City Council Point of Direction #4: Consider limiting cannabis sensitive uses to schools, youth-oriented facilities, drug and treatment centers, faith-based institutions, and neighborhood and community parks.

Issues

- Current Title 17 sensitive use buffer standards result in ~92% of land available to cannabis uses to be within a sensitive use buffer. Council District #2 and #6 have the highest percentage of land available to cannabis uses outside of a sensitive use buffer.

- There have been no studies or empirical data to establish what land uses constitute a "sensitive use." State cannabis regulations include sensitive use buffers for K-12 schools, daycare center, and youth centers, however, the State grants local governments authority to adopt their own sensitive use buffers. As a result, local governments generally adopt the State's sensitive use buffers and establish local sensitive use buffers based on community values.

- The majority of existing cannabis dispensaries are located within a sensitive use buffer (82%).

- The 2022 Comprehensive Cannabis Study demonstrates that cannabis land uses do not cause 'impacts' or 'problems.' Analysis showed that cannabis uses have not had a negative impact on adjacent retail or industrial uses or created increases in crime.

Existing Regulations for Sensitive Uses & Cannabis Businesses

- Sensitive uses are identified by cannabis land use in the table below.

- Cannabis land uses shall maintain a 600-foot buffer from all sensitive uses. Cannabis Dispensaries have an additional 300-foot buffer from residential zoning districts.

- If a cannabis use proposes to locate within a sensitive use buffer, a conditional use permit reviewed by the Planning and Design Commission is required. All cannabis land uses must maintain a 600-foot buffer from K-12 schools; Title 17 does not allow modification of the K-12 school buffer.

- Map of current sensitive uses. (click here)

    - Areas in white are located outside of a sensitive use buffer. However, not all areas in white are zoned for cannabis uses.

    - Please be advised that the sensitive uses map may not be completely accurate (i.e., inclusion of every sensitive use). Sensitive uses were mapped by cross-referencing city and state permitting platforms.

    - 70% level of confidence that the map accurately displays all sensitive uses.

Current Sensitive Uses by Cannabis Business Type		
Cannabis Dispensary	**Cannabis Production**	**Cannabis Testing**
K-12 School	K-12 School	K-12 School
Park	Neighborhood & Community Park	
Youth-Oriented Facility		
Substance Abuse Rehabilitation Center		
Faith-Based Institution		
Childcare In-home/Center		
Other Dispensary		
Cinema		
Tobacco Retailer		
Residential Zone		

Recommended Sensitive Uses & Standards

Recommended Sensitive Uses by Cannabis Business Type		
Cannabis Dispensary	**Cannabis Production**	**Cannabis Testing**
K-12 School	K-12 School	K-12 School
~~Park~~ ***Neighborhood, Community, or Regional Park***	~~Neighborhood & Community Park~~	
~~Youth-Oriented Facility~~ ***Community Center*** ***Library***		
Substance Abuse Rehabilitation Center		
~~Faith-Based Institution~~		
~~Childcare In-home/Center~~		
~~Other Dispensary~~		
~~Cinema~~		
~~Tobacco Retailer~~		
~~Residential Zone~~		

Note: maintain existing 600-foot buffer from recommended sensitive uses.

[_____] = Revised criteria

[_____] = Remove use

- Recommend maintaining existing 600-foot buffer distance for all sensitive uses.
- Recommend removing ability to locate within 600-foot buffer with PDC approval (hard buffers).
- Map of Recommended Sensitive Uses, does not include zoning districts. (click here)
- Map of Current Storefront Zones + Recommended New Zones not within 600-feet of a sensitive use. (click here)
- Map of Current Storefront Zones + Recommended New Zones, includes all parcels regardless of sensitive uses. (click here)
    - Current Storefront Zones: SC, C-2, C-4, M-1, M-1(S), M-2, M-2(S), M-T
    - Recommended New Zones: RMX, C-1, C-3

Rationale for Recommendations

- Recommendations would result in clear and easily identifiable sensitive uses that require a strict 600' buffer (i.e., no longer able to locate within a sensitive use buffer with PDC approval).

- State regulations = 600' buffer from K-12 school, daycare center, and youth center.

    - Most common sensitive use buffers among local governments.

- Best Practices show other jurisdictions include State defined sensitive uses and land uses of importance to that community & culture.

- No empirical data to support what uses should be considered a "sensitive use".

- EPS studies found cannabis uses not to be detrimental and are "good neighbors".

    - Operating requirements help integrate cannabis uses with adjacent land uses as viewed from the public realm; difficult to differentiate.

- Previous Council direction to include parks, youth centers, & drug and treatment centers

- Due to City broad definition of youth-oriented facility and the difficulty of precisely mapping them, recommend specifying which youth-oriented facilities are subject to sensitive use buffer. Most sensitive uses could be classified as public or institutional uses. Redefining "youth-oriented facility" to "community centers" and "libraries" maintains current sensitive use intent and captures two land uses that commonly include youth programs and activities.

    - Broad definition could lead to different interpretations & inconsistent application.
    - Broad definition is difficult to verify by staff (i.e., both applicability and presence/absence on map).
    - Other youth-oriented facilities such as playgrounds and public pools are captured with neighborhood and community parks buffer.

The following provides rationale for staff recommendations for separated by each sensitive use:

Cannabis Dispensary: Sensitive Uses

- "Parks"

- Recommendation: Amend the “parks” sensitive use to clarify that it only applies to “neighborhood, community, or regional” parks identified in the city’s most recently adopted Parks and Recreation Master Plan”.
    - Title 17 defines parks as, “all publicly owned and operated parks that are used, operated, or maintained for recreational purpose”, which includes golf courses, natural habitat area, non-city parks, regional parks, open space, and parkway and trails.
    - Map of all parks. (click here)
    - Map of neighborhood, community, and regional parks. (click here)
- Reasoning:
    - Staff interprets the intention of the parks sensitive use buffer is to reduce potential cannabis use in areas where adults and youth commonly recreate.
    - Only 20% of existing dispensaries are within 600’ of a “park”, most of which are a neighborhood or community park.
    - Other park types (i.e. open space & parkway) typically not in proximity to commercial/industrial zones (cannabis zones).
    - Neighborhood and community parks are dispersed throughout the city and integrated into residential areas.
    - Applying a neighborhood and community park buffer would assist reducing interactions between retail cannabis uses and public recreation.
    - Recommend including Regional parks since they are some of the city’s largest parks such as Land Park, North Natomas Regional Park, and Del Paso Park with increased recreational amenities and are programmed with youth activities.
    - Including ‘regional park’ is consistent w/ the purpose of the existing neighborhood or community park criteria.
    - Regional parks include increased amenities targeted towards youth such as amusement parks, zoos, and sports fields.

- “Youth-Oriented Facility”
    - Recommendation: Redefine criteria for “youth-oriented facility” to improve the accuracy and consistent application of the buffer standard by identifying community centers and libraries as sensitive uses.
        - Map of community centers and libraries. (click here)
    - Reasoning:

        - City defines “youth-oriented facility” as, any establishment that caters to or provides services primarily intended for minors.
        - Broad definition can lead to different interpretations and inconsistent application.
        - Community centers and libraries commonly include increased open space areas and public investment in amenities targeted towards youth.
        - Other youth-oriented facilities such as playgrounds, zoos, amusement parks, sports fields, and public pools are captured by neighborhood, community, and regional parks sensitive use.
        - Community centers and libraries are integrated into the City’s Parks Master Plan. YPCE Division maintains data and mapping of public and non-profit community centers (i.e. YMCA) and libraries.

- “Substance Abuse Rehabilitation Centers”
    - Recommendation: Maintain as a sensitive use.
    - Reasoning:
        - Council direction to include as a sensitive use.
        - Least common sensitive use in proximity to existing dispensaries.
        - Not likely to have significant impact on future dispensary proposals due to difficulty in verifying locations.
    - Considerations:
        - No empirical data to support whether or not to include or exclude as a sensitive use.
        - Heard public comments in support of and in opposition to.
        - Could not find another city that includes drug and treatment centers as a sensitive use.
        - Difficult to verify. Generally, use does not require state licenses and is not tracked through city permit platforms.
- “Faith-Based Institutions”
    - Recommendation: Remove as a sensitive use.
    - Reasoning:
        - Could not find another city that includes faith-based institution as a sensitive use.
        - 45% of existing dispensaries are within 600’ of a faith-based institution (i.e., almost half were granted a CUP for a dispensary located within the buffer).

        - Public hearings for existing dispensaries generally exclude opposition based on this use and approved permits have no special requirements due to the faith-based institution.
        - Faith-based institutions typically active at different times than cannabis retail.
    - Considerations:
        - Council direction to include faith-based institutions as a sensitive use.
- "Childcare (in-home & center)"
    - Recommendations: Remove as a sensitive use.
    - Reasoning:
        - Childcare uses are conducted with a facility/residence & serve children aged ~6 weeks to 6 years (before beginning kindergarten/1st grade).
        - Controlled environment; constant supervision; children dropped off/picked up.
        - Minimal interactions or visibility of adjacent land uses.
        - Location of in-home childcare is not readily available to staff/public for safety reasons.
        - In-home childcare is conducted w/in a residential dwelling and is indistinguishable from other residential dwellings
        - Other sensitive uses such as libraries, community centers, and parks are more likely to have a mixing of the general public of all ages.
- "Other Dispensary"
    - Recommendation: Remove as a sensitive use.
    - Reasoning:
        - ~25% of existing dispensaries are within 600' of another dispensary.
        - Not a common sensitive use for existing dispensaries.
        - Competition can naturally discourage concentration of dispensaries.
        - EPS Study found that cannabis uses do not increase crime or decrease property value.
- "Tobacco Retailer"
    - Recommendation: Remove as a sensitive use.
    - Reasoning:

        - No empirical data suggesting tobacco retailer is a sensitive use.
        - Could not find another city that includes tobacco retailer as a sensitive use.
        - Due to definition, can include neighborhood markets, convenience stores, neighborhood grocery stores, etc. – retail use that includes the sale of tobacco/tobacco products.
        - Storefront dispensaries are effectively brick and mortar retail operations, similar to other retail land uses.

- "Residential Zone"
    - Recommendation: Remove as a sensitive use.
    - Reasoning:
        - Encourage safe access for patrons.
        - Provide more opportunities to reduce driving.
        - EPS study found that dispensaries were good neighbors & integrate well into communities.
        - ~70% of existing storefront dispensaries w/in 300' residential zones.
        - Business operation requirements reduce visibility of cannabis uses from the public realm, difficult to differentiate.

Cannabis Production

- "Neighborhood & community parks"
    - Recommendation: Remove as a sensitive use.
        - Exhibit of neighborhood & community parks.
    - Reasoning:
        - 1.6% of existing cannabis production uses are within 600' of a neighborhood & community park (4 out of 243).
        - Cannabis production uses largely concentrate in industrial/manufacturing complexes (zones), most of which are not in close proximity to a neighborhood or community park.
        - Difficult to tell cannabis production uses apart from adjacent industrial and manufacturing uses; no retail sales, use/business operations occur within a building.