

# Exhibit M

2600 Fresno Street, Third Floor  
Fresno, CA 93721  
(559) 621-8277

**Jennifer K. Clark, AICP, Director**

~~August 7, 2023~~ **October 4, 2023**

*Please reply to:*

Luke Risner

559-621-8045

[Luke.Risner@fresno.gov](mailto:Luke.Risner@fresno.gov)

Valarie Richardson  
Locked In  
[valarie1024@yahoo.com](mailto:valarie1024@yahoo.com)  
(Sent via email only)

**SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. P23-00244 FOR PROPERTY  
LOCATED AT 3045 WEST BULLARD AVENUE (APN: 415-373-13)**

Dear Valarie:

The Planning and Development Director, on August 7, 2023, approved Conditional Use Permit Application No. P23-00244, which requests authorization to extend the hours of operation for an existing restaurant with alcohol sales (Locked In) with a State of California Alcoholic Beverage Control (ABC) Type 47 alcohol license (Restaurant – sale of beer, wine, and distilled spirits for consumption on the premises where sold, minors allowed). The proposed hours of operation are Monday – Sunday 8:00 a.m. to 2:00 a.m. with the service of alcohol proposed to stop at closing.

The proposed project was determined to be exempt from the State of California Environmental Quality Act (CEQA) by the Planning and Development Department on July 1, 2023, through Section 15301/Class 1 Categorical Exemption. The approval of this application authorizes the establishment to operate from 8:00 a.m. to 12:00 a.m. subject to compliance with the following Conditions of Approval:

- 1) Development shall take place in accordance with the Conditions of Approval prepared for P23-00244 dated August 7, 2023.
- 2) Miscellaneous Requirements
  - a) Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:
    - i. All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;

- ii. All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
  - iii. Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
- b) Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications.
- c) The Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions (**include this note on site plan**).

### **APPEALS**

**A notice of intent to take action was mailed to nearby property owners on July 20, 2023, which commenced a 10-day comment period. Three responses from the public were received. The project was approved August 7, 2023. This commences a 15-day appeal period. Should an appeal be received, it shall be scheduled to be heard before the Planning Commission.**

Please be advised that this project may be subject to a variety of discretionary conditions of approval. These conditions based on adopted City plans, ordinances and policies; those determined to be required through the interdepartmental/interagency review process; and those determined through the environmental assessment process as necessary to mitigate adverse effects on the health, safety and welfare of the community. The conditions of approval may also include requirements for development and use that would, on the whole, enhance the project and its relationship to the neighborhood and environment.

All conditions of approval based on adopted plans, codes, and regulations are mandatory. Conditions based on the FMC may only be modified by variance, provided the findings required by FMC Section 15-5506 can be made. Discretionary conditions of approval may be appealed but will ultimately be deemed mandatory unless appealed in writing to the Director within 15 days or by **August 16, 2023**. In the event you wish to appeal the Director's decision, you may do so by filing a written appeal with the Director. The appeal shall include the appellant's interest in or relationship to the subject property, the decision or action appealed and specific reasons why the applicant believes the decision or action appealed should not be upheld.

If you wish to appeal the decision, a written request must be received at the Planning and Development Department by **August 22, 2023**. The written request should be addressed to the Planning and Development Director and the project planner identified below and include the application number referenced above. Please submit the request in writing (mail or email to [PublicCommentsPlanning@fresno.gov](mailto:PublicCommentsPlanning@fresno.gov) and CC the planner listed below) to the Planner by the date noted above. An \$963.77 fee applies to an appeal by an applicant (no fee applies if member of the public appeals). **The fee is required prior to accepting the appeal, as required by Section 15-5017-A.1 of the FMC and established by the Master Fee Schedule.**

### **COMPLIANCE REVIEW PROCESS**

To complete the compliance review process for building permits relative to planning and zoning issues, please upload **electronic PDF** copies of the corrected, final site plan, elevations, landscape, and irrigation plans, operational statement, any fees and title reports for required covenants, and any required studies or analyses into the compliance record for final review and approval into the compliance record **at least 15 days before applying for building permits.**

The compliance record number for this application is **P22-01784**. These documents can be uploaded electronically to the citizen access portal at [www.fresno.gov/faaster](http://www.fresno.gov/faaster) . Contact Planner once any corrected exhibits are uploaded.

It may be necessary to resubmit these “corrected exhibits” a second time if not all the conditions have been complied with or are not shown on the exhibits. To complete the back-check process, the applicant must demonstrate compliance with all required conditions of approval prior to commencement of land use activity. Submit any required items to **Luke Risner** in Planning and Development Department for Final review and Approval, prior to commencement of land use activity.

Copies of the final approved exhibits stamped by the Planning and Development must be submitted for unstamped copies of the same in each of the sets of construction plans submitted for plan check prior to the issuance of building permits.

### **EXPIRATION DATES**

The exercise of rights granted by this special permit must be commenced by **August 7, 2026** (three years from the date of approval), pursuant to FMC Section 15-5013. An extension of up to one additional year may be granted, provided that the findings required under FMC Section 15-5013-A.1 are made by the Director. All required improvements must be installed prior to the operation of the proposed use.

Pursuant to Section 15-5308 of the FMC an expiration date of seven years from the date of approval has been established for Conditional Use Permits. Therefore, the approval for P23-00244 shall expire on **August 7, 2030**, and a new conditional use permit must be obtained prior to that expiration date for the use only (not the physical structure(s)).

Sincerely,

*Luke Risner*

Luke Risner, Planner II  
Planning and Development

Enclosures: **Revised** Conditions of Approval **as amended by the Planning Commission dated October 4, 2023** ~~dated August 7, 2023~~  
Exhibits A, E, F, and O dated May 11, 2023  
Comments and Conditions from partnered Agencies and Departments

**City of Fresno  
Planning and Development Department**

**Revised Conditions of Approval  
~~August 7, 2023~~ **October 4, 2023****

**Conditional Use Permit Application No. P23-00244**

Planner: Luke Risner

**PROJECT DESCRIPTION**

**Conditional Use Permit Application No. P23-00244** was filed by Valarie Richardson of Locked In and pertains to the existing tenant space located at 3045 West Bullard Avenue within the existing Marks & Bullard Shopping Center. The existing shopping center is approximately 8.7 acres and is located on the southwest corner of West Bullard and North Marks Avenues. The applicant requests authorization to extend the hours of operation for an existing restaurant with alcohol sales (Locked In) with a State of California Alcoholic Beverage Control Type 47 license (Restaurant – sale of beer, wine, and distilled spirits for consumption on the premises where sold, minors allowed). The proposed hours of operation are Monday – Sunday 8:00 a.m. to 2:00 a.m. with the service of alcohol proposed to stop at closing. The approved hours of operation are Monday – Sunday 8:00 a.m. to 12:00 a.m.

**APN: 415-373-13  
ADDRESS: 3045 West Bullard Avenue  
ZONING: CC (Commercial Community)**

**PART A - ITEMS TO BE COMPLETED**

**The following items are required prior to final approval and/or commencement of land activity:**

Planner to check when completed	
<input type="checkbox"/>	Development shall take place in accordance with Exhibits A, E, F, and O dated May 11, 2023. Transfer all comments (if any) and conditions on Exhibits to the corrected exhibit(s).
<input type="checkbox"/>	Revise the operational statement (Exhibit O dated May 11, 2023) to reflect the hours of operation for Monday – Sunday from 8:00 a.m. to 12:00 a.m.
<input type="checkbox"/>	Provide a Police Department Approved Security Plan prior to commencement of land use activity. See Fresno Police Department conditions dated July 3, 2023.
<input type="checkbox"/>	Alcohol sales shall stop at 12:00 a.m.
<input type="checkbox"/>	The project shall obtain the appropriate license from the State of California Department of Alcohol Beverage Control (ABC) and adhere to all specific conditions issued by ABC including but not limited to sales, service, and consumption shall be permitted in or on the patio area only between the hours of 10:00 a.m. to 10:00 p.m. each day of the week.

**PART B - OTHER AGENCY COMMENTS AND CONDITIONS**

To be checked when completed where applicable	
<input type="checkbox"/>	<p><b>1. Fresno County Environmental Health:</b></p> <p>Recommended Conditions of Approval:</p> <ul style="list-style-type: none"><li>• Should the facility undergo remodel, then prior to issuance of building permits, the applicant shall submit complete food facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Contact the Consumer Food Protection Program at (559) 600-3357 for more information.</li><li>• The proposed venue has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the City of Fresno Municipal Code.</li></ul>
<input type="checkbox"/>	<p><b>2. Police Review:</b></p> <p>Comply with all conditions stated within the Fresno Police Department memo dated July 3, 2023, including, but not limited to, add two additional cameras, have a BSIS uniformed licensed security guard per 100 people after 8 pm, <del>have no live music on the premises</del> <b>allowance of live music on Fridays and Saturdays until 10 P.M.</b>, and have the kitchen remain open for a full menu during all business hours with 51% of all sales coming from the food.</p>
<input type="checkbox"/>	<p><b>3. Fresno Unified School District:</b></p> <p>Please see Fresno Unified School District memo dated May 11, 2023 (attached).</p>
<input type="checkbox"/>	<p><b>4. Fire Department:</b></p> <p>Approved as submitted. No appointment or initial required. Approval of this plan does not authorize or approve any omission or deviation from applicable adopted codes and adopted standards. Final approval is subject to field inspection.</p> <p>This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of DARM when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.</p>

**PART C – PLANNING DEVELOPMENT CODE STANDARDS**

**Alcohol Use Requirements**

1. Sale and consumption of alcoholic beverages shall be subordinate to on-site food service.
2. This special permit approval is subject to compliance with all applicable provisions of [Section 15-2751](#) of the FMC for restaurants with alcohol sales.
3. A valid Business License Tax Certificate for the restaurant shall be maintained at all times.
4. The business hours include closing at 12:00 a.m.; therefore, alcohol sales shall stop at 12:00 a.m.

**PART D – OPERATIONAL REQUIREMENTS**

**Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges**

1. **Last Call for Alcohol.** Each establishment may establish the time of "last call" for ordering alcoholic beverages, so long as the hours to stop consumption are respected.
2. **Noise.** Noise decibel levels shall be monitored by the establishment to ensure compliance with all applicable Noise Standards. Pursuant to Table 15-2506-D of the FMC, the maximum sound level (Lmax) dBA shall not exceed 70 during the hours of 7:00 a.m. to 10:00 p.m. and 60 during the hours of 10:00 p.m. to 7:00 a.m. Pursuant to Section 15-2744-B-1 of the FMC, music may not be amplified within the outdoor dining area. All music, live or recorded, shall comply with all applicable noise standards. Pursuant to Section 15-2751-L of the FMC, noise decibel levels shall be monitored by the establishment to ensure compliance with all applicable Noise Standards. Doors and windows shall remain closed, after 10:00 p.m. to minimize noise, except as needed to allow for the normal entry and exit of patrons to and from the establishment. Emergency access shall be maintained per City standards.
3. **Posting Hours of Operation and Address.** The owner and/or proprietor and/or applicant shall be responsible to conspicuously post the hours of operation for each phase type (i.e., restaurant, nightclub) near the entrance of the establishment. It shall be 8.5 x 11 inches in size, to be in a format provided by the City. This posting shall be made available to City officials upon request.
4. **Security.** The Police Department shall make a recommendation to the Director for security measures for each application based upon the function of the establishment as described in the operational statement. Additional and/or security measures such as reduced hours of operation, security guards, door monitors, and burglar alarm systems may be required if harm, nuisance, or related problems are demonstrated to occur as a result of business practices or operations. This will be determined on a case-by-case basis upon review by the Police Department.
5. **Loitering.**
  - a. The owner and/or proprietor and/or operator of the establishment is responsible to provide supervision (i.e. security) to prevent loitering in the immediate vicinity of the establishment.
  - b. During operating hours, the owner and/or proprietor shall prohibit loitering in the parking area.
  - c. After closing hours, the immediate vicinity of the establishment including its designated parking area, shall be cleared within 15 minutes, except for employees of the establishment.
  - d. In the event that there is more than one establishment sharing a parking area, adjustments to the conditions of approval for each establishment shall be made so that there is a shared responsibility.
6. **Third Party Promoters.** Whenever an event is promoted by a Third Party the licensee/owner and/or proprietor and/or operator of the premises shall require that said Third Party obtain a business tax certificate from the City prior to holding such event.
7. **Dancing.** Pursuant to FMC Section 15-2751.F.1, dancing shall be incidental to the primary restaurant with alcohol use.

#### PART E - PLANNING - OTHER REQUIREMENTS

1. Development shall take place in accordance with the policies of the Fresno General plan, Bullard Community Plan and with the Commercial – Community planned land use designation.

2. Development shall take place in accordance with the CC (*Commercial – Community*) zone district and all other applicable sections of the Fresno Municipal Code (FMC) specifically but not limited to:
  - a. FMC Section 15-2751 (Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges); and
  - b. FMC Sections 15-2744-A & B (Outdoor Dining and Patio Areas)
    - i. Section A (General Requirements);
      1. **Hours of Operation:** Not earlier than 7:00 a.m. or later than 10:00 p.m.;
      2. **Misters/Heaters.** Misters, heaters, and other such devices for moderating temperatures of the outdoor dining area shall be permitted at the discretion of the Review Authority based on considerations such as aesthetics, safety, and resource efficiency;
      3. **Lighting.** Lighting shall not disrupt or unnecessarily impact adjoining properties or roadways. See Section 15-2015, Outdoor Lighting and Illumination.
    - ii. Section B (Outdoor Dining Areas on Private Property)
      1. **Music:** music may not be amplified. All music, live or recorded, shall comply with all applicable noise standards.
3. Comply with the operational statement (Exhibit O dated May 11, 2023) submitted for the proposed project, except as restricted per the conditions of approval.
4. Development shall comply with all prior special permits on the property, including, but not limited to, Conditional Use Permit Application No. P21-06413, unless modified herein.
5. Property development standards and operational conditions are contained in Articles 14, 20, 23, 24 and 25. Any project revisions, development and operation must comply with these property development standards and operational conditions.

## PART F - MISCELLANEOUS AND GENERAL NOTES AND REQUIREMENTS

### **Not all notes and requirements listed below are applicable to all projects.**

1. Approval of this special permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this special permit, the Zoning Ordinance, and all Public Works Standards and Specifications. *This special permit is granted, and the conditions imposed, based upon the Operation Statement provided by the applicant. The Operation Statement is material to the issuance of this special permit. Unless the conditions of approval specifically require operation inconsistent with the Operation Statement, a new or revised special permit is required if the operation of this establishment changes or becomes inconsistent with the Operation Statement.* Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the special permit or any other enforcement remedy available under the law. The Planning and Development Department shall not assume responsibility for any deletions or omissions resulting from the special permit review process or for additions or alterations to construction plans not specifically submitted and reviewed and approved pursuant to this special permit or subsequent amendments or revisions.
2. Approval of this special permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development including, but not limited to, the following:



- a) All existing and proposed improvements including but not limited to buildings and structures, signs and their uses, trees, walls, driveways, outdoor storage, and open land use areas on the subject property and all of the preceding which are located on adjoining property and may encroach on the subject property;
  - b) All public and private easements, rights-of-way and any actual or potential prescriptive easements or uses of the subject property; and,
  - c) Existing and proposed grade differentials between the subject property and adjoining property zoned or planned for residential use.
3. No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished, or moved in any zoning district, except in accordance with the provisions of this Code. Specific uses of land, buildings, and structures listed as prohibited in any zoning district are hereby declared to be detrimental to the public health, safety, and welfare.
4. Development shall take place in accordance with the Standards, Specifications, and Standard Drawings of the City of Fresno Public Works Department; [Click Here](#)
5. Development shall take place in accordance with all city, county, state and federal laws and regulations.
6. Owners and persons having ownership interest in businesses operating in the City of Fresno (including leasing out any commercial or industrial property, or renting out four or more dwelling units) are required by the Fresno Municipal Code to obtain a Business Tax Certificate. Contact the City of Fresno Finance Department's Business Tax Division at (559) 621-6880 for more information. Information and an application form is available at the following website: [Click Here](#)
7. All proposed building(s) or structure(s) constructed on the property must comply with the prevailing California Building Code Standards.
8. Any building modifications and/or additions not included with this application are not approved with this special permit and would be subject to a new special permit.
9. A permit granted under this Code shall automatically expire if it is not exercised or extended within three years of its issuance. Refer to section 15-5013, Expiration of Planning Entitlements, for more information about the exercise of rights.

### **FENCES/WALLS, LANDSCAPING, PARKING**

10. Nothing in this Development Code shall be deemed to prohibit the erection of temporary fencing around construction sites in compliance with the Building Code and other applicable provisions of the Fresno Municipal Code.
11. Future fences shall be reviewed and approved by the Planning and Development Department prior to installation.
12. Fences, hedges, and walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height. Fences shall be maintained and shall stand upright and shall not lean.
13. All planting and other landscape elements shall be permanently maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Yards shall be maintained free of refuse, debris, rubbish, or other accumulated matter and/or materials, and shall be maintained clean. Grass shall not exceed six inches in height.

14. Trees shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects, and disease. Any tree showing such damage shall be replaced with another tree.

15. No tree for which a Tree Removal Permit is required shall be removed until all conditions of the permit have been satisfied and the decision has become final. In addition, tree(s) approved for removal in conjunction with a development application shall not be removed before the issuance of a Building Permit or unless all of the conditions of approval of the development applications are satisfied.

16. The review authority shall issue a Tree Removal Permit if any of the following general criteria is met:

a) The tree(s) is irreparably diseased or presents a danger of falling that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices so that the public health or safety requires its removal.

b) The tree(s) can potentially cause substantial damage to existing or proposed main structure(s) (e.g. dwellings, other main structures, or public infrastructure) or interfere with utility services and cannot be controlled or remedied through reasonable relocation or modification of the structure or utility services.

c) The retention of the tree(s) restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties, and the applicant has demonstrated to the satisfaction of the Review Authority that there are no reasonable alternatives to preserve the tree(s).

17. Future tenant improvements shall be reviewed and approved by the Planning and Development Department to ensure that adequate off-street parking is provided.

18. The number of trees required for parking lot shading are in addition to trees required elsewhere on the site as prescribed in other sections of this Code

19. Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

20. A minimum number of accessible parking stalls are required for the proposed project per State of California Building Code, "Development Requirements for Handicapped Accessibility."

21. All accessible stalls shall be marked with the international symbol of spaces and a warning that vehicles in violation of Section 10-1017 of the Municipal Code shall be towed away. The international symbol and tow-away warning shall be posted conspicuously on seven-foot poles. **(Include this note on the site plan.)**

22. Applicants are encouraged to provide shared vehicle and pedestrian access between adjacent properties for convenience, safety, and efficient circulation. A joint access covenant shall be required. **(Include this note on the site plan.)**

23. All general standards of Section 15-2015 of the FMC shall apply when lighting is provided to illuminate parking, sales or display areas. **Depict all proposed lights on the site plan.**

24. Bicycle parking spaces shall be supplied according to Table 15-2429-D: Required On-Site Bicycle Parking Spaces of the Fresno Municipal Code (FMC). Each bicycle parking space shall be a minimum of 30 inches in width and eight feet in length and shall be accessible without moving another bicycle. At least 30 inches of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces to allow for the maneuvering of bikes. Overhead clearance shall be a minimum of seven feet. A minimum five foot aisle between each row of bicycle parking shall be provided for bicycle maneuvering beside or between each row, when multiple rows are proposed. Bicycle parking spaces shall not encroach into pedestrian ways, landscaped areas, or other required open spaces, and shall be located proximal to structures.

25. All general provisions of Section 15-2403 of the FMC shall apply to all parking areas.

### **SIGNAGE**

26. All future signs shall be architecturally compatible with the proposed building(s). Provide a set of drawings, with descriptive information, including, materials, design and colors to allow for a preliminary assessment of the future signage. It is recommended that you provide a copy of the signage early in the project process to allow for staff comment.

27. Signs, other than directional signs, if applicable, are not approved for installation as part of this special permit. **(Include this note on the site plan.)**

28. All proposed signs shall conform to the current sign ordinance. Applications for a sign permit and requirements for submittal are available at the Planning and Development Department's Public Front Counter or online at: [Click Here](#)

29. Window signs limited to the hours of operation, address, occupancy, and emergency information, subject to the following standards:

a) Operational windows signs shall not be mounted or placed on windows higher than the second story.

b) The maximum area of exempt window signage shall not exceed three square feet in area.

30. Banners, streamers, moving signs, and inflatables (including air dancers, balloons, and similar objects) are allowed subject to Temporary Use Permit approval for establishments within Non-Residential Districts. Signs of this type do not count toward total maximum sign area. No sign per this section shall be displayed for more than 30 days, and a period of 30 must lapse before displaying another sign. Signs shall not be displayed for more than 60 total days during a calendar year.

31. Every sign displayed within the city, including exempt signs, shall be maintained in good physical condition and shall comply with adopted regulations. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, and painted where paint is required.

### **MISCELLANEOUS**

32. Noise levels shall not exceed the decibel levels described in Section 15-2506 of the FMC at any time, measured at the nearest subject property line.

33. No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

34. Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street. Except for public streetlights and stadium lights, no light, combination of lights, or activity shall cast light onto a residentially zoned property, or any property containing residential uses, exceeding one-half foot-candle.

35. No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located. Windows shall not cause glare that may disrupt adjoining properties, traffic on adjacent streets, etc. Glare or heat reflected from building materials shall be mitigated so as to not disrupt surrounding properties.

36. The address listed in the conditions of approval is the 'Official Address' given to the building. If you would like separate suite or unit numbers for a building, provide a floor plan and contact the City of Fresno Planning and Development Department for 'Official Addresses'. **Only those addresses assigned by the City of Fresno will be recognized as 'Official Addresses'**. The United States

Post Office will only recognize addresses assigned by the City of Fresno. If a non-official address is given to a building and or/separate suites, the City of Fresno has the authority to charge a fee and have those addresses corrected. In addition, the United States Post Office will cease mail delivery to those addresses that are not 'Official Addresses'.

37. All projects, including projects that involve less than one acre of property, are required to comply with the City of Fresno's Urban Storm Water Quality Management and Discharge Control Ordinance, FMC Chapter 6, Article 7 (FMC Sections 6-701 *et seq.*)

When a project involves one acre or more of construction activity (including, but not limited to, grading) the developer is required to obtain a storm water discharge permit for construction, with a Notice of Intent (NOI) filed **prior to** commencement of any grading construction activity. Contact the Fresno office of the California Regional Water Quality Control Board at 559-445-6281 regarding the required NOI and storm water discharge permit. Additional information on California's construction storm water regulation may be obtained from the Water Board via the internet:

[www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml)

Helpful information for preparing and implementing stormwater pollution prevention plans may also be obtained from the California Stormwater Quality Association via its website, [www.casqa.org](http://www.casqa.org)

When a project involves specified nonresidential activities (certain commercial and industrial activities), an ongoing industrial stormwater discharge permit is also required. Contact the Fresno office of the California Regional Water Quality Control Board at 559-445-6281 to find out whether your project/business requires an industrial stormwater discharge permit, and to obtain details on securing this permit. Additional information on industrial stormwater regulations may be obtained from the following website:

[www.waterboards.ca.gov/water\\_issues/programs/stormwater/industrial.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/industrial.shtml),

The California Stormwater Quality Association has additional information on preparing stormwater pollution prevention plans for industrial activities ([www.casqa.org](http://www.casqa.org)).

38. Screen all roof-mounted equipment from the view of public rights-of-way. **Depict all mechanical equipment on site plan and elevations.**

39. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately. **(Include this note on the site plan.)**

40. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted. If the remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (Phone: (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (Phone: (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists. An archeological assessment shall be conducted for the project, the site shall be formally recorded, and recommendations made to the City as to any further site investigation or site avoidance/preservation. **(Include this note on the site plan.)**

41. If animal fossils are uncovered, the Museum of Paleontology, U.C. Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist and, if the paleontologist determines the material to be significant, it shall be preserved. **(Include this note on the site plan.)**

42. Connection to a municipal water system is required unless approved measures are included in the project conditions of approval for an alternative water supply.

43. Connection to a municipal City of Fresno sewer system is required unless approved measures are included in the project conditions for alternative wastewater treatment facilities
44. City of Fresno water and sewer connection charge obligations applicable to this project will be computed during the building construction plan check process and shall be payable at time of issuance of building permit unless other arrangements have been approved to defer such payments to a later date. For information relating to water and sewer service requirements and connection charges, contact Frank Saburit at (559) 621-8277.
45. Open street cuts are not permitted; all utility connections must be bored.
46. **CROSS-CONNECTION CONTROL.** A backflow prevention device may be required on the water service. Contact the Department of Public Utilities, Water Division (559) 621-5300 for requirements relating to approved devices, locations, testing and acceptance. This requirement must be satisfied prior to final occupancy.
47. This project was reviewed by the Fire Department only for requirements related to water supply, fire hydrants, and fire apparatus access to the building(s) on site. Review for compliance with fire and life safety requirements for the building interior and its intended use are reviewed by both the Fire Department and the Building and Safety Section of the Planning and Development when a submittal for building plan review is made as required by the California Building Code by the architect or engineer of record for the building.
48. Open storage (outside an enclosed building) shall be limited to vehicles, boats, recreational vehicles, and trailers. Outdoor storage areas shall be screened from public view by building façades or solid fences. At the discretion of the Review Authority, the treatment of the ground surface of the open storage area may be gravel or other materials as prescribed by the San Joaquin Valley Air Pollution Control District, the Public Works Department, the Fire Department, and the Fresno Metropolitan Flood Control District. All open storage must be depicted on the site plan and described in operational statement. If it is not, it is not allowed on the site.
49. If video surveillance cameras are required or installed, provide signs under the surveillance cameras which notify the public that the subject property is monitored by video surveillance.

### **FEES**

(Not all fees will be applicable to all projects)

**50. NOTICE TO PROJECT APPLICANT:** In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

#### **51. CITYWIDE DEVELOPMENT IMPACT FEES**

- a) Traffic Signal Charge (FMC Section 12-4.1101 to 12-4.1103) This project shall pay its Traffic Signal Mitigation Impact Fee at the time of building permit based on the trip generation rate(s) as set forth in the latest edition of the ITE Generation Manual. Refer to the adopted Master Fee Schedule for fee rate. This fee shall be paid at time of building permit.
- b) Fire Facilities Fee (FMC Section 12-4.901 to 12-4.906) (based on building square footage, or residential units)
- c) Police Facilities Fee (FMC Section 12-4.801 to 12-4.806) (based on building square footage, or residential units)
- d) Parks Facilities Fee (FMC Section 12-4.701 to 12-4.706) (based on the number of residential units)

## 52. CITYWIDE REGIONAL AND NEW GROWTH MAJOR STREET IMPACT FEES (FMC Section 12-4.1006)

- a) Street Impact Fees shall be due and payable at the time of building permit issuance unless otherwise required by State law.
- b) Street Impact Fees will be a condition on all development entitlements granted.
- c) New construction on vacant parcels shall be calculated on a net acreage (adjusted acre basis) of the entire property subject to the development entitlement based upon planned land use. Notwithstanding, fees shall be based upon actual land use for developments in the C-M zone district and for development projects developed inconsistent with the plan land use.
- d) New construction on property that is partially developed, Street Impact Fees will be applied to the incremental increase proportionate to the respective floor to area ratios (25% for commercial and 40% for industrial). In no case shall anyone pay more than the amount of the total net acreage of the parcel multiplied by the applicable fee rate.
- e) Reuse being more intensive than the original use, the developer shall be required to pay the difference between the current amount of the Street Impact Fee obligation for the old use and the current amount of the Street impact Fee obligation for the new use.

## 53. FRESNO COUNTY FACILITY IMPACT FEE

Fresno County adopted a Facilities Impact Fee, but the requirement to pay this fee was subsequently suspended by Fresno County. If the fee has been reinstated at the time of issuance of building permits for this project, or an alternative fee system has been adopted by Fresno County, proof of payment or payment of this fee will be required for issuance of building permits.

## 54. REGIONAL TRANSPORTATION MITIGATION FEE (RTMF)

Pay the RTMF fee to the Joint Powers Agency located at 2035 Tulare Street, Suite 201, Fresno, CA 93721; (559) 233-4148, ext. 200; [www.fresnocog.org](http://www.fresnocog.org). Provide proof of payment or exemption prior to issuance of certificate of occupancy.

## 55. SCHOOL FEES

School fees must be paid, if required, prior to the issuance of building permits. Contact Fresno Unified School District. Provide proof of payment (or no fee required) prior to the issuance of building permits.

## 56. FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD) FEES

57. SEWER CONNECTION CHARGES (FMC Section 6-304(a)). The following sewer connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New sewer connection charges adopted by the Council prior to the issuance of building permits may also be applied.

- a) Lateral Sewer Charge (based on property frontage to a depth of 100')
- b) Oversize Sewer Charge (based on property frontage to a depth of 100')

*Effective January 9, 1999, Ordinance No. 98-97 also amended certain sewer connection charges. Fresno Municipal Code Article 15, Section 12 provides property owners the incentives and deletes certain sewer connection charges pursuant to the Simple Tiered Equity Program (STEP) and the Employment Development Program (EDP). For additional information on the STEP and EDP, contact the Department of Public Utilities, Administration Division at (559) 621-8600.*

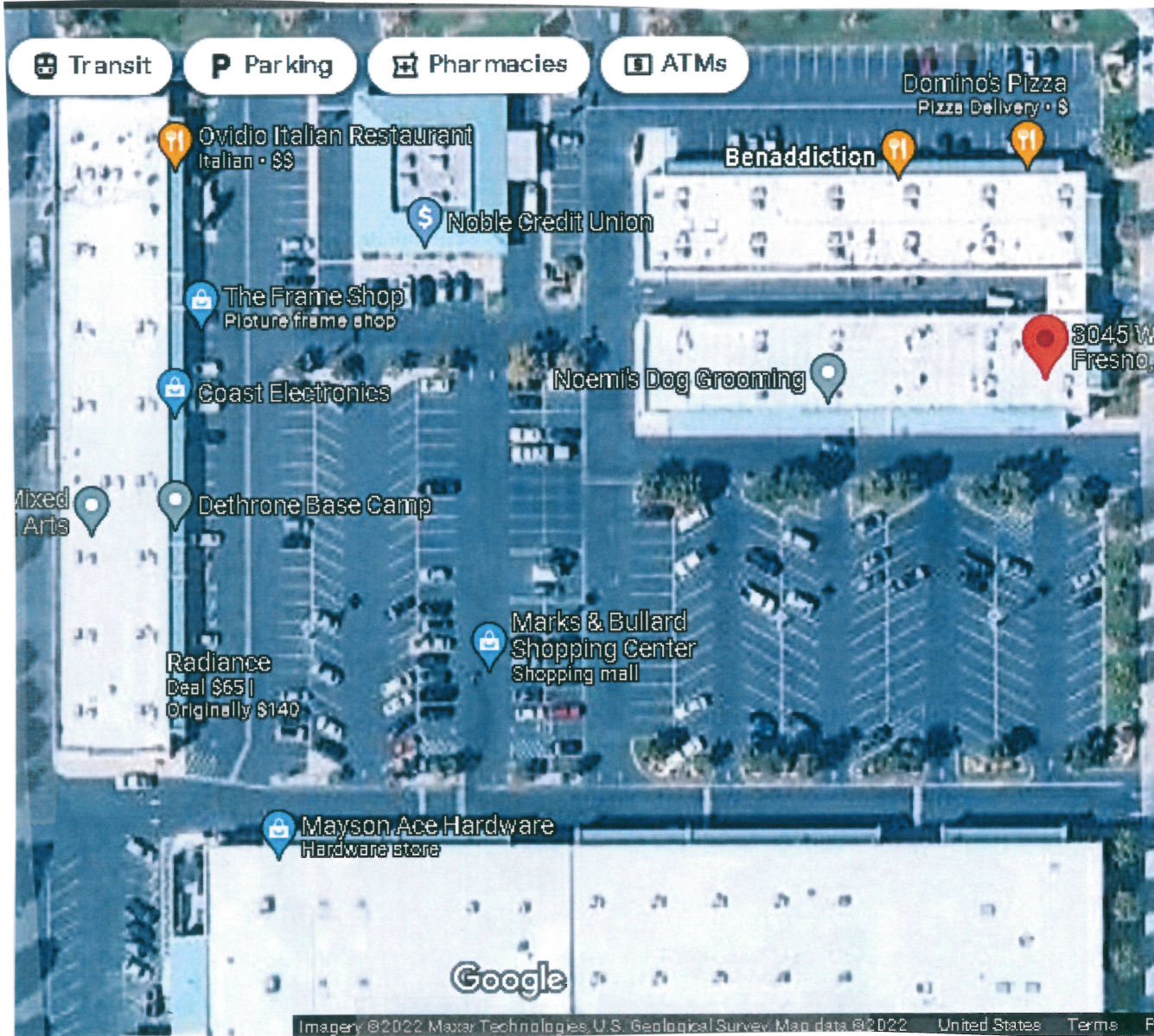
58. WATER CONNECTION CHARGES: (FMC Sections 6-507 to 6-513). The following water connection charges may be required and will be payable at the fee rate listed in the Master Fee Schedule at the time payment is due. New water connection charges adopted by the Council **prior to** issuance of building permits may also be applied.

- a) Frontage Charge (based on property frontage)
- b) Transmission Grid Main Charge (based on acreage)

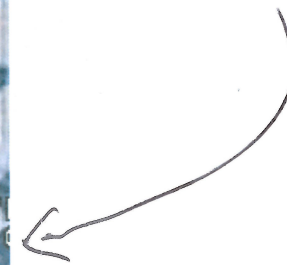
- c) Transmission Grid Main Bond Debt Services Charge (based on acreage)
- d) UGM Water Supply Fee (based on living units, living unit equivalents or acreage)
- e) Wellhead Treatment Fee (based on living units or living unit equivalents)
- f) Recharge Fee (based on living units or living unit equivalents)
- g) 1994 Bond Debt Service Charge (based on living units or living unit equivalents)
- h) Service Charges (based on service size required by applicant)
- i) Meter Charges (based on service need)

59. Deferment of the payment of Citywide development impact fees for Fire, Police, Parks, Streets, and Traffic Signals is available for projects located within the Downtown Priority Areas in accordance with the provisions of City of Fresno Resolutions Nos. 2009-265 and 2010-19.

# Project Site Plan



3045 W. Bullard



*[Handwritten signature]*






APPL. NO. P23-00244 EXHIBIT E DATE 05/11/2023

PLANNING REVIEW BY \_\_\_\_\_ DATE \_\_\_\_\_

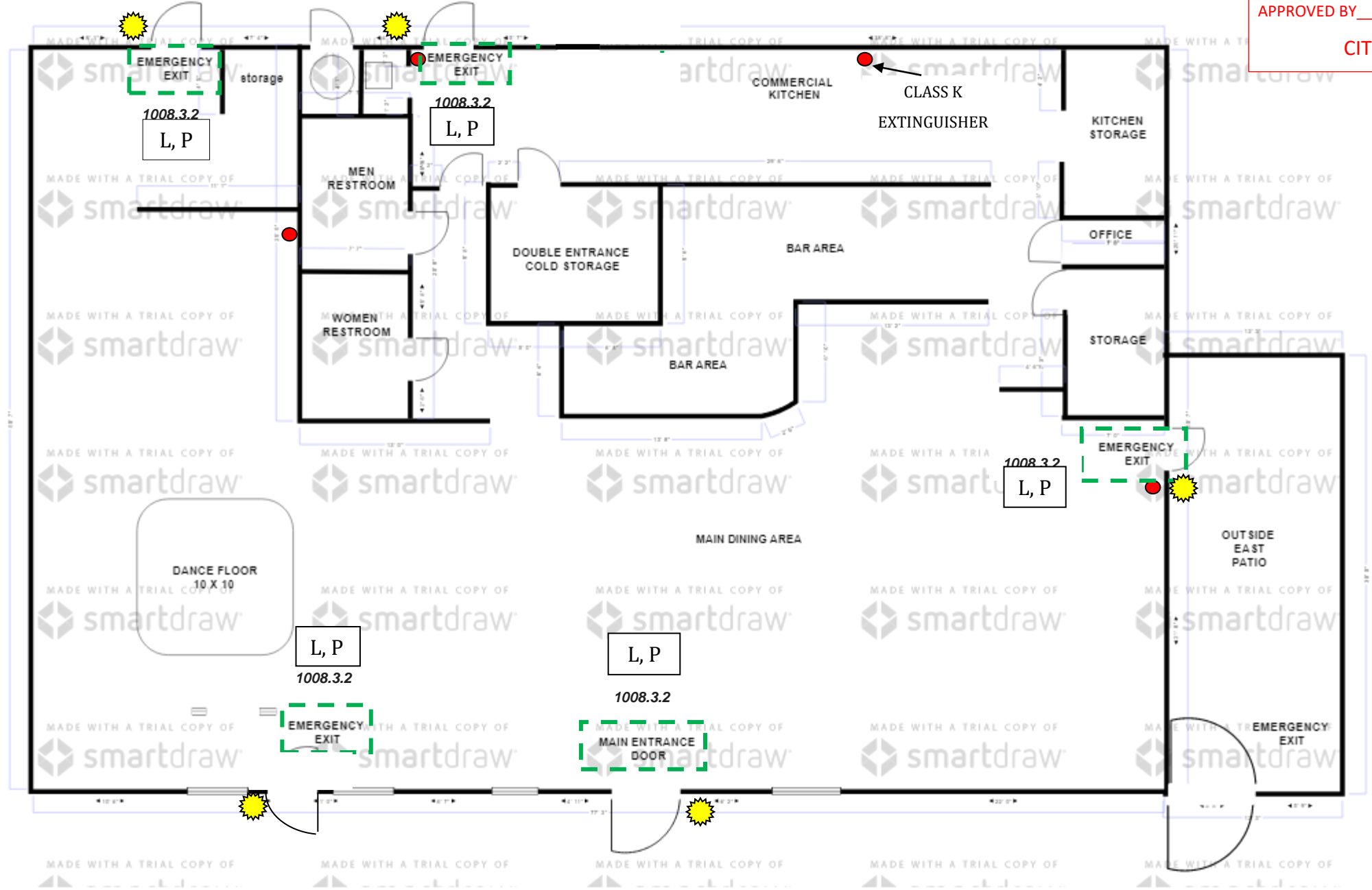
TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_

CITY OF FRESNO DARM DEPT

Emergency exterior lighting will be noted in yellow 

APPL. NO. P23-00244 EXHIBIT F DATE 05/11/2023  
PLANNING REVIEW BY \_\_\_\_\_ DATE \_\_\_\_\_  
TRAFFIC ENG. \_\_\_\_\_ DATE \_\_\_\_\_  
APPROVED BY \_\_\_\_\_ DATE \_\_\_\_\_  
CITY OF FRESNO DARM DEPT



APPL. NO. P23-00244	EXHIBIT O	DATE 05/11/2023
PLANNING REVIEW BY		DATE
TRAFFIC ENG.		DATE
APPROVED BY		DATE
CITY OF FRESNO DARM DEPT		

# OPERATIONAL STATEMENT AND SECURITY PLAN

**LAND OWNER:** Gerald Cross  
MARKS BULLARD INVESTORS L P  
7330 North Palm  
285 W SHAW AVE STE 107, FRESNO, CA 93704-2654  
Fresno, CA 93711

**CENTER** Space Pad  
3045 W. Bullard  
Fresno, CA 93711

**APN of SUBJECT  
PARCEL, BUILDING  
AND PREMISES:** 415-373-13  
Existing building are individually numbered  
Premises: 3,500 +/- square feet

**TENANT APPLICATION &  
TRADE NAME of  
RESTAURANT:** LOCKEDIN  
3045 W. Bullard  
Fresno, CA 93711

Trade name has been selected as LOCKEDIN

**Owner** Valerie Richardson (559) 514-3880

## **TENANT APPLICANT**

Tenant Applicant's ownership is an individual that has experience operating other locations throughout the Fresno county area. Such Locations are Chukchansi Restaurants, Yosemite Falls Restaurant and other smaller locations all aspects of the restaurant from the internal chefs and servers will all be reporting to the owner who will be daily managing the operations with the support of computer programs as "SPOT ON."

## **RESTAURANT CONCEPT**

LOCKEDIN is a company that provides a full service restaurant specializing in Seafood creations. LOCKEDIN will offer banquet has rentals for festivals, parties and private function gatherings. I will serve also traditional Mexican dished but also include those dished with the functionality of a banquet room for private parties and festivals.

LOCKEDIN is a company that provides a full service restaurant specializing in Seafood creations. LOCKEDIN will offer banquet has rentals for festivals, parties and private function gatherings. With that being said, the company will acquire market share of the Spanish market. In forecasting the market, LOCKEDIN will project sales of \$2,352,870 after two years of operation. After 5 years of operation, I expect to achieve a 30% increase in total sales. My mission or goals is to reach people that obsess over good food and feeding that need. They can have a good time. Good food and good drinks in a private banquet setting or in a public restaurant setting is very much needed in the Central Valley. By reaching my goal on providing a location that can accomplish this, I will have fulfilled my lifelong goal of improving the lives of people in the community

## **HOURS of OPERATION**

Tenant Application intends to operate during the following hours Sunday to Saturday

~~8:00 am to 2:00 am.~~

It is anticipated a large percentage of sales will result from alcohol and a large percent will result in seafood sales

**Change to 8:00  
am to 12:00 am.**

## **TYPE of LICENSES BEING**

Tenant Applicant possesses a TYPE 47 Liquor License that is being attached to this property, rental location.

## **Security**

Security plan attached

Every Friday and Saturday from 5pm to 10pm security will be added to the premises. Security Supervisor name and phone number is as follows:

Aliyah Vargas (559) 493-1861

Existing surveillance video will be in place with a total of 12 cameras that are recording 24 hours a day 7 days a week with a backup system both onsite and offsite in the form of digital video recording. All camera are maintained and operated during business hours.

Other items are currently in place such as:

- First aid
- Fire Protection
- Alarm
- Emergencies

Incident reports will be recorded for any incidents that may occur on and around the premises.

### **Dress Rules and Regulations:**

- No gang attire
- No bandanas or durags of any kind
- No solid blue T's or red T-shirts
- No wife beaters
- No political t-shirts
- No profanity or inappropriate symbols
- No biker vests or cuts
- No visible gang related tattoos
- No negative attitude or bad mouthing

Due to the past establishment that was in prior existing, we have to formulate a more sticker dress and security plan. We wish not to attract the same type of clientele as the last business that occupy the establishment

Nights that we will be hosting karaoke or DJ, security will be in place from 5pm to 10pm. Dress code will be used and security will be in place for an as needed basis. All security agents will have a valid guard card and if more security is needed they will be on an on-call basis

### **External Cleaning Procedure and Care**

The leased premise of 3045 W. Bullard Fresno, CA 93711, with its assigned parking will be care for as part of the nightly closing procedure of the business. The Manager Valarie Richardson will oversee the cleanliness of the exterior, which will consist of the building itself, lighting and the parking lot. The following procedures for cleaning will be implemented:

- Pick up all trash discarded
- Wash down the front of the building
- Clean windows
- Wash away any fluids that may have been left behind by patrons
- Disinfect affected areas and sanitize affected areas

A formal cleaning procedure manual will be posted in the operational office for the public to review upon request.



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



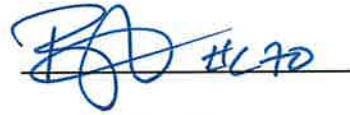
Justin Hardy

Northwest Detective SGT



Anthony Martinez

Northwest Commander



Brian Pierce

Northwest Lieutenant



Burke Farrah

Deputy Chief



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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