

Exhibit F – City Council Presentation

CONSIDERATION OF

**TEXT AMENDMENT APPLICATION NO. P24-01100:
AMENDING SECTIONS 15-2706, 15-6704, AND 15-6802 OF THE
FRESNO MUNICIPAL CODE, RELATING TO THE SALE OF ALCOHOLIC
BEVERAGES FOR OFF-SITE CONSUMPTION, COMMERCIAL USE
CLASSIFICATIONS, AND DEFINITIONS
AND
THE RELATED ENVIRONMENTAL FINDING FOR ENVIRONMENTAL
ASSESSMENT NO. P24-01100**

Overview

1. **Proposes to amend Section 15-2706 of the FMC (Responsible Neighborhood Market Act).**
 1. RNMA provides regulations relating to the sale of alcoholic beverages for off-site consumption.
 2. Location Restrictions and Exceptions
 3. Cancel and Transfer
2. **Proposes to amend Section 15-6704 of the FMC (Commercial Use Classifications)**
 1. General Market
3. **Proposes to amend Section 15-6802 of the FMC (Definitions).**
 1. Definitions – Full-Service Grocery Store and exclusions
4. Text amendment would provide flexibility for Full-Service Grocery Stores (w/ alcohol sales) seeking to locate into underserved neighborhoods.

Existing Location Restrictions and Exceptions

F. Location Restrictions for New Establishments

1. Near Sensitive Uses
2. Near Other Alcoholic Beverage Establishments
3. Within High Crime Areas
4. Within High Concentration Areas
5. Citywide Ratio

Example

If a new grocery store (w/ alcohol) wants to move into an underserved area of Fresno and it is located near a school, near other alcoholic beverage establishments, within an area of high concentration of off-site alcohol licenses, or within an area of high crime... Not permitted

Responsible Neighborhood Market Act

Existing Location Restrictions and Exceptions (continued)

- 6. Exceptions.** A new establishment may be excepted from location restrictions if the Review Authority determines all of the following:
- a. Not located in an area the Chief of Police has determined, that the proposed use: (a) would be detrimental to public health, safety, or welfare; or (b) would increase the severity of existing law enforcement or public nuisance in the area.
 - b. Sale of alcohol is incidental and appurtenant to larger retail use and provides a more complete and convenient shopping experience.
 - c. Would act as a public convenience or necessity to an underserved portion of the community and/or enhance vitality of existing commercial area without significant adverse impact on public health or safety.
 - d. The primary use of the establishment, has been determined to meet the definition of a General Market including a supermarket, neighborhood grocery store or a Healthy Food Grocer.

Responsible Neighborhood Market Act

Existing Location Restrictions and Exceptions (continued)

7. Existing Establishment Relocation Exception. Existing establishment that relocates and holds a Conditional Use Permit if the proposed location is: a) across the street and within a 1/4 mile radius of the current location; b) Within the same Council District; c) Within the same Census Tract; d) not within 500 feet of a nursery school, preschool, a public or private State-licensed or accredited school or daycare facility e) not in an area of high crime.

8. Full-Service Grocery Store Exception. New establishments may be excepted from the location restrictions if the primary use of the establishment, based on information provided by the applicant, that has been determined by the Review Authority to meet the definition of a Full-Service Grocery Store, including a supermarket, neighborhood grocery store or a Healthy Food Grocer as defined in the Fresno Municipal Code.

Responsible Neighborhood Market Act

Cancel and Transfer

Implementation of a Transfer and Cancel ratio. New establishments shall transfer and cancel the following number of ABC licenses in good standing, from within a Council District identified as having an overconcentration of ABC licenses for off-sale use, as determined by the Director following review of data prepared by the California Department of Alcoholic Beverage Control, as depicted in Table 15-2706.

TABLE 15-2706: Transfer and Cancel

Retail Floor Area	Transfer	Cancel
Less than 10,000 square feet	2	1
10,000 to 30,000 square feet	3	2
More than 30,000 square feet	4	3

Responsible Neighborhood Market Act

Existing Exemptions to Cancel and Transfer

- a. The Cancel and Transfer requirements shall not apply when an establishment is required to relocate as the result of a taking by eminent domain and a license transfer to a new establishment site is necessary due to such taking.
- b. Existing establishments that seek to expand their floor area or extend their operating hours.
- c. Existing establishments that seek to relocate if the proposed relocation meets the requirements of Section 15-2706.F.7.
- d. Establishments with the primary use, based on information provided by the applicant, that has been determined by the Review Authority to meet the definition of a Full-Service Grocery Store, including a supermarket, neighborhood grocery store or a Healthy Food Grocer as defined in the Fresno Municipal Code.

Responsible Neighborhood Market Act

Proposal (Continued)

- a. Meet the definition of a Full-Service Grocery Store , including a supermarket, neighborhood grocery store or a Healthy Food Grocer as defined in the Fresno Municipal Code.
- b. **Definition:** Establishments generally known as supermarkets and other grocery retailers (except convenience retailers) primarily engaged in retailing a general line of food, such as canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Included in this industry are delicatessen-type establishments primarily engaged in retailing a specialized category of food products such as foods from a specific country, ethnicity, or locality not found in general markets.
- c. This definition **excludes** limited-service restaurants, convenience retailers, gasoline stations with convenience stores, department stores, pharmacies and drug retailers, warehouse clubs and supercenters, and all other general merchandise retailers .

Responsible Neighborhood Market Act

Summary of Proposal

- 1) Adds “Full-Service Grocery Store” into General Market
- 2) Adds definitions for:
 - a) Full-Service Grocery Store
 - b) Limited-Service Restaurants
 - c) Convenience Retailers
 - d) Gasoline stations with convenience stores
 - e) Department stores,
 - f) Pharmacies and drug retailers
 - g) Warehouse clubs and supercenters
 - h) All other general merchandise retailers.
- 3) Adds Full-Service Grocery Store as a separate exception for Location Restrictions
- 4) Adds Full-Service Grocery Store as an exemption to the Cancel and Transfer Provision

Responsible Neighborhood Market Act

Staff Recommendation

1. **ADOPT** Environmental Assessment No. P24-01100, a determination that Text Amendment Application No. P24-01100 is exempt from CEQA pursuant to the common sense exemption that it can be seen with certainty that there is no possibility that the proposed text amendment may have a significant effect on the environment pursuant to CEQA Guidelines Section 15061(b)(3).
2. **APPROVE** Text Amendment Application No. P24-01100, to amend Section 15-2706, Section 15-6704, and Section 15-6802 of the Citywide Development Code, relating to the sale of alcoholic beverages for off-site consumption, commercial use classification, and definitions.