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OPENING CEREMONIES

Call to Order – Charlie Jones, Vice-Chairman
Roll Call – Olivia Pimentel, Secretary
Pledge of Allegiance

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. PRESENTATIONS/CEREMONIAL MATTERS

REQUEST TO ADDRESS COMMISSION

This portion of the meeting is reserved for members of the public to address the Commission on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. It is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Commission on items on the Agenda should notify the Mayor when that Agenda item is called, and the Mayor will recognize your discussion at that time. It should be noted that the Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda. Speakers are asked to please use the microphone, and provide their name and address.

2. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Commission Member may request an item be removed from the Consent Calendar and it will be considered separately.

A. SUBJECT: Minutes

RECOMMENDATION: Commission approve minutes as presented.

ATTACHMENTS: October 9, 2017
3. **PUBLIC HEARINGS**

   A. **SUBJECT:** Conditional Use Permit No. 17-03, Reade & Sons Funeral Home 14910 W. D Street, continued public hearing

      **RECOMMENDATION:** Commission by motion, continue public hearing, hear any testimony, close public hearing and adopt Conditional Use Permit 17-03, Reade & Sons Funeral Home 14910 W. D Street.

      **ATTACHMENTS:** Staff Report - CUP 17-03, Reade & Sons Funeral Home Inc.

   B. **SUBJECT:** Conditional Use Permit 17-07, the Den Smokehouse BBQ Restaurant & Brewery 651 S. Madera Avenue

      **RECOMMENDATION:** Commission by motion open public hearing, consider testimony, close public hearing and approve Conditional Use Permit 17-07, the Den Smokehouse BBQ Restaurant & Brewery located at 651 S. Madera Avenue.

      **ATTACHMENTS:** Staff Report - CUP 17-07, the Den Smokehouse & Brewery

4. **PETITIONS/RESOLUTIONS**

5. **ADMINISTRATIVE REPORTS**

   A. Request for Proposal (RFP) for Consultant Services to prepare the 2017-2037 General Plan Update and Environmental Impact Report (EIR)

6. **COMMUNICATIONS**

7. **ADJOURNMENT**

Agenda packet is available for review 72 hours prior to the meeting at the city clerk’s office and on the city website. Items received at the meeting will be available for review at the city clerk’s office.

In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate at this meeting, please contact the City Clerk at (559) 846-9380. Notification of 48 hours prior to the meeting will enable the City Clerk to make reasonable arrangement to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically handicapped.

**AGENDA POSTING CERTIFICATION**

I, OLIVIA G. PIMENTEL, Planning Secretary for the City of Kerman, do hereby declare under penalty of perjury that I caused the above agenda to be posted at City of Kerman Planning & Development office at 850 So. Madera Avenue, and at Kerman Community/Teen Center, 15100 Kearney Plaza, and emailed to interested parties on Friday December 8, 2017.

/s/ Olivia G. Pimentel
Secretary to the Planning Commission
OPENING CEREMONIES

- Call to Order – Robert Bandy, Commissioner at 6:34 p.m
- Roll Call – Destiny Garcia, Assistant Secretary
- Commissioners Present: Bandy, Espino, Felker, Wettlaufer
- Commissioners Absent: Jones (excused), Nunez (excused)
- Pledge of Allegiance - Performed

AGENDA APPROVAL/ADDITIONS/DELETIONS  Approved as presented

1. PRESENTATIONS/CEREMONIAL MATTERS  None offered

REQUEST TO ADDRESS COMMISSION  – None offered

2. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Commission Member may request an item be removed from the Consent Calendar and it will be considered separately.

A. SUBJECT: Minutes September 11, 2017, C/Espino made a motion to approve minutes, second C/Wettlaufer as presented. Unanimously approved as presented

3. PUBLIC HEARINGS

A. SUBJECT: Continued Public Hearing: Reade Funeral Home, Inc.

RECOMMENDATION: Applicant has requested to continue public hearing for conditional use permit, 17-03, Reade Funeral Home, Inc. 14910 W. D Street, Kerman CA

B. SUBJECT: Conditional Use Permit 17-05, A-1 Detailing and Car Wash 14960 W. E Street

Staff provided brief report on proposed Auto Detail Shop at 14960 W. E Street.

Open public hearing at 6:40 p.m.

The applicant, Ulises Rodriguez, 14960 W. E Street, spoke in support of project. Commissioners questioned the location of the grease trap for the car wash and recommended hours of operation to be from 8 am to 7 pm Monday thru Saturday. Applicant provided requested information.

Closed public hearing at 6:46 p.m.
RECOMMENDATION: C/Espino, made a motion to approve Resolution No. 17-11, Approving Conditional Use Permit 17-05, A-1 Detailing and Car Wash 14960 W. E Street, second by C/Felker. Motion carried by following vote:

AYES: Bandy, Felker, Espino, Wettlaufer
NOES: None
ABSENT: Jones, Nunez
ABSTAIN: None

C. SUBJECT: Conditional Use Permit 17-06, La Estrella Motel 566 S. Madera Avenue

Staff provided brief report on proposed Motel at 566 S. Madera Ave.

Open public hearing at 7:00p.m.

The applicant’s representative, Luis Bravo, 566 S. Madera, spoke in support of project. Commissioners had several questions relating to parking, etc. Applicant provided requested information.

Closed public hearing at 7:21p.m

No additional comments

RECOMMENDATION: C/Felker, made a motion to approve Resolution No. 17-12, Approving Conditional Use Permit 17-06, La Estrella/Star Motel 566 S. Madera Ave, second by C/Wettlaufer. Motion carried by following vote:

AYES: Bandy, Felker, Espino, Wettlaufer
NOES: None
ABSENT: Jones, Nunez
ABSTAIN: None

D. SUBJECT: Initiate Zone Ordinance Amendment to Title 17 of the Kerman Municipal Code Adding Section 17.98 relating to Electrical Vehicle Charging Stations to comply AB1736.

Staff provided brief report on proposed zone ordinance relating to electrical vehicle charging stations. New state law requires all jurisdictions to adopt ordinance allowing electrical vehicle expedited permit processing effective September 30, 2017.

Open public hearing at 7:27p.m.

Commissioners had a few questions relating to requirements

Closed public hearing at 7:34p.m

No additional comments
RECOMMENDATION: C/Felker, made a motion to approve Resolution No. 17-13, recommending that City Council Initiate Zone Ordinance Amendment to Title 17 of the Kerman Municipal Code Adding Section 17.98 relating to Electrical Vehicle Charging Stations to comply AB1236.

AYES:  Bandy, Felker, Espino, Wettlaufer
NOES:  None
ABSENT:  Jones, Nunez
ABSTAIN:  None

4. PETITIONS/RESOLUTIONS

A. SUBJECT:  Planning Commission Elections; Chairman Seat

RECOMMENDATION:  moved to next meeting

5. ADMINISTRATIVE REPORTS  - None offered

6. COMMUNICATIONS  -  None offered

7. ADJOURNMENT – 7:42 p.m.

/s/ Destiny Garcia for Olivia G. Pimentel
Secretary to the Planning Commission
To: Planning Commission
From: Olivia Pimentel, Assistant Planner, and Dave Brletic, Planning Consultant
Subject: Conditional Use Permit 17-03, Reade & Sons Funeral Home, Inc.

RECOMMENDATION

Commission by motion, continue public hearing, close public hearing and approve Conditional Use Permit 17-03, Reade & Sons Funeral Home, Inc. located at 14810 W. D Street, as amended subject to certain findings and conditions of approval.

APPLICANT

Owner/Applicant: Reade & Sons Funeral Home, Inc.
3161 W. Kearney Blvd
Fresno, CA 93706

2558 E. Olive Avenue
Fresno, CA 93701

ANALYSIS

On August 14, 2017 the City of Kerman Planning Commission held a public hearing for an application for a conditional use permit from Reade & Sons Funeral Home, Inc. to occupy an existing church building for a funeral home. The subject site is located on the northeast corner of ‘D’ and 7th Street (Figure 1). The applicant wishes to remodel the existing building that contains approximately 3,351 square feet. (Attachment A). During the public hearing portion of the meeting, several neighbors voiced concern for parking. The Commission requested that the applicants bring back a site plan that would address the parking concerns. The applicants retained a different architect engineer and has in addition made arrangements for a reciprocal parking agreement with a nearby business for any additional parking that may be needed. (Attachment B).

BACKGROUND

The subject site was home to the Methodist Episcopal Church, which was one of the first places of worship in Kerman, dating back to 1910 (Attachment B). The Methodist Church occupied this site up until 1994. The church subsequently moved to a new site outside of Kerman and the property was sold. The City of Kerman leased the site from 1996 to 2003 for use as a recreation center. The building has been vacant several years. The site has been used for various uses throughout the years and most recently as a church. Reade & Sons Funeral Home, Inc. purchased the property to offer funeral services to the community.
Based on the operational statement, Reade & Sons Funeral Home, Inc.’s use would operate Monday to Friday from 8:30 am to 5:00 pm. Saturday and Sunday hours will vary based on the scheduling of services and/or arrangement conferences with families. From time to time, visitations, rosaries and memorial services may be scheduled until 9:00 or 10:00 pm or later depending on the family needs. (Attachment D).

It should be noted that the site will be used for funeral services only. There will be no preparation (embalming, cremation, etc.).

Figure 1
Site Location
GENERAL INFORMATION

Size of Lot: 0.48 acres or 21,000 square feet
Site Location: Northeast corner of ‘D’ and 7th Street
Address: 14810 W. D Street
APN(s): 023-182-15s
Plan Land Use Designation: Open space, Recreation & Public
Zoning District: R-1 (Single Family Residential)

Surrounding Uses & Zoning:

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<th>General Plan Designation</th>
<th>Existing Uses</th>
<th>Zone District</th>
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<td>Residential</td>
<td>Residential</td>
<td>R-1</td>
</tr>
<tr>
<td>South</td>
<td>Residential</td>
<td>Residential</td>
<td>R-1</td>
</tr>
<tr>
<td>East</td>
<td>Residential</td>
<td>Residential</td>
<td>R-1</td>
</tr>
<tr>
<td>West</td>
<td>Residential</td>
<td>Residential</td>
<td>R-1</td>
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DISCUSSION

Land Use Compatibility

The subject property is designed “Medium Density Residential” on the land use map and zoned single-family residential (R-1). The R-1 zone district identifies private institutional uses, including but not limited to churches, cemeteries, hospitals, convalescent homes and charitable organizations as complimentary uses within the single-family zone district and allows such uses by conditional use permit. The subject site and the existing building was developed and used as a church for over 80 years from 1910 to 1994. Thus, the proposed use as a funeral home would be compatible and would not negatively impact the existing neighborhood. The temporary additional traffic would have similar impacts as services conducted at a church.

Site Plan

The site plan shows the existing (former church) building fronting “D”. A proposed new parking lot is planned on the west and rear of the building. The primary entrance to the site is from “D” Street and a secondary exit will be off of 7th Street. The main building is in good condition and has recently been painted (refer to photographs in Attachment B).

Parking

The parking requirement for churches, cemeteries, mortuaries and other places of worship is one parking space for every four seats within the main chapel or assembly room. The applicant is proposing a seating area containing 490 square feet as shown in the floor plan enclosed herein as
Attachment C. Based on the movable seating proposed, the applicant will be required to provide a total of 20 parking spaces (with one designated handicap accessible space).

The original site plan had 19 on-site parking spaces – primarily because (based on staff direction) the applicant is seeking to retain a large deodar cedar tree in the northeast corner of the lot. Staff believes the aesthetic value of this tree outweighs the loss of one parking space. The hearse will be parked in the front of the building for the funeral services only.

The applicants have submitted revised site plan that shows 24 parking stalls and 2 handicap parking stalls for a total of 26 parking stalls that meet city standards and addresses parking concerns. Note: the revised site plan shows hearse parking at the rear of the building. The applicants are also consulting with an arborist to determine whether the large tree on the east end of the property is healthy and will not be a potential hazard. The drought has harmed trees and the applicant wishes to be proactive. Furthermore, there are approximately 10 on-street parallel parking spaces fronting the property along ‘D’ and 7th Streets.

Staff finds that the proposed use meets the parking requirements. It should be noted there was no on-site parking for the previous churches (and City recreational facility) that operated at the site.

Traffic/Circulation

The main access to the parking lot is from ‘D’ Street, a second access will be from 7th street. Staff considered whether traffic during and after services could potentially cause congestion, and determined that traffic patterns would not affect circulation or cause undue congestion. The subject site is accessed through a series of local roads that are adequate for safe traffic movements to and from the site.

Noise

The Funeral Home is proposed to be located within a residential area. The proposed use would primarily be conducted inside the building with little to no activity beyond arrival and departure of families and friends – consistent with previous uses at the site. Therefore, staff does not anticipate any significant noise impacts upon the surrounding area.

Tenant Improvements

The applicant is proposing some minor tenant improvements that will require review and approval by the Building Official and Fire Department. A condition of approval has been added to address any requirements or conditions imposed.

Public Utilities and Services

The existing building is currently connected to existing sewer and water services. Prior to occupancy, a fire inspection may be required by the Fire Department.
PUBLIC HEARING

A public hearing notice was published in the Kerman News and mailed to property owners within 300 feet of the site on Wednesday August 2, 2017. Staff received three (3) phone calls from residents; none objected to the project, they just wanted to learn what was being proposed. This is a continued public hearing for this project.

ENVIRONMENTAL REVIEW

The project is exempt under §15301(a) (Re-use of existing buildings with minimal changes) of the CEQA Guidelines (Existing Facilities); therefore, no additional environmental review documentation is necessary.

SUMMARY AND RECOMMENDATIONS

Staff recommends that the Planning Commission adopt Resolution No. 17-08 (Attachment G) approving CUP No. 17-03, allowing the establishment of a funeral home within a residential district with revised site plan and conditions of approval.

ATTACHMENTS:

A. Site plan, original, 19 parking stalls
B. Site plan, revised, 26 parking stalls
C. Photograph of Site
D. Proposed Floor/Seating Plan
E. Landscape plan
F. Operational Statement
G. Resolution
Attachment ‘A’

Original Site Plan (19 Parking Stalls)
Attachment ‘B’

Revised Site Plan (26 Parking Stalls)
Attachment ‘C’

Photograph of site

Front Elevation (Facing ‘D’ Street)

Side Elevation (Facing East)

East Elevations- Proposed Parking site
Attachment ‘D’

Floor Plan/Seating Plan
Attachment ‘E’

Funeral Home Landscape plan- to be revised
Operational Statement

READE & SONS FUNERAL HOME, INC.

CONDITIONAL USE PERMIT
PROJECT DESCRIPTION

Reade & Sons Funeral Home, Inc. intends to operate the facility as a funeral home with an Arrangement Office, Business Offices and a Chapel that can also serve as viewing/slumber rooms.

The office and meeting space will be used to make funeral arrangements; meet with families; and sell caskets, urns and other merchandise. The community chapel will be used for conducting funeral services and memorial celebrations. It will also be used for visitations (viewings).

Hours of operation & Staffing

Reade & Sons will operate Monday to Friday from 8:30 am to 5:00 pm. Saturday and Sunday hours will vary based on the scheduling of services and/or arrangement conferences with families. From time to time, visitations, rosaries and memorial services may be scheduled until 9:00 or 10:00 pm or later depending on the needs of the family.

The company plans to initially staff the facility with two full time staff. Part time staff will be available to work on funerals and visitations. Additional staff may be present during services that take place at the building.

Chapel Space

Chapel seating will be determined based upon the occupancy approved by the City of Kerman.

Basement Space

The basement will only be used for storage purposes.

IMPROVEMENTS

Renovations

Exterior renovations at the site will include paving a parking lot, adding landscaping and curb improvements to afford access from the street.

Interior renovations will include adding walls to create offices. Air condition units will be upgraded as will the electrical system.
The facility will need a little exterior painting and touch up work.

**OUR EXPERIENCE**

Reade & Sons Funeral Home, Inc. is a family owned and operated business that specializes in providing high quality funeral and cremation services at affordable prices. The company was founded in June 2009 and has served more than two thousand five hundred families since opening our doors. Our mission is to help the consumer plan a meaningful, appropriate, and affordable service. We assist families and friends in establishing a permanent memorial by creating rapport, focusing on the family’s needs, listening to the family, encouraging creativity, and offering a comfortable setting for the arrangement process. The Company’s headquarters facility in downtown Fresno includes preparation and storage facilities as well as a crematory.
RESOLUTION NO. 17-_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN APPROVING A CONDITIONAL USE PERMIT (CUP NO. 17-03) READE & SONS FUNERAL HOME, INC. LOCATED AT 14810 W. ‘D’ STREET,

WHEREAS, the Planning Commission of the City of Kerman has considered Conditional Use Permit No. 17-03 to allow a Funeral Home to occupy a vacant 3,351 square-foot building located at 14810 W. ‘D’ Street; and

WHEREAS, a Notice of Public Hearing was distributed to all property owners of record within 300 feet of the project site and published in the Kerman News on Wednesday August 2, 2017, in accordance with City policies and Government Code Section 65090; and

WHEREAS, a Notice of Exemption has been prepared for this project, as projects of this type are categorically exempt from the requirements of CEQA pursuant to §15301(a) (Existing Facilities); therefore, no additional environmental documentation is necessary; and

WHEREAS, the Planning Commission of the City of Kerman has held a public hearing, reviewed said conditional use permit request, and has studied the compatibility of this request with adjacent land uses, and has considered this request in accordance with the conditional use permit criteria established in Section 17.12 of the Kerman Municipal Code.

WHEREAS, the Planning Commission continued public hearing, to allow applicant to bring back revised parking design to mitigate concerns from public comments.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Kerman hereby finds:

1. That the proposed use is substantially consistent with the Kerman General Plan and Zoning Ordinance.

2. That the location, size, design, and operating characteristics of the proposed uses are compatible with the existing and known future uses and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

3. That the proposed use will not impair the integrity or character of the residential zoning district.

4. That the subject site is physically suitable for the type and intensity of use being proposed.

5. The proposed use is exempt from the California Environmental Quality Act (CEQA).
6. That there would be no harmful effect upon the desirable neighborhood character with approval of this permit due to the location within an existing building with no exterior additions proposed, minimal noise generation, and the site is designed to handle the proposed parking and additional traffic generated.

THE PLANNING COMMISSION FURTHER determines that Conditional Use Permit No. 17-03 is hereby approved, subject to the conditions of approval listed in Exhibit "A", attached hereto and made a part of this resolution, and all City standards applicable to this project.

The above action is final unless an appeal is filed pursuant to Chapter 17.22 of the Kerman Municipal Code within ten (10) calendar days following Planning Commission action. Resolution approved on this 11th day of December, 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

__________________________________

Charlie Jones
Vice-Chairman

ATTEST:

__________________________________

Olivia Pimentel
Secretary
CONDITIONS OF APPROVAL

FOR READE & SONS FUNERAL HOME, INC. (CUP NO. 17-03)

1. The approval of Conditional Use Permit No. 17-03 is valid for a period of one (1) year from the approval date (until December 11, 2018). If the use approved by this action is not established within such period of time, the permit shall expire unless upon written request by the applicant prior to the expiration date, an extension is granted by the Planning Commission.

2. The use is for the occupation of a 3,351 square foot existing building for a funeral home by Reade & Sons Funeral Home, Inc.. The main assembly/seating area or sanctuary shall be limited to 490 square feet and hold a maximum of 89 people. If the applicant desires to increase the number of people permitted under this permit, the applicant shall file an amendment and the Planning Director will refer the matter to the Planning Commission for consideration.

3. The proposed use shall conform substantially to the operational plan dated "July 27, 2017", and the revised site plan dated November 15, 2017 prepared by R.W. Greenwood Associates, Inc., on file with the Planning and Development Services Department, except as modified by these conditions. Minor changes to the plans may be allowed subject to the approval of the Director if found to be in substantial conformance with the approved exhibits.

4. In the event that the applicant proposes to modify the hours of operation for services beyond those shown on the operational statement attached hereto as Exhibit “E” or other aspects of the business or modify the exterior of the building or site, the modification shall be subject to the review of the Planning Director. The Planning Director may approve the modification or refer the matter back to the Planning Commission if judged to be substantial.

5. This approval is expressly granted to Reade & Sons Funeral Home, Inc. and is not transferable unless and until the new owner/operator submits a letter to the City’s Director of Planning Development Services wherein said owner/operator states he has read, understand, and agrees to the conditions of approval of Conditional Use Permit No. 17-03.

6. Pursuant to Government Code Section 66474.9, the applicants (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Kerman and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attach, set aside, void, or annul the City’s approval concerning this application, which action is brought within the time period provided for in Section 55499.37. The City will promptly notify the applicants of any such claim action or proceeding and cooperate fully in the defense.

7. The applicant shall comply with the Kerman Municipal Code and all other applicable City of Kerman ordinances and state and federal codes.
8. The applicant shall submit a grading plan for the new parking lot for review and approval by the City Engineer.

9. The applicant shall submit a set of construction plans on 24” x 36” sheets for all required improvements. The parking lot shall be developed in accordance with the adopted improvement standards manual.

10. All subsequent submittals required by these conditions of approval, including but not limited to landscape plans, grading plans, building plans, improvement plans or mitigation monitoring plans, shall be subject to the payment of review fees by the Permittee.

11. The landscape and irrigation plan shall retain the existing deodar cedar (toward the northeast corner of the lot) and the existing palm (situated toward the southwest corner of the lot). The applicant shall take all actions needed to protect root systems during construction of the parking lot, irrigation system and related improvements. Landscape plan provide adequate aesthetic groundcover for the frontage along D Street and 7th Street, such as small trees, shrubs, etc.

12. On-site signage shall be allowed in accordance with the Sign Ordinance and Sign Design Guidelines, and a sign permit application shall be submitted to the Planning and Development Services Department for review and approval prior to installation.

13. The applicant shall maintain the area surrounding the use including but not limited to the sidewalk area and parking area in a clean and orderly manner at all times.

14. Except for the approved meeting times for services, all other activities on the site shall be limited to administrative functions during normal business hours, unless subsequent approval by the Planning Director is given for a modification.

15. Prior to occupancy, the applicant shall meet all applicable provisions of the Uniform Building Code, Fire Code, and all other applicable City codes, ordinance, and development standards in effect at the time of this approval shall be complied with.

16. If operation of this use results in conflicts pertaining to parking, noise, traffic, or other impacts, at the discretion of the Director, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.

17. Failure to comply with any and all conditions attached to the granting of this conditional use permit shall constitute grounds for revocation.

CITY ENGINEER’S CONDITIONS:

18. Submit Grading and Drainage Plan on 24”x36” sheet for review and approval by the City Engineer. These plans shall be prepared by a registered civil engineer. All plans shall be approved by the City and all other involved agencies prior to the release of any development permits.

19. Within twenty (20) calendar days after all improvements have been constructed and accepted by the City, the developer shall submit to the City of Kerman Engineering Division one PDF file on CD and one black and white copy of the approved set of construction plans revised to reflect all field revisions and marked “AS-BUILT”.
20. The developer shall pay grading plan check and permit fees at the rate in effect at the
time of payment prior to the issuance of Building Permit.

21. The developer shall comply with, and be responsible for obtaining encroachment permits
from the City of Kerman for all work performed within the City’s right-of-way.

22. The developer shall be responsible for all actions of his contractors and subcontractors
during the course of any work occurring on the site. The developer shall designate, in
writing before starting work, an authorized representative who shall have complete
authority to represent and to act for the developer. Said authorized representative shall be
present at the site of work at all times while work is actually in progress on the
development. During periods when work is suspended, arrangements acceptable to the
City Engineer shall be made for any emergency work which may be required. When the
developer or his authorized representative is not present on any particular part of the
work where it may be desired to give directions, orders may be given by the City
Engineer which shall be received and obeyed by the person or persons in charge of the
particular work in reference to which the orders are given. Whenever orders are given to
the developer’s representative or superintendent or foreman to do work required for the
convenience and safety of the general public because of inclement weather or any other
such cause, such work shall be done at the developer’s expense.

23. The developer shall take all responsibility for his contractors and shall not allow them to
work on, place debris on, store supplies or equipment on, or in any other way encroach
upon any other properties without the written permission of such property owners. In the
event other properties are encroached upon without written permission, work shall be
automatically shut down until resolved.

24. During the site construction, any public streets fronting the project shall be kept clear to
any construction debris and shall not be used as a storage area for equipment, materials,
or other items.

25. All new utilities shall be underground, including all electrical conductors.

26. Install reduced pressure backflow preventers on all water services per City Standards.

27. Parking lot shall be designed and constructed per City Standards.

28. Install drive approaches per City Standards and provide accessible pedestrian path of
travel around approaches.

29. Replace all damaged or sub-standard concrete improvements along the public street
frontage.

30. Relocate existing fencing encroaching into public right-of-way or request City’s
permission for encroachment to remain.

APPLICANT’S ACKNOWLEDGMENT

I have read, understand, and accept the conditions of approval set forth herein above in this
resolution of approval for Conditional Use Permit No. 17-03.

__________________________________________
Date Ronald E. Smith
Applicant
To: Chairman and Commissioners
From: Olivia Pimentel, Assistant Planner
Subject: Conditional Use Permit, the Den Smokehouse BBQ Restaurant & Brewery - 651 S. Madera Avenue

RECOMMENDATION

That the Planning Commission, open public hearing, consider testimony, close public hearing and approve Conditional Use Permit 17-07, the Den Smokehouse BBQ Restaurant & Brewery 651 S. Madera Avenue.

EXECUTIVE SUMMARY

The applicants (Caleb Walker and Joel Lopez) are requesting a Conditional Use Permit to occupy an existing vacant commercial building and renovate it for a Smokehouse BBQ Restaurant & Brewery Business.

Applicant(s)/Owner(s): Caleb Walker
14917 W. Kearney Blvd
Kerman, CA 93630
(559) 217-2241

Joel Lopez
705 McKenna Ct.
Kerman, CA 93630
(559) 269-0277

Architects: Goldbeck Architects
3546 W. Loma Linda
Fresno, CA 93711
(559) 285-2390

BACKGROUND:

This project is a request to establish a restaurant and brewery in an existing vacant building that was previously a food market/Lucero Market at 561 S. Madera. The site is zoned CG (General Commercial).

The site is an older vacant commercial building that contains 2,392 square feet of floor area. Restaurants are permitted by right in the General Commercial zone district; however staff recommended that this business apply for a conditional use permit because of the brewery that will be a part of the restaurant, selling beer that will be made on site.
Project Location:

A. Figure 1-1

Aerial views
GENERAL INFORMATION:
- **Site Location:** West side of Madera Avenue between E and F Streets
- **APN(s):** 023-148-10s, Lot size 8,400 SF
- **Existing Uses:** The existing commercial building is currently vacant. Previously a food market
- **General Plan Designation:** General Commercial
- **Zoning:** General Commercial (CG)

**Surrounding Uses & Zoning:**

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Land Uses</th>
<th>General Plan Designations</th>
<th>Zone Districts</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential/Commercial</td>
<td>General Commercial</td>
<td>CG</td>
</tr>
<tr>
<td>South</td>
<td>Commercial</td>
<td>General Commercial</td>
<td>CG</td>
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<tr>
<td>East</td>
<td>Commercial</td>
<td>General Commercial</td>
<td>CG</td>
</tr>
<tr>
<td>West</td>
<td>Open Space/Residential</td>
<td>General Commercial</td>
<td>O/R2</td>
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General Plan/Zoning

The 2007 General Plan Land Use Element designates the subject site “general commercial”. The subject property is zoned CG, general commercial. This zone district permits a wide range of retail and office uses such as apparel stores, restaurants, cafes, drive-in restaurants, pharmacy, medical offices and professional offices. The proposed development will be consistent with the land use and zoning for the site as well as promote the general plan goal of encouraging activity in the downtown area.

Site Design and Operations

The site plan shows a total floor area of 2,392 SF. The building floor plans submitted show the dining area of 660 square feet, kitchen area 686 square feet and storage area 642 square feet, with a future outdoor seating area. The applicants are indicating there will be capacity for 50 seats in the restaurant.

The restaurant will initially operate four days a week Thursday to Saturday 11:00a.m to 9:00pm and Sundays from 3:00pm to 9:00pm. Typically two (2) employees will be on duty at any given time.

The business will also brew and serve beer for on-site consumption. The applicant has provided the following statement regarding the brewing process:

“No matter what size brewery you are the brew process is the same. There are 3 components to the “brewhouse”. For us, it’s a 30 gallon pot for boiling and raising the temperature of liquid; a 2 gallon mash tun (a type of vessel), which consists of a false bottom or “strainer”; and a “hot liquor tank” with 10 gallon hot water storage.

Process is as follows: Water is heated up, transferred to the mash tun grain is added, more water is heated up while grain sits in hot water. After an hour of sitting, sugar water is drained off of the grain and newly heated water is filtered over the grain bed to dislodge any loose sugars from grain bed. Sugar water is drained back into 30 gallon boiling pot where “wort” or sugar water is boiled along with hops and any other ingredients.

Hot wort is cooled and transferred to either 14 gallon, 17 gallon or 41 gallon fermenter and yeast is added. It sits for approximately 1.5 weeks and is transferred to kegs where carbon dioxide is added for carbonation and then poured via a tap”

If approved by the City, the applicant must also seek a permit for the manufacture and sales of beer from the State of California, Department of Alcoholic Beverage Control (ABC), for a Type 23 license (small-scale beer production for on-site consumption).

In considering this Conditional Use Permit, the Planning Commission needs to determine whether there is evidence the project may have a negative impact on the neighborhood. The Conditional Use Permit process allows the City to do this by notifying surrounding neighbors (and the community of the proposed use) and offering the chance to express any concerns. As of the time of the writing of this report, staff had not received any calls, questions or concerns about the business.

Staff at ABC also indicated there is no information or circumstances they are aware of presently that would cause them to reject this request. Input from the Kerman Police Department was also solicited for this proposal. The department voiced no concerns over this request.
In terms of neighborhood compatibility, the site is located within the downtown commercial area, along Madera Avenue. Alcoholic beverages have been sold from the site (as a market) in the past (though for on-site consumption). There are residential areas immediately to the west, and Kerkhoff Park is a short distance to the northwest. However, because the project is a full restaurant (not a bar) and alcohol will be consumed only on-site, staff believes the use will have no negative impacts, and will be a positive addition to the downtown.

**Architecture**

There are no proposed improvements to the exterior elevations other than painting and signage that will require a separate permit.

**Traffic/Circulation**

The site will is located along Madera Avenue (SR 145) in downtown with proposed parking along the frontage of Madera Avenue and in the rear.

**Parking**

The Kerman Zoning Ordinance requires parking for restaurants and bars, to be provided at a ratio of at least one parking space for every four seats based upon the capacity of the fixed and movable seating area as. With a proposed seating capacity of 50 seats – the project would be required to provide 12.5 parking spaces. The site plan shows a total of 7 parking spaces on site and 3 in front of the site for a total of 10 parking spaces. The site does not meet the parking standards; however, given the fact that the site is located in the downtown, flexibility is allowed pursuant to section 17.74.150, Existing Facilities. Under this section any change in use in an existing building or lot that requires more parking space shall provide the additional parking areas required in this chapter. However, the Planning Commission may waive the additional required number of parking spaces if the applicant provides evidence that he/she has exhausted all opportunities for providing the necessary parking.

**Fire Protection & Services**

The fire district has reviewed the revised site plan and provided standard comments relating to minimum driveway widths, fire lanes, turning radius, fire hydrants, sprinkler systems, and fire extinguishers. The requirements of the fire district are included in the conditions of approval. As previously mentioned, the Police Department has voiced no concerns about the project.

**Signage**

The design of the sign will be required to compliment stucco finish to match the color and texture of the main building. Signage will be with a separate permit.

**ENVIRONMENTAL DETERMINATION:**

This is an infill project and therefore additional environmental review is not required.
CONCLUSION:

The proposed project is consistent with Kerman’s General Plan, Land Use Element and the Zoning Ordinance. Further, the conditions that have been applied to the proposed use permit will insure that the public’s health, safety and welfare are protected; and that the project is well designed and will be an asset for the community.

EXHIBITS:

A. Aerial Photo
B. Site Plan
C. Resolution/with Exhibits
Exhibit ‘A’
Aerial Photo/Vacant Lucero Market
Exhibit ‘B’

Site Plan
BEFORE THE PLANNING COMMISSION 
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN 
APPROVING CONDITIONAL USE PERMIT 17-07, FOR THE DEN SMOKEHOUSE BBQ & 
BREWERY 651 S. MADERA AVENUE

WHEREAS, at a regular meeting of the Planning Commission of the City of Kerman (the "Planning Commission") duly called and held a public hearing on December 11, 2017, at 6:30 p.m.,

WHEREAS, a conditional use permit application for a proposed restaurant & brewery (on a site occupying approximately 8,400 square feet) was filed by Caleb Walker and Joel Lopez, (14917 W. Kearney Blvd Kerman, Ca, 93630) for property located on the east side of Madera Avenue (Hwy 145) between “E” and ‘F’ Streets in the City of Kerman (see Exhibit B), and;

WHEREAS, the applicant wishes to remodel an existing vacant building that is approximately 2,392sf and;

WHEREAS, the project will provide 10 parking spaces, including one handicap accessible space. and;

WHEREAS, a public hearing notice was published in the Kerman News ten days prior to the Planning Commission's public hearing on Conditional Use Permit 17-07; and

WHEREAS, on December 11, 2017 the Planning Commission accepted public testimony, both verbal and written, regarding Conditional Use Permit 17-07, and reviewed the Planning Department's staff report.

WHEREAS, the project will result in no significant impacts to the environment, and is exempt from review under Section 15301 (a) (Re-use of existing buildings with minimal changes) of the Guidelines of the California Environmental Quality Act.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF KERMAN DOES RESOLVE AND ORDER AS FOLLOWS:

1. That Conditional Use Permit 17-07, will not have an adverse impact on the neighborhood’s or community’s public health, safety or welfare.

2. That Conditional Use Permit 17-07 is consistent with Kerman’s Land Use Element.

3. That Conditional Use Permit 17-07 is consistent with Kerman’s Zoning Ordinance.
4. That the Planning Commission on the basis of the whole record before it finds that there is no substantial evidence the project will have a significant effect on the environment, and is exempt from review under Section 15301 (a) (Re-use of existing buildings with minimal changes) of the Guidelines of the California Environmental Quality Act.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Conditional Use Permit 17-07 subject to the following conditions of approval:

1. This approval is expressly granted to The Den Smokehouse BBQ & Brewery for the restaurant brewery business as approved and is not transferable unless and until the new owner/operator submits a letter to the City’s Director of Planning Development Services wherein said owner/operator states he has read, understands, and agrees to the conditions of approval of Conditional Use Permit.

2. The operation shall be conducted in accordance with this conditional use permit. Any deviations from the approvals shall require an amendment to the prior approvals or approval of a new permit or entitlement(s) as determined by the City.

3. The operation shall be conducted entirely within the building (The Den Smokehouse BBQ & Brewery). No storage of any kind shall occur outside the building.

4. Any expansion beyond the Den Smokehouse BBQ & Brewery, site shall first require an amendment to this conditional use permit.

5. If the City receives complaints about odor or excessive noise, the applicant shall take reasonable and feasible measures to eliminate perceptible odor at the property line and/or reduce noise to within City Noise Ordinance standards.

6. This conditional use permit runs with the land, and shall expire if the business has not commence operations within one year of this approval.

7. Wash down areas for restaurant equipment and accessories shall be designed as follows: i) The area should be self-contained, equipped with a grease trap or grease interceptor, or other BMP that prevents grease from reaching the sewer system, and properly connected to a sanitary sewer, ii) if the wash area is to be located outdoors, it should be covered, paved, have primary containment, and be connected to the sanitary sewer; and, iii) the grease trap/interceptor shall be regularly maintained according to manufacturer’s specifications to ensure maximum removal efficiencies.

8. Pursuant to Government Code Section 66474.9, the applicants (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Kerman and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attach, set aside, void, or annul the City’s approval concerning this application, which action is brought within the time period provided for in Section 55499.37. The City will promptly notify the applicants of any such claim action or proceeding and cooperate fully in the defense.
It was moved by Commission member ________ and second by Commission member ________ to approve Resolution 17-14, approving Conditional Use Permit 17-07, the Den Smokehouse BBQ & Brewery, located at 651 S. Madera Avenue, in Kerman, CA.

Passed and adopted at a regular meeting of the Kerman Planning Commission held on December 11, 2017, by the following vote.

AYES:
NOES:
ABSENT:
ABSTAIN:

The foregoing resolution is hereby approved:

____________________________
Charles H. Jones
Vice-Chairman

ATTEST:

____________________________
Olivia Pimentel
Secretary