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Title: HEARING - Consideration of an appeal of the City Manager’s decision to approve the change of location for retail Commercial Cannabis Business Permit No. C-20-88 (Council District 5)

Sponsors: Office of Mayor & City Manager

Indexes:

Code sections:

Attachments: 1. Exhibit A - Change of Location Application, 2. Exhibit B - Zoning Inquiry Letter, 3. Exhibit C - Preliminary Approval Letter, 4. Exhibit D - Appeal from Councilmember Chavez, 5. Exhibit E - Map of the Proposed Project Site, 6. Exhibit F - Public Hearing Notice, 7. Exhibit G - Report to Council Presentation, 8. 10-15 AM File ID 23-1030 Supplement Packet

Date	Ver.	Action By	Action	Result
8/10/2023	1	City Council		DISCUSSED

REPORT TO THE CITY COUNCIL

FROM: GEORGEANNE A. WHITE, City Manager
Office of the Mayor & City Manager

BY: JENNIFER RUIZ, Deputy City Manager
Office of the Mayor & City Manager

SUBJECT

HEARING - Consideration of an appeal of the City Manager’s decision to approve the change of location for retail Commercial Cannabis Business Permit No. C-20-88 (Council District 5)

RECOMMENDATION

Consider Commercial Cannabis Business Permit Application No. C-20-88 proposed change of location to 4555 East Kings Canyon Road.

EXECUTIVE SUMMARY

Commercial Cannabis Business (CCB) Permit Application No. C-20-88 was submitted on December 4, 2020 and issued preliminary approval for the location at 3849 E Ventura Street on September 8, 2021. Pursuant to FMC 9-3325, cannabis businesses are authorized to submit a change of location application. Fresno Farms submitted an application to change their cannabis retail permit location to 4555 E Kings Canyon Road on April 27, 2023. The City Manager issued preliminary approval of the application on May 31, 2023. City Councilmember Luis Chavez appealed the decision on June 1, 2023.

BACKGROUND

Commercial Cannabis Business (CCB) Permit Application No. C-20-88 was submitted on December 4, 2020 for a proposed business location at 3849 E Ventura Street. Pursuant to Fresno Municipal Code (FMC) Section 9-3317, the City Manager adopted and published guidelines by which the top applicants in each category of each commercial cannabis activity were evaluated. Based on the evaluation, the permit application C-20-88 submitted by Yuma Way CA LLC, dba Fresno Farms, was issued preliminary approval by the City Manager on September 8, 2021.

At the time that preliminary approval was issued, the original proposed location at 3849 E Ventura Street met all the requirements of the Fresno Municipal Code. However, during the evaluation of the Conditional Use Permit Application (P22-00623), staff identified that plans existed for a school (Francine and Murray Farber Educational Campus at 10th Street and Ventura) to be built less than 800 feet from the proposed location. Pursuant to FMC Sec. 9-3307(c)(2) cannabis retail businesses are prohibited from operating in a location that is closer than 800 feet to a school providing instruction for any grades pre-school through 12.

On December 1, 2021, the City Manager published a “Frequently Asked Questions” (FAQ) document to the City’s cannabis website that described the requirements for a change of location. FMC Sec. 9-3325 allows a cannabis retail business or commercial cannabis business to change locations. The process and fees are the same as for new cannabis permit applications. The FAQ document specified when a “change of location” application can be submitted, requiring an applicant to get an approved Conditional Use Permit (CUP) and be eligible for a final cannabis business permit before they can submit an application to change locations. Fresno Farms received approval for a cannabis Conditional Use Permit (CUP) on August 22, 2022 for the business location at 3849 Ventura Street. Fresno Municipal Code Section 9-3307(b) allows for a maximum of three cannabis retail permits per district. Currently, three cannabis conditional use permits have been approved in District 5 including the permit discussed herein that proposes to change locations. Therefore, prior to approval of a new conditional use permit, the Planning Department will need to revoke the conditional use permit approved for 3849 E Ventura Street.

On April 27, 2023, Yuma Way CA LLC, dba Fresno Farms, submitted an application to change their cannabis retail permit business location to 4555 E Kings Canyon Road. Staff evaluation of the application and location occurred, and the application was determined to meet the requirements of the Fresno Municipal Code. On May 31, 2023, the City Manager issued preliminary approval of Yuma Way CA LLC’s application to change locations of the cannabis retail business.

On June 1, 2023, District 5 City Councilmember Luis Chavez appealed the City Manager’s decision, citing his desire to provide the community the opportunity to weigh in.

ENVIRONMENTAL FINDINGS

This approval is not a project for the purposes of CEQA Guidelines Section 15378.

LOCAL PREFERENCE

Not applicable for this application to change locations.

FISCAL IMPACT

The business estimates significant tax revenues contributions to the City.

Attachments:

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