

# Exhibit J



Fresno Police Department  
Northwest Policing District  
3074 W Shaw Ave  
Fresno, Ca 93711  
(559) 621-6529 –Office

July 3, 2023

Re: P23-00244 – Locked in  
3045 W Bullard Ave  
Fresno, Ca. 93711 APN: 415-37313

Dear Mr. Erik Young,

This letter is to inform the City of Fresno Planning and Development Department that the Fresno Police Department has received your notification regarding a request by the above licensee (Valarie Richardson) for a change of operating conditions for a type 47 license. *(Restaurant) Authorizes the sale of beer, wine and distilled spirits for consumption on the licenses premises. Authorizes the sale of beer and wine for consumption off the licenses premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.*

The Fresno Police Department has been made aware that the owner of this business is requesting to alter the hours of operation. The Police Department is protesting any changes in hours to this location under its current ABC type 47 License. It is the belief that this location will be operated as a nightclub and not a restaurant if the hours get altered. The applicant wishes to have the location open until 2 am. The owner of this location already regularly uses live entertainment and dancing at this location. Locked IN was issued a Notice and Order Violation (MORPO) from the Fresno Police Department on 9-20-22 for violating its hours of operation as set forth in its current C.U.P., as well as having loud music and fights occurring inside and outside of the business.

A check of the closest residence is less than 165 feet from this location. This is a condo to the SE of the business. We feel this would adversely impact quality of life issues for the residents and thereby increase calls for service to the location for noise and traffic complaints.

A check of nearby restaurants concluded that the average type 47 License in the area on average closes at approximately 10 pm. The locations that were checked are listed below.

**Culichitown (Latest operating hours)**

Friday – Saturday Closes at Midnight

**Texas Roadhouse (Latest operating hours)**

Friday – Saturday Closes at 11 pm

**Casa Corona (Latest operating hours)**

Friday – Saturday Closes at 10 pm

**Ovidio Same Parking lot as Locked IN. (Latest operating hours)**

Friday – Saturday Closes at 9:30 pm

**Elbow Room Bar and Grill (Latest operating hours)**

Friday – Saturday closed at 11 pm.

A check of recent calls for service were checked during the time frame of 7-10-22 to 6-7-23. Locked In has a total of 17 calls for service. During the same time, Culichitown had 4, Texas Roadhouse had 3, Casa Corona had 0, Ovidio had 0, and Elbow Room had 1 call for service.

The Fresno Police Department is strongly opposed to altering the hours to this business any later then 10pm. If however new hours past 10 pm are approved by the planning commission, the Fresno Police Department will request further conditions be added to the Conditional use permit.

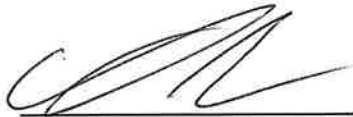
1. The Fresno Police Department request at least two (2) additional cameras at the location. Both are to be on the exterior of the building and one shall be in the alley way to the north of the back door.
2. After 8pm, there shall be at least one (1) per one hundred guests, BSIS uniformed licensed security guards at the business to monitor the inside of the restaurant and the adjacent parking lot. Example 100 guest = 1 BSIS guard 101 to 200 = 2 BSIS guards.
3. There shall be no live entertainment such as a band or DJ on the premises.
4. The kitchen must remain open for a full menu during all business operating hours.
5. At least 51% of all sales shall come from food.

6. There shall be a person on site during all operating hours to have access to video surveillance system.
7. The Fresno Police Department requests a 90 day review of these conditions if approved.

Sincerely,

Detective Hodge

FRESNO POLICE DEPARTMENT



Chris Hodge

Northwest POP Detective



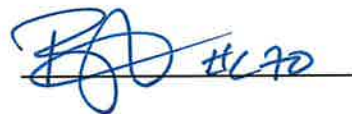
Justin Hardy

Northwest Detective SGT



Anthony Martinez

Northwest Commander



Brian Pierce

Northwest Lieutenant



Burke Farrah

Deputy Chief

**DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

FRESNO DISTRICT OFFICE  
1330 B EAST SHAW AVE  
FRESNO, CA 93710-7902  
(559) 225-6334



October 5, 2023

Chief Paco Balderrama  
Fresno Police Department  
2323 Mariposa St. #2075  
Fresno, CA 93721

VALARIE RICHARDSON  
LOCKED IN  
3045 W BULLARD AVE  
FRESNO, CA 93711-1609  
File No. 47-630911  
Reg. 23093420

Dear Chief Balderrama:

On August 25, 2023, a 18 year old female decoy working with Department Agents, purchased beer from an on-duty server, inside the above licensed premises, in violation of Section 25658(a) of the Business and Professions Code. ID was requested and presented. The server then completed the sale.

The Department has accepted the licensee's Offer in Compromise in the amount of \$3000.00 in lieu of a 15 day suspension.

The Department's acceptance of the fine will close the file in this matter.

The evidence in this case, DR#FSO-10132060, is no longer needed.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. T. Montgomery'.

JASON T. MONTGOMERY  
Supervising Agent In Charge

Fresno Police Department

Paco Balderrama

Chief of Police

2323 Mariposa Mall

P.O. Box 1271

Fresno, California 93715-1271

HAND  
DELIVERED  
9-20-22  
12:00 AM  
LOCKED IN

**NOTICE AND ORDER OF VIOLATION**

September 20, 2022

Locked In

3045 W Bullard

Fresno Ca, 93711

RE 3045 W Bullard

Dear Property Owner:

It has come to the attention of the Fresno Police Department that you are the owner of the premises located at 5734 W Magill. Fresno CA, (herein after referred to as "Premises").

On **Saturday, September 17, 2022**, Officers from the Northwest Policing District responded to 3045 W Bullard for a loud music complaint.

***We are notifying you of these recent events in the hope that you will take the necessary steps to remedy this problem.*** The Police Department is submitting this matter to the City Attorney's Office for enforcement under the Management of Real Property Ordinance.

This letter is to inform you that pursuant to Fresno Municipal Code section 10-701 et seq. (entitled "Management of Real Property Ordinance"), any costs incurred by the city in dealing with the above-mentioned issues may be billed to you. Fresno Municipal Code Section 10-712 Costs and Expenses Incurred. In addition to any administrative penalty assessed for a violation of this article, any property owner found in violation of this article will be charged abatement, actual, administrative and enforcement costs as defined in Section 1-503, as well as an "administrative expense" as defined in Section 10-704, calculated to recover the total costs

incurred by the City in enforcing this article. (Added Ord. 98-73, § 1, eff. 10-24-98; Am. Ord. 2004-31, § 3, 4-24-04). (A copy of the Fresno Municipal Code can be reviewed online at [www.fresno.gov](http://www.fresno.gov) and by clicking on the right side of the home page "Documents, Forms & Permits" and then "City of Fresno Municipal Code.")

#### Fresno Municipal Code Section 10-702. Findings

(a) Just as the physical conditions of structures and properties within the City can constitute public nuisances, so can too the behavior of persons on properties within the City constitute public nuisances. The abatement of behavioral nuisances is as important to the City in its fight against blight, decay, deterioration and crime as is the abatement of other nuisances created by physical conditions.

(b) The owners of real properties within the City are responsible for monitoring their properties and for taking appropriate action if a nuisance exists thereon, whether that created by existing physical conditions or by nuisance creating behaviors, or the combination of conditions. Many nuisances can be avoided with active property management. Lack of proper management of real property can create an environment which is conducive to behaviors which become a nuisance with repetition and lack of abatement and corrective measures. If a property owner does not fulfill his or her responsibilities, it is necessary for the safety, health and welfare of the neighborhoods, and the City as a whole, that the City be able to undertake abatement action.

#### **Specifically, Fresno Municipal Code Section 10-708 states:**

**It is hereby declared a public nuisance and a violation of this article for the owner, whether through the owner or owner's agent, lessee, sub lesser, sub lessee, or occupant of any premises in the City to permit, with actual or constructive knowledge, any of the following activities to habitually occur on the real property of the owner:**

(a) The illegal sale, use or possession of controlled substances or other illegal drugs and substances.

(b) The gathering, or coming and going, of people who have the intent to purchase or use controlled substances on the premises.

(c) The occurrence of prostitution.

(d) Unlawful activities of a criminal street gang (as defined in Penal Code Section 186.22).

**(e) The making or continuing, or causing to be made and continued, of any loud, unnecessary or unusual noise which disturbs the peace and quiet of the neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing on the property or in the area. The standards set forth in Fresno Municipal Code Chapter 8, Article 3 shall be utilized in determining whether a violation of this subsection exists.**

(f) The unlawful discharging of a firearm or brandishing of a weapon by any person.

(g) The frequent response by the Fresno Police Department to the real property or the adjacent area (but not the real property of another) as a result of any person or persons causing any combination of the following calls as indicated in City of Fresno Police Department Incident Code Identifier:

(1) Animal disturbances, including but not limited to competitive fighting between animals.

(2) Violent or non violent criminal acts, charged or not, including, but not limited to rapes, assaults, battery, homicides and/or shootings.

(3) Illegal consumption of intoxicants in public view.

(4) Gaming Activities.

(5) Juvenile disturbances.

“Frequent” as used in this subsection means such response is occurring more than 1.50 times than the average number of such responses for property of a similar size in character in the same “policing district” established by the police chief.

(h) The presence of graffiti or other defacing words, letters or drawings, trash and debris on the property for a 48 hour period.

(i) The presence of abandoned vehicles or improperly stored inoperative, wrecked, or dismantled vehicles on the property except as permitted in Article 6, Chapter 10.

(j) Violations of Article 3, Chapter 11 (Housing Regulations) Article 4, Chapter 11 (Dangerous Building Ordinance), Article 5, Chapter 10 (Fire Prevention Ordinance) or Article 6, Chapter 10 (Public Nuisance Ordinance) of the Fresno Municipal Code, occurring on any one or more properties of the same owner within the City of Fresno. (Fresno Municipal Code § 10-708.)

#### SEC. 10-706 Dual Responsibilities

a. Every person or entity owning, possessing, or having charge or control of real property within the City is required to manage that property and control the environment thereon in a manner so as not to violate the provisions of this article, and the owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding the property.

b. Every occupant, lessee, or holder of any possessor interest in real property is required:

(1) To comply with all laws applicable to the property.



(2) To supervise anyone utilizing, using, or occupying the property, with or without the consent of the owner, consistent with this article.

(3) To maintain the property in a manner so as not to violate the provisions of this article. (Added Ord. 98-73, § 1, eff. 10-24-98).

If any of the aforementioned conditions or nuisances is present, the owners of real property will be required to abate the nuisance. Failure to abate the nuisance could result in the issuance of an administrative citation to the property owner. The penalties for such citations are up to \$1,000.00 for the first violation (plus any administrative expenses incurred), up to \$10,000.00 for a second violation within a rolling twelve (12) month period (plus any administrative expenses incurred), and up to \$50,000.00 for a third violation within a rolling 12 month period (plus any administrative expenses incurred). Failure to pay the fine or penalty will result in a tax lien being placed upon your property.

Any person having any interest in the property may appeal from this Notice and Order in accordance with the provisions of Chapter 1, Article 4 of the Fresno Municipal Code. An appeal may be filed in writing with the City Manager's Office within fifteen (15) calendar days after the service of this Notice and Order. Please be advised that if the Notice and Order is upheld on appeal the City may recover enforcement costs including, but not limited to, costs incurred in investigating and defending the Notice and Order on appeal. The enforcement costs will either be the personal obligation of the property owner and/or responsible person, a special assessment against the subject property, or a lien on the subject property. Enforcement costs incurred by the City are recoverable even if the code violation(s) is corrected by the property owner or responsible party. (FMC, Chpt.1, Art. 5 (§ 1-501 et seq.).

In order to assist owners of real property within the city, a POP officer has been assigned to monitor your property. The officer is a member of a team assigned to the policing district in which your property is located. An officer and a city building code inspector are actively working in this area. The officer's primary purpose is to identify and eliminate nuisances as defined under the City's Management of Real Property Ordinance.

It is suggested that you contact the below listed officer to discuss any concerns you may have. If you have a property management company, please feel free to have property management contact the officer.

Active property management is a vital tool in preventing nuisance problems. As a suggestion, be thorough in screening tenants. Determine the tenant's source of income. Obtain picture identification with a birth date. Obtain an identification of all adults that will be residing in the apartment. Contact any prior managers to learn if the prospective tenant was evicted or had any problems. By being thorough in a basic screening process, many problems can be avoided. You are also encouraged to develop and enforce a comprehensive rental/lease agreement which spells out prohibited conduct by tenants. By performing a thorough screening process you can avoid a potential eviction costing hundreds of dollars. Sometimes, keeping an apartment vacant for a short time period while checking out a prospective tenant, can be extremely cost-effective in the long term.

For additional information or assistance in addressing existing crime or preventing future crime and nuisance problems on your property, contact Problem Oriented Policing Officer Chris Hodge.

**\*\*It is important that you contact Officer Hodge upon receipt of this letter. Failure to do so will require further action to be taken.\*\***

Sincerely,

---

Detective C. Hodge / POP

Northwest Policing District

(559) 621-6529

Email [Christopher.hodge@fresno.gov](mailto:Christopher.hodge@fresno.gov)



## BOARD OF EDUCATION

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## SUPERINTENDENT

Robert G. Nelson, Ed.D.

May 11, 2023

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

SUBJECT: **APPLICATION NO. P23-00244**  
**3045 W. BULLARD AVE.**

Dear Mr. Risner,

In response to the City's request for comments on the pending application referenced above, Fresno Unified School District (FUSD) has the following comments and concerns.

The existing 'Locked In' restaurant located at 3045 West Bullard Avenue is proposing to change the hours of operation from closing at 10:00 p.m. to closing at 2:00 a.m. The operation has a current State of California Alcoholic Beverage Control Type 47 (*Restaurant - sale of beer, wine, and distilled spirits for consumption on or the licensed premises*) alcohol license. It is located within approximately 3,465 feet from Malloch 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 existing alcohol license or the hours of operation expansion request 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.

The District levies a commercial/industrial development fee and the current fee rate is \$0.78 per square foot. Any new development on the property will be subject to the development fee prior to issuance of a building permit and fees will be calculated pursuant to the rate effective at the time of payment. However, if no new square footage is constructed no development fee would be charged.

If you have any questions or require additional information regarding our comments and concerns, please contact our office at (559) 437-3066.

Sincerely,

Alex Belanger, Chief Executive  
Operational Services

AB:hh

c: Michiko English, Principal, Malloch Elementary School

DWC