

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND PUBLIC SCOPING MEETING FOR EVALUATING THE PROPOSED REGULATION AND PERMITTING OF COMMERCIAL CANNABIS ACTIVITIES

TO: Responsible and Trustee Agencies, other interested agencies, and members of the public

FROM: City of Fresno, Development and Resource Management Department

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report (EIR)

DATE: July 5, 2019 to August 5, 2019

Action: The City of Fresno (City) will be the Lead Agency pursuant to the requirements of the California Environmental Quality Act (CEQA) and will be responsible for preparing an Environmental Impact Report (EIR) pursuant to CEQA (Public Resources Code [PRC] Section 21000 et seq.) and the CEQA Guidelines. In accordance with Section 15082 of the CEQA Guidelines, the City has prepared this Notice of Preparation (NOP).

The purpose of this NOP is to solicit comments from public agencies and other interested parties on the scope and content of the information to be addressed in the EIR. The NOP must contain sufficient information describing the proposed project and its potential environmental effects to enable agencies and the public to make a meaningful response.

Project Title: Text Amendment No. P19-02978 - Evaluating the Proposed Regulation and Permitting of Commercial Cannabis Activities

Project Summary: The City of Fresno is proposing an amendment to Sections 15-2739 and 15-2739.1 of the Fresno Municipal Code, Article 33 to Chapter 9 of the Fresno Municipal Code, and Article 21 to Chapter 12 of the Fresno Municipal Code, relating to adult use and medicinal cannabis retail business and commercial cannabis business.

The details of the proposed Project and related maps are available for review at the following locations:

- City of Fresno, Development and Resource Management Department, 2600 Fresno Street, Room 3065, Fresno, CA 93721
- City of Fresno website: <https://www.fresno.gov/darm/planning-development/plans-projects-under-review/>

Written Comments: The City requests that any potential Responsible or Trustee Agencies responding to this NOP reply in a manner consistent with Section 15082(b) of the CEQA Guidelines, which allows for submittal of any comments in response to this notice no later than

30 days after receipt of the NOP. **Comments in response to this NOP will be accepted through 5 p.m., August 5, 2019.**

Please send your written comments to:

Attn: Israel Trejo, Planner III
City of Fresno, Development and Resource Management Department
2600 Fresno Street, Room 3043
Fresno, CA 93721
Phone: (559) 621-8044
Email: Israel.Trejo@fresno.gov

Please reference “Notice of Preparation of Draft EIR for Evaluating the Proposed Regulation and Permitting of Commercial Cannabis Activities.” Please include your name, address, and phone number and/or email address so that we may contact you for clarification, if necessary.

Public Scoping Meeting: In addition to the opportunity to submit written comments, one public scoping meeting will be held by the City to inform interested parties about the proposed project, and to provide agencies and the public with an opportunity to provide comments on the scope and content of the EIR. This meeting will be held at **5:30 p.m. on July 16, 2019** at: Fresno City Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California 93721.

Project Location: The EIR will evaluate cultivation, distribution, manufacturing, testing laboratories, and retailers within the City limits of Fresno, CA. Figure NOP-1 shows the geographic region and boundaries of the proposed Project. Figure NOP-2 through Figure NOP-4 show the areas that are subject to the draft text and ordinance amendments.

Project Description: Fresno, California is the fifth largest city in California with a diverse population of approximately 527,000 and is located in the Central San Joaquin Valley. Over the next 25 years the population is expected to grow to more than 970,000. With one of the highest concentrations of poverty in the nation, the City is committed to restoring neighborhoods and providing improved quality of life for all residents in Fresno.

On December 14, 2017, the Fresno City Council directed staff to initiate the process to amend the zoning code to allow medicinal cannabis operations, cultivation, manufacturing, extraction, testing, distribution, delivery, and dispensaries within the City. Subsequently, in March 2018 and thereafter, the Director initiated amendments to the zoning code to allow for adult use cannabis cultivation, manufacturing, extraction, testing, distribution, and retail. On December 13, 2018, the Fresno City Council adopted a cannabis regulatory ordinance which includes requirements for medicinal and adult use cannabis permits, operation requirements, location restrictions, and application requirements.

The text and ordinance amendments are currently in draft form. All would require the appropriate licensing and land use entitlements. In general, the ordinances would allow for the following:

Cultivation, Distribution, and Manufacturing

- 8 businesses would be permitted inside the Cannabis Innovation Zone, defined as the area bounded by State Route 41, Golden State Blvd., Church Ave., East Ave., and Parallel Ave.
- 8 businesses would be permitted within industrial zoned property within ½ mile of Highway 99 between Shaw and Clinton Aves., or within 1 mile of Highway 99 north of Shaw and south of Clinton Aves., or within 1 mile of Highway 180 west of Highway 99. All buildings in which a cultivator, distributor, or manufacturer is located shall be located no closer than one thousand (1,000) feet from any property boundary containing a residence, school, daycare, or youth center.

Testing Laboratories

- Testing laboratories may take place in a Commercial, Employment, or Downtown District. There is not limit on how many may be permitted.

Cannabis Retailers

- 21 total possible cannabis retail locations – this includes up to 14 medicinal and/or adult use cannabis retail locations (2 per Council District); with the potential to add 7 additional retailers (1 additional per Council District) upon Council Resolution.
- Retailers would be restricted to the 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), or RMX (Regional Mixed-Use) zone districts. In addition, retailers would be required to maintain a minimum distance of 800 feet from any property boundary containing another cannabis retailer, school, daycare center, or youth center (i.e. parks, playgrounds, facilities hosting activities for minors)
- Hours of operation for retailers would be limited to 6:00 am to 10:00 pm
- Retail delivery allowed if part of store-front operation

Cannabis Cultivation

- The ordinance prohibiting all cultivation does not apply to a private residence with 6 plants or less grown indoors or to any person/property that obtains a City commercial cannabis business permit

The EIR prepared for this project will analyze all potential impacts of the Project as outlined in the attached 2019 CEQA Environmental Checklist to determine if the project will result in significant direct, indirect or cumulative impacts. No impacts will be scoped out of this EIR. The analysis will also identify feasible mitigation measures for each significant environmental effect identified in the EIR.

ENVIRONMENTAL CHECKLIST FORM

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agriculture/Forestry | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology / Soils | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology / Water Quality | <input checked="" type="checkbox"/> Land Use /Planning | <input checked="" type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> Public Services |
| <input checked="" type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Wildfire | <input checked="" type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION. (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENT IMPACT REPORT (EIR) is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

7-3-19

Date

Israel Trejo

Printed Name

Planner III

Title

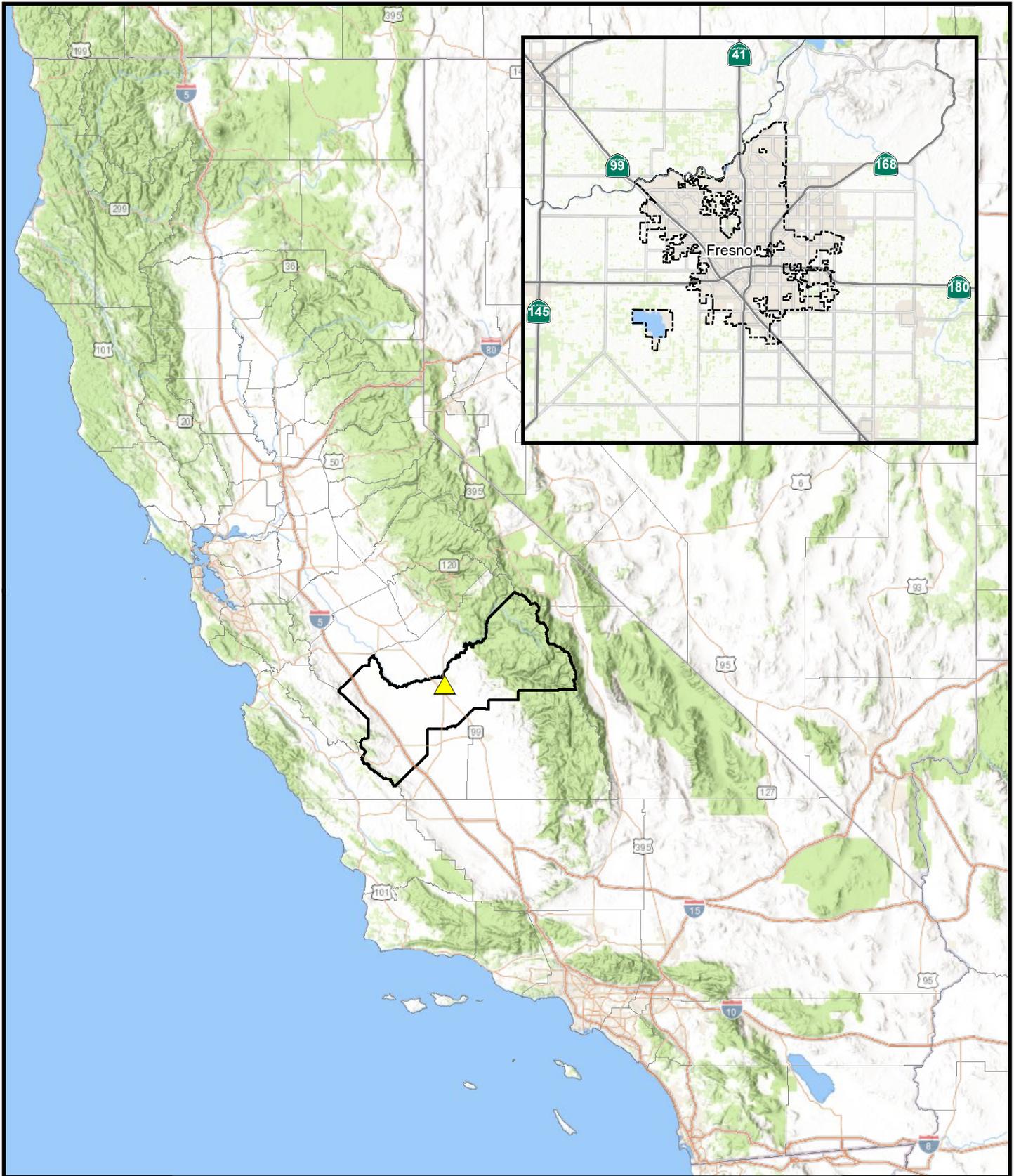


Figure NOP - 1

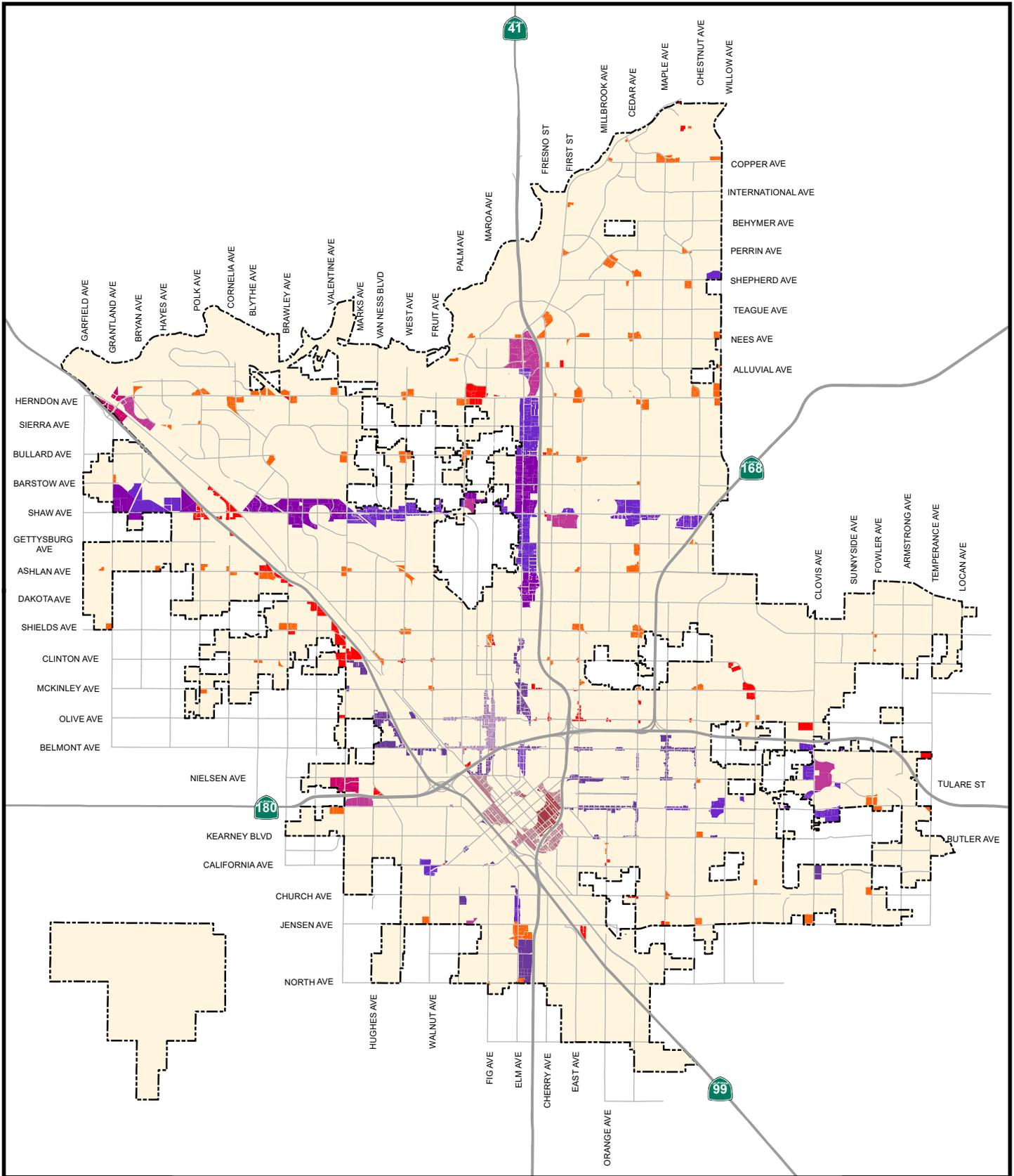
Regional Location

- Project Location
- Fresno County
- County Boundary



0 Miles 100

QK Sources:
ESRI Esri, HERE, Garmin, ©



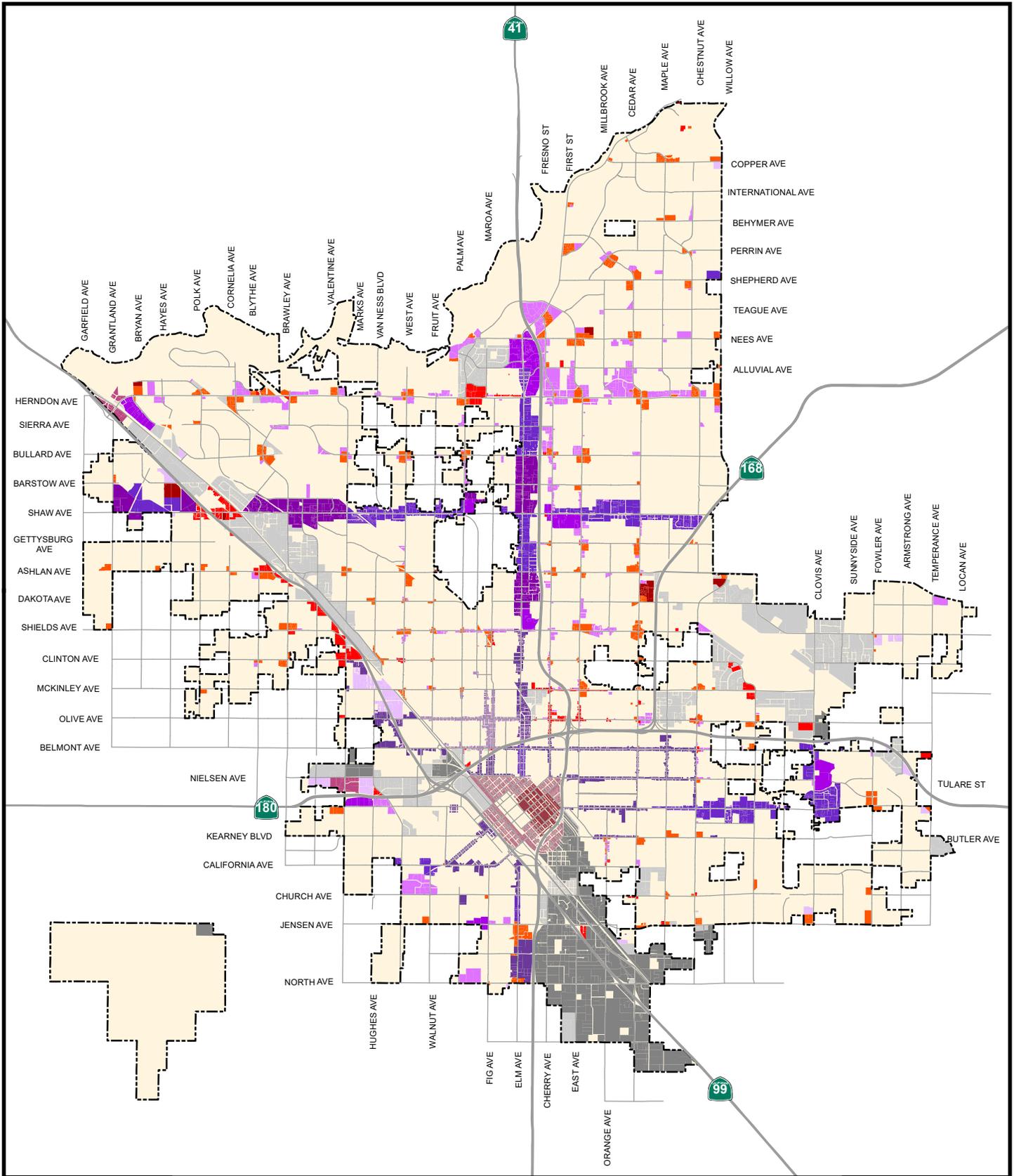
QK
Figure NOP - 2

Ordinance Amendment Retailer Locations

- DTG - Downtown General
- CG - Commercial General
- NMX - Neighborhood Mixed-Use
- DTN - Downtown Neighborhood
- CH - Commercial Highway and Auto
- RMX - Regional Mixed-Use
- CMS - Commercial Main Street
- CR - Commercial Regional
- City Limits
- CC - Commercial Community
- CMX - Corridor/Center Mixed-Use


 0 2
 Miles

QK Sources: ESRI



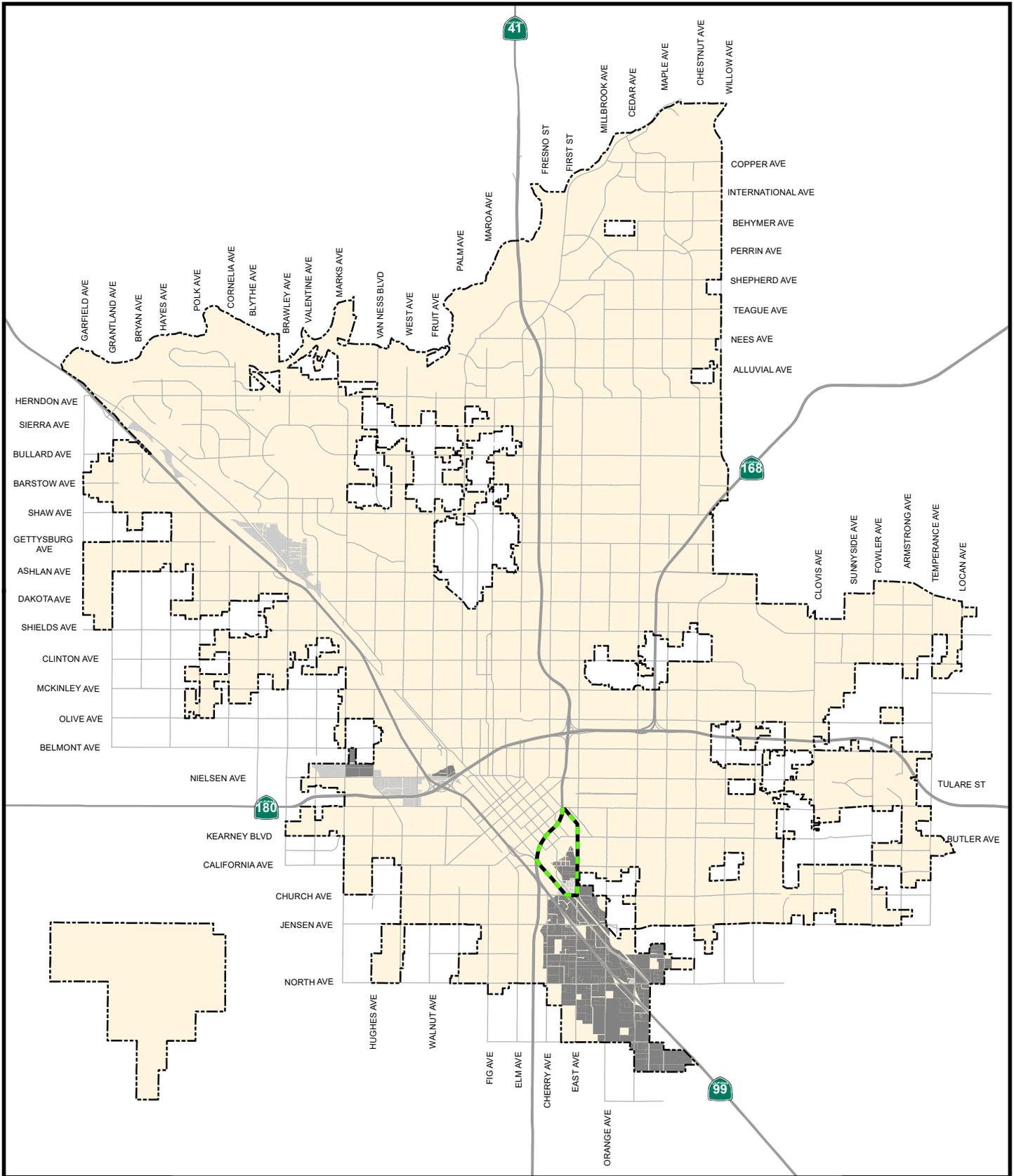
QK
Figure NOP - 3

Ordinance Amendment Testing Laboratory Locations

- | | | |
|-----------------------------------|------------------------------------|-------------------------|
| ■ DTG - Downtown General | ■ CC - Commercial Community | ■ O - Office |
| ■ DTN - Downtown Neighborhood | ■ CR - Commercial Regional | ■ BP - Business Park |
| ■ NMX - Neighborhood Mixed Use | ■ CG - Commercial General | ■ IL - Light Industrial |
| ■ CMX - Corridor/Center Mixed Use | ■ CH - Commercial Highway and Auto | ■ IH - Heavy Industrial |
| ■ RMX - Regional Mixed Use | ■ CRC - Commercial Recreation | □ City Limits |
| ■ CMS - Commercial Main Street | | |

0 Miles 2

QK Sources: ESRI



QK
Figure NOP - 4

**Ordinance Amendment Cultivation, Distribution,
and Manufacturing Locations**

<ul style="list-style-type: none"> IH - Heavy Industrial IL - Light Industrial 	<ul style="list-style-type: none"> Cannabis Innovation Zone City Limits
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0 Miles 2
QK Sources: ESRI