

Agenda Item: File ID20-001363
Date: 10/19/2020
Council Meeting Date: 10/15/2020

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Item – ID 20-001363, Actions pertaining to Text Amendment Application No. P20-02212 and related Environmental Finding for Environmental Assessment No. P20-02212 sections 15-2706, 15-6801 and 15-6802 of the Fresno Municipal Code.

Content of Supplement: Letter Received After the Meeting

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

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October 14, 2020

VIA UNITED STATES MAIL

City Council Members
City of Fresno
c/o Yvonne Spence, City Clerk
2600 Fresno Street, Room 2133
Fresno, CA 93721

Douglas Sloan
Fresno City Attorney
2600 Fresno Street, Room 2031
Fresno, CA 93721

Re: **Text Amendment P20-02212**
The Responsible Neighborhood Market Act

Dear Honorable Council Members and Mr. Sloan:

As mentioned in my correspondence of October 13, 2020, The Responsible Neighborhood Market Act, Text Amendment P20-02212 (the "Project"), as currently proposed, would result in changes in traffic patterns, and would frustrate the development of neighborhood markets and other grocery uses closer to residential land uses. This has the potential to increase vehicle miles traveled, trip lengths, and vehicle trips, all of which will negatively impact both traffic and air quality. In addition, by hindering the development of walkable communities, and actively encouraging transportation by car, the Project hinders many objectives, policies, and goals of the City's General Plan.

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Douglas Sloan
Fresno City Attorney
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I have enclosed evidence from two experts concerning the impacts of the Act. Professional Engineer and AICP member Christopher Thnay has determined that the Act could potentially result in an increase of vehicle miles traveled, trip lengths, and vehicle trips. Mr. Thnay has further identified inconsistencies between these results and the goals and objectives in the Mobility and Transportation Element of the City's General Plan.

Commercial Real Estate Broker Sam Bogdanovich similarly urges delay of the Council's passage of the Act in order to develop a more feasible means of achieving the City's laudable objectives. Mr. Bogdanovich notes that restraints on developers will likely preclude the development of newer, higher quality licensees in areas with an existing licensee presence. In his estimation, the Act will simply force safer and more health-conscience retailers to the outskirts of the city, forcing longer vehicle trips and failing to address the actual problem the City seeks to alleviate.

As evidenced by the enclosed reports, the Act will not only have a negative effect on the environment, but also on the development of a more vibrant, walkable, health-conscience Fresno by discouraging investment in underserved areas and the entrance of new companies into the Fresno market.

Based on the foregoing, and the information contained in the enclosed reports, it cannot be seen with sufficient certainty that the Act has no possibility of having a significant effect on the environment. Thus, the "common sense exemption" relied on by the City does not apply and further review *must* be conducted.

Very truly yours,


signing for
John P. Kinsey

JPK/jb

Enclosures



Redefining Mobility.

October 14, 2020

City Council Members
City of Fresno
c/o Yvonne Spence, City Clerk
2600 Fresno Street, Room 2133
Fresno, CA 93721

Subject: Potential Traffic Ramifications due to Text Amendment P20-02212, The Responsible Neighborhood Market Act

Dear Honorable Council Members,

The purpose of this letter is to provide comments on the potential traffic ramifications due to Text Amendment P20-02212, The Responsible Neighborhood Market Act. Comments are submitted on behalf of my client, Granville Homes.

Senate Bill 743 (SB 743)

Beginning July 1, 2020, Senate Bill 743 (SB 743) required the Governor's Office of Planning and Research (OPR) to establish a new metric for identifying and mitigating transportation impacts within CEQA in an effort to meet the State's goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation.

Types of active transportation could include walking or bicycling. Broadly speaking, many studies have indicated that most people are willing to walk a quarter mile (5 min) to half-mile (10 min) distance, depending on perceptions of the built environment, safety, and time constraints.¹ Types of walk destinations could include work, to a park, exercise, recreation or leisure and nearly 40 percent for personal errands including shopping.

What this means is that typically people would not walk to a store if it is more than a 10-minute walk or nearly half-mile. Since the proposed Text Amendment P20-02212 would be concentrating new licenses in more established existing locations, it would mean that to obtain those goods, residents of underserved areas would be required to travel further than the walkable half-mile distance. That would require them to drive instead of walk and thus resulting in a change of their travel patterns.

Consequently, this could result in a potential increase of vehicle miles traveled, trip lengths, and vehicle trips, all of which will negatively impact both traffic and air quality and contrary to the goal of SB 743. A change of travel patterns would result.

¹ U.S. Department of Transportation's National Highway Traffic Safety Administration and the Bureau of Transportation Statistics (2002). *National Survey of Pedestrian and Bicyclist Attitudes and Behaviors*.

Reference: Potential Traffic Ramifications due to Text Amendment P20-02212, The Responsible Neighborhood Market Act

In addition, this would be contrary to the following adopted goals and objectives of the City's General Plan contained in the Mobility and Transportation Element to provide an efficient, multi-modal transportation system that will meet the needs of all residents, particularly:

MT-2-C - Reduce VMT through Infill Development. Provide incentives for infill development that would provide jobs and services closer to housing and multi-modal transportation corridors in order to reduce citywide vehicle miles travelled (VMT).

Walkable and Bikable Plan

Lastly, it is worth noting that the City's General Plan advocated preserving a community character. The objective of MT-1-j in the Mobility and Transportation Element is to "Create and maintain a transportation system that is safe, efficient, provides access in an equitable manner, and optimizes travel by all modes." In other words, create or maintain a more walkable and bikable community.

Several of its suggested implementing policy includes:

- Facilitate provision of multi-modal transportation opportunities.
- Create improved and equitable access with increased efficiency and connectivity.

It is conceivable that one of the potential unintended consequences with the implementation of Text Amendment P20-02212 is to negate objectives of **MT-1-j** contained in the City of Fresno General Plan.

Thank you for the opportunity to provide these comments for your considerations.

Regards,
Advanced Mobility Group



Christopher Thnay, PE, AICP
Principal
cthnay@amobility.com

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From: Sam Bogdanovich <sbogdanovich@retailassociates.com>

Sent: Tuesday, October 13, 2020 8:09 PM

To: Darius Assemi <DAssemi@gvhomes.com>; Cody Sedano <Cody.Sedano@gvhomes.com>

Subject:

Honorable Council Members,

By way of introduction, my name is Sam Bogdanovich. I have been a commercial real estate broker in Fresno for close to 25 years. I have done work in almost every neighborhood between Stockton and Bakersfield while representing clients ranging from Starbucks and In N Out Burger, to Les Schwab Tires and WinCo Foods. I have been involved in many revitalization projects that have greatly benefited the neighborhoods they serve. Most of these projects involved newer, more modern gas station/convenience markets as well as full line grocery stores and drug stores. When held to a higher standard they created well lit, safe environments that prompted other companies to also make substantial investments into many often overlooked areas.

I urge you to delay the vote on the Responsible Neighborhood Market Act until these types of project can be reviewed and incorporated into the ordinance. I believe the older, run-down liquor stores that offer no healthy food options are what the city is trying to get away from. Unfortunately most of these stores are located at, or in close proximity to major intersections. While it sounds ideal to say that the newer concepts will go down the street, off the intersection, they will not. Many companies have required traffic count numbers and co-tenancy requirements to set themselves up for the highest probability for success. The inflated liquor license prices really just add insult to injury here. This is the reason that you usually see many business surrounding major intersections. We always see grocery stores, drug stores, coffee shops, etc all together. Park once, grab your prescription, get your gas, do all of your grocery shopping in one place. This can all be done on a small or large scale in many areas of Fresno. Forcing newer, safer, healthier options of convenience markets to go to the outskirts of town, where they are not excluded, does nothing to solve the issues with the existing liquor stores. People will be forced to get into the car and drive further to do any other shopping that isn't alcohol. Not good for the residents and definitely not good for the environment.

The ordinance language should also be reconsidered as it relates to full line, major grocery stores. If a Save Mart closes, stays vacant for any amount of time and happens to have a CVS in the center, what happens? Will the shopping center become a ghost town and magnet for crime and homeless because a replacement tenant is either precluded, or unable to afford the soon-to-be exorbitant price for 4 liquor license? I am certain this was never the intent of the ordinance that is aimed at small liquor stores. But they aren't addressed. I was recently told that the city is introducing a new program to entice grocery stores to our food deserts. I don't think it sends the right message by enticing them to come and then forcing them buy several licenses. It was recently said that they are wealthy companies and can afford it. Many cities give land to Wal Mart, who can also afford it, to entice them to come to town for what they have to offer, including great jobs.

And lastly, mixed use developments. It's recently been in the news that major companies are paying their employees to work from home permanently after Covid. This will be a very good thing for Fresno and the rest of the Central Valley, as our cost of living is so much less than almost every other area in California. I am certain the ordinance was not written to preclude new housing developments that want to include a village center with a drug store, neighborhood market and others that may offer alcohol. This wasn't not addressed either.

I realize that my perspective is very different than most of the others who have requested a delay in the vote. I believe that if a neighborhood gas and convenience market wants to invest in Fresno lets set them and our neighborhoods up for success. Lets hold them to a higher standard to create fresh, healthy offerings in a well lit, safe environment, regardless of where these old tired liquor stores are. Better things will follow and there are many examples all over the

valley. I believe we should roll out the red carpet for grocery store in our food deserts, not send them to other towns because our barriers to entry have become so expensive it's no longer profitable, regardless of where these old tired liquor stores are. And lastly, let's bring high paying jobs to Fresno and give them the village type environments they are used to in other areas of CA. Not every option works for every neighborhood in Fresno but one of them will, even if we have to start small. Let fix this ordinance and then make it permanent.

Sincerely,

Sam T. Bogdanovich
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