Exhibit H

	1.	**Fire:** 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.^^ If you have questions and would like more information regarding FFD Development Policies please see the following: https://www.fresno.gov/fire-training/manuals-and-forms/^^
	2.	**Police:** See the attached memorandum and conditions of approval dated October 28, 2024 and November 12, 2024.
	3.	**Fresno County Environmental Health:** Recommended Conditions of Approval: • Should the facility undergo remodel for Type 20 ABC license, 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. • Prior to Type 20 alcohol sales, the applicant shall first obtain their Type 20 license to sell alcoholic beverages. Contact the California Alcoholic Beverage Control Department at (559) 225-6334 for more information. • The proposed project has the potential to expose nearby residents to elevated noise levels. Consideration should be given to the City of Fresno Municipal Code.
	4.	**School District:** Please see attached memorandum dated April 24, 2024.
	5.	**Council District Committee:** The Council District 1 Project Review Committee recommended approval of this project on May 9, 2024. The motion was carried by a vote of four (4) in favor and none opposed.

City of FRESNO

POLICE DEPARTMENT

MEMORANDUM

November 01, 2024

TO: PLANNING & DEVELOPMENT DEPARTMENT

THROUGH: MINDY CASTO, Interim Chief
Police Department

MICHAEL LANDON, Deputy Chief
Police Department

FROM: JENNIFER HORSFORD, Central District Commander
Police Department

SUBJECT: CONDITIONAL USE PERMIT APPLICATION P24-01344

The Planning & Development Department has determined Application P24-01344 cannot meet the location restrictions contained in the Responsible Neighborhood Market Act (RNMA.) The Police Department has examined quantifiable data related to calls for service and has determined an exception cannot be made.

The proposed A's Family Market to be located at 2717 N Hughes, FRESNO, CA 93705 is:

(a) Is located in an area that would be detrimental to the public health, safety or welfare of persons located in the area and,

(b) would increase the severity of existing law enforcement or public nuisance problems in the area.

The proposed location is in the Central Policing District. There are seventeen (17) existing locations within a one-mile radius that have (ABC) Type 20/21 alcohol licenses (Off-Sale beer and wine/ Off-sale general.) In the past 24 months, these locations have accounted for 925 calls for service amounting to an average of 27 calls for service annually for each location, approximately two (2) calls for service a month. 30% of the calls for service (275 total calls) were related to violent crime or weapons violations.

Based upon the information above, the Police Department finds the proposed establishment does not meet the location restriction exception under FMC 15-2706-F(6)(a).

If the application is approved, we recommend the conditions listed on the attached conditional use permit.

JH/JB

City of FRESNO
POLICE DEPARTMENT
Central District / Problem Oriented Policing (P.O.P.)
3502 N. Blackstone Ave, Suite #201
Fresno, CA 93726
(559) 621-6208 / Justin.Boyter@Fresno.Gov

Paco Balderrama
Chief of Police

November 12, 2024

City of Fresno, Development Department
Director of Planning & Development.
Special Permit, Conditional Use Permit
2600 Fresno Street
Fresno, California, 93721-3604

Attn. Valeria Ramirez, Planner II

Re: SPECIAL PERMIT NO. P24-01344
A's Family Market
2717 N Hughes Ave Ave., Fresno, CA 93705
APN# 44208229

Dear Planner Valarie Ramirez,

Pursuant to your Department's request, the Fresno Police Department has reviewed the special permit application for property located at **2717 N Hughes Ave**. The property has been zoned **CG (Commercial General).** The Fresno Police Department's primary concern with the application is the propensity of the operations on the premises to generate calls for police service, and therefore, be detrimental to the public welfare.

As you know, to approve any Conditional Use Permit, the City must make the following findings:

1. All applicable provisions of the Fresno Municipal Code are complied with and the site of the proposed use is adequate in size and shape to accommodate the use, and all yards, spaces, walls and fences, parking, loading, recycling areas, landscaping, and other required features; and,

2. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use; and,

3. The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located. This third finding shall not apply to uses which are subject to the provisions of Section 12-306-N-39 of the Fresno Municipal Code (Regulating Adult Businesses).

The conditions are established to ensure public safety, and to minimize any impact to the surrounding area. If approved, this Conditional Use Permit would allow for an **off-sale general Type 20 ABC license** (*Retail store – sale of beer, wine, and distilled spirits for consumption off of the premises*). We request the following conditions be included as Conditions of Approval for Conditional Use Permit Application No., **P24-01344**. These conditions will help to insure maintain an environment that is least likely to generate criminal activity, public complaints and police calls for service. We understand from the Operational Statement that the applicant intends to operate this establishment between the hours of:

Business Operation:

Seven Days Per Week – 07:00 a.m. – 11:00 p.m.

The Fresno Police Department is not in opposition of this Conditional Use Permit, providing the applicant agrees to the listed conditions. If the following conditions are not included as conditions of approval of CUP No., **P24-01344** the Fresno Police Department shall oppose the approval of this Conditional Use Permit, and shall appeal such approval to the Planning Commission. As such, we request that you provide Detective Curtis Bunch with notice of the Director's decision regarding this Conditional Use Permit as well as a complete copy of the conditions of approval, if the Director approves the Conditional Use Permit.

Requested Conditions of Approval:

1. Fresno Municipal Codes

The applicant shall comply with all applicable provisions of the Fresno Municipal Codes ("FMC"), including but not limited to:

FMC 9-502 (Amusement Devices - Permit Required)
FMC 9-1804 (Restriction on Attendance of Minors)
FMC 9-1805 (Minors allowed)
FMC 10-105 (Noise Ordinance)
FMC 10-708 (Unlawful Nuisances - High Calls for Police Service)
FMC 15-2705 (Adult-Oriented Businesses)

A current version of the Fresno Municipal Code may be viewed at the City of Fresno's website: www.Fresno.gov. The link to the FMC is located on the Home Page of that website.

2. State and Federal Law

The applicant shall comply with all applicable state and federal law, rules, and regulations, including but not limited to the following California Business and Professions Code sections and ABC rules:

B&P 24046 (Required to Post ABC License on Premises)
B&P 25612.5 (Loitering, Open Alcoholic Beverage Containers, Consuming Alcoholic Beverages on Premises, Exterior Lighting, Litter Removal, Graffiti Removal, Signs and Barriers in Windows and Doors, Public Phones Blocked From Incoming Calls, Areas to Display Harmful Matter, Required Copies of Operating Standards Available for Public Viewing)
B&P 25631 (No sale of alcoholic beverages between 2:00 a.m. and 6:00 a.m.)
B&P 25665 (Minors Remaining in Public Premises)
ABC Act Rule 106 (No Buy One Get One Free Drinks)
ABC Act Rule 107 (No One Under 21 Allowed Signs Posted)
ABC Act Rule 139 (Interior Lighting Required for Identification of Patrons)

3. Video Camera

Prior to exercising any privileges granted by CUP No. **P24-01344** the applicant must install a fully functional color digital video camera system ("System") that meets the following requirements:

3.1 The System must continuously record, store, be capable of playing back images and be fully functional at all times, including during any hours the business is closed. The System must be maintained in a secured location inside of the business.

3.2 The System shall have the correct date and time stamped onto the image at all times.

3.3 The camera storage capacity should be for at least two weeks (fourteen calendar days). Such cameras must be capable of producing a retrievable and identifiable image than can be made a permanent record and that can be enlarged through projection or other means.

3.4 Digital video recorder must be capable of storing at least fourteen days of real-time activities.

3.5 The System shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a **criminal investigation only**.

3.6 The interior of the business must have at least **one** (1) camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area.

3.7 There shall be at least **four** (4) exterior cameras placed so as to record activities in the primary customer parking areas of their business. These cameras should be of sufficient quality to be able to identify persons and or vehicles utilizing the business parking lot.

3.8 All interior cameras shall record in color.

3.9 All exterior cameras shall record in color and have automatic low light switching capabilities to black and white. Exterior cameras should be in weatherproof enclosures and located in a manner that will prevent or reduce the possibility of vandalism.

It is recommended, but not required, that the owner/operator provide the IP address(s) to the Fresno Police Department Communications Center for any system that is browser-based or viewable from a remote site. The Fresno Police Department may perform periodic inspections of the System to ensure compliance with these specifications. An inoperable System may be good cause for seeking revocation of this Conditional Use Permit.

4. ABC Education

Any and all employees hired to sell alcoholic beverages shall provide evidence that they have either:

4.1 Completed training from the State of California Department of Alcoholic Beverage Control-- Fresno District Office-administered "Leadership and Education in Alcohol and Drugs" (LEAD) Program as confirmed by receipt of an ABC-issued certificate of completion; or,

4.2 Completed equivalent training acceptable to the ABC-- Fresno District Office to ensure proper distribution of beer, wine, distilled spirits, tobacco, and inhalants to adults of legal age.

If any prospective employee designated to sell alcoholic beverages, tobacco or inhalants does not currently have such training then:

4.3 The ABC-licensed proprietors shall have confirmed with the Development Department within 15 days of the final approval of the CUP or within 15 days of the opening to the public of a new store, whichever is later, that a date certain has been scheduled with the local ABC Office for said prospective employees to take the LEAD Program course; and

4.4 Within 30 days of taking said course the employee(s) or responsible employer shall deliver to the Planning Department each required LEAD Program Certificate evidencing completion of said course.

5. Prohibited Products

The sale or distribution of one of more of the following shall be prohibited:

5.1 Wine in containers of less than 750 milliliters

5.2 Single containers of beer, malt liquor, wine coolers, and similar alcoholic beverages not in original packages of (4) four-packs or greater.

5.3 Distilled spirits in containers of less than 375 milliliters.

5.4 Paper or plastic cups in quantities less than their usual and customary packaging.

6. Wine Alcohol Per Volume

No wine shall be sold with an alcoholic content greater than 24% volume, except premium dessert wines priced at $10.00 or more.

7. Non-refrigerated Alcoholic Beverages

Non-refrigerated "hard" liquor or "distilled spirits," shall be placed within the cashier's area or, shall be located either in a locked cabinet, or other locked shelving system, with access controlled with either manual, remote control locking devices or other appropriate and acceptable locking systems approved in writing by the Fresno Police Department. During the hours of **10:00 p.m. and 1:00 a.m.** the cabinet or shelving system shall be locked and opened only after an authorized employee has verified that the customer seeking to purchase items within the cabinet or shelving system is of "legal age."Anti-theft security devices ***shall*** be utilized on **ALL** non-refrigerated "hard" liquor or "distilled spirits" (*regardless of size*) in lieu of being in a locked cabinet or other locked shelving system.

8. Posting Property

The applicant shall post the property with the appropriate Fresno Municipal Code signs advising that consumption of alcoholic beverages, gambling, trespassing, or loitering will be in violation of municipal ordinances. The applicant must send a letter to the Fresno Police Department, signed, and dated by the applicant, every 180 days that authorizes FPD peace officers to enter the applicant's real property and/or establishment to enforce against the aforementioned activities at the business. The owners and employees are responsible for abating those activities when they occur during business hours.

9. Consumption of Alcoholic Beverages and Loitering.

9.1 The establishment shall not allow alcoholic beverages to be consumed outside the building premises or any other adjacent property under its control. No alcoholic beverage will be consumed on any property adjacent to the premises (i.e., parking lot and sidewalks). If the alcoholic beverages are consumed on the exterior portion of adjacent property not owned or controlled by the applicant, the applicant shall immediately report such consumption to the Fresno Police Department.

9.2 The establishment shall not allow any loitering on building premises or any adjacent property under its ownership or control.

9.3 The establishment shall not allow any gambling on building premises or any adjacent property under its control.

10. Property Responsibility

"Frequent" responses by the Fresno Police Department arising out of or relating to the operation or management of the real property owned or controlled by the permittee causing any combination of the following: animal disturbances; violent criminal acts; illegal consumption of intoxicants in public view; gaming activities; and juvenile disturbances, or any of the other activities set forth in the Fresno Municipal Code section 10-708(g) may result in an FPD recommendation to the Director of Planning and Development to commence proceedings to revoke the Conditional Use Permit for violation of the Management of Real Property Ordinance. In addition to recommending the commencement of revocation proceedings, the FPD may pursue any of the other remedies set forth in FMC, section 10-710, including assessing fines against the proprietor for the violations of the Management of Real Property Ordinance.

"Frequent" means response by the Fresno Police Department is occurring more than 1.5 times the average number of such responses (3 calls for every 2) for property of a similar size and character within the same policing district.

11. The establishment shall ensure that all employees involved, either directly or indirectly, in the sale of alcoholic beverages are aware of and comply with these conditions. The establishment shall have each employee sign a written acknowledgment that he/she has reviewed and understood each of these conditions. The written acknowledgement shall be maintained by the establishment and made available to the Fresno Police Department upon reasonable request.

FRESNO POLICE DEPARTMENT

Date: 11/12/24
Detective Justin Boyter #P1996
Central District-Investigations/POP

#S136 Date: 11/12/2024
Sergeant Daniel Macias #S136
Central District Investigations Sergeant

#L53 Date: 11/13/24
Lieutenant Steven Card #L53
Central District Lieutenant

Date: 12/3/24
Captain Jennifer Horsford #CP25
Central District Captain

Date: 12/3/24
Deputy Chief Michael Landon #DC15
Patrol Division Commander

Fresno Unified School District
Achieving our Greatest Potential!

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Keshia Thomas

SUPERINTENDENT
Robert G. Nelson, Ed.D.

April 24, 2024

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

SUBJECT: **APPLICATION NO. P24-01344**
2717 N. HUGHES AVE.

Dear Ms. Ramirez,

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 established 'A's Family Market' located at 2717 North Hughes Avenue is requesting authorization to establish a Type 20 *(Package Store – sale of beer and wine for consumption off the premises where sold)* alcohol license for the market store. The property is located within approximately 1,450 feet from Homan 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 alcohol license 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 development occurs, then no fee will be charged.

If you have any questions or require additional information regarding our comments and concerns, please contact our office at (559) 457-6113.

Sincerely,

Alex Belanger, Chief Executive
Operational Services

AB:sdr
c: Jacqueline Sittre, Principal, Homan Elementary School

DWC

City of FRESNO

DISTRICT 1 PROJECT REVIEW COMMITTEE

PROJECT REVIEW May 9, 2024

Project Record

Item 5a

PROJECT INFORMATION

A. ABC Conditional Use Permit Application No. P24-01344 was filed by Yeslam Haimed and pertains to the ±0.76-acre lot located at 2717 N Hughes Avenue. The applicant is proposing to establish a State of California Alcoholic Beverage Control Type 20 alcohol license (sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises) at an existing business.

Location: ***2717 North Hughes Avenue*** **APN:** ***442-082-29***
Zoning: ***CC (Commercial Community).***

COMMITTEE RECOMMENDATION

On a motion by Chair Castech, and seconded by Committee Member Fabian, the Council District 1 Project Review Committee recommended approval of this project on May 9, 2024. The motion was carried by a vote of four (4) in favor and none opposed.

Staff Liaison: Brittany Martin Date: 5/16/2024