



Preparing Career Ready Graduates

March 2, 2017

Jarred Olsen
Development and Resource Management
City of Fresno
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

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Robert G. Nelson

**RE: NOTICE OF ACTION FOR CONDITIONAL USE PERMIT NO. C-17-001-ABCUP
4045 W. FIGARDEN DR., SUITE 101**

Dear Mr. Olsen,

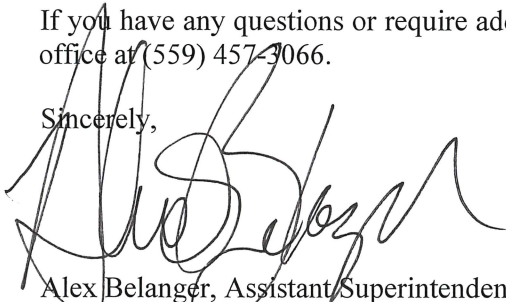
The Fresno Unified School District is in receipt of the Notice of Action for Conditional Use Permit Application No. C-17-001, dated February 28, 2017. The District wishes to file an appeal of the ABC license upgrade approval, reflecting the following comments and concerns.

The existing 'SABORMx Mexican Bistro' located at 4045 West Figarden Drive requested authorization to upgrade the existing State of California Alcoholic Beverage Control Type 41 alcohol license to a Type 47 (*Restaurant – sale of beer, wine, and distilled spirits for consumption on the licensed premises*) alcohol license. It is located within approximately 580 feet from Figarden Elementary School.

As per the State of California's Alcohol Beverage Control Act, an alcohol license can be refused by the State if the location is "within at least 600 feet from schools." Per California Business and Professions Code Section 23789(b), "The department is specifically authorized to refuse the issuance, other than renewal or ownership transfer, of any retail license for premises located within at least 600 feet of schools and public playgrounds or nonprofit youth facilities, including, but not limited to, facilities serving Girl Scouts, Boy Scouts, or Campfire Girls. This distance shall be measured pursuant to rules of the department." The District **does not support** the license upgrade approval and continues to have concerns regarding potentially dangerous interaction between our students and the proposed operation. FUSD's response on this project is subject to the Alcohol Beverage Control Act and the Fresno Police Department's review and support of the project with regard to the concentration and use of alcohol-related business in close proximity to school sites.

If you have any questions or require additional information regarding our comments and concerns, please contact our office at (559) 457-3066.

Sincerely,



Alex Belanger, Assistant Superintendent
Facilities Management and Planning
BVC

AB:hl

c: Stephen Zoller, Principal, Figarden Elementary School