



## Development and Resource Management Department

2600 Fresno Street, Third Floor  
Fresno, California 93721-3604  
(559) 621-8277 FAX (559) 498-1026

Jennifer K. Clark, AICP, Director

February 28, 2017

Santos Arevalo  
[sabormx@yahoo.com](mailto:sabormx@yahoo.com)  
Sent via email only

Please reply to:  
Jarred Olsen  
(559) 621-8068

**SUBJECT: CONDITIONAL USE PERMIT APPLICATION NO. C-17-001 FOR PROPERTY LOCATED AT 4045 WEST FIGARDEN DRIVE, SUITE 101 (APN: 507-350-20S)**

Dear Santos Arevalo:

The Development and Resource Management Director, on February 28, 2017 took the following actions:

1. Approved Environmental Assessment No. C-17-001 dated January 23, 2017; and,
2. Approved, *subject to compliance with conditions*, Conditional Use Permit Application No. C-17-001, which proposed to establish the Sabormx Mexican Bistro restaurant with a State of California Alcoholic Beverage Control Type 47 alcohol license (*Restaurant-sale of beer, wine and distilled spirits for consumption on or off the premises where sold*).

The proposed project was determined to be exempt from the California Environmental Quality Act by the Development and Resource Management Department through a Class 1 Categorical Exemption. The approval of this project is subject to compliance with the following Conditions of Approval:

### **CONDITIONS OF APPROVAL**

#### **PART A – ITEMS TO BE COMPLETED**

**The following items are required prior to commencement of land use activity:**

Planner to check when completed		
<input type="checkbox"/>	1.	Revise Operational Statement to indicate outdoor dining hours shall be limited to no earlier than 7 a.m. and no later than 10 p.m. (Table 15-2744-A)
<input type="checkbox"/>	2.	Provide Detective Dawnielle Serrano and Jarred Olsen, Planner, with a Security Plan that meets the requirements per Police comments dated January 23, 2017.
<input type="checkbox"/>	3.	Comply with Police comments dated January 23, 2017. Schedule an appointment with Detective Dawnielle Serrano to confirm compliance with comments. <b>Send verification of compliance to Jarred Olsen, Planner.</b>

#### **PART B – OTHER REQUIREMENTS**

##### **1) Planning/Zoning/Environmental Compliance Requirements**

- a) The restaurant will be located within a previously approved building. No physical improvements are proposed under this permit. Any applicable development and operational standards are noted below.

- b) Development shall take place in accordance with Exhibits A and F, dated January 9, 2017.
- c) Development shall comply with all prior special permits on the property, not limited to R-8091, R-94-20, C-04-025, C-5455, and C-15-018.
- d) Development and operation shall take place in accordance with the attached "Notes and Requirements for Entitlement Applications" as applicable.
- e) Development shall take place in accordance with the policies of the Fresno General Plan, Bullard Community Plan, and with the Office planned land use designation.
- f) Development shall take place in accordance with the O (*Office*) zone district and all other applicable sections of the Fresno Municipal Code (FMC).
- g) Comply with the operational statement submitted for the proposed project dated December 29, 2016.
- h) The proposed hours of operation for the restaurant with alcohol sales are as follows:
  - Monday: Closed.
  - Tuesday through Thursday: 11:00 a.m. to 2:00 p.m. and 4:00 p.m. to 9:00 p.m.
  - Friday and Saturday: 11:00 a.m. to 11:30 p.m.
  - Sunday: 11:00 a.m. to 4:00 p.m.

Changes in the days, hours of operation, and the location of where alcohol will be served will require review and approval from the Development and Resource Management Department.

- i) A special events permit shall be required for any exceptions to the time restrictions on the sale, service, and consumption of alcohol specified in Section 15-2751 of the FMC, for special events including New Year's Eve.
- j) Noise decibel levels shall be monitored by the establishment to ensure compliance with all applicable noise standards.
- k) 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.
- l) 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. (Section 15-2745-A-3)
- m) Music may not be amplified. All music, live or recorded, shall comply with all applicable noise standards. (Section 15-2745-B-1)
- n) Covers, including umbrellas, tents, and/or awnings to protect patrons from inclement weather are permitted subject to review and approval by the Review Authority. Weathered and/or damaged coverings shall be removed immediately. (Section 15-2745-B-3)
- o) Outdoor dining areas shall not interfere with required pedestrian and/or vehicular access. (Section 15-2745-B-4)
- p) Outdoor lighting shall not disrupt or unnecessarily impact adjoining properties or roadways. (Section 15-2745-A-4)
- q) Development shall comply with all prior special permits on the property, unless specifically superseded by Conditional Use Permit Application No. C-17-001.

2) City and Other Services

- a) Development shall take place in accordance with the attached memoranda and letters from City of Fresno Departments and partner agencies, including:
- Fresno County Department of Environmental Health dated January 11, 2017;
  - Police Department dated January 23, 2017.

3) Miscellaneous Requirements

- a) Contact the California Alcoholic Beverage Control Department (ABC) for the license to sell alcoholic beverages. Once the conditions in this Conditions of Approval Letter have been verifiably met, the Planner will send you and ABC a Final Action Letter, granting ABC the authority to issue a license.
- b) Exercise of the special permit shall take place in accordance with all city, county, state, and federal laws and regulations, including ABC licensing requirements.
- c) 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.
- d) 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. The Development and Resource Management 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.

**APPEALS**

**A notice indicating the Development and Resource Management Department Director's intended approval of this project was mailed to nearby property owners on February 10, 2017, commencing a 10 day comment period. No comments were received and the Director approved the project on February 28, 2017. 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. 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 by the Development and Resource Management Department by **Wednesday, March 15, 2017**. The written request should be addressed to Jennifer K. Clark, Director, and include the application number referenced above.

### **BACKCHECK PROCESS**

**Please Note:** To complete the back-check process for building permits relative to planning and zoning issues, submit four copies of this corrected, final site and floor plan to Jarred Olsen in the Development Services Division for final review and approval, at least 15 days before applying for building permits.

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. Once the "corrected exhibits" are approved by the Development Services Division, please place these exhibits in the plan check set and contact the Development Services Division, along with Traffic Planning, to set up an appointment to signoff and stamp these exhibits. Please bring one additional copy of the site plan exhibit(s) to this appointment so that the Development Services Division has a final signed-off copy of the site plan.

Copies of the final approved site plan, elevations, landscaping, and irrigation plans stamped by the Development Services Division 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 February 28, 2020 (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 C-17-001 shall expire on February 28, 2024 and a new conditional use permit must be obtained prior to that expiration date for the use only (not the physical structure(s)).

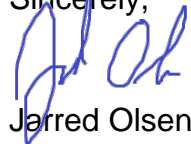
If you have any questions regarding this letter, feel free to give me a call at the number on the first page.

Conditional Use Permit Application No. C-17-001

February 28, 2017

Page 5

Sincerely,

A handwritten signature in blue ink, appearing to read "Jarred Olsen", is positioned above the printed name.

Jarred Olsen, Planner

Development Services Division

Enclosures: Exhibits

Comments from Partner Agencies & Departments

C: Detective Dawnielle Serrano, Northeast Policing District