

## Exhibit C



To: Jennifer Clark  
From: Loretta Garcia  
RE: Appeal of CUP Application No. P23-00801  
Date: July 24, 2023

Dear Ms. Clark,

I am writing to appeal your decision on CUP Application No. P23-00801 & Environmental Assessment No. P23-00801.

My name is Lori Garcia, and I have a vested interest in the Pinedale neighborhood. My parents owned and operated a small grocery store in Pinedale beginning in 1968. We lived in a small apartment in the back of the store. In the Eighties, I worked at the Pinedale Community Center. As part of Clovis Unified educational team, my life's work has been dedicated to educating and empowering students at Pinedale Elementary. After 32 years of teaching, I retired last June. I currently serve as the Board Secretary of the Pinedale Community Association. I am wholeheartedly invested in the Pinedale Community.

Pinedale is a unique, historical community. 2023 is the Centennial year of our town's founding. We have generational families dating back decades. In March, we held the celebration of the century, a truly successful and joyous event. The love of community was evident that day, as it is evident today with many Pinedale supporters submitting letters and actively demonstrating opposition to the proposed dispensary.

**This is the third dispensary attempting to open in our one square mile neighborhood.** Of the three retail cannabis dispensaries in the City of Fresno, two will be in District 2 and both within ONE mile of our historic neighborhood, a predominately Brown, impoverished community. Where is the fairness in the system? Does equity exist in the City of Fresno? It appears that the system is built against poor, people of color. What other way can we explain why Pinedalians are back here at City Hall, a mere year and a half from the last time we battled Lemonade cannabis dispensary (October 2021). I don't understand why we are here again. Evidently the approval process is not hearing the voice of the people, the residents of District 2.

From the start, the system demonstrated socio-economic favor toward the applicant, ignoring the needs of the public. The applicant has partnered with The Fresno Chamber of Commerce. Yet the District 2 Project Review Committee has a voting member who is employed by the Chamber. One member recused himself. The decision to move forward on the CUP approval was made by two people, one of which is employed by the applicant's partner organization. Is that considered a conflict of interest? This is socio-economic favor, resulting in institutional racism. An impoverished neighborhood loses again.

The Pinedale Community has spent the last 20 years, along with Clovis Unified, improving the lives of our children. To allow this dispensary sandwiched between our food court and laundromat adds yet another layer to the many challenges that the community faces in building student success.

The applicant's corporation had a revenue of over 100 million dollars LAST YEAR alone, yet 91% of the students from Pinedale Elementary qualify for free lunch. Who takes precedence in the City of Fresno-a multimillionaire CEO or kids who are starting the race with limited resources? It appears that the City favors the corporation over voting residents. In the words of Dr. Buchanon, "CUSD, a fair break for every kid!" Will the City do the same and give the children of Pinedale a fair break?

Why not build near Malloch or Fort Washington Country Club? Were any of the shopping centers near Copper Hills rezoned for cannabis, or do they have parks with medians and trees? Let's be real! This would never even be considered anywhere else in Northwest Fresno, with the exception of Pinedale.

The dispensary is 172 from the nearest home, directly in back of the building. It is adjacent to our laundromat, with no significant boundary between it and the other retail businesses.

Why not build it in an industrial area of Palm Bluffs? Why not Fig Garden or Forkner? Why Pinedale, again, again, and again? This is the third dispensary attempting to gentrify our neighborhood. ENOUGH!

**I am appealing the proposed dispensary for the following reason: it violates the Findings per Fresno Municipal Code Section 15-5306.**

**I appeal, based on Finding A:** The proposed use is allowed within the applicable zoning district and complies with all provisions of this Code and all other chapters of the Municipal Code.

**Regarding Parking:** At an Embarc community meeting, I asked the applicant how many traffic studies were completed. The response was one. Who completed and paid for the study, and where are the results of the study? The area is a high traffic area, likely one of the busiest in Fresno. The parking is incompatible with an expected customer flow of a dispensary. In addition to the applicant, there are 5 other businesses at the shopping center. I've visited local dispensaries, and the traffic is nonstop, roughly 300 to 500 visits per day. Note the following information regarding the proposed location retail shopping center parking lot: 17 Stalls in the front Lot, 2 disabled stalls, and 10 stalls in the back lot for employee parking.

With the other 5 businesses, the lot is already impacted. Once the dispensary opens, the overflow parking will bleed into the neighborhood. I've frequented this place countless times, and parking is frequently full. One business owner neighbor recently stated, "Little Cesar's Pizza takes ten stalls for employees." So where will the estimated 300 people park? One just needs to observe the parking lot at Artist Tree to see that the traffic flow is constant. With 29 stalls in the retail parking lot, any observer can predict that it is not conducive to meet the customer parking needs of the proposed dispensary.

The applicant will have 5 delivery vehicles, in addition to 16 employees who will also need to park their vehicles. Where will the mother who is visiting the laundromat park? Carrying loads of laundry, she will be forced to walk a good distance and park along the street. Where is the equity? Who has the right to park there, the Pinedale resident visiting our “food court” or the north Fresno customer who is picking his product? According the applicant, “The proposed location will serve as a satellite store near the demographics who have a propensity to use the product.” With a 27% total tax, the majority of Pinedalians cannot afford the product, considering 91% of the students qualify for free lunch. So why build in Pinedale? Build where the customers live!

The Fresno General Plan goal related to commercial retail use goal 1 is to increase opportunity, economic development, business and job creation. The City should revisit the goals and add one related to the residents. The traffic will bleed into the neighborhood and become a nuisance for those living in proximity to the proposed location. Residents Matter!

**I appeal, based on Finding C: The proposed use will not be substantially adverse to the public health, safety, or general welfare of the community, nor be detrimental to surrounding properties or improvements;**

**Public Health (Mental Health): To open a dispensary in this historical community violates this finding.** When a call is made to FPD regarding the dispensary, Pinedale Elementary will likely go on a lockdown. I don’t know if you’ve ever experienced a lockdown, but after 32 years at Pinedale School, I never grew accustomed to them. Lockdowns are stressful for adults; can you imagine what it is like for a child? Envision a teacher encouraging a 5-year-old to “hold it” while they’re doing the “potty dance”. School lockdowns are an additional stressor for our children’s mental health. In addition to gunshots in the neighborhood, this is a part of our children’s experiences. Where is the justice for the children? I am morally compelled to speak on their behalf, as they are voiceless in this process.

According the San Francisco Standard, “State data from marijuana loss reports reveals that reported incidents more than doubled in California between 2021 and 2022. Loss reports include missing products from burglaries, theft and other wastage.” In consideration of this data, Pinedale School has a greater propensity to be placed on lockdown, thus affecting our children’s mental health.

**Safety:** Pizza and pistols don’t mix! Our children should NOT have to share a parking lot with an ARMED security guard! Imagine taking your children to pick up a pizza and feeling the threat of an Armed Security guards. This is the Brown experience. Many are fearful of an authority figure with guns. Why does the City of Fresno require armed guards, yet other CA cities do not? Is it because they are expecting trouble? The dispensary has a wealth of security against potential criminals, but what about the average resident? How do we protect our homes and children? This particular retail shopping center is frequented by our community, and we don’t feel secure in sharing space with *security guards* carrying guns. These are not officers of the law. They are *security* personnel. To permit our families to share our primary “food court” with a guy with a gun will be an additional stressor on our safety needs.

I am particularly concerned for youth safety after hours. Teens are curious, and at times mischievous. My fear is that adolescents may taunt an overwhelmed security guard. Miscommunication and human error can easily turn a situation into tragedy. One merely needs to read the daily news to know that Black, Brown and impoverished students are frequently victims in these situations. It is recipe for disaster. The public expects government to provide safe environments. To have armed guards in a public area is a disservice, risk, and threat to our sense of safety.

Section 4 of Embarc's Safety Plan has a dismal sub-total score of 43%. This score is highly concerning for residents who frequent the retail shopping center. The area serves as the primary food court center within walking distance of our community. As residents of District 2, the Pinedale Community deserves far more than a failing score of 43%. Public health and safety are at risk. The location is approximately 172 feet to the nearest residence.

As most impoverished areas, our children are bombarded by adult habit-forming vices through liquor stores, smoke shops, and gambling propaganda, all visible from Pinedale Elementary and/or our main street, and all approved by the City. Families battle alcoholism, drug addiction, and poverty. What other school in all of Fresno County has a cannabis dispensary within a thousand feet? Our children deserve a neighborhood business that promotes health and wellness.

Pinedale School is one-half mile from the proposed dispensary, within legal limit. Consider the Spirit of the Law versus the Letter of the Law--200 more feet, and we wouldn't have to fight yet another dispensary. We implore the City to once again consider its moral obligation and do right by the People, most especially our children who are powerless in this process. Though it is within municipal code, it is morally unjust.

Clovis Unified has spent years re-energizing the community through an intentional focus on successful educational student outcomes, known as the Pinedale Project. I was part of the staff at Pinedale Elementary who has invested in students and pulled itself up from a low performing school at risk of state control, to both a California Distinguished School and National Blue Ribbon School. With high standards of excellence, the majority of Pinedale students no longer graduate from continuation high school, but from Clovis West High School. Our intermediate and high school students walk past this retail area to get from home from to school, as well as to access major retail shopping and entertainment centers. Our children deserve the right to safety. To grant the permit the dispensary at this location is a slap in the face to educators, parents and students themselves.

If permitted, both District 2 dispensaries will be in close proximity to Pinedale. Artist Tree is .9 of a mile away. Tiny Trees, across the street in District 6, is also in close proximity at .7 of a mile in Riverpark. The City code should emphasize spacing the dispensaries within a District. Let's spread out to other areas of District 2 such as the industrial area of Palm Bluffs. Embarc's North Fresno customer base does not have to live where they purchase their products. We do. Our children do. The Pinedale Community is bombarded by cannabis, legal and illicit. To quote CUSD Superintendent Dr. Buchanan, "A fair break for every kid." That's what we community members are asking for--a fair break for our kids. I urge the City to deny the CUP. We love our children too.

**General Welfare:** State and local governments have the power to regulate land use for the health, safety and welfare of their people.

The retail shopping center zoning recently changed in 2018. The City code states that legal notices must be sent to property owners within 1000 feet. This is essentially unfair to renters, as 65% of the Pinedale residents are renters. Where is the justice? Do renters matter? Property landlords are not obligated to inform their tenants. Most people who live near the proposed location were not aware of the zoning changes. It would benefit public welfare to change the zoning notice of action requirements to include renters. Renters Matter! In the words of former Fresno Mayor Ashley Swearengin, "We've neglected inclusion and bringing equity in our community." City of Fresno, it's time for equity for Pinedale residents.

**Detrimental to Surrounding Properties:** The applicant anticipates 300 vehicles a day. Why wasn't a FULL traffic study completed? Traffic is going to spill into the neighborhood and become a public nuisance. Minarets Ave. is currently used as a throughway. Recently a teen bike rider was struck by a vehicle as he rode along Minarets. Exiting off Blackstone is time consuming due to heavy traffic, so dispensary customers will likely exit the retail center through our neighborhood. This will increase traffic and impact public safety. Pinedale Elementary students cross a high-risk intersection at Minarets and SugarPine. With the influx of cars, the intersection will increasingly be a concern for elementary school walkers.

The proposed location is 800 feet from historic St. Agnes Mission Church, who will celebrate its Centennial next year. A federal post is 400 feet near. Parking is limited with 4 stalls, so most visitors park in a dirt lot, directly across the street from the proposed location. Our residents will compete for overflow parking, adding to public inconvenience and nuisance. The laundromat is adjacent to the building location, and there is no significant boundary between the two. The applicant claims an odor mitigation plan, which appears good on paper, but any engineer will tell you that the odor can't be contained. In reality, children visiting the laundromat will breathe cannabis odor.

Pinedalians are hardworking people who have a great affinity for their hometown. In my humble opinion, it is a hidden gem in Fresno. Though we are a historically disenfranchised minority community, we are rich in pride and love. Our Centennial motto is Celebrating 100 Years of Family, Friendship, & Community. I stand proud in protecting our children and future generations.

Based on the aforementioned points, granting the applicant a CUP is a violation of the City code. Thank you for your consideration in this matter. I wish to be notified of the final project action.

Respectfully,



Ms. Loretta Garcia  
Retired Educator  
Pinedale Elementary School