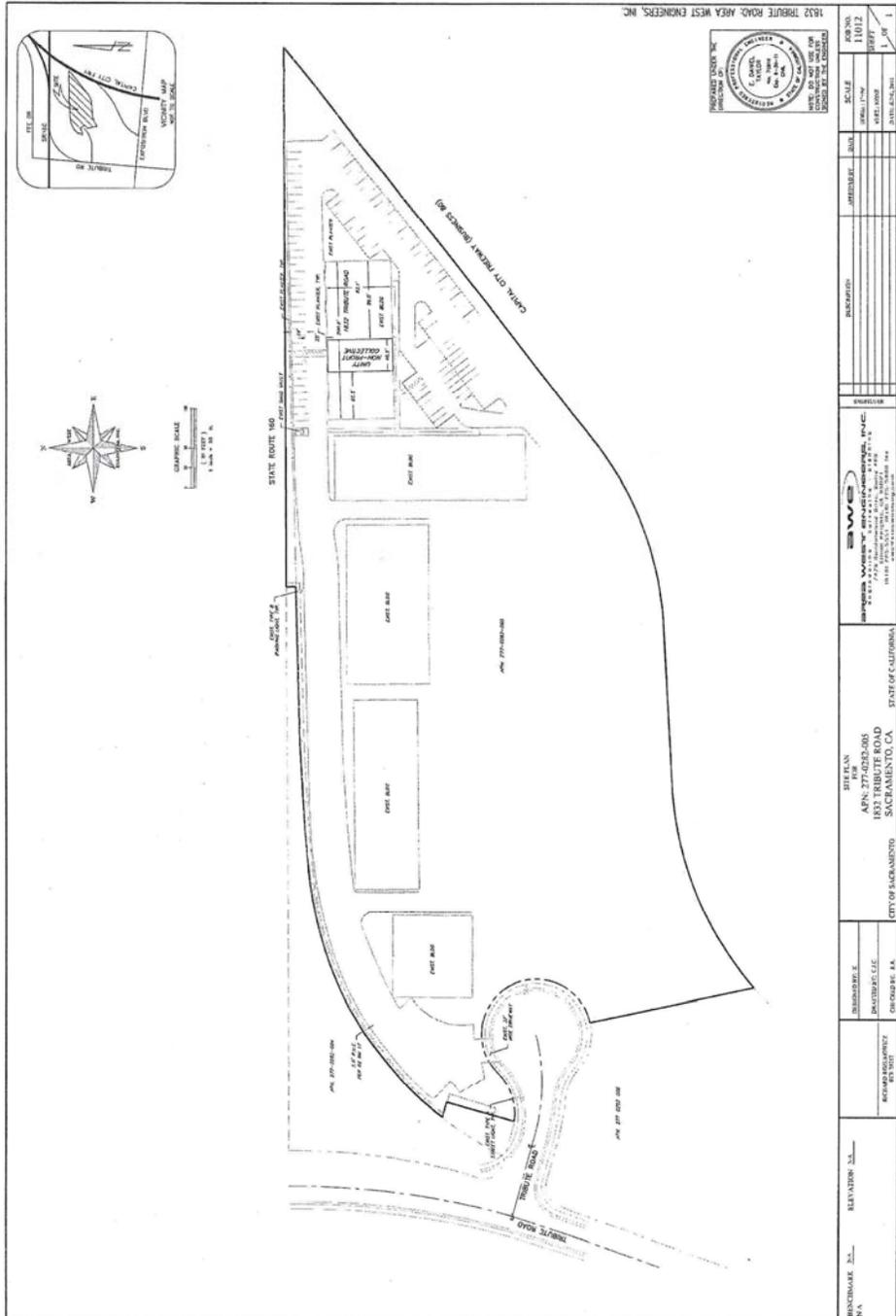
##### *Police*

ADV2. The installation of a metal detector is recommended.

##### *Building*

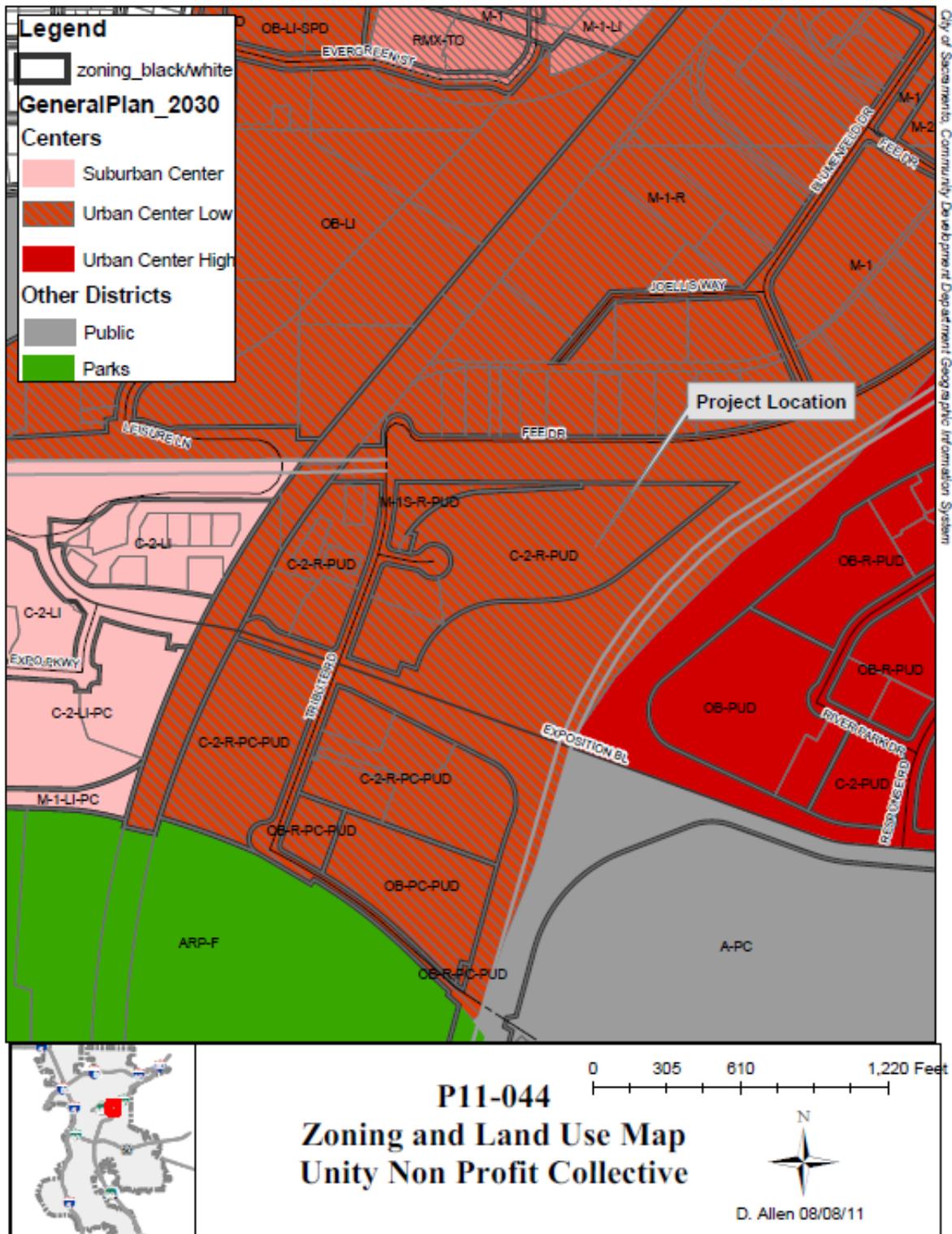
ADV3. The above comments are Code requirements and cannot be waived.

Exhibit A: Site Plan

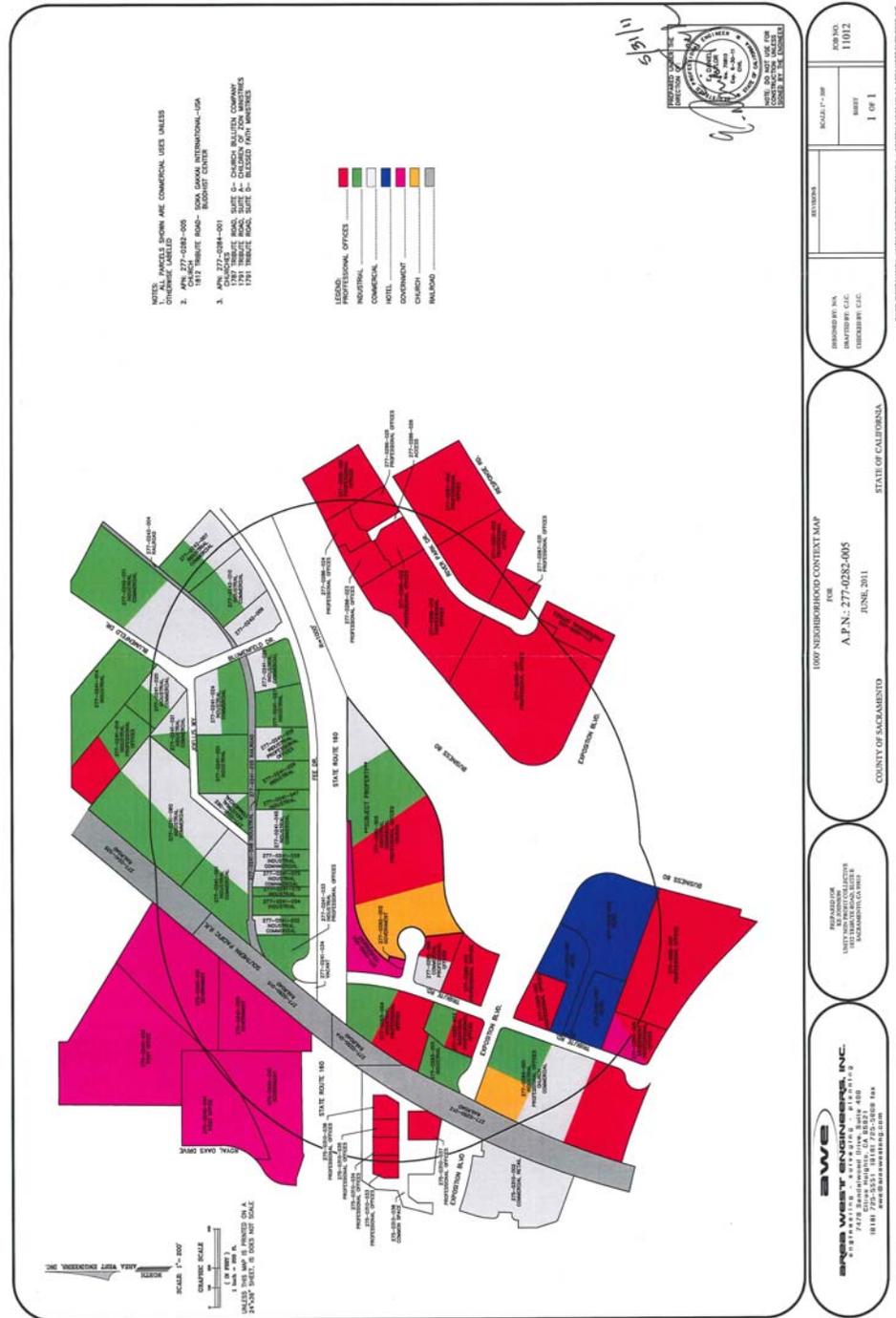




Attachment 2: Land Use and Zoning Map



Attachment 3: Neighborhood Context Map



Attachment 4: Building Photos and Surrounding Neighborhood Photos

**The following pictures are of the existing Unity Non Profit building located at located at 1832 Tribute Road, Suite E.**



**Existing building (located at 1832 Tribute Road, Suite E) viewed from the North side looking at the front side of the building**



**Front side of building looking West (toward Tribute Road)**



**Front side of building looking East**



**Picture taken from front side of building looking North at parking lot and Highway 160 (North Sacramento Freeway)**

Attachment 5: Letter of Support



1832 Tribute Road, Suite 210  
Sacramento, CA 95815  
916-924-5957 Fax 916-924-5916

Property Management  
Asset Management

August 3, 2011

Re: Landlord / Property Manager Letter of Support  
Of Unity Non-Profit Collective

To Whom It May Concern,

Unity Non Profit Collective, located at 1832 Tribute Road, Suite D and E in Sacramento, CA 95815 has been an excellent tenant since their lease commenced.

At the time of lease negotiation, Unity supplied Birtcher Anderson Properties a copy of Attorney General Guidelines making us aware of the requirements of dispensaries regarding sensitive uses.

Since signing the lease, Unity has never been late in their payments and they have operated with the utmost professionalism. The surrounding tenants within the business park are aware of Unity's operation and have never complained to us about them being a nuisance to them personally or to their business. Having Unity as a tenant has helped with the security issues we have had with their maintaining a standing guard that regularly patrols the premises.

Should there be any additional questions, please contact us at the address listed herein.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mandy M. Latzen', with a long horizontal flourish extending to the right.

Mandy M. Latzen  
Agent for Owner

A Member of the Birtcher Anderson Family of Companies

Visit us on the web at [www.barealtyllc.com](http://www.barealtyllc.com)

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Attachment 6:  
Letter from Union Pacific

Gerard Sullivan  
Senior General Attorney  
(402) 544-4498  
(402) 901-0132 (FAX)



Law Department

August 8, 2011

VIA e-mail to [ecompton@cityofsacramento.org](mailto:ecompton@cityofsacramento.org);  
[gsandlund@cityofsacramento.org](mailto:gsandlund@cityofsacramento.org);  
[emarshal@cityofsacramento.org](mailto:emarshal@cityofsacramento.org);  
[dallen@cityofsacramento.org](mailto:dallen@cityofsacramento.org)  
and via facsimile 916-808-7722

City of Sacramento  
Community Development Department  
300 Richards Blvd., 3<sup>rd</sup> Floor  
Sacramento, CA 95811

Re: Numerous Notices of Applications to Establish Marijuana Dispensaries ("Projects") in the City of Sacramento ("City") at the following locations: (1) 1900 19<sup>th</sup> Street; (2) 908 21<sup>st</sup> Street; (3) 515 Broadway; and (4) 1832 Tribute Road, Ste. #, P11-044 ("Sites")

Dear Sir or Madam:

Union Pacific Railroad Company ("UP") has the following objections to the above Projects.

The fact that dispensaries for marijuana are located near UP's right of way increase the likelihood of trespass on the right of way. People with impaired senses on the Sites could possibly create an even greater safety concern of which UP remains vigilantly aware. This could result in trains being forced to proceed more slowly because of the additional people in the area and/or make more frequent emergency stops, which makes rail service less effective and efficient. UP requests that the City analyze and seek to mitigate the impact that the permit for entertainment will have on the UP right of way and rail service by requiring appropriate mitigation measures.

People who consume marijuana could have a greater chance of endangering themselves and others by possibly walking or driving in the path of a train. This creates an unsafe and dangerous condition which could disable or derail a train.

City of Sacramento  
August 8, 2011  
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In the event these Projects are approved, at the very least, the requestors should be required to erect and maintain a seven foot or higher security fence to separate the railroad right of way from the dispensaries and parking lot.

Please give notice to UP of all future hearings and other matters with respect to the above Projects as follows:

Mr. Jim Smith  
Manager Industry and Public Projects  
Union Pacific Railroad Company  
9541 Atkinson Street  
Roseville, CA 85747

With a copy to:

Ms. Lisa Burnside  
Union Pacific Railroad Company  
1400 Douglas Street, Stop 1690  
Omaha, NE 68179

Please do not hesitate to contact the undersigned if you have any questions or concerns.

Very truly yours,



Gerard Sullivan  
Senior General Attorney