



STAFF REPORT

MEETING DATE: May 12, 2025

PRESENTER: Manuel Campos, Assistant Planner

SUBJECT: Public hearing regarding Conditional Use Permit 2025-01 to allow for the operation of a retail tattoo shop at 761 S. Madera Avenue, including adoption of a Categorical Exemption for the Project. (MC)

RECOMMENDATION: Planning Commission conduct a public hearing, receive public testimony, deliberate, and by motion adopt a resolution approving Conditional Use Permit 2025-01 to allow for operation of a retail tattoo shop at 761 S. Madera Avenue, including adoption of a Categorical Exemption for the Project according to Section 15301 of the CEQA guidelines.

EXECUTIVE SUMMARY: Conditional Use Permit (CUP) 2025-01 was filed by Kerman Tattoo, applicant, on behalf of Reno Lanfranco, property owner, requesting approval of a CUP to allow for the operation of a retail tattoo shop at 761 S. Madera Avenue, located approximately 115 feet from the southwest corner of S. Madera Ave. and W. D St., in Kerman, CA, zoned CG (General Commercial) with a GC (General Commercial) General Plan land use designation (APN: 023-175-15). A Categorical Exemption, according to section 15301 of the CEQA Guidelines, is recommended for the Project.

APPLICABLE CODES AND PROCEDURES:

KMC 17.12 – Commercial, Office, and Mixed-Use Zones

KMC 17.84 – Conditional Use Permits

Public Resource Code – CEQA 15301 Existing Facilities

The Kerman Municipal Code (KMC) allows the Planning Commission to grant or deny approval of a conditional use permit, provided that a public hearing is held on the proposed use to review and consider any public testimony. Prior to the public hearing, a staff report, environmental determination, and general plan findings for the use permit must be made available to the Planning Commission, interested agencies, and the public.

The use should be denied if the Planning Commission cannot make the appropriate findings. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered, and site improvements may be required to make the Project compatible with nearby uses. In addition, the application may be subject to future review, modification, or revocation by the Planning Commission as deemed necessary.

ANALYSIS

Background Information

The Project site has been developed with a multi-tenant building encompassing approximately 4,938 square feet (SF), including three tenant suites. According to City records, the building was last remodeled in 1989. The subject tenant space encompasses approximately 1,778 SF and was previously occupied by a notary public. Besides this proposed CUP application, no previous land use entitlements exist on the site.

Project Proposal

The Project proposal includes an application for CUP 2025-01 to allow for the operation of a retail tattoo shop. The business floor plan will consist of a waiting area, an artist station area, an airbrush room, and a bathroom. The business will offer tattooing, airbrushing, permanent makeup, and body piercing services. Retail apparel such as jewelry, t-shirts, and hats will be available for sale. Kerman Tattoo proposes to operate four to five days a week from 10 AM to 8 PM. The business will have no employees except for the owner at this time, but this CUP will not restrict the business from having employees in the future. The Project does not include exterior alterations or additions to the subject building.

Site and Surrounding Land Uses and Setting

The subject site is surrounded by developed land. As described in Table 1, the site is surrounded by an employment agency (Hall Management) to the north, multiple commercial buildings to the east across S. Madera Ave., a bar and grill restaurant (Reno's Bar and Grill) to the south, and by the Kerman Unified School District Professional Development Center (no student activities conducted at the site) to the west across a public alley. As conditioned, nearby uses will be negligibly impacted by the operation of a retail tattoo shop.

Table 1. Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties

Location	Existing Land Use	General Plan Designation	Zone District
North	Employment agency	GC – General Commercial	CG – General Commercial
East	Commercial buildings	GC – General Commercial	CG – General Commercial
South	Bar and grill restaurant	GC – General Commercial	CG – General Commercial
West	KUSD Professional Development Center	O – Office	PA – Professional Administration District

Zoning & General Plan

The site is zoned CG (General Commercial) with a GC (General Commercial) General Plan land use designation. The CG Zone district is intended to allow for a wide range of commercial and office uses that are diverse, visually pleasing, convenient in terms of parking and access, attractive, and used by the citizens of Kerman as well as visitors to the area. The KMC under Table 17.12-1 (Land Use Regulations-Commercial, Office, and Mixed-Use Zones) lists “personal

service, restricted” as a use that requires a CUP. Commercial establishments such as internet cafes, massage parlors, tattoo and body piercing shops are categorized as restricted personal services and require approval of a CUP to operate.

Conclusion

A retail tattoo shop is a permitted use subject to the approval of a CUP. In addition to meeting requirements from the Community Development Department (e.g., Code Compliance and Building Division), the applicant must also adhere to the conditions imposed by the Fresno County Environmental Health Department and Police Department. To ensure the continued compatibility of the site with surrounding uses, conditions of approval have been incorporated that address typical concerns associated with retail tattoo shops.

APPLICABLE GENERAL PLAN POLICIES

The 2040 General Plan includes policy recommendations related to the various physical development aspects of the community. A set of goals and objectives supports the policies. When deciding on this application, the Planning Commission shall refer to the General Plan’s policies, goals, and objectives.

Through the development review process and in collaboration with other City departments and outside agencies, the Project has been designed to comply with the City’s General Plan goals, policies, and objectives. Approval of the retail tattoo shop will directly or indirectly provide compliance with the General Plan. Below are policies from the General Plan that are germane to this conditional use permit request:

ED-1.1 Increase Business: The City shall strive to increase the number of businesses operating in Kerman to satisfy the routine needs and dining, services, and retail desires of residents while also increasing sales, property, business, and potential transient occupancy taxes.

ED-1.4 Downtown Shopping and Entertainment: The City shall work with Downtown businesses, property owners, and other agencies to improve circulation, parking, pedestrian facilities, and food service options to help promote increased shopping and entertainment opportunities.

ENVIRONMENTAL REVIEW:

Staff recommends that the Planning Commission find and determine that a Class 1 Categorical Exemption (Existing Facilities) set forth in CEQA Guidelines Section 15301 applies to this Project, as it involves the use of an existing private facility on an existing site. No building expansion is proposed, and any maintenance or alteration of the building structure would be minor, resulting in no significant adverse impact on the environment. Furthermore, none of the exceptions outlined in CEQA Guidelines Section 15300.2 apply to this Project.

PLANNING COMMISSION FINDINGS:

Due to operational characteristics, conditional use permits are required for certain uses within each zone district to minimize impacts on surrounding uses. In considering a conditional use

permit, the Planning Commission must make specific findings according to Section 17.84.030 (D) of the KMC.

- A. That the proposed establishment, maintenance, and operations of the use applied for will not be detrimental to the public health, safety, and welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the City.

Finding A (1). The Project will not be detrimental to public health, safety, or welfare. It is located in a designated general commercial area with conditions of approval, which minimize any potential negative impacts to adjacent land uses. The conditions of approval (Resolution Exhibit 'A') limit types of uses that may be objectionable or detrimental to other permitted uses or adverse to the public interest, health, safety, convenience, or welfare of the City.

- B. The proposed use is consistent with the General Plan, Zoning Code, applicable specific plans, and other City policies or programs;

Finding B (1). Retail tattoo shops are a permitted use subject to a conditional use permit in the (CG General Commercial), which is a consistent zone with the General Plan GC (General Commercial) land use designation. The Project is consistent with the General Plan, including General Plan objectives ED-1.1 and ED-1.4.

Finding B (2). The Project is located along a general commercial corridor suitable for many retail, business professional, service commercial, and other similar activities and uses.

Finding B (3). The conditions of approval preserve the integrity and character of the zone district and ensure compliance with the General Plan and Zoning Ordinance.

- C. The environmental document is prepared as per the California Environmental Quality Act.

Finding C (1). A preliminary environmental assessment was prepared for this Project per the requirements of the California Environmental Quality Act (CEQA). The Project falls within a Categorical Exemption per CEQA Guidelines Section 15301 (Existing Facilities) as it is characterized as a use occupying an existing structure within a developed site and meets the required conditions described in that section. There are no project-specific significant effects from the Project or the site that would necessitate additional environmental review.

- D. The site for the proposed use is adequate in size, shape, and location to accommodate the use as it relates to the zones for which the use is proposed.

Finding D (1). The location of the Project is within the CG - General Commercial zone district, which is located along a commercial corridor suited for retail, office, commercial services, and other similar activities and uses along the Madera Avenue corridor in a developed parcel of land. Furthermore, no expansion of the existing building envelope of the site is required or proposed. Therefore, the site is adequate in size, shape, and location to accommodate the use as it relates to the district for which the use is proposed.

Planning Commission Action:

The Planning Commission will be acting on CUP 2025-01 and will determine whether to either:

Motion 1: Adopt a resolution approving Conditional Use Permit 2025-01 to allow for the operation of a retail tattoo shop at 761 S. Madera Avenue, including adoption of a Categorical Exemption for the Project according to Section 15301 of the CEQA guidelines.

Motion 2: Move to continue the public hearing on CUP 2025-01 to a later meeting; or

Motion 3: Move to continue CUP 2025-01 to a later meeting, with direction to staff to return with an updated resolution with appropriate findings for denial of the application(s).

Any action taken by the Planning Commission approving or denying the application(s) is subject to appeal to the City Council no later than ten (10) working days after the day on which the decision was made.

Attachments

1. Resolution
 - A. Exhibit "A" – Conditions of Approval
2. Aerial Photo
3. Floor Plan

Attachment 1

RESOLUTION NO. 2025-_____

A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT 2025-01 TO ALLOW FOR THE OPERATION OF A RETAIL TATTOO SHOP AT 761 S. MADERA AVENUE

WHEREAS, the Planning Commission considered a request for a conditional use permit filed by Kerman Tattoo (Applicant) on behalf of Reno Lanfranco (Property Owner) requesting approval of a conditional use permit to allow for the operation of a retail tattoo shop located at 761 S. Madera Avenue, in Kerman, CA (APN: 023-175-15)

WHEREAS, a public notice was circulated to adjacent properties within a 300-foot radius of the Project site and published in the Kerman News at least 10 days prior to the meeting as required by law; and

WHEREAS, a written report was prepared by staff, which included a recommendation for approval of Conditional Use Permit 2025-01 and was made available for public review at least 72 hours prior to the public hearing; and

WHEREAS, the Project was assessed under the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission, after conducting a public hearing, receiving public testimony, and deliberating, now desires to approve Conditional Use Permit 2025-01 subject to the findings and conditions of approval and adopt a finding of a Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

NOW, THEREFORE, BE IT RESOLVED by the City of Kerman Planning Commission as follows:

- 1) Recitals: The above recitals are true and correct and are incorporated herein:
- 2) CEQA: The Planning Commission makes findings and determines that a Class 1 Categorical Exemption set forth in CEQA Guidelines Section 15301(Existing Facilities) applies to this Project, as it consists of the use of an existing private facility on an existing site. No expansion of the building is proposed, and any maintenance or alteration of the building structure would be minor, not resulting in a significant adverse impact on the environment. Furthermore, none of the exceptions set forth in CEQA Guidelines Section 15300.2 apply to this Project.
- 3) Conditional Use Permit: The Planning Commission has determined Conditional Use Permit 2025-01 as permissible under Kerman Municipal Code Section 17.24.020 and that all findings required for approval of Conditional Use Permit 2025-01 can be made, including those required by the City of Kerman Municipal Code Section 17.84.030 (D) as follows:
 - A. That the proposed establishment, maintenance, and operations of the use applied for will not be detrimental to the public health, safety, and welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the City.

Finding A (1). The Project will not be detrimental to public health, safety, or welfare. It is located in a designated general commercial area with conditions of approval, which minimize any potential negative impacts to adjacent land uses. The conditions of approval (Exhibit 'A') limit types of uses that may be objectionable or detrimental to other permitted uses or adverse to the public interest, health, safety, convenience, or welfare of the City.

B. The proposed use is consistent with the General Plan, Zoning Code, applicable specific plans, and other City policies or programs;

Finding B (1). Retail tattoo shops are a permitted use subject to a conditional use permit in the (CG General Commercial), which is a consistent zone with the General Plan GC (General Commercial) land use designation. The Project is consistent with the General Plan, including General Plan objectives ED-1.1 and ED-1.4.

Finding B (2). The Project is located along a general commercial corridor suitable for many retail, business professional, service commercial, and other similar activities and uses.

Finding B (3). The conditions of approval preserve the integrity and character of the zone district and ensure compliance with the General Plan and Zoning Ordinance.

C. The environmental document is prepared as per the California Environmental Quality Act.

Finding C (1). A preliminary environmental assessment was prepared for this Project per the requirements of the California Environmental Quality Act (CEQA). The Project falls within a Categorical Exemption per CEQA Guidelines Section 15301 (Existing Facilities) as it is characterized as a use occupying an existing structure within a developed site and meets the required conditions described in that section. There are no project-specific significant effects from the Project or the site that would necessitate additional environmental review.

D. The site for the proposed use is adequate in size, shape, and location to accommodate the use as it relates to the zones for which the use is proposed.

Finding D (1). The location of the Project is within the CG - General Commercial zone district, which is located along a commercial corridor suited for retail, office, commercial services, and other similar activities and uses along the Madera Avenue corridor in a developed parcel of land. Furthermore, no expansion of the existing building envelope of the site is required or proposed. Therefore, the site is adequate in size, shape, and location to accommodate the use as it relates to the district for which the use is proposed.

4. Conditions of Approval: Given the foregoing, the Planning Commission approves Conditional Use Permit 2025-01, subject to the conditions of approval attached herein as Exhibit 'A'.

5. Effective Date: This Resolution shall take effect immediately.

I HEREBY CERTIFY that the foregoing Resolution was approved at a regular meeting of the Planning Commission of the City of Kerman on the 12th day of May 2025, and was fully adopted at the said meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

Scott Bishop
Chairperson

ATTEST:

Juliana Gomez
Planning Commission Secretary

Exhibit "A"
Conditions of Approval
Kerman Tattoo – CUP 2025-01
May 12, 2025

Notice To Applicant

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this Project or any proceedings undertaken regarding the City's actions taken or determinations made regarding the Project, including but not limited to the validity of conditions of approval must occur within ninety (90) calendar days after the date of this decision. 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.

Important: Please Read Carefully

This Project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through conditional use permit review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would, on the whole, enhance the Project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval for CUP 2025-01 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) working days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval for this entitlement, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed (including its identification number) and specific reasons why you believe the decision or action appealed should not be upheld, and the identity of the appellant.

Approval of this conditional use 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.

Approval of this conditional use 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 use permit, the zoning ordinance, and all City standards and specifications. This use permit and site plan review is granted, and the conditions imposed, are based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this use permit. Unless the conditions of approval specifically require an operation inconsistent with the application, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the use permit, or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the use permit review process, or

for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the use permit as delineated herein and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this use permit, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this use permit.

General Conditions

1. CUP 2025-01 approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the receipt in the Community Development Department of the applicant’s signature upon an Acknowledgement and Acceptance of Conditions within 30 days of the date of approval.
2. Any intensification or expansion of the use beyond its approval shall be cause for review and modification or revocation of CUP 2025-01.
3. Any proposed future modifications to the site not specifically contemplated by CUP 2025-01, including but not limited to: the building exterior, parking/loading areas, fences/walls, new buildings, and/or landscaping shall require an amendment to CUP 2025-01.
4. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statute.
5. It shall be the responsibility of the property owner and/or applicant to ensure that any required permits, inspections, and approval from any regulatory agency are obtained from the concerned agency prior to the issuance of a business license or final occupancy issuance.
6. Failure to comply with the conditions of approval contained herein shall be cause for review and possibly modification or revocation to CUP 2025-01.
7. Approval of CUP 2025-01 is for the benefit of the applicant. The submittal of application(s) by the applicant for this Project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this Project, the applicant agrees to defend, indemnify, and hold harmless the City of Kerman and its agents, officers, consultants, independent contractors, and employees (“City”) from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the Project, including any challenges to associated environmental review, and for any and all costs, attorney’s fees, and damages arising therefrom (collectively “claim”). The City shall promptly notify the applicant of any claim.

Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City’s attorneys’ fees, expenses of litigation, and costs for

that independent defense, including the costs of preparing any required administrative record. Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

Building Division

8. A building permit shall be required for all proposed or future tenant and site improvements as required by the California Building Code, California Fire Code, and Americans with Disability Act (ADA) prior to occupancy.
9. The property owner shall submit plans consistent with the California Building Standards Code, including site development and ADA accessibility based upon the codes in effect at the time of plan check submittal.

Fresno County Department of Public Health, Environmental Health Division

10. Prior to issuance of building permits and/or city business license, the proposed body art facility tenant (i.e., tattoo, piercing, branding, or permanent cosmetics) shall submit complete body art facility plans and specifications to the Fresno County Department of Public Health, Environmental Health Division, for review and approval. Body Art practitioners shall apply for and obtain a body art permit. Contact the Body Art Program at (559) 600-3357 for more information.
11. Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (<http://cers.calepa.ca.gov/>). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
12. If the existing building is remodeled/renovated/modified, the following conditions will apply:
 - a. Should the structure have an active rodent or insect infestation, the infestation should be abated prior to the remodel of the structure in order to prevent the spread of vectors to adjacent properties.
 - b. If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.
 - c. If the structure was constructed prior to 1979 or if lead-based paint is suspected to have been used in these structures, then prior to demolition work the contractor should contact the following agencies for current regulations and requirements:
 - i. California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.
 - ii. United States Environmental Protection Agency, Region 9, at (415) 947-8000.
 - iii. State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.

Planning Division

General

13. On-site litter and graffiti shall be corrected per Kerman Municipal Code Chapter 9.09 – Abatement of Graffiti Nuisance.
14. The business and/or property owner shall keep the property clear of all trash, rubbish, and debris at all times. Dumping of refuse shall be restricted to the refuse containers scheduled to service the site.
15. The business and/or property owner shall comply with all applicable federal, state, and local laws, rules, and regulations. Material violations of said laws, rules, and regulations may be cause for review and possible revocation of the use permit.
16. Business owner(s) shall be responsible for securing a business license from the Finance Department before the commencement of any commercial activity.

Conditional Use Permit 2025-01

17. Conditional Use Permit 2025-01 shall allow for the operation of a retail tattoo shop at 761 South Madera Avenue.
 - a. The following restricted personal services shall be allowed at the address above
 - i. Tattooing
 - ii. Body piercing
 - iii. Permanent makeup
18. The hours of operation shall be limited to 8 AM to 10 PM, Monday through Sunday. The Community Development Director shall review and approve any modifications to this condition.

Signage

19. Proposed and future signage shall comply with the sign ordinance in place at the time of submittal for a building permit.
20. No sign shall interfere with a driver's or pedestrian's view of the public right-of-way or in any other manner impair public safety or interfere with the safe operation of a motor vehicle on public streets. This includes, but is not limited to, the driver's view of approaching, merging, or intersecting traffic.
21. Temporary signage shall be permitted for special events (i.e., grand opening, local, State, or Federal recognized holidays), to be displayed for the number of days as specified in the sign ordinance.

Police Department

22. A security camera system shall be installed within the business. The sufficiency of the system shall be determined by the Police Department.

End of Conditions

Attachment 2

Aerial Photo



Project Location

Attachment 3

Floor Plan

KERMAN TRUCK
461 S. MADERA AVE
Kerman Ca. 93630

