

CONSIDERATION OF

**TEXT AMENDMENT APPLICATION NO. P21-05185:
AMENDING SECTION 15-2706 OF THE FRESNO
MUNICIPAL CODE, RELATING TO THE SALE OF
ALCOHOLIC BEVERAGES FOR OFF-SITE
CONSUMPTION**

**AND
THE RELATED ENVIRONMENTAL FINDING FOR
ENVIRONMENTAL ASSESSMENT NO. P21-05185**

Filed by the City of Fresno

BACKGROUND

- Text Amendment initiated by Fresno City Council pursuant to Resolution No. 2021-162.
- Proposes to amend Section 15-2706 of the FMC (Responsible Neighborhood Market Act).
- RNMA provides regulations relating to the sale of alcoholic beverages for off-site consumption.
- The proposed text amendment would provide flexibility for existing off-sale establishments seeking to relocate.

Responsible Neighborhood Market Act (RNMA)

- Section 15-2706 of the FMC (RNMA) provides special regulations and additional standards that establishments must meet in order to obtain a Conditional Use Permit (CUP) to sell alcohol for off-site consumption.
- RNMA applies to:
 1. Proposed new establishments; or
 2. Existing establishments requesting to modify alcohol licenses types, extend hours of sales, expand floor area for alcohol sales, or relocate and transfer an existing alcohol license.
- Any new or expanded use (including **existing establishments seeking to relocate**) is required to obtain a CUP in compliance with provisions of the RNMA, including Location Restrictions for New Establishments and the Cancel and Transfer requirements.

Text Amendment No. P21-05185

Provides flexibility for existing establishments seeking to relocate by allowing an exception from the Location Restrictions and an exemption from the Cancel and Transfer requirements (FMC Sections 15-2706-F & S).

- a) **Existing Establishment Relocation Exception.** May be excepted from location restrictions if proposed relocation is located:
 - i. Across the street and within $\frac{1}{4}$ mile radius of the current location;
 - ii. Within the same Council District;
 - iii. Within the same Census Tract;
 - iv. Not within 500 feet of a sensitive use; and
 - v. Not in an area of high crime.
 - i. The original location will be required to forfeit its existing alcohol entitlements for the original location.

- b) **Exemption from the Cancel and Transfer Requirements.** Exempt if the proposed relocation meets requirements of Existing Establishment Relocation Exemption.

Staff Recommendation

1. **ADOPT** Environmental Assessment No. P21-05185, a determination that Text Amendment Application No. P21-05185 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. P21-05185, to amend Section 15-2706 of the FMC, relating to the use regulations for alcohol sales.