

Exhibit O-2
August 29, 2024 Staff Presentation

City Council Hearing:

Consideration of Conditional Use Permit Application No. P22-03906

HEARING TO CONSIDER THE APPEAL OF THE DENIAL OF ALCOHOLIC BEVERAGE CONDITIONAL USE PERMIT P22-03906

PRESENTATION BY: PHILLIP SIEGRIST | PLANNING MANAGER



ID 24-1058

CITY COUNCIL HEARING | August 29, 2024

Responsible Neighborhood Market Act

Location Restrictions Exceptions

Exception 1) The proposed use is not located within an area in which the Chief of Police has determined, based upon quantifiable information, that the proposed use: (a) would be detrimental to the public health, safety, or welfare of persons located in the area; or (b) would increase the severity of existing law enforcement or public nuisance problems in the area.

Supplemental Response Following the June 6, 2024 City Council Hearing:

The City of Fresno has a total of 504 Crime Reporting Districts/Police Zones. The total number of offenses in all reporting districts is 228,678. The typical Police Zone experiences an average of 453 offenses per year. Reporting Districts/Police Zones which experience more than 120% of the average number of offenses are considered to be high crime districts/police zones. Recent data shows Police Zone 2356 in which the establishment is located has experienced 779 offenses which is 236 offenses more than the 120% High Crime threshold. Therefore, the establishment is located within a high crime police zone/reporting district and has the potential to: a) be detrimental to the public health, safety, or welfare of persons located in the area; and (b) increase the severity of existing law enforcement or public nuisance problems in the area.

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Location Restrictions Exceptions

Exception 2) The proposed off-premises sale of alcoholic beverages is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience.

Supplemental Response Following the June 6, 2024 City Council Hearing:

The applicant team provided an extensive list of items proposed to be sold at the establishment in addition to a revised floor plan depicting where in the store the items would be on display. Although alcoholic beverages represent a small fraction of the overall products sold, it is not evident that the sales will be incidental and/or appurtenant to the larger retail.

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Location Restrictions Exceptions

Exception 3) The proposed outlet for the off-premises sale of alcoholic beverages would act as a public convenience or necessity to an underserved portion of the community and/or enhance the vitality of an existing commercial area without presenting a significant adverse impact on public health or safety.

Supplemental Response Following the June 6, 2024 City Council Hearing:

The applicant has provided a Revised Operational Statement and Statement of Public Convenience or Necessity for the review of the Council (Exhibit P-1 of the Staff Report).

Staff reiterates that another establishment which has off-site alcohol sales is located approximately 100 feet from the subject site.

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Exception 4) The primary use of the establishment, based on information provided by the applicant, has been determined by the Review Authority to meet the definition of a General Market including a supermarket, neighborhood grocery store, or a Healthy Food Grocer.

Supplemental Response Following the June 6, 2024 City Council Hearing:

The applicant team provided an extensive list of items proposed to be sold at the establishment in addition to a revised floor plan depicting where in the store the items would be on display (Exhibit P-2 of the Staff Report). Based on the additional information and floor plan revisions, staff agrees that the variety and quantity of items to be sold in the store are consistent with what may typically be found within a General Market.

Staff Recommendation

DENY the appeal and **UPHOLD** the action of the Planning and Development Department Director to deny ABCUP Application No. P22-03906 requesting authorization to establish a State of California Alcoholic Beverage Control Type 21 (Off-Sale Beer, Wine, & Distilled Spirits) alcohol license for a Circle “D” Food & Liquor store.

If Council decides to approve the request, Council must find there’s substantial evidence in record that the project meets all exceptions to the location restrictions and amend the required CUP findings.