

City of Fresno

*City Hall Council Chambers
2600 Fresno Street*



Meeting Minutes - Draft

Wednesday, August 16, 2023

6:00 PM

Regular Meeting

**In Person and/or Electronic
City Hall Council Chambers**

Planning Commission

Chairperson – Peter Vang

Vice Chair – Brad Hardie

Commissioner – David Criner

Commissioner – Haley M Wagner

Commissioner – Kathy Bray

Commissioner – Monica Diaz

Commissioner – Jacqueline Lyday

THE PLANNING COMMISSION WELCOMES YOU TO COUNCIL CHAMBERS, LOCATED AT CITY HALL, 2600 FRESNO STREET, FRESNO, CALIFORNIA 93721.

PUBLIC PARTICIPATION – Any interested person may appear at the public hearing and present written testimony or speak in favor or against the matters scheduled on the agenda. Public participation during Fresno City Planning Commission meetings is always encouraged and can occur in one of the two following ways:

1. Participate In Person: Council Chambers, City Hall, 2nd Floor, 2600 Fresno Street, Fresno, CA 93721

a. To speak during a Commission meeting in person: You may approach the speaker podium upon the Chair’s call for public comment.

2. Participate Remotely via Zoom:

https://zoom.us/webinar/register/WN_I18M0bh8TbSGAo27i5ze1Q

a. The above link will allow you to register in advance for remote participation

in the meeting via the Zoom platform. After registering, you will receive a confirmation email containing additional details about joining the meeting.

b. To speak during a Commission meeting while attending remotely in the Zoom application, click on the icon labeled “Participants” at the bottom of

the screen. Then select “Raise Hand” at the bottom of the Participants window. Your digital hand will now be raised. You will be asked to “unmute” when your name is called to speak. You will not be visible via video and there will be no opportunity to share your screen.

All public speakers will have up to 3 minutes to address the Commission pursuant to Rule No. 13 of the Planning Commission Bylaws of the City of Fresno (available in the City Clerk’s Office).

SUBMIT DOCUMENTS / WRITTEN COMMENTS –

1. E-mail – Agenda related documents and comments can be e-mailed to PublicCommentsPlanning@fresno.gov. Unless otherwise required by law to be accepted by the City at or prior to a Commission meeting or hearing, no documents shall be accepted for Commission review unless they are submitted

to the Planning and Development Department at least 24 hours prior to the commencement of the Commission meeting at which the associated agenda item is to be heard.

a. Attendees may also email comments to be read during the meeting.

Please include the agenda date and item number you wish to speak on in the subject line of your email. Include your name and address for the record, at the top of the body of your email.

- b. Emails will be a maximum of 450 words.
- c. All comments received at least 24 hours prior will be distributed to the Planning Commission prior and during the meeting and will be a part of

the

official record.

VIEWING PLANNING MEETINGS (non-participatory) – For your convenience, there are ways to view Planning Commission meetings live:

- 1. Community Media Access Collaborative website: <https://cmac.tv/>
- 2. Cable Television: Comcast Channel 96 and AT&T Channel 99

Should any of these viewing methods listed above experience technical difficulties, the Commission meeting will continue uninterrupted. Commission meetings will only be paused to address verifiable technical difficulties for all users participating via Zoom or in the Chambers.

The City of Fresno’s goal is to comply with the Americans with Disabilities Act (ADA). Anyone requiring reasonable ADA accommodations, including sign language interpreters, or other reasonable accommodations such as language translation, should contact the office of the City Clerk at (559) 621-7650 or clerk@fresno.gov. To help ensure availability of these services, you are advised to make your request a minimum of 48 hours prior to the scheduled meeting.

I. ROLL CALL

Chair Vang called meeting to order at 6:00pm

Staff Present:

Clark, Trejo, Siegrist, Monroe, Quijano, St. Clair, Holt, Tran, Gray (DPU), & Dhaliwal (DPW)

Criner arrived to the meeting at 6:17pm

Present 6 - Chairperson Peter Vang, Vice Chair Brad Hardie, Commissioner David Criner , Commissioner Kathy Bray, Commissioner Monica Diaz, and Commissioner Jacqueline G. Lyday

Absent 1 - Commissioner Haley M. Wagner

II. PLEDGE OF ALLEGIANCE

6:01pm

III. PROCEDURES - PROCEDIMIENTOS - KEV SAB LAJ

6:02pm

Vang read procedures aloud.

IV. AGENDA APPROVAL

6:03pm

Trejo stated there were no changes to the agenda and advised the public that cards were available to sign up for public comment.

On motion of Commissioner Diaz, seconded by Commissioner Bray, the AGENDA was APPROVED. The motion carried by the following vote:

Aye: 5 - Chairperson Vang, Vice Chair Hardie, Commissioner Bray, Commissioner Diaz, and Commissioner Lyday

Absent: 2 - Commissioner Criner , and Commissioner Wagner

V. CONSENT CALENDAR

6:05pm

On motion of Commissioner Diaz, seconded by Vice Chair Hardie, the above CONSENT CALENDAR was APPROVED. The motion carried by the following vote:

Aye: 5 - Chairperson Vang, Vice Chair Hardie, Commissioner Bray, Commissioner Diaz, and Commissioner Lyday

Absent: 2 - Commissioner Criner , and Commissioner Wagner

V-A [ID 23-1225](#) July 19, 2023 Planning Commission Regular Meeting Minutes

VI. REPORTS BY COMMISSIONERS

N/A

VII. CONTINUED MATTERS

N/A

VIII. NEW MATTERS

On motion of Chairperson Vang, seconded by Commissioner Diaz, Public Comment was changed to 2 minutes from 3 minutes. The motion carried by the following vote:

Aye: 6 - Chairperson Vang, Vice Chair Hardie, Commissioner Criner , Commissioner Bray, Commissioner Diaz, and Commissioner Lyday

Absent: 1 - Commissioner Wagner

VIII-A [ID 23-1219](#) Consideration of an appeal filed regarding Cannabis Conditional Use Permit Application No. P23-00801 and related Environmental Assessment for property located at 7363 North Blackstone Avenue on the northwest corner of West Pinedale and North Blackstone Avenues (Council District 2).

1. **APPROVE** Environmental Assessment No. P23-00801 dated May 23, 2023, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) Guidelines through a Section 15301/Class 1 Categorical Exemption.
2. **DENY** the appeal and **UPHOLD** the action of the Planning and Development Department Director in the approval of Cannabis Conditional Use Permit Application No. P23-00801 authorizing the establishment of a cannabis retail business in an approximately 1,438 sq. ft. existing commercial tenant suite, subject to the following:

- a. Development shall take place in accordance with the Conditions of Approval for Cannabis Conditional Use Permit Application No. P23-00801 dated July 18, 2023.

6:07pm

Criner arrived at 6:17pm.

Holt made a presentation covering The Commercial Cannabis Business Permit (CCB). He described the 4 phases: Determination of eligibility, Criteria evaluation, interviews, and City Manager's Final Determination. He explained the Appeals process and timeline and noted that Jennifer Ruiz was present and available for questions on specifics to the Cannabis permit.

Lauren Carpenter (applicant) gave a presentation discussing Embarc' engagement in significant outreach throughout Pinedale and the City of Fresno. The appellants were in attendance of the Community meeting that was hosted by Embarc in June. Carpenter reported that the support of the project was greater than the opposition by nearly 5 to 1, noting that the project received support from the Pinedale Community Association. She said that the project was in compliance with all laws and regulations, talked about Embarc's local outreach and engagement, and explained the process of opening the new location.

Commissioners discussed topics such as the original proposed location at 1784 W. Shaw Ave, number of potential new jobs created, and concerns about parking especially during peak hours.

PUBLIC COMMENT:

Several members of the public spoke in favor of the project, focusing their comments on jobs the location would be creating and the money that would go back into the community for projects like the Boys and Girls Club.

Chair Vang called for a break at 7:50pm, returning at 8:05pm

Several members of the public spoke in opposition, voicing concerns of safety for the children in the neighborhood and parking congestion as a result of the new business. Many reported fear of the proposed armed security guards, especially in high risk situations that could put citizens in danger.

Applicant responded to the comments and questions by telling the Commission they did not feel the police would be called as a result of their

business. They added that they take security and the safety of the community serious. In response to questions on expected peak hours, the applicants explained they expected it to be between 7-10pm. The team talked about how the project is outside of the buffer zone of the school according to the City's Code. They explained that they were committed to no youth access, heavy security, and traffic containment. She added that existing operations have proven to create no health and safety nuisances, no adverse impacts on the neighborhood, no lockdowns, and no shootings .

The Commission each made a final comment:

Lyday said she loved Pinedale and praised to the community for being passionate. She said that there are educators that have devoted their lives for the youth to have a voice and that she understood they want answers. She advised the speakers to stay focused on continuing being the strong community they are.

Hardie said the applicant did their due diligence, but based on the testimony given, it can be a detriment to the neighborhood due to the proximity to a school. He said he is torn because of how well the applicant did for this project. He stated that he's been on the Planning Commission many years & never seen so many people show up for one item.

Bray said she supports the business perspective on the situation, but voiced concern for the children. She said that although the Code allows this type of business in the location, but finds it is too close to the school and cannot make Finding C because it is detrimental to the community.

Criner said applicants met the requirements and praised the community for their unity, especially the child that spoke on her thoughts of the project. Despite the ordinance, Criner said the Commission should consider how it affects the community as a whole.

Diaz said that as a business owner she is torn by this decision. She voiced concern that the ordinance does not stress enough the type of business 1000 feet from a school. She said that while she felt it would be good for the City, it would be a struggle for the community. She said she loved the applicant's business plan and that they did a phenomenal job covering all necessary areas.

Vang concluded by acknowledging the work done by the applicant. He

talked about the previous location and it's problematic location before them. When addressing the comment cards of the public comment portion, he recognized the importance of the opinion of the School District staff that came to speak on the item.

Diaz asked if the item would go to City Council if Planning Commission approves the appeal.

Hardie asked Ruiz if this applicant could look for another location or continue pursuing one at 1784 W. Shaw Ave. Ruiz explained the Conditional Use Permit hasn't been revoked from the Shaw location, or they can look for a new one. She then clarified that Council's cannabis approval process only deals with appeals of the City Manager's decision.

Bray made a motion to deny the Environmental Assessment and uphold the appeal on the basis of Finding C (not detrimental to the public health, safety, or general welfare of the community, and will not be detrimental to surrounding properties or improvements).

Roll call vote was taken.

On motion of Commissioner Bray, seconded by Commissioner Criner , that the above Action Item be REJECTED. The motion carried by the following vote:

Aye: 6 - Chairperson Vang, Vice Chair Hardie, Commissioner Criner , Commissioner Bray, Commissioner Diaz, and Commissioner Lyday

Absent: 1 - Commissioner Wagner

IX. REPORT BY SECRETARY

N/A

X. SCHEDULED ORAL COMMUNICATIONS

N/A

XI. UNSCHEDULED ORAL COMMUNICATIONS

N/A

XII. ADJOURNMENT

9:58pm

Chair Vang adjourned the meeting.