

Regular Council Meeting

February 27, 2025

FRESNO CITY COUNCIL



Supplement Packet

ITEM(S)

9:15 A.M. (ID 25-132)

HEARING for Consideration of Text Amendment Application No. P23-03410 and related Environmental Finding for Environmental Assessment No. P23-03410, amending Sections 15-2761 and 15-6802 of the Citywide Development Code, relating to Tobacco and Vapor Sales, Smoke Shops, and Definitions.

[TITLE TRUNCATED FOR SUPPLEMENTAL PACKET COVER PAGE]

Contents of Supplement: Exhibit H: Planning Commission Resolution

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

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EXHIBIT H

FRESNO CITY PLANNING COMMISSION
RESOLUTION NO. 13882

The Fresno City Planning Commission, at its regular meeting on February 19, 2025, adopted the following Resolution relating to Text Amendment No. P23-03410 to replace existing regulations for tobacco and vapor sales and establish new regulations for Smoke Shops including amortization of Existing Smoke Shops; and,

WHEREAS, on February 17, 2022, the Fresno City Council initiated a Text Amendment Application No. P23-03410 to amend Section 15-2761 of the Citywide Development Code, relating to the sale of tobacco to define “smoke shop,” create Conditional Use Permit requirements, and include saturation provisions, buffers to sensitive uses, signage restrictions, and potential security measures; and

WHEREAS, City staff presented the proposed Text Amendment to all active Council District Project Review Committees; and,

WHEREAS, on January 15, 2025, the Fresno City Planning Commission held a public hearing to consider the Text Amendment, receive public comment, and consider the Planning and Development Department’s report recommending adoption of the proposed Text Amendment; and,

WHEREAS, the Fresno City Planning Commission, based upon the testimony and information presented at the hearing continued the item to March 19, 2025, to allow additional time for City staff to meet with local Smoke Shop owners and operators and hear their comments and concerns related to the proposed Text Amendment; and,

WHEREAS, on January 23, 2025, City staff held a public meeting in City Hall Council Chambers to review the proposed Text Amendment with Smoke Shop owners and operators and members of community and receive comments and recommendations; and,

WHEREAS, on January 29, 2025, a Legal Notice for the February 19, 2025 public hearing to be held by Planning Commission was republished in the Fresno Bee, reposted on the City Clerk’s website, and provided to the City’s distribution list for such notices; and,

WHEREAS, on February 19, 2025, the Fresno City Planning Commission held a public hearing to consider the Text Amendment, receive public comment, and consider the Planning and Development Department’s report recommending adoption of the proposed Text Amendment; and,

WHEREAS, three members of the public spoke in support of the proposed Text Amendment and fourteen members of the public spoke in opposition; and

WHEREAS, Chair Vang moved to recommend adoption of Environmental Assessment No. P23-03410 and approval of Text Amendment Application No. P23-03410 with the following modifications:

1. Recommend increasing the number of Smoke Shops permitted within each City Council District from 7 to 10;
2. Recommend increasing the Amortization period from 18 months to 24 months; and
3. Recommend an exception for Existing Smoke Shops to the sensitive use location restrictions under the Text Amendment.
4. Recommend applying the proposed legislation to all Tobacco Retailers; and
5. Recommend creating a local Tobacco Retailer license.
6. Recommend that the City provide a workshop where business owners can meet with Code Enforcement for education on code requirements; and
7. Recommend a merit-based application system in lieu of the lottery system currently delineated in the Text Amendment, which would include:
 - a. The Smoke Shop Operator's business plan;
 - b. Their community impact;
 - c. Their experience; and
 - d. Their history of compliance.
8. Recommend including immediate closure of Smoke Shops that are engaged in gambling or sales of cannabis.
9. Recommend creation of a City-based tool for business owners to gather information and report their concerns.

NOW, THEREFORE BE IT RESOLVED by the Fresno City Planning Commission, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, as follows:

1. The Commission finds in accordance with its own judgement that the Environmental Assessment is appropriate, a determination that the proposed Text Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) exemption. The Planning Commission has determined that the Text Amendment is exempt from CEQA because it complies with the Section 15061(b)(3) exemption which pertains to the common sense exemption that states CEQA applies only to projects which have the potential for causing a significant effect on the environment. Further, it does not commit the City to any specific project or development on any site.
2. The Commission finds in accordance with its own judgement that the adoption of Text Amendment No. P23-03410, with recommended modifications, is in the best interest of the City. Additionally, the Planning Commission finds that Text Amendment No. P23-03410, with recommended modifications, is consistent with

the goals and policies of the Fresno General Plan and the provisions of the Fresno Municipal Code.

BE IT FURTHER RESOLVED that the Fresno City Planning Commission hereby recommends to the City Council that Text Amendment No. P23-03410, pertaining to a Text Amendment to Fresno Municipal Code Sections 15-2761 and 15-6802 to establish additional regulations for tobacco and vapor sales and establish new regulations for Smoke Shops including amortization of Existing Smoke Shops, be adopted with modifications.

The foregoing Resolution was adopted by the Fresno City Planning Commission upon a motion by Chair Vang, seconded by Vice Chair Bray.

VOTING: Ayes - Vang (Chair), Bray (Vice Chair), Lyday, Shergill
 Noes - Calandra
 Not Voting - None
 Absent - Criner, Diaz

DATED: February 19, 2025


JENNIFER K. CLARK, Secretary
Fresno City Planning Commission

Resolution No. 13882

Text Amendment No. P23-03410

Action: Recommend adoption (to the City Council)