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Fresno, California 93721-3604
(559) 621-8277 FAX (559) 498-1026

Jennifer K. Clark, AICP, Director

January 30, 2023

Please reply to:
Rob Holt
(559) 621-8056

Jessica Reuven
Yuma Way CA
jessica.reuven@yumaway.com
(sent via e-mail only)

Dear Applicant:

SUBJECT: ZONING INQUIRY NUMBER P23-00282 REQUESTING INFORMATION REGARDING CANNABIS RETAIL FOR PROPERTY LOCATED AT 4555 EAST KINGS CANYON ROAD (APN 461-284-30)

Thank you for your inquiry regarding the allowance of new cannabis retail uses. The requested information about cannabis retail uses was analyzed using Article 27, Chapter 15 of the Fresno Municipal Code (FMC) of the City of Fresno. Please note, all research for this inquiry is based on existing land development of the subject property. If there are multiple buildings on the subject property, this research was based on the address provided in the request. This research does not take into effect of future development unless provided in your application request. With that, research of a proposed cannabis retail business on the subject property conveys the following:

1. All cannabis retail businesses must be located on property zoned DTN (*Downtown Neighborhood*), DTG (*Downtown General*), CMS (*Commercial Main Street*), CC (*Commercial Community*), CR (*Commercial Regional*), CG (*Commercial General*), CH (*Commercial Highway*), NMX (*Neighborhood Mixed-Use*), CMX (*Corridor/Center Mixed-Use*), RMX (*Regional Mixed-Use*), and must meet all of the requirements for development in these zones, including, but not limited to, parking, lighting, building materials, etc.

The subject property is zoned CMX, which is one of the allowable zone districts for cannabis retail businesses. Development standards of the CMX zone district are available in [Sections 15-1103](#), [15-1104](#), and [15-1105](#) of the FMC. **The subject location meets the zone district requirement, per [Section 15-2739.B.1.a](#) of the FMC, for a cannabis retail business.**

However, as noted below, the subject property does not meet the location restriction requirements per Section 9-3308 of the FMC for a cannabis retail business.

2. All building(s) in which a cannabis retail business is located shall be no closer than 800 feet from any property boundary containing the following: (1) A cannabis retail business; (2) A school providing instruction for any grades pre-school through 12 (whether public, private, or charter, including pre-school, transitional kindergarten, and K-12); (3) A day care center licensed by the state Department of Social Services that is in existence at the time a complete commercial cannabis business permit application is submitted; and, (4) A youth center that is in existence at the time a complete commercial cannabis business permit is submitted.

The subject property is not located within 800 feet of the property boundary of any of the above-mentioned uses. **The subject building meets the separation requirements, per [Section 15-2739.B.1.b](#) of the FMC, for a cannabis retail business.**

However, as noted below, the subject property does not meet the location restriction requirements per Section 9-3308 of the FMC for a cannabis retail business.

3. Prior to commencing operations, a cannabis retail business must obtain a Cannabis Conditional Use Permit from the Planning and Development Department per [Section 15-2739.N](#) of the FMC.
4. No more than 3 cannabis retail businesses may be located in any one Council District.

The subject property is in Council District 5. There are currently three commercial cannabis business permits in process for cannabis retail businesses in Council District 5. **Pursuant to FMC Section 9-3306(b) and City of Fresno Resolution No. 2021-163 (attached), this location requirement is not satisfied for a cannabis retail business.**

Please review the entirety of [Article 33, Chapter 9](#) (Cannabis Retail Business and Commercial Cannabis), and [Section 15-2739](#) (Adult Use and Medicinal Cannabis Retail Business and Commercial Cannabis Business) of the FMC to understand other requirements of cannabis retail businesses, including but not limited to, application requirements, signage, etc.

This information was researched by the undersigned per the zoning request. The undersigned certifies that the above information contained herein is believed to be accurate and is based upon, or relates to, the information supplied by the requestor. The City of Fresno assumes no liability for errors and omissions. All information was obtained from public records held by the Planning and Development Department.

A copy of the Fresno Municipal Code may be obtained by contacting the City Clerk's office at 559-621-7650. The Fresno Municipal Code may also be searched on the Internet, free of charge, by going to www.fresno.gov. If you have questions regarding

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this matter, please contact me by telephone at 559-621-8056 or at Robert.Holt@fresno.gov.

Cordially,

A handwritten signature in blue ink that reads "Robert Holt". The signature is written in a cursive style with a long, sweeping underline.

Rob Holt, Planner III
Development Services Division
Planning and Development Department

cc: City of Fresno Resolution No. 2021-163



RESOLUTION NO. 2021-163

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AUTHORIZING SEVEN ADDITIONAL CANNABIS RETAIL BUSINESSES FOR A TOTAL OF TWENTY-ONE

WHEREAS, Fresno Municipal Code (FMC) section 9-3306(b) allows fourteen cannabis retail businesses to be located within the City of Fresno; and

WHEREAS, FMC section 9-3306(b) also allows seven additional cannabis retail businesses to be authorized by Council Resolution, for a total of twenty-one cannabis retail businesses; and

WHEREAS, FMC section 9-3307(b) states:

"No more than two cannabis retail businesses may be located in any one Council District. If more than fourteen (14) are ever authorized by Council, they shall be dispersed evenly by Council District;" and

WHEREAS, the Council now desires to authorize up to twenty-one cannabis retail businesses to be permitted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council hereby authorizes an additional seven cannabis retail businesses to be permitted within the City, for a total of up to twenty-one cannabis retail businesses.

2. The City Manager is hereby directed to proceed with any necessary commercial cannabis business permit application selection procedures to reflect this authorized increase.

* * * * *



STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 10th day of June, 2021.

AYES :Arias, Esparza, Maxwell, Soria,
NOES :Bredefeld, Karbassi, Chavez
ABSENT :None
ABSTAIN :None

YVONNE SPENCE, CRM MMC
City Clerk

By: Brianne Lane 6/18/2021
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: R. M. Gonzales 6/18/2021
Rina M. Gonzales Date
Senior Deputy City Attorney