



## STAFF REPORT

---

**MEETING DATE:** March 13, 2023

**PRESENTER:** Jesus R. Orozco, Community Development Director

**SUBJECT:** A continued public hearing for Conditional Use Permit 2023-01 to allow for the establishment of a second-hand store (Trini's Thrift Store), located at 311 S. Madera Ave., including adopting a finding of a Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines.

**RECOMMENDATION:** Staff recommends that the Planning Commission take public testimony, close the public hearing, deliberate, and by motion adopt a resolution approving CUP 2023-01, to allow for the establishment of a second-hand store (Trini's Thrift Store), located at 311 S. Madera Ave., including adopting a finding of a Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

**EXECUTIVE SUMMARY:**

Conditional Use Permit (CUP) 2023-01 was filed by Carmen Ceja (Applicant) on behalf of Fadi Abboud (Owner), to establish a second-hand store (Trini's Thrift Store) within an existing building on a .38-acre parcel located at 311 S. Madera Ave. Kerman, CA (APN: 023-114-22S). The site is zoned CG (General Commercial) with a GC (General Commercial) General Plan land use designation. A second-hand store is permitted in the CG (General Commercial) zone district subject to the approval of CUP by the Planning Commission (Commission). Approval of this CUP would allow the applicant to operate a second-hand store out of an existing nonconforming building.

**APPLICABLE CODES AND PROCEDURES**

KMC 17.12 – Conditional Use Permits  
KMC 17.48 – General Commercial District  
KMC 17.64 – Nonconforming Uses, Buildings & Structures  
KMC 17.78 – Development Standards  
Public Resource Code – CEQA 15301 – Existing Facilities

The Kerman Municipal Code (KMC) allows the 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 finding for the use permit shall be made available to the Commission, interested agencies, and the public.

If the Commission cannot make the appropriate findings, the use should be denied. 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 Commission, as deemed necessary.

## ANALYSIS

### Prior action

The site has been developed with two retail buildings. Per City building records, a building permit for the construction of a new building was issued on or around November 14, 1967. Additional building permit records indicate the building has undergone general maintenance and minor alterations since the original construction. City records also indicate the first recorded use of the project building was a variety store (Sanchez Super Store). Subsequently, in 2003, Planning Commission approved CUP 2003-07 which granted the establishment of a second-hand store at the property 311 S. Madera Ave. The project building has operated as a second-hand store since 2003 until it discontinued operations in 2020 due to COVID-19. The building operated as a barbershop for a brief period of time in 2022. Of recent, City Police Department personnel responded to a (welfare/domestic/nuisance) call to the project building in February of 2023. The responding police officers observed that the building may have been utilized for dwelling purposes by the project applicant. Upon further investigation and inspections by the City's Code Enforcement Officer, it was verified the project applicant was not using the building for dwelling purposes subsequent to the February 2023 call.

### Project Proposal

The project proposal includes an application for a Conditional Use Permit (CUP 2023-01) to allow for the operation of a second-hand store (Trini's Thrift Store) at 311. S Madera Ave. The applicant is proposing to operate every day from 8 AM to 8 PM. The second-hand store will employ only the business owner. Donations of goods will be accepted only within the building during regular hours. Drop-off donations to the exterior of the building are not proposed at this time. The leasable area includes approximately 3,800 sq. ft. of retail space. No interior or exterior structural alterations are proposed to the building at this time.

### Site and Surrounding Land Uses and Setting

The project site has been developed with two buildings and nine (9) parking stalls serving the site. The project building contains a second floor, however, the use of the second floor is not being proposed at this time. The building consists of a sales floor, a storage area, and one unisex restroom. It should be noted that some areas within the building will require some general maintenance prior to, during, or post-occupation of the building, as deemed necessary by the Building Official or Fire Marshal.

The site is surrounded by developed land. As described in **Table 1.**, the site is surrounded by a financial institution (Westamerica Bank) to the east, across S. Madera Ave., retail shops to the south, single-family homes to the west, and a multi-tenant building (Boyd Building) to the north, across West Stanislaus Road. Uses in the surrounding vicinity will be negligibly affected by the second-hand store.

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

Location	Existing Land Use	General Plan Designation	Zone District
North	Multi-tenant Building	General Commercial	CG – General Commerical
East	Financial Institution	General Commercial	CG – General Commerical
South	Grocery Store	General Commercial	CG – General Commerical
West	SFRs	Medium Density Residential	R-1 – Single-family Residential

### Zoning & General Plan

The site is zoned CG (General Commercial) with a GC (General Commercial) General Plan land use designation. The CG zone district allows for a wide range of by-right retail uses. A second-hand store, however, is subject to conditional approval. Approval of the second-hand store will be consistent with zone district and the General Plan land use designation.

### Nonconforming Status

It is believed the building's construction occurred sometime during 1968 as indicated by building records. As such, the building's construction pre-dates the current development standards of the GC zone district. As a result, development on the site is considered existing nonconforming or "grandfathered." Specifically, under section 17.64.020, a nonconforming building is defined as a "lawfully established and maintained prior to the adoption of the ordinance codified in this title, but under this title does not conform with the development standards, including lot coverage, height, setback, etc., of the district in which it is located." Under the current development standards of the CG zone district, the building does not conform to the required landscaping, setbacks, and off-street parking requirements. The building would need to provide a 10-foot setback, landscaping along the project site's frontage, and at least 14 parking stalls for the project building alone.

As noted above, a second-hand store previously occupied the building. Additionally, a reciprocal cross-access and parking agreement (Fresno County document number DOC-2003-0271634) was recorded as a condition of approval for CUP 2003-07. It is the City's understanding that the reciprocal cross-access and parking agreement was intended to provide parking for the original second-hand store that otherwise is not provided on the project site. Staff cannot verify the validity of said agreement. However, despite the nonconforming condition of the building, a harmonious operation of a second-hand store within the existing building should not substantially impact parking demand on the site or the surrounding uses.

Despite the nonconforming status of the site, second-hand store use will not substantially impact the site any greater than the prior thrift store at the same location. Additionally, the proposed second-hand store is similar in building occupancy and operating nature as other by-right uses generally permitted in the zone district. As an example, a second-hand store is a Mercantile (M) building occupancy classification, the same as i) art, antique, gift, novelty, and souvenir stores; and ii) apparel and shoe stores, shoe repair, and tailor and dress shops. Additionally, a second-hand store shares similar operating characteristics to that of apparel and shoe stores, shoe repair, and tailor and dress shops. As a result, a second-hand store could include the sale of used antiques, souvenirs, apparel, shoes, dresses, and other used household items.

### Development Requirements

Although the building does not meet current development standards, the proposed use will not require alterations to the building as the structure is a legal non-conforming. However, to accommodate future parking needs, a parking plan will be required as a condition of approval. Additional parking can be accommodated at the rear of the property. It is anticipated the site can accommodate an additional three to four parking stalls. Though the use does not relieve the site from requiring parking from current standards, the proposed use should not impact previously known parking demands on the site, which have included a similar thrift store at the location.

Parking Analysis				
Site	Second-hand store building	± 3,800 sq. ft.	Site total:	± 7,800 sq. ft.
Provided	Shared parking		Parking total:	9 parking stalls
Required	4.5 p.s. per 1,000 sq. ft.		Parking total:	35 parking stalls

#### Other Department Comments

The project proposal was reviewed by various other City Departments and affected outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report. If approved, the project site will be subject to additional review by North Central Fire Prevention District (NCFPD) and the City's Building Division.

#### Conclusion

Associated second-hand store operations do not necessitate or warrant any substantial building alterations or site improvements at this time. Staff concludes that the proposed second-hand store will be less than or of equal intensity to the previously established second-hand store, and other by-right permitted uses under the same building occupancy type in the CG zone district.

#### **APPLICABLE GENERAL PLAN POLICIES**

The 2040 General Plan includes policy recommendations related to the various physical development aspects of the community. The policies are supported by a set of goals and objectives. The Planning Commission shall refer to the General Plan's policies, goals, and objectives when making a decision regarding this particular request.

Through the project and development review process and in collaboration with other City departments and outside agencies, the project has been designed to comply by-in-large with the City's General Plan goals, policies, and objectives. The proposed use of a second-hand store will directly or indirectly provide compliance with the General Plan. Below is an excerpt from the General Plan that is 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.*

**LU-3.6 Infill and Renovation:** *The City shall encourage infill of vacant commercial properties and renovation of existing commercial structures to reduce the rate at which surrounding agricultural land is urbanized and to provide for a more efficient use of existing infrastructure.*

**CIRC-4.1 Parking on the Public Right-of-Way:** *The City shall limit parking on the public right-of-way along, particularly along Madera Avenue, with public health and safety priorities.*

## **ENVIRONMENTAL REVIEW:**

The Planning Commission finds and determines that a Class 1 Categorical Exemption (Existing Facilities) set forth in CEQA Guidelines Section 15301 applies to this Project as it consists of the use of an existing private facility on an existing site, to provide use as a thrift store (second-hand store) at a location previously used as a thrift store. No expansion of the building is proposed, and any maintenance or minor alternations of the building would be negligible, and would not result in a significant, adverse impact to the environment. Furthermore, none of the exceptions set forth 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 in order to minimize impacts upon surrounding uses. In considering a conditional use permit, the Planning Commission must make certain findings pursuant to Section 17.12.040 (C) 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 hours of operation and 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. That the proposed use is consistent with the Kerman General Plan.

Finding B (1). A second-hand store is 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, ED-1.4, LU-3.6, and CIRC-4.1.

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

Finding C (1). As described in greater detail, above, a preliminary environmental assessment was prepared for this project in accordance with the requirements of the California

Environmental Quality Act (CEQA). The project falls within Categorical Exemption per CEQA Guidelines Section 15301 (Existing Facilities) as the project is characterized as a use occupying an existing structure within a developed site and meets the required conditions described in said section. There are no project-specific significant effects on the project or the site which would require additional environmental review.

- D. That the site for the proposed use is adequate in size, shape, and location to accommodate the use as it relates to the district 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. Even though the use will occupy a nonconforming site, the second-hand store's operations do not necessitate or warrant any major building alterations to adequately and safely operate. Additionally, the second-hand store will be less than or of equal intensity to the previously established second-hand store, and other similar by-right permitted uses under the same building occupancy type in the CG zone district.

**Planning Commission Action:**

The Commission will be acting on CUP 2023-01 and determine to either:

**Motion 1:** Adopt a resolution approving CUP 2023-01, to allow for the establishment of a second-hand store at 311 S. Madera Ave., including adopting a finding of a Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines.

**Motion 2:** Move to continue the public hearing on CUP 2023-01 to a later meeting; or

**Motion 3:** Move to continue applications for CUP 2023-01 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 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**

- A. Resolution w/ Exhibits
- B. Aerial Photo
- C. Site Photos

**Attachment 'A'**  
**Resolution No. 2023-\_\_**

**A RESOLUTION OF THE THE CITY OF KERMAN PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT 2023-01, TO ALLOW FOR THE ESTABLISHMENT OF A SECOND-HAND STORE (THRIFT STORE), LOCATED AT 311 SOUTH MADERA AVENUE, IN KERMAN, CA (APN: 023-114-22S).**

**WHEREAS**, the Planning Commission considered a request for a conditional use permit filed by Carmen Ceja (applicant) on behalf of Fadi Elyas Abboud (property owner) for the establishment of a second-hand store (thrift store), located at 311 S. Madera Ave., in Kerman, CA (APN: 023-114-22s); and

**WHEREAS**, a public notice was circulated to adjacent properties within a 300-foot radius of the project site and published in the local newspaper 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 2023-01 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 hearing public testimony and deliberating, now desires to approve Conditional Use Permit 2023-01 subject to findings and conditions of approval, and adopt a finding of a Class 1 Categorical Exemption (Existing Facilities) pursuant to CEQA Guidelines Section 15301.

**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 finds and determines that a Class 1 Categorical Exemption (Existing Facilities) set forth in CEQA Guidelines Section 15301 applies to this Project as it consists of the use of an existing private facility on an existing site, to provide use as a thrift store (second-hand store) at a location previously used as a thrift store. No expansion of the building is proposed, and any maintenance or minor alternations of the building would be negligible, and would not result in a significant, adverse impact to 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 that all findings required for approval of Conditional Use Permit 2023-01 can be made, including those required by the City of Kerman Municipal Code Section 17.12.040 (C) 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 the public health, safety, or welfare. It is located in a designated general commercial area with hours of operation and 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. That the proposed use is substantially consistent with the Kerman General Plan;

Finding B (1). A second-hand store is 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, ED-1.4, LU-3.6, CIRC-4.1.

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. That the environmental document is prepared as per the California Environmental Quality Act (CEQA).

Finding C (1). As described in greater detail, above, a preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The project falls within Categorical Exemption per CEQA Guidelines Section 15301 (Existing Facilities) as the project is characterized as a use occupying an existing structure within a developed site and meets the required conditions described in said section. There are no project-specific significant effects on the project or the site which would require additional environmental review.

- D. That the site for the proposed is adequate in size, shape, and location to accommodate the use as it relates to the district 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. Even though the use will occupy a nonconforming site, the second-hand store's operations do not necessitate or warrant any major building alterations to adequately and safely operate. Additionally, the second-hand store will be less than or of equal intensity to the previously established second-hand store, and other similar by-right permitted uses under the same building occupancy type in the CG zone district.

4. Conditions of Approval: Given the foregoing, the Planning Commission approves Conditional Use Permit 2023-01, subject to the conditions of approval attached herein as **Exhibit "A"**.
5. Effective Date: This Resolution shall take into effect immediately.

\*\*\*

**Signatures on next page**



**I HEREBY CERTIFY** that the foregoing Resolution was approved at a regular meeting of the Planning Commission of the City of Kerman on the 13th day of March 2023, 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:

---

Jesus R. Orozco  
Planning Commission Secretary

**Exhibit 'A'**  
**Conditions of Approval**  
**Trini's Thrift Store – CUP 2023-01**  
**March 13, 2023**

**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 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 2023-01 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, 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 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, leasee, operator, or any other person or entity making use of this use permit.

### **General Conditions**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the receipt in the Planning Division 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 of the use permit to be approved by the Commission.
3. Any proposed future modifications to the site not specifically contemplated by CUP 2023-01, including but not limited to, the building exterior, parking/loading areas, fences/walls, new buildings, or landscaping shall require an amendment to CUP 2023-01.
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 developer to ensure that any required permits, inspections, and approval from any regulatory agency are obtained from the concerned agency prior to any building permit 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 2023-01.
7. Approval of CUP 2023-01 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, attorneys 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 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 developer and/or property owner shall submit plans consistent with California Building Standards Code, to include site development and ADA accessibility based upon the codes in effect at the time of plan check submittal.
10. The Owner / Applicant shall also submit an application for a Construction and Demolition (C&D) permit per the City of Kerman Ordinance Chapter 8.12 and required permits from other enforcement agencies including but not limited to the following: North Central Fire Protection District.
11. The developer and/or property owner shall pay for all applicable building permits prior to the issuance of a building permit.
12. Prior to the commencement of any work within the City of Kerman, the general contractor and all sub-contractors shall obtain a City business license.
13. Construction, repair, and/or remodeling shall be permitted to occur between the hours of 7:00 a.m. and 10:00 p.m., consistent with 9.26.020 of the KMC.

#### **North Central Fire Protection District**

14. Requirements for this project may include but are not limited to the following: water flow requirements, road access, fire hydrants, premises identification, and NCFPD Ordinance 2022-01.
15. Please contact the NCFPD by email at [Fire.Prevention@NorthCentralFire.org](mailto:Fire.Prevention@NorthCentralFire.org) or by phone at (559) 878-4560 to schedule an over-the-counter meeting to receive your specific requirements for your project. Failure to schedule an appointment with the NCFPD will affect your ability to obtain final approval for your project.

#### **Planning Division**

##### General

16. On-site vandalism or graffiti shall be corrected per the KMC, Chapter 9.09 – Abatement of Graffiti Nuisances.
17. 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.
18. The business and/or property owner shall comply with all applicable federal, state, or 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.
19. Business owner(s) shall be responsible for securing a business license from the Finance Department before the commencement of any commercial activity.

##### Parking

20. A parking plan of the site depicting existing parking stalls and additional parking stalls to be located to the rear of the site shall be submitted to the Planning Division no later than thirty (30) calendar days after approval. The parking plan shall include no less than three (3) new parking stalls, to the extent possible, to be reviewed and approved by the Planning Division.
21. The outdoor storage area located to the rear of the project shall be cleared to accommodate additional parking stalls. The storage area shall be cleared no later than six (6) months from this approval.

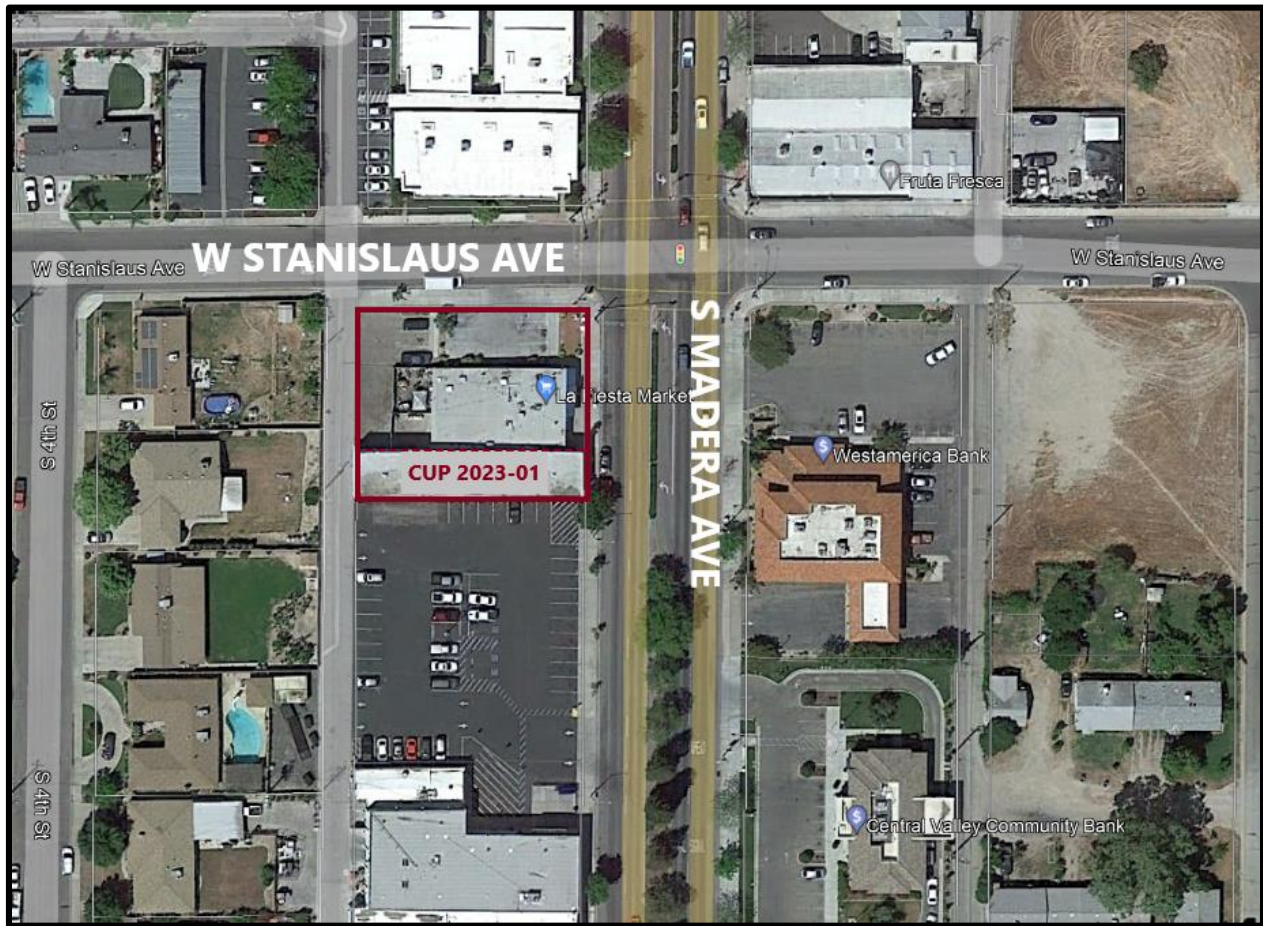
22. The additional parking stalls shall be completed within twelve (12) months after approval of the CUP. A final inspection can be scheduled with the Planning Division at (559) 846-6121.

Signage

23. All proposed and future permanent signage shall comply with KMC 17.76.050.
24. No sign shall interfere with a driver's or pedestrian's view of 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.
25. Temporary signage shall be permitted for special events (i.e. grand opening, local, State, or Federal recognized holidays), to be displayed for thirty (30) days or less per year and advertise a grand opening or community affair.

**End of Conditions**

Attachment 'B'  
Aerial Photo





Attachment 'C'  
Site Photos

