Item No. 9
Supplemental Material
For
City of Sacramento
Planning and Design Commission
Agenda Packet

For the Meeting of: April 24, 2020

☐ Additional Material
☒ Revised Material

Contact Information: Joy Patterson, Principal Planner, 916-808-5607
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Project Name: Ordinance amending various sections of Chapters 17.216, 17.228 and 17.424 of the Sacramento City Code relating to Cannabis Production Uses and Cannabis Dispensary Permits (M19-005)

Subject: Attached are the clean and red-lined ordinances which amend requirements for cannabis uses in the Shopping Center (SC) zone and the Del Paso Boulevard/Arden Way Special Planning District in sections 17.216.510, 17.228.920, 17424.060, and 17.424.070 of the Sacramento City Code.

In addition, please note two corrections in the posted staff report.

1. Location: Citywide
2. Under the heading Commission/Committee Action, the vote of the commission on September 26, 2019 was 7-0-5 (7 ayes, 0 noes, 5 absent), not 7-5.
ORDINANCE NO.
Adopted by the Sacramento City Council

[Date Adopted]

AN ORDINANCE AMENDING SECTIONS 17.216.510, 17.228.920, 17.424.060, AND 17.424.070 OF THE SACRAMENTO CITY CODE RELATING TO CANNABIS USES IN THE SHOPPING CENTER ZONE AND THE DEL PASO BOULEVARD/ARDEN WAY SPECIAL PLANNING DISTRICT

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

SECTION 1.

The city council finds the following:

1. As amended by this ordinance, the Planning and Development Code complements, supports, and facilitates the implementation of the goals, policies, and other provisions of the general plan and the city’s specific plans and transit village plans; and

2. The amendments in this ordinance promote the public health, safety, convenience, and welfare of the city.

SECTION 2.

A. A row is added to the table set forth in subsection B.2 of section 17.216.510 (SC zone; conditional uses; commercial and institutional uses) of the Sacramento City Code to read as follows:

| Cannabis dispensary | Limited to storefront cannabis dispensary (delivery-only cannabis dispensary not allowed) | Subject to special use regulations in section 17.228.920 | ZA/PDC |

B. Except as amended by subsection A above, all provisions of section 17.216.510 remain unchanged and in full effect.

SECTION 3.

A. Section 17.228.920 of the Sacramento City Code is amended as follows:
1. Subsection B is amended to read as follows:

   B. A conditional use permit is required to establish a cannabis dispensary in the C-2, C-4, M-1, M-1(S), M-2, M-2(S), and SC zones.

2. Subsection E is amended to read as follows:

   E. In any zone, a cannabis dispensary must comply with the following provisions:

   1. Cannabis dispensary operations must be within a fully enclosed building and must not be visible from the public right-of-way.

   2. The cannabis dispensary site cannot be located within 600 feet of a school.

   3. The cannabis dispensary must comply with all applicable state and local laws.

   4. Each property owner seeking a conditional use permit for cannabis dispensary shall provide a neighborhood responsibility plan in order for the decision-maker to make the requisite findings set forth in section 17.808.200. The neighborhood responsibility plan must address the adverse impacts of a cannabis dispensary on the surrounding area. Compliance with the neighborhood responsibility plan shall be achieved through an agreement with the city, conditions of approval on the use permit, or through other means acceptable to the city.

   5. Notwithstanding section 17.452.040.B.2.d, no cannabis dispensary may be established in a planned unit development, unless the planned unit development schematic plan and design guidelines expressly authorize the use.

B. Except as amended by subsection A above, all provisions of section 17.228.920 remain unchanged and in full effect.

SECTION 4

Section 17.424.060 of the Sacramento City Code is amended to read as follows:

17.424.060 C-2 general commercial zone.

A. Allowed uses.

1. Except as provided in subsections B, C, D, and E of this section, the uses permitted in the C-2 zone under this title outside of the Del Paso Boulevard/Arden Way SPD are allowed in the C-2 zone within the Del Paso Boulevard/Arden Way SPD.
2. If this title requires the approval of a conditional use permit or other discretionary permit, or imposes other restrictions or requirements on the establishment of a particular use in the C-2 zone outside of the Del Paso Boulevard/Arden Way SPD, approval of the same discretionary permit and compliance with the same restrictions or requirements are required for the use in the C-2 zone within the Del Paso Boulevard/Arden Way SPD.

B. Allowed uses—Manufacturing, service, and repair. Manufacturing, service, and repair uses are allowed in the C-2 zone within the Del Paso Boulevard/Arden Way SPD as follows:

1. Manufacturing, service, and repair uses not exceeding 6,400 gross square feet of floor area are allowed.

2. Manufacturing, service, and repair uses greater than 6,400 but less than 20,000 gross square feet of floor area are allowed, subject to the following requirements:
   a. The use requires a zoning administrator conditional use permit;
   b. Newly constructed buildings for this use shall be designed to be convertible to commercial use; and
   c. If located on Del Paso Boulevard, the use shall have an office or another active commercial use facing the street.

C. Allowed uses—Tobacco retailing. Tobacco retailing is allowed in the C-2 zone within the Del Paso Boulevard/Arden Way SPD with a zoning administrator conditional use permit.

D. Allowed uses—Cannabis manufacturing, cannabis distribution, and delivery-only cannabis dispensary uses are allowed on parcels that front the boulevard in the C-2 zone within the Del Paso Boulevard/Arden Way SPD as follows:

1. The uses do not exceed one-third of the gross square feet of the floor area of the parcel.

2. The uses can only be accessed from the rear of the parcel.

3. The uses are not visible from the public right-of-way.

E. Prohibited uses. The following uses are prohibited in the C-2 zone in the Del Paso Boulevard/Arden Way SPD:

1. Adult entertainment business;

2. Adult-related establishment;

3. Check-cashing center;
4. Mortuary; crematory; and
5. Cannabis cultivation on parcels fronting Del Paso Boulevard or Arden Way.

SECTION 5.

Section 17.424.070 of the Sacramento City Code is amended to read as follows:

17.424.070 M-1 light industrial zone.

A. Allowed uses.

1. Except as provided in subsections B, C, D, and E of this section, the uses permitted in the M-1 zone under this title outside of the Del Paso Boulevard/Arden Way SPD are allowed in the M-1 zone within the Del Paso Boulevard/Arden Way SPD.

2. If this title requires the approval of a conditional use permit, or other discretionary permit, or imposes other restrictions or requirements on the establishment of a particular use in the M-1 zone outside of the Del Paso Boulevard/Arden Way SPD, approval of the same discretionary permit and compliance with the same restrictions or requirements are required for the use in the M-1 zone within the Del Paso Boulevard/Arden Way SPD.

B. Allowed uses—Office. Office uses are allowed in the M-1 zone in the Del Paso Boulevard/Arden Way SPD, as follows:

1. Office uses not exceeding 10,000 gross square feet of floor area, or up to 35% of gross floor area of building per parcel, whichever is greater, are allowed.

2. Office uses located less than ¼ mile from a light rail station that do not exceed 40,000 gross square feet of floor area and are located in a building with a floor area ratio of 0.4 or greater are allowed.

3. Office uses that are not covered by paragraph 1 or 2 of this subsection require a planning and design commission conditional use permit.

C. Allowed uses—Tobacco retailing. Tobacco retailing is allowed in the M-1 zone within the Del Paso Boulevard/Arden Way SPD with a zoning administrator conditional use permit.

D. Allowed uses—Cannabis manufacturing, cannabis distribution, and delivery-only cannabis dispensary uses are allowed on parcels that front the boulevard in the M-1 zone within the Del Paso Boulevard/Arden Way SPD as follows:

1. The uses do not exceed one-third of the gross square feet of the floor area of the parcel.

2. The uses can only be accessed from the rear of the parcel.
3. The uses are not visible from the public right-of-way.

E. Prohibited uses. The following uses are prohibited in the M-1 zone in the Del Paso Boulevard/Arden Way SPD:

1. Adult entertainment business;
2. Adult-related establishment;
3. Auto dismantler;
4. Mobilehome sales, storage;
5. Recycling facility; and
6. Cannabis cultivation on parcels fronting Del Paso Boulevard or Arden Way.

F. Development standards. In the M-1 zone in the Del Paso Boulevard/Arden Way SPD, outdoor storage incidental to a manufacturing use is allowed within 100 feet of the manufacturing use it serves. Outdoor storage shall be screened within an area enclosed on all sides by a solid fence (such as woven wire with slats) or a solid wall, at least six feet in height.
ORDINANCE NO.
Adopted by the Sacramento City Council

[Date Adopted]

AN ORDINANCE AMENDING SECTIONS 17.216.510, 17.228.920, 17.424.060, AND 17.424.070 OF THE SACRAMENTO CITY CODE RELATING TO CANNABIS USES IN THE SHOPPING CENTER ZONE AND THE DEL PASO BOULEVARD/ARDEN WAY SPECIAL PLANNING DISTRICT

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2. The amendments in this ordinance promote the public health, safety, convenience, and welfare of the city.

SECTION 2.

A. A row is added to the table set forth in subsection B.2 of section 17.216.510 (SC zone; conditional uses; commercial and institutional uses) of the Sacramento City Code to read as follows:

| Cannabis dispensary | Limited to storefront cannabis dispensary (delivery-only cannabis dispensary not allowed) | Subject to special use regulations in section 17.228.920 | ZA/PDC |

B. Except as amended by subsection A above, all provisions of section 17.216.510 remain unchanged and in full effect.

SECTION 3.

A. Section 17.228.920 of the Sacramento City Code is amended as follows:
1. Subsection B is amended to read as follows:

   B. A conditional use permit is required to establish a cannabis dispensary in the C-2, C-4, M-1, M-1(S), M-2, and M-2(S), and SC zones.

2. Subsection E is amended to read as follows:

   E. In any zone, a cannabis dispensary must comply with the following provisions:

   1. Cannabis dispensary operations must be within a fully enclosed building and must not be visible from the public right-of-way.

   2. The cannabis dispensary site cannot be located within 600 feet of a school.

   3. The cannabis dispensary must comply with all applicable state and local laws.

   4. Each property owner seeking a conditional use permit for cannabis dispensary shall provide a neighborhood responsibility plan in order for the decision-maker to make the requisite findings set forth in section 17.808.200. The neighborhood responsibility plan must address the adverse impacts of a cannabis dispensary on the surrounding area. Compliance with the neighborhood responsibility plan shall be achieved through an agreement with the city, conditions of approval on the use permit, or through other means acceptable to the city.

   5. Notwithstanding section 17.452.040.B.2.d, no cannabis dispensary may be established in a planned unit development, unless the planned unit development schematic plan and design guidelines expressly authorize the use.

B. Except as amended by subsection A above, all provisions of section 17.228.920 remain unchanged and in full effect.

SECTION 4.

Section 17.424.060 of the Sacramento City Code is amended to read as follows:

17.424.060 C-2 general commercial zone.

A. Allowed uses.

1. Except as provided in subsections B, C, D, and E of this section, the uses permitted in the C-2 zone under this title outside of the Del Paso Boulevard/Arden Way SPD are allowed in the C-2 zone within the Del Paso Boulevard/Arden Way SPD.
2. If this title requires the approval of a conditional use permit or other discretionary permit, or imposes other restrictions or requirements on the establishment of a particular use in the C-2 zone outside of the Del Paso Boulevard/Arden Way SPD, approval of the same discretionary permit and compliance with the same restrictions or requirements are required for the use in the C-2 zone within the Del Paso Boulevard/Arden Way SPD.

B. Allowed uses—Manufacturing, service, and repair. Manufacturing, service, and repair uses are allowed in the C-2 zone within the Del Paso Boulevard/Arden Way SPD as follows:

1. Manufacturing, service, and repair uses not exceeding 6,400 gross square feet of floor area are allowed.

2. Manufacturing, service, and repair uses greater than 6,400 but less than 20,000 gross square feet of floor area are allowed, subject to the following requirements:
   a. The use requires a zoning administrator conditional use permit;
   b. Newly constructed buildings for this use shall be designed to be convertible to commercial use; and
   c. If located on Del Paso Boulevard, the use shall have an office or another active commercial use facing the street.

C. Allowed uses—Tobacco retailing. Tobacco retailing is allowed in the C-2 zone within the Del Paso Boulevard/Arden Way SPD with a zoning administrator conditional use permit.

D. Allowed uses—Cannabis manufacturing, cannabis distribution, and delivery-only cannabis dispensary uses are allowed on parcels that front the boulevard in the C-2 zone within the Del Paso Boulevard/Arden Way SPD as follows:

1. The uses do not exceed one-third of the gross square feet of the floor area of the parcel.

2. The uses can only be accessed from the rear of the parcel.

3. The uses are not visible from the public right-of-way.

E. Prohibited uses. The following uses are prohibited in the C-2 zone in the Del Paso Boulevard/Arden Way SPD:

1. Adult entertainment business;

2. Adult-related establishment;

3. Check-cashing center;
4. Mortuary; crematory; and
5. Cannabis cultivation on parcels fronting Del Paso Boulevard or Arden Way.

SECTION 5.

Section 17.424.070 of the Sacramento City Code is amended to read as follows:

17.424.070 M-1 light industrial zone.

A. Allowed uses.

1. Except as provided in subsections B, C, and D, and E of this section, the uses permitted in the M-1 zone under this title outside of the Del Paso Boulevard/Arden Way SPD are allowed in the M-1 zone within the Del Paso Boulevard/Arden Way SPD.

2. If this title requires the approval of a conditional use permit, or other discretionary permit, or imposes other restrictions or requirements on the establishment of a particular use in the M-1 zone outside of the Del Paso Boulevard/Arden Way SPD, approval of the same discretionary permit and compliance with the same restrictions or requirements are required for the use in the M-1 zone within the Del Paso Boulevard/Arden Way SPD.

B. Allowed uses—Office. Office uses are allowed in the M-1 zone in the Del Paso Boulevard/Arden Way SPD, as follows:

1. Office uses not exceeding 10,000 gross square feet of floor area, or up to 35% of gross floor area of building per parcel, whichever is greater, are allowed.

2. Office uses located less than ¼ mile from a light rail station that do not exceed 40,000 gross square feet of floor area and are located in a building with a floor area ratio of 0.4 or greater are allowed.

3. Office uses that are not covered by paragraph 1 or 2 of this subsection require a planning and design commission conditional use permit.

C. Allowed uses—Tobacco retailing. Tobacco retailing is allowed in the M-1 zone within the Del Paso Boulevard/Arden Way SPD with a zoning administrator conditional use permit.

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