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Regular Council Meeting
November 4, 2021

FRESNO CITY COUNCIL



Information Packet

ITEM(S)

File ID 21-685, 10:00 A.M. #1

HEARING to Consider Text Amendment Application No. P21-05185 and related Environmental Finding for Environmental Assessment No. P21-05185, amending Section 15-2706 of the Fresno Municipal Code, relating to the sale of alcoholic beverages for off-site consumption (Citywide) - Planning and Development Department

Contents of Supplement: PowerPoint Presentation

Item(s)

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.

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.