

CONSIDERATION OF

**TEXT AMENDMENT APPLICATION NO. P20-02212:
AMENDING SECTIONS 15-2706, 15-6801 AND 15-
6802 OF THE FRESNO MUNICIPAL CODE,
RELATING TO THE USE REGULATIONS FOR
ALCOHOL SALES**

**TEXT AMENDMENT APPLICATION NO. P20-02212
AND
THE RELATED ENVIRONMENTAL FINDING FOR
ENVIRONMENTAL ASSESSMENT**

Filed by the City of Fresno

BACKGROUND

The proposed Text Amendment was initiated after the Fresno City Council adopted Resolution No. 2019-090, titled the Responsible Neighborhood Market Act. The Responsible Neighborhood Market Act proposed additional standards that establishments must meet in order to obtain a Conditional Use Permit (CUP) to sell alcoholic beverages for off-site consumption. The proposed text amendment would amend the Citywide Development Code to include these standards in order to operate an alcohol-sale use and obtain an alcohol license with the ABC.

HISTORY

- Prior to 1994, alcohol licenses were issued by ABC without consultation by the City.
- Conditional Use Permit C-94-86 provided a blanket CUP to all existing locations with licenses
- But no real conditions were imposed, resulting in:
 - Single-item sales
 - No property maintenance requirements (litter, graffiti)
 - No surveillance or training requirements

SUMMARY

Changes to the Location Restrictions for New Establishments. The proposed Text Amendment would restrict new establishments from being located within 1,000 feet from sensitive uses and other alcoholic beverage establishments. The current location restriction vicinity is 500 feet. These location restrictions shall not apply to existing establishments that must obtain a CUP pursuant to this ordinance due to proposed expansion or improvement of an existing use that is currently operating pursuant to a CUP issued prior to the effective date of this ordinance.

Implementation of a Citywide Ratio. No establishment shall be granted a Conditional Use Permit under this Section if the number of sites selling alcohol for off-site consumption will exceed one license per 2,500 residents.

Exceptions to Prohibited Products and Single Containers. Allows craft beer to be packaged and sold in a single 22 oz. bottle.

SUMMARY

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 |

Staff Recommendation

1.RECOMMEND APPROVAL (to the City Council), of a finding set forth in Environmental Assessment No. P20-02212, that Text Amendment Application No. P20-02212 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.RECOMMEND APPROVAL (to the City Council) of Text Amendment Application No. P20-02212, to amending Sections 15-2706, 15-6801, and 1506802 to the Fresno Municipal Code, relating to the use regulations for alcohol sales.