

CORCORAN PLANNING COMMISSION MEETING AGENDA

**Monday, June 19, 2023
5:30 P.M.**

Public Inspection: A detailed Planning Commission packet is available for review at Corcoran City Hall, located at 832 Whitley Avenue

Notice of ADA Compliance: In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the City Clerks office at (559) 992-2151 ext. 2501.

Public Comment: Members of the audience may address the Planning Commission on non-agenda items; however, in accordance with Government Code Section 54954.2, the Planning Commission may not (except in very specific instances) take action on an item not appearing on the posted agenda.

This is just the time for members of the public to comment on any matter within the jurisdiction of the Corcoran Planning Commission. Planning Commission will ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome.

After receiving recognition from the chair, speaker will walk to the podium and state name and address and proceed with comments. Each speaker will be limited to five (5) minutes.

ROLL CALL

Chairman:	Karl Kassner
Vice-Chairman:	Kaitlyn Frazier
Commissioner:	David Bega
Commissioner:	Karen Frey
Commissioner:	Janet Watkins

FLAG SALUTE

1. PUBLIC DISCUSSION

2. APPROVAL OF MINUTES

Approve the minutes of the April 17, 2023, Planning Commission Meeting.

3. RE-ORGANIZATION None

4. **PRESENTATIONS** **Introduction to new Community Development Staff.**

5. **PUBLIC HEARING**

5.1 Public hearing to introduce and consider Conditional Use Permit (CUP) 23-03, Resolution No. 2023-08 regarding application for Cannabis Dispensary in a Downtown Commercial Zone (CD). Property is located at 1115 Norboe Avenue, Corcoran, CA 93212, with APN 032-032-001. *(Tromborg)(VV)*

- A. Open Public hearing
- B. Staff Report
- C. Accept written testimony
- D. Accept oral testimony
- E. Close hearing
- F. Commission discussion
- G. By motion, approve/approve with changes/deny recommendation

5.2 Public hearing to introduce and consider Conditional Use Permit (CUP) 23-04, Resolution No. 2023-09 regarding application for a Tattoo shop business to be located at 1108 Chase Avenue, Corcoran, CA 93212, currently zoned as Downtown Commercial (CD). *(Tromborg)(VV)*

- A. Open Public hearing
- B. Staff Report
- C. Accept written testimony
- D. Accept oral testimony
- E. Close hearing
- F. Commission discussion
- G. By motion, approve/approve with changes/deny recommendation

5.3 Public hearing to introduce and consider Tentative Parcel Map (TPM) 23-02, Resolution No. 2023-10. The application proposes to split one (1) parcel into three (3) parcels. The property is located on Ottawa Avenue 600 feet west of Van Dorsten Avenue, Corcoran, CA 93212, APN 032-240-021. *(Tromborg)(VV)*

- A. Open Public hearing
- B. Staff Report
- C. Accept written testimony
- D. Accept oral testimony
- E. Close hearing
- F. Commission discussion
- G. By motion, approve/approve with changes/deny recommendation

6. **STAFF REPORTS**

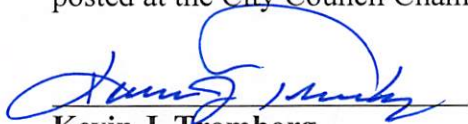
- 6.1 Regional Housing Need Assessment (RHNA) Update.
- 6.2 2022 Community Development Report

7. **MATTERS FOR PLANNING COMMISSION**

- 7.1 Community Development Directors Report
 - A. Dennis Tristoa
 - B. PC Alternate
 - C. Zoning Code Revisions.
 - D. Community Development Staff
- 7.2 Information Item:
 - A. July Planning Commission Meeting Canceled
- 7.3 Staff Referrals- Item of Interest (*Non-action items the Commission may wish to discuss*)
- 7.4 Committee/Seminar Reports:

8. **ADJOURNMENT**

I certify that I caused this Agenda of the Corcoran Planning Commission meeting to be posted at the City Council Chambers, 1015 Chittenden Avenue on June 15, 2023.



Kevin J. Tromborg
Community Development Director

**MINUTES
CORCORAN PLANNING COMMISSION
REGULAR MEETING
Monday, May 15, 2023**

The regular session of the Corcoran Planning Commission was held 1015 Chittenden Avenue, Corcoran, CA 93212. The meeting was called to order by Chairperson, Kassner at 5:30 P.M.

ROLL CALL

Commissioners present: Frey, Kassner, Tristao and Watkins

Commissioners absent: Bega, Frazier

Staff present: Tina Gomez and Kevin Tromborg

Also present: Moses Diaz, City Attorney

FLAG SALUTE - Kassner

1. **PUBLIC DISCUSSION** – Tony Leonard with Civic Well announced presence in Corcoran this week (ATP) conducting study for safe transportation to include walkways, roads, bicycle routes and alley ways.

2. **APPROVAL OF MINUTES**

Following commission discussion, a motion was made by Frey and seconded by Kassner to approve the minutes for the regular meeting on November 21, 2022 and March 20, 2023.

AYES: Frey, Kassner, Tristao and Watkins

NOES:

ABSTAINED:

ABSENT: Bega and Frazier

3. **RE-ORGANIZATION** – None

4. PUBLIC HEARING

4.1 Following Commission discussion, a motion was made by Kassner and seconded by Frey to consider the approval of a Zone text change in Ordinance 22-01 and Resolution 2023-07 regarding Retail Cannabis in Downtown Commercial zones. Motion carried by the following vote:

- A.** Open Public hearing 5:39 pm
- B.** Staff Report
- C.** Accept written testimony
- D.** Accept oral testimony
- E.** Close hearing 5:46 pm
- F.** Commission discussion
- G.** By motion, approve/approve with changes/deny recommendation

AYES: Frey, Kassner, Tristao and Watkins

NOES:

ABSENT: Bega and Frazier

5. STAFF REPORTS

5.1 Following Commission discussion, a motion was made by Frey and seconded by Watkins to approve Lot Line Adjustment/Merger 22-01 and Resolution 2023-06 regarding 1128 Dairy Ave APN: 34-150-049 & 034-150-012. Motion carried by the following vote:

AYES: Frey, Kassner, Tristao and Watkins

NOES:

ABSENT: Bega and Frazier

6. MATTERS FOR COMMISSION

6.1. Upcoming Events/Meeting

6.2 Community Development Directors Report

6.3 Staff Referrals - *Items of Interest (Non-action items the Commission may wish to discuss)*

6.4 Committee/Seminar Reports -

7. ADJOURNMENT

At 5:59 p.m., the meeting was adjourned to the next regular meeting on June 19, 2023, in the Corcoran City Council Chambers 1015 Chittenden Avenue, Corcoran, CA 93212.

APPROVED ON: _____

Karl Kassner, Planning Commission Chairperson

ATTEST:

Kevin J. Tromborg, Community Development Director

Chairperson

Karl Kassner

Vice-Chairperson

Kaitlyn Frazier

Commissioners

David Bega
Janet Watkins
Karen Frey

Planning Commission



**Community
Development
Department**

(559) 992-2151
FAX (559) 992-2348

832 Whitley Avenue, Corcoran
CALIFORNIA 93212

STAFF REPORT

Item # 5.1

To: Planning Commission

From: Kevin J. Tromborg, Community Development Director, Planner, Building Official.

Date: June 19, 2023

Subject: Conditional Use Permit (CUP) 23-03 and Resolution 2303-08 Cannabis Dispensary.
Blissful Moments 1115 Norboe Avenue.

A. General Information:

1.	Owner of Property:	Jason and Lisa Mustain. 1017 Josephine Avenue, Corcoran Ca, 93212
2.	Applicant:	Jason Mustain and Parth Patel (Business Partners) 1115 Norboe Avenue. Corcoran Ca 93212
3.	Site Location:	1115 Norboe Avenue Corcoran Ca, 93212
4.	Property Description:	Downtown Commercial building
5.	Site Area:	1050 Square Feet
6.	General Plan Designation:	Downtown Commercial
7.	Current Zone Classification:	CD: Downtown Commercial
8.	Existing Use:	Vacant
9.	Proposed Use:	Retail Cannabis Dispensary

B. Project Location & Description: 1115 Norboe Avenue, Retail Cannabis Dispensary

SURROUNDING ZONING AND USES

<u>USE</u>	<u>ZONING</u>
NORTH: Retail Stores/Shops	CD: Downtown Commercial
SOUTH: Residential	RM-2 Multi Family
EAST: Retail Stores/Shops	CD: Downtown Commercial
WEST: Retail Stores/Shops	CD: Downtown Commercial

ALL BUSINESS IN THE DOWNTOWN DISTRICT SHALL BE SUBJECT TO ALL STANDARDS THAT MAY BE REQUIRED

C. Compliance with General Plan and Zoning:

Retail Cannabis Dispensaries are an approved use under a CUP in the Downtown Commercial zone district and in compliance with the General Plan.

E. Comments from City Departments and other agencies:

1. **Kings County Environmental Health:**
All regulations pertaining to Cannabis Dispensaries shall be adhered to at all times
2. **Kings County Fire Department**
All regulations regarding fire extinguishers shall be done and location to be determined by the Fire Department
3. **Building Department, City of Corcoran**
 - A. An approved Know box shall be installed, location TBD.
 - B. Tennent Improvement permits shall be applied for and approved before remodel work commences.
 - C. As build plans shall be submitted to the Building Department before occupancy is approved.
4. **Planning Department, City of Corcoran**
 - A. All regulations regarding licensing, city and state, shall be adhered to at all times.
5. **Police Department, City of Corcoran**

6. A. Security cameras shall be installed. Exterior locations TBD by the PD.

7. **Public Works Department, City of Corcoran.** No comments

8. Public Input:

A notice of Public Hearing was published in the Corcoran Journal regarding this CUP on May 31, 2023.

9. Comments from Other Agencies/Departments:

Referrals were made to City Departments and other agencies and comments have been incorporated into the findings of this report.

10. Environmental Impact Assessment and compliance with CEQA

It has been determined by the Community Development Director that this action (CUP) is ministerial therefore is categorically exempt from CEQA review under 15300.1 of the CEQA guidelines.

11. Recommendation:

Staff recommends that the staff report be given, public hearing be opened, testimony taken, and the Planning Commission take action based on the following findings and on the attached Resolution .

J. CONDITIONAL USE PERMIT FINDINGS

The following findings are proposed:

- (A) The project is exempt under CEQA guidelines 15300.1 (Ministerial)
- (B) That the proposed project has filed for all required applications for licensing with the State of California, and the City of Corcoran.
- (C) That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the Corcoran Municipal Code, Ordinances, Standards or State and Federal Codes of regulations to adjust said use with land and use in the designated zone or neighborhood.
- (D) That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
- (E) That the proposed use will have no or limited adverse effects upon adjoining or other

Properties. in the vicinity. In making this determination, the Commission or Council shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation, external circulation, setbacks; heights of buildings or structures; wall or fences; landscaping; outdoor lighting; signs; and any other characteristics that will affect the property or properties in the vicinity.

- (F) That the proposed use is consistent with the objectives and policies of the Corcoran General Plan, or any specific plans, or planned development approved by the City.
- (G) That the proposed site for development has adequate public services, or will be provided with adequate public services to accommodate proposed land use.

CONDITIONAL USE PERMIT-ACTION BY THE PLANNING COMMISSION (from Zoning Ordinance Section 11-23-4)

The Planning Commission, by written resolution, may approve, approve with conditions, disapprove, or disapprove without prejudice a conditional use permit application.

The decision of the Planning Commission shall be final unless appealed to the City Council in accordance with the procedure outlined below. (In this case, if the Conditional Use Permit is approved by Planning Commission, then, because this requires a letter of public convenience and necessity from the City Council, the request will also go to the City Council).

No building permit or business license shall be issued where a conditional use permit has been approved or conditionally approved by the Planning Commission until such permit has been granted by the Planning Commission and after the appeal period has expired, and then only in accordance with the terms and conditions of the conditional use permit granted and only if the approval or conditional approval of the conditional use permit by the Planning Commission has not been appealed to the City Council.

CONDITIONAL USE PERMIT-APPEAL TO THE CITY COUNCIL (Section 11-27)

In case the applicant or any other party is not satisfied with the action of the Planning Commission he may, within ten days after the date of the adoption of the Planning Commission resolution, file in writing with the City Clerk an appeal to the City Council. The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission, or whereby its decision is not supported by the evidence in the record.

The City Council shall set a date a date for the public hearing and shall post notices as set fourth in Section 11-27. The date for the public hearing shall not be less than ten nor more than thirty days from the date on which the appeal was filed.

By resolution, the City Council may affirm, reverse or modify a decision of the Planning Commission, providing that the City Council make the findings prerequisite to the granting of a conditional use permit as required in Section 11-27.

The decision of the City Council shall be final and shall have immediate effect. 11-27 (G) 1

TIME LIMIT FOR DEVELOPMENT-RENEWAL RESTRICTIONS (Zoning Ordinance Section 11-25-5)

A conditional use permit shall lapse and become void one year following the date on which the conditional use permit became effective unless by conditions of the conditional use permit a lesser or greater time is prescribed, or unless, prior to the expiration, either the use is being diligently pursued in accordance with the conditional use permit, or a building permit is issued by the Building Official and construction is commenced and is being diligently pursued in accordance with the conditional use permit. A conditional use permit may be renewed for an additional period of one year or for a lesser or greater period as may be specified, provided that an application for renewal is filed with the Planning Commission prior to the expiration of the time granted. The Planning Commission, pursuant to the procedure set forth in Section 11-25-5, may grant or deny an application for renewal.

A conditional use permit shall lapse and become void if there is discontinuance for a continuous period of six months of the exercise of rights granted under said permit.

NEW APPLICATION

Should the Planning Commission deny an application for a use permit, no application for a use permit for the same or substantially the same use on the same or substantially the same site shall be filed within six (6) months from the date of denial or revocation of the use permit, except when the Planning Commission denies "without prejudice".

USE PERMIT TO RUN WITH THE LAND

A use permit granted pursuant to the provisions of this Chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application.

Any expansion of the use or structures or area associated with such use not originally approved in the conditional use permit shall require a modification to the conditional use permit through the public hearing process.

REVOCATION 11-25-6

Upon violation of any applicable provisions of this Code, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a use permit shall be suspended automatically. Notice of such suspension shall be sent immediately to the person or persons responsible for noncompliance by the Planning Department. Within thirty (30) days of the suspension, the City Council shall consider the suspension. If not satisfied that the regulation, general provision, condition or conditions are being complied with, the City Council may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision, condition or conditions. Before acting on the suspension, the City Council may refer the matter to the Planning Commission for a report and recommendations.

**CORCORAN CITY PLANNING COMMISSION
RESOLUTION NO. 2023-08
PERTAINING TO
CONDITIONAL USE PERMIT 23-03**

At a meeting of the Planning Commission of the City of Corcoran duly called and held on June 19, 2023, the Commission approved the following:

Whereas, Jason Mustain and Parth Patel, submitted an application requesting approval for a retail cannabis dispensary business to be located at 1115 Norboe Avenue; and

Whereas, this Commission considered the staff report regarding Conditional Use permit 23-03 on June 19, 2023 ; and

Whereas, the Planning Commission has made the following findings pursuant to the City of Corcoran General Plan, Zoning Ordinance and Licensing Ordinance pertaining to Cannabis Dispensaries;

Whereas; The action (Conditional Use Permit is a ministerial action therefore is exempt from CEQA review under CEQA guidelines 15300.1.

Whereas; the regulations regarding cannabis dispensaries have been approved in Ordinance 646 and Title Three (3) Business and License regulations of the Corcoran Municipal Code

Whereas: prior to Occupation, the applicant shall present to the City all required State licenses.

(A) That the site for the proposed use is adequate in size and shape to accommodate the said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Title to adjust said use with land and use in the neighborhood;

(B) That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

(C) That the proposed use will have no adverse effect upon adjoining or other properties. In making this determination, the Commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; heights of buildings; walls and fences; landscaping; outdoor lighting; signs; and such other characteristics as will affect surrounding property;

(D) That the proposed use is consistent with the objectives and the policies of the Corcoran General Plan, or any specific plans, area plans, or planned development approved by the City;

(E) That all comments from the City of Corcoran and other agencies be followed and approved prior to occupancy.

IT IS THEREFORE RESOLVED that Conditional Use Permit 23-03 and Resolution 2023-08 should be approved by the Planning Commission with the Conditions stated in the findings and comments.

AYES:

NOES:

ABSENT:

ABSTAIN:

Adopted this 19th, day of June, 2023

Planning Commission Chairman

Community Development Director

CERTIFICATE

City of Corcoran }
County of Kings } ss.
State of California }

I, Marlene Spain, Planning Commission Secretary of the City of Corcoran, hereby certify that this is a full, true and correct copy of Resolution No. 2023-08 duly passed by the Planning Commission of the City of Corcoran at a regular meeting thereof held on the 19th day of June 2023, by the vote as set forth therein.

DATED: June 19, 2023

Marlene Spain
Planning Commission Secretary

ATTEST:

Marlene Spain, City Clerk

ORDINANCE NO. 646

AN ORDINANCE OF THE CITY OF CORCORAN ENACTING BUSINESS REGULATIONS FOR RETAIL CANNABIS.

THE CITY COUNCIL OF THE CITY OF CORCORAN DOES ORDAIN AS FOLLOWS:

Section 1. PURPOSE. It is the purpose and intent of this chapter to accommodate retail cannabis businesses by enacting reasonable business regulations and other requirements to protect the health, safety, and general welfare of the residents of Corcoran, minimize negative impacts of related cannabis activity, and enforce rules and regulations consistent with state law. Establishes annual permit requirements for Retail Cannabis business operation, employees, and delivery services within Corcoran. Nothing in this chapter is intended to authorize the possession, use, or provision of cannabis for purposes which violate state or federal law. The provisions of this chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under state, county, or other law.

Section 2. CODE ADOPTION. Chapter 11 is hereby added to Title 3 of the Corcoran Municipal Code to read in its entirety as stated in **ATTACHMENT 1** hereto, and incorporated herein as if it were set forth verbatim.

Section 3. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15061(b)(3) [there is no possibility the activity in question may have a significant effect on the environment]. In addition to the foregoing general exemptions, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 4. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Corcoran, or any official, employee or agent thereof.

Section 5. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Corcoran hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

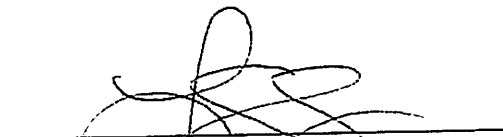
Section 7. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Corcoran Municipal Code as amended by this ordinance are substantially the same as provisions in the Corcoran Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 8. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the passage hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be


published once in the Corcoran Journal, a newspaper printed and published in the City of Corcoran, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Corcoran, State of California, on May 23, 2023, at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES: Nolen, Ojeda and Robertson
NOES: Palmerin
ABSTAIN:
ABSENT: Zamora-Bragg



JEANETTE ZAMORA-BRAGG
Mayor, City of Corcoran

ATTEST: 

MARLENE SPAIN
City Clerk, City of Corcoran

TITLE 3 BUSINESS AND LICENSE REGULATIONS

CHAPTER 3-11 RETAIL CANNABIS

3-11-01	Purpose and Intent.
3-11-02	Definitions.
3-11-03	Legal Authority.
3-11-04	Promulgations Of Regulations.
3-11-05	Retail Cannabis Operating Requirements.
3-11-06	Retail Cannabis Employee.
3-11-07	Delivery Service Requirements.
3-11-08	Permit Procedure.
3-11-09	Violations and Enforcement.

3-11-01: Purpose and Intent.

It is the purpose and intent of this chapter to accommodate retail cannabis businesses by enacting reasonable business regulations and other requirements to protect the health, safety, and general welfare of the residents of Corcoran, minimize negative impacts of related cannabis activity, and enforce rules and regulations consistent with state law. Establishes an annual permit requirements for Retail Cannabis business operation, employees, and delivery services within Corcoran. Nothing in this chapter is intended to authorize the possession, use, or provision of cannabis for purposes which violate state or federal law. The provisions of this chapter are in addition to any other permits, licenses and approvals which may be required to conduct business in the City, and are in addition to any permits, licenses and approval required under state, county, or other law.

3-11-02: Definitions.

The following definitions are applicable to the provisions as set forth herein, concerning regulations pertaining to retail cannabis business and related activities and operations. Any reference to California statutes are deemed to include any amended version of the referenced statute or regulatory provision.

APPLICANT: Means a person who is required to file an application for a retail cannabis, delivery, or employee permit under this article.

BUSINESS OWNER: Means the owner(s) of the retail cannabis business.

CANNABIS: Shall be defined as provided within the California Health and Safety Code § 11018, or successor statute. The terms "cannabis" and "marijuana" shall have the same meaning within the Corcoran Municipal Code. Furthermore, except where otherwise distinguished, the term "cannabis" shall include and refer to both medicinal cannabis and non-medicinal cannabis.

CANNABIS ACCESSORIES: Shall be defined as provided within California Health and Safety Code § 11018.2, or successor statute.

RETAIL CANNABIS: Means a business which holds a valid Retail Cannabis Permit from the City of Corcoran, valid state license required by State law, and authorized to engage in the retail

sale of cannabis or cannabis products, including the delivery of cannabis or cannabis products as part of a retail sale. In addition, and without limiting the foregoing, retail cannabis is also defined in California Business and Professions Code division 10 and any successor statute(s), as may be adopted or amended from time to time.

RETAIL CANNABIS PERMIT: Means a regulatory permit issued by the City of Corcoran pursuant to this chapter that is required to allow the establishment and operation of a retail cannabis business within the City of Corcoran. Permit is subject to annual renewal and contingent upon the business's ongoing compliance with all requirements of this chapter and any other regulations adopted by the State or City pertaining to retail cannabis related activities and operations.

CANNABIS PRODUCTS: Shall be defined as provided within California Health and Safety Code § 11018.1, or successor statute.

CITY: Means the City of Corcoran, a California general law City, and the territorial limits subject to the jurisdictional authority of the City of Corcoran.

CITY COUNCIL OR COUNCIL: Means the City Council of the City of Corcoran.

DELIVERY: Shall be defined as provided within the California Business and Professions Code § 26001(q), or successor statute.

DELIVERY EMPLOYEE: Shall be defined as provide within Title 16 California Code of Regulations § 5000(i), or successor statute.

DISTRIBUTION: Means the procurement, sale, and transport of cannabis or cannabis products between licensees.

EMPLOYEE: Means each and every person engaged in the operation or conduct of any cannabis business, whether as owner, member of the owner's family, partner, associate, agent, manager, or solicitor, and each and every other person employed or working in such cannabis business for a wage, salary, commission, barter or any other form of compensation.

GROSS RECEIPTS: Means the amount a cannabis operation received from all sources during its accounting period, without subtracting any costs or expenses.

MAUCRSA: Means the Medicinal and Adult-Use Cannabis Regulation and Safety Act as codified in division 10 of the California Business and Professions Code, as the same may be amended from time to time.

OPERATOR: Means the business owner and any other person designated by the business owner as responsible for the day to day retail cannabis business operation.

PATIENT OR QUALIFIED PATIENT: Means a person who is entitled to the protections of California Health and Safety Code Section 11362.5, and as defined in California Health and Safety Code Section 11362.7 et seq., as it may be amended.

PERSON WITH AN IDENTIFICATION CARD: Has the same meaning as defined by California Health and Safety Code Section 11362.7.

PREMISES: Means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

STATE: Means the State of California.

STATE LAW: Means all regulations and laws pertaining to cannabis business in the State of California.

STATE LICENSE: Means a State license issued by the state of California, or one of its departments or divisions, under MCRSA or AUMA to engage in commercial cannabis activity pursuant to California Business and Professions Code section 26000, et seq., or other applicable State law.

3-11-03: Legal Authority.

Pursuant to Sections 7 of Article XI of the California Constitution, and the provisions of the Medical Cannabis Regulation and Safety Act (hereinafter "MCRSA"), and the Adult Use Cannabis Act (hereinafter "AUMA") the City of Corcoran is authorized to adopt ordinances that establish standards, requirements and regulations for local licenses and permits for cannabis-related activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the state of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of Corcoran to engage in retail cannabis related business activity.

3-11-04: Promulgation Of Regulations.

In addition to any regulations adopted by the City Council, the City manager or designee(s) is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of retail cannabis permits, employee permits, and/or delivery permits or concerning any other subject determined to be necessary to carry out the purposes of this chapter. Each and all such rules, regulations, or standards established by City manager or designee(s) pursuant to this section must be consistent with this ordinance, and shall only become effective after thirty (30) days from their adoption in writing.

3-11-05: Retail Cannabis Operating Requirements.

A. **Maximum Number of Permits.** The maximum number of retail business license permits shall not exceed a concentration in excess of one license for every 10,000 residents, as per the most recent population figures from the U.S. Census Bureau. Notwithstanding the foregoing, no less than two retail permits may be issued by the City pursuant to this Chapter.

B. **Minimum Separation.** No retail cannabis business shall be located within the minimum distance separation from the following uses:

1. Within 1,000 feet of any school site.

2. Within 500 feet of any recreation center, public library, public park, or church.

C. **City Business License.** Prior to commencing operations, a retail cannabis business shall obtain a City of Corcoran business license and maintain such license to be active, valid, and unexpired while conducting business in the City of Corcoran.

D. **Retail Cannabis Permit.** No person or entity shall operate a retail cannabis business within the City of Corcoran without first obtaining a Retail Cannabis Permit from the City. The Retail Cannabis Permit shall be site specific and shall specifically identify the type of cannabis activity that will be allowed at that business location site.

E. **Fees And Charges.** No person may commence or continue any Retail cannabis business in the City, without timely paying in full all fees and charges required for the operation of a Retail Cannabis business. Fees and charges associated with the operation of a Retail cannabis business shall be established by resolution of the City Council which may be amended from time to time.

F. **Taxes.** All Retail Cannabis businesses authorized to operate under this chapter shall pay all sales, use, business, and other applicable taxes required under federal, state and local law. Each Retail cannabis business shall be subject to audit of the business operation's books and records for the purpose of verifying the amount of taxes required to be paid during any period.

G. **Compliance with Building and Related Codes.** The Premises in which the Retail cannabis business operations occur shall comply with all applicable local, State, and federal laws, rules, and regulations including, but not limited to, building codes and the Americans with Disabilities Act, as certified by the Building Official of the City. The Operator shall obtain all required building permits, and comply with all applicable City standards.

H. **Authorized Sales.** A retail cannabis business shall only sell adult-use cannabis and adult-use cannabis products to individuals who are at least twenty-one (21) years of age. A retailer shall only sell medicinal cannabis or medicinal cannabis products to individuals who are at least eighteen (18) years of age, but not yet twenty-one (21), if those individuals are in possession of a valid physician's recommendation. Medicinal cannabis sales to individuals twenty-one (21) years of age and older are unrestricted.

I. **Cannabis Products.** All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the state and local regulations.

J. **Sales Activity.** All sales activity of cannabis and/or cannabis products shall be conducted within the permitted retail cannabis business, or at a delivery address when authorized by a retail cannabis delivery permit and subject to the following:

1. All cannabis goods sold by a retail cannabis business shall be contained in child-resistant packaging.
2. Retail cannabis business shall video record on a video surveillance system all areas within the facility that engage in point-of-sale and where cannabis goods are displayed for sale. At each point-of-sale location, camera placement must allow for the recording of

the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.

3. Retail cannabis business shall hire or contract for security personnel who are at least twenty-one (21) years of age to provide security services for the permitted facility. All security personnel hired or contracted for by the owner or operator shall be licensed by the Bureau of Security and Investigative Services.
4. The quantity of cannabis and cannabis products visible within the sales area is limited to the amount of product necessary to support typical daily demand of sales for the retail cannabis location. Excessive amounts of product visually displayed is to be avoided. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.

K. Limited Access Areas. A retail cannabis business shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least twenty-one (21) years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the permitted owner/operator. A log of all individuals who are not employees and granted access to the limited areas shall be maintained, and made available to the City manager or designee(s) upon request. All restroom facilities shall remain locked and under the control of management.

L. Signage and Notices. The Retail Cannabis operation shall adhere to the following signage requirements:

1. Business identification signage for a retail cannabis business shall conform to the requirements of the City's signage requirements in Title 11, and any other policies or guidelines adopted by the City.
2. No signs placed on the premises of a retail cannabis business shall obstruct any entrance or exit to the building or any window.
3. Each entrance to a retail cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the retail cannabis business is prohibited.
4. The entrance to the retail cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the retail cannabis business.
5. Business identification signage shall be limited to that needed for identification only, and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No retail cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the

premises of the retail cannabis business or elsewhere including, but not limited to, the public right-of-way.

6. Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards, or other prohibited signs may be used at any time.
7. Holders of retail cannabis business permits agree that, as an express and ongoing condition of permit issuance and subsequent renewal, the holder of the permit shall be prohibited from advertising any retail cannabis business located in the City of Corcoran utilizing a billboard (fixed or mobile), bus shelter, placard, aircraft, or other similar forms of advertising. This paragraph is not intended to place limitations on the ability of a retail cannabis business to advertise in other legally authorized forms, including on the internet, in magazines, or in other similar ways.

M. Odor Control. Odor control devices and techniques shall be incorporated in all retail cannabis locations to ensure that odors from cannabis are not detectable off-site. Retail cannabis business shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the retail cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area of the building, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the retail cannabis business. As such, retail cannabis businesses must install and maintain the following equipment, or any other equipment which the City manager or designee(s) determine is a more effective method or technology:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally.
2. An air system that creates negative air pressure between the retail cannabis business's interior and exterior, so that the odors generated inside the retail cannabis business are not detectable on the outside of the retail cannabis business.

N. State Law and Other State Regulations. The retail cannabis business shall at all times be in compliance with State Law and the implementing regulations, as they may be amended from time to time, as well as all required State license(s) under State Law, and any other applicable State law or regulation. The Operator shall obtain required licenses under State Law prior to opening for business, or if the State is not ready to issue licenses under State Law prior to the time of opening, within twelve (12) months of the State being ready to issue the required license(s). Provided, however, that the Operator shall at all times be in compliance with all other requirements of State Law and implementing regulations, and any other applicable State law, regardless of the timing of the issuance of a license under State Law. The Operator shall meet or exceed the health and safety requirements of State Law in any operations relating to recreational cannabis.

O. Labeling. All cannabis products offered to customers at a retail location must provide testing and labeling at a minimum as required by State law and in compliance with any additional City regulations and as they may be amended.

P. Display of Permit and City Business License. The original copy of the retail cannabis permit issued by the City pursuant to this chapter and the City issued business license shall be posted inside the retail cannabis business in a location readily-visible to the public.

Q. Unlawful Consumption. Cannabis shall not be consumed on the premises of any retail cannabis business, and alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises.

R. Transportation. Transportation shall only be conducted according to activity permitted by State law.

S. Age Verification. Retail Cannabis business shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of eighteen (18) years. If the potential customer is eighteen (18) to twenty (20) years old, retail cannabis business shall confirm the customer's possession of a valid doctor's recommendation and/or identification card (Medical Cannabis Card) pursuant to Health & Safety Code Section 11362.71. For adult-use purchases, retailers shall verify that all customers are twenty-one (21) years of age or older for the purchase of cannabis or cannabis products. It shall be unlawful for any retail cannabis business to employ any person who is not at least twenty-one (21) years of age.

T. Hours of Operation. Retail cannabis business shall be allowed to operate per the requirements of the underlying zone district and subject to the City's noise and nuisance ordinances but in no case shall exceed the minimum State standards. Additionally, retail cannabis business shall not be open before 9:00 a.m., or remain open after 8:00 p.m. Pacific Standard Time or Pacific Daylight Time, whichever is in effect at the time.

U. Cannabis Display. No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a retail cannabis permit, or on any of the vehicles owned or used as part of the retail cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.

V. Secure Building. All Retail cannabis business operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for commercial structures and include material strong enough to prevent entry except through an open door.

W. Background Check. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes City authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, supervisor, employee or volunteer, of the retail cannabis business must submit fingerprints and other information deemed necessary by the Police Chief or designee(s) for a background check by the Corcoran police department. Pursuant to California Penal Code Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record. No person shall be issued a permit to operate a retail cannabis business or a related retail cannabis employee permit unless they have first cleared the background check, as determined by the Police Chief or designee(s), as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the City of Corcoran to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a retail cannabis permit is submitted.

X. Premises Security. The following security conditions shall apply.

1. Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. Security personnel may be allowed to carry firearms if authorized by the Police Chief.

2. Preventing individuals from remaining on the premises of the retail cannabis business if they are not engaging in an activity directly related to the permitted operations of the retail cannabis business.

3. Establishing limited access areas accessible only to authorized retail cannabis business personnel. Entrances into the retail cannabis business shall be strictly controlled in a manner approved by the Police Chief or designee(s).

4. All cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault, and displayed for purchase in a manner that prevents diversion, theft, and loss.

5. Installing twenty-four (24) hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the retail cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash, or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. The retail cannabis business shall be responsible for ensuring that the security surveillance camera's footage is capable of being remotely accessible by the Corcoran police department, and that it is compatible with the City's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be capable of being provided to the Corcoran police department in the following situations: 1. Voluntary consent is given by the retail cannabis business to access real-time footage; 2. Probable cause exists and a warrant is obtained by Corcoran police department; or 3. Probable cause exists and a recognized exception to the warrant requirement also exists. Video recordings shall be maintained for a minimum of ninety-six (96) hours or, when special circumstances exist including, without limitation, when reasonable suspicion exists that a crime has occurred on the site of the retail cannabis business, for a longer period of time of not more than forty-five (45) days after being notified by City or Corcoran Police. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the retail cannabis business.

6. Sensors shall be installed to detect entry and exit from all secure areas.

7. Panic buttons shall be installed in all retail cannabis businesses.

8. Exterior lighting systems for after-hours security.

9. Have a professionally installed, maintained, and monitored alarm system.

10. Any bars installed on the windows or the doors of the retail cannabis business shall be installed only on the interior of the building.

11. Security personnel shall be on-site twenty-four (24) hours a day or alternative security as authorized by the Police Chief or designee(s). Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the Corcoran police department, with such approval not to be unreasonably withheld.

12. Each retail cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

13. Each retail cannabis business shall identify a designated security representative or liaison to the City of Corcoran, who shall be reasonably available to meet with the Police Chief or designee(s) regarding any security related measures or any operational issues.

14. Each retail cannabis business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency.

15. The retail cannabis business shall cooperate with the City whenever the City manager or designee(s) makes a request, upon reasonable notice to the retail cannabis business, to inspect or audit the effectiveness of any security plan or of any other requirement of this chapter.

16. A retail cannabis business shall notify the City manager or designee(s) within twenty-four (24) hours after discovering any of the following:

- a. Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City manager or designee(s).
- b. Diversion, theft, loss, or any criminal activity involving the retail cannabis business or any agent or employee of the retail cannabis business.
- c. The loss or unauthorized alteration of records related to cannabis, registering qualifying patients, primary caregivers, or employees or agents of the retail cannabis business.
- d. Any other breach of security.

17. Each retail cannabis business shall provide an emergency contact to the City manager or designee(s) with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.

18. The delivery and transport of cannabis supplies to the retail cannabis business shall comply with the following:

- a. Deliveries to the premises of supplies shall only occur as provided for in the diagram and floor plan on file with the City as part of the Retail cannabis business permit. Delivery vehicles shall not have any markings indicating that deliveries are being made to a Retail cannabis business.
- b. The transportation of cannabis samples and product to and from the premises shall be in unmarked vehicles with no indication that the vehicles are transporting cannabis samples and products. The retail cannabis business shall stagger transportation times, vary routes from the premises, and take other security measures as requested by the Police Chief.

Y. Record keeping. A retail cannabis business operation shall maintain compliance with all required record keeping, access to records, and review processes including the following:

1. Each owner and operator of a retail cannabis business shall maintain accurate books and records in an electronic format, detailing all revenues and expenses of the business, and all assets and liabilities.

2. Annual statement of sales shall be submitted to the City, or upon any reasonable request of the City. The statement shall detail the number of sales by the retail cannabis business during the previous twelve (12) month period. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid.

3. Annual financial audit of the business's operations shall be submitted to the City and prepared by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City manager or designee(s).

4. Reporting and Tracking of Product and of Gross Sales. Each retail cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the retail cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City. The system must have the capability to produce historical transactional data for review, and be approved and authorized by the City manager or designee(s) prior to being used by the retail cannabis business.

5. The Retail Cannabis business shall maintain a current register of the names of persons required to have Employee Permits. The register shall be available to the Police Chief or designee(s) at all times immediately upon request. All agents, officers, or other persons acting for or employed by a retail cannabis business shall display a laminated identification badge issued by the business operator. The identification badge shall, at a minimum, include the Retail Cannabis business' name and license number, the employee's first and last name, and a color photograph of the employee that shows the full front of the employee's face and that is at least 2 inches by 2 inches in size.

6. Each retail cannabis business shall maintain a record of all persons, patients, collectives, and primary caregivers served by the retail cannabis business, for a period of no less than four (4) years.

7. All retail cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products stored on site intended for sale or distribution until purchase is made by a qualified patient, primary caregiver for purpose or an adult twenty-one (21) years of age or older who qualifies to purchase cannabis as set forth in AUMA.

8. Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA) regulations, each retail cannabis business shall allow the City Manager or designee(s) to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted retail cannabis business activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.

Z. Indemnification and Liability. To the fullest extent permitted by local, state, and/or federal law, the City shall not assume any liability whatsoever with respect to having issued a retail

cannabis business permit, or otherwise approving the operation of any retail cannabis business or associated activity. The Retail Cannabis permit shall comply with the following:

1. As a condition of retail cannabis business permit approval, the applicant shall be required to execute an indemnification agreement, in a form approved by the City Attorney, agreeing to indemnify, defend at the applicant's sole cost and expense, and hold harmless the City, and its officers, officials, employees, representatives, and agents from any against all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to the City's drafting, adoption and passage of regulations, related resolutions, policies, rules and guidelines, allowing retail cannabis or in the future making any regulatory amendments; the City's issuance of the regulatory permit; the City's approval and execution of a development agreement; the City's decision to approve the operation of the retail cannabis business; the process used by the City in making the decision to issue, approve or deny a permit or a development agreement; and/or the alleged violation of any federal, state or local laws by the retail cannabis business or any of its officers, employees or agents.

2. The retail cannabis business shall maintain insurance at coverage limits and with conditions thereon determined necessary and appropriate from time to time by the City.

3. The retail cannabis business shall reimburse the City for all costs and expenses, including but not limited to attorney fees and court costs, which the City may be required to pay as a result of any legal challenge related to the City's approval of the applicant's retail cannabis business permit, or related to the City's approval of the applicant's cannabis business related activities. The City may, at its sole discretion, participate at its own expense in the defense of such action, but such participation shall not relieve any of the obligations imposed hereunder.

3-11-06: Retail Cannabis Business Employee.

Any person who is an employee or who otherwise works or volunteers within a retail cannabis business must obtain a retail cannabis business employee permit from the City prior to performing any work at any retail cannabis business.

A. Applications for a retail cannabis business employee permit shall be developed and made available by the City manager or designee(s), and shall include, but not be limited to, the following information:

1. Name, address, and phone number of the applicant.
2. Age and verification of applicant. A copy of a birth certificate, driver's license, government issued identification card, passport, or other proof that the applicant is at least twenty-one (21) years of age must be submitted with the application.
3. Name, address of the retail cannabis business where the person will be employed, and the name of the primary manager of that business.
4. A list of any crimes enumerated in California Business and Professions Code Section 26057(b)(4) for which the applicant has been convicted.
5. Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing.

6. The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the Police Chief or designee(s).
7. A signed statement under penalty of perjury that the information provided is true and correct.
8. If applicable, verification that the applicant is a qualified patient or primary caregiver.
9. A fee paid in an amount set by resolution of the City Council in an amount necessary to cover the costs of administering the employee work permit programs. The fee is non-refundable and shall not be returned in the event the work permit is denied or revoked.

B. The Police Chief or designee(s) shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:

1. Has been convicted of a crime involving dishonesty, fraud, or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in California Penal Code Sections 186.11, 470, 484, and 504a, respectively; or equivalent offenses in other states.
2. Has committed a felony or misdemeanor involving fraud, deceit, or embezzlement.
3. Was convicted of a violent felony, or a crime of moral turpitude.
4. Has illegally used, possessed, transported, distributed or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

C. Discovery of these facts showing that the applicant has been convicted of a crime involving dishonesty, fraud or deceit are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a retail cannabis business employee permit. Furthermore, an applicant shall not be denied a permit if the denial is based solely on any of the following: (a) a conviction for any crime listed in subsection (D)(4) of this section for which the applicant has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the California Penal Code; or (b) a conviction that was subsequently dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the California Penal Code or any other provision of state law allowing for dismissal of a conviction.

D. The City manager or designee(s) shall issue the retail cannabis business employee permit or a written denial to the applicant within ninety (90) days of the date the application was deemed complete. Upon the request of a retail cannabis business and while processing the application for a work permit, the City manager or designee(s) may issue a temporary work

permit for an employee if the business demonstrates to the City manager or designee(s) that the employee is necessary for the operation of the business. The temporary permit may be immediately revoked by the City manager or designee(s) upon determination that the applicant has failed the background check.

E. A retail cannabis business employee permit shall be valid for a twelve (12) month period and must be renewed on an annual basis. Renewal applications shall contain all the information required in this section including the payment of a renewal application fee in an amount to be set by resolution of the City Council.

F. In the event a person changes employment from one retail cannabis business in the City to another, the retail cannabis business employee permit holder shall notify the City manager or designee(s) in writing of the change within ten (10) days, or the employee permit shall be suspended or revoked and such person shall not be permitted to work at any retail cannabis business in the City.

G. The City may immediately revoke the retail cannabis business employee permit should the permit holder be convicted of a crime listed in subsections B and C of this section or if facts become known to the Police Chief or designee(s) that the permit holder has engaged in activities showing that the individual is dishonest.

H. The applicant may appeal the denial or revocation of a retail cannabis business employee permit by filing a notice of appeal with the City Clerk within ten (10) days of the date the applicant received the notice of denial, which appeal shall be conducted as set forth in Section 3-11-8 of this chapter.

I. The City manager or designee(s) shall issue a permit in the form of a personal identification card that can be worn by the employee. The personal identification card shall be worn approximately chest-high on their outermost garment, in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

3-11-07: Delivery Service Requirements.

The operation of any cannabis delivery service within the City shall be required to be established in conjunction with a retail cannabis business permitted to operation with the City of Corcoran and in compliance with all provisions of this chapter. The delivery of cannabis or cannabis products to clients located outside of the business premises shall comply with the following additional requirements to ensure adequate measures and protections are in place for the public health, safety, and welfare of those living and working in the City:

A. Obtain a retail cannabis delivery permit from the City that authorizes the delivery of cannabis and cannabis products within the City limits. A copy of this permit shall be retained by all drivers.

B. Provide proof of a valid State license for the retail cannabis business with authorization for delivery service provided to the City manager or designee(s).

C. A licensed retail cannabis business shall not use the services of an independent contractor or courier service to deliver cannabis goods.

D. The retail cannabis business operating the delivery service shall furnish to the City manager or designee(s) the names and driver's license numbers of all the business' delivery drivers, and evidence verifying that criminal background checks have been conducted for all the business's drivers.

E. The retail cannabis business operating the delivery service shall furnish to the City manager or designee(s) the year, make, model, color, license plate number, and numerical Vehicle Identification Number (VIN) for any and all vehicles that will be used to deliver cannabis goods.

F. A delivery employee of a licensed retail cannabis business shall, during deliveries, carry a copy of the retail cannabis business' current license, the employee's government-issued identification, and an employer provided badge containing a picture and the name of the delivery employee.

G. Delivery operations that fail to provide the necessary licenses and permits demonstrating authority to operate with the City, pose greater risk of criminal activity and negative impacts to the City's public health, safety and general welfare, and are therefore deemed a nuisance subject to violation and citation under the provisions of section 3-11-9 of this chapter.

3-11-08: Permit Procedure.

This section establishes the procedure which governs the retail cannabis business, employee, and delivery permit application processes, and manner in which the decision is rendered regarding the issuance of said permit(s).

A. The City manager or designee(s) is hereby authorized to prepare the necessary application procedure, forms, and any necessary rules to review, process, and conduct evaluations of the applicant(s), and determine if the applicant is awarded a permit. An application may be approved, conditionally approved, or rejected at the discretion of the City manager or designee(s). Any correction required for a conditionally approved application must be done in a timely manner as set forth by the City manager or designee(s).

B. Application Fee. At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the City in the application process.

C. Retail cannabis business permit. The City Manager shall review the permit application for compliance with all City requirements, conditions, and certify whether the retail cannabis business permit application meets all the requirements of section 3-11-05, including the following:

1. Signed and notarized Property Owner Acknowledgement is included and states they have read, acknowledge, and authorize a retail cannabis business operation on their property, and agree to assume all responsibility for any compliance issues arising on site and in relation to the retail cannabis business operation on their property.

2. Executed Indemnification Agreement, in a form approved by the City Attorney, is included agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City

of Corcoran, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to the City's issuance of a retail cannabis business permit, the City's decision to approve said business operation, the process used by the City in making its decision, or the alleged violation of any federal, state or local laws by the retail cannabis business, property owner, employees or affiliates.

3. Determination approval from the Police Chief or designee acknowledging that all security measures have been reviewed and approved.

4. Confirmation of insurance coverage limits as determined necessary and appropriate by the City manager.

5. Cost reimbursement agreement approved by the City Manager to reimburse the City of Corcoran for all costs and expenses, including, but not limited to, consultant costs, attorney fees, and/or any other costs related to the City's approval of the applicant's retail cannabis business permit, or related to the City's approval of a retail cannabis business.

6. Official issuance of the retail cannabis business permit is conditioned upon the applicant obtaining all required land use approvals. The applicant shall apply and obtain a Conditional Use Permit approval and any other required land use approvals or entitlements for the retail cannabis business site location, if any. Land use approvals shall include compliance with all applicable provisions of CEQA. The City manager or designee(s) shall formally issue the retail cannabis business permit(s) once it has been affirmed that all of the required land use approvals have been obtained.

7. Issuance of a retail cannabis business permit does not create a land use entitlement, and the permit is valid for a period of twelve (12) months. Permit shall expire at the end of the twelve (12) month period unless it is renewed as provided herein.

D. Retail Cannabis Employee Permit. The City Manager shall review the employee permit application for compliance with all City requirements, conditions, and certify whether the retail cannabis business employee permit application meets all the requirements of section 3-11-06, including the following:

1. Confirmation from the Police Chief or designee that the background checks and investigation are complete and acceptable under the criteria established by this chapter.

2. After the background checks and investigation are complete, the Police Chief or designee shall render a decision within thirty (30) days to either approve or deny an employee permit. At the discretion of the Police Chief, employee permits may be conditionally approved pending the background investigation.

E. Retail Cannabis Delivery Permit. The City Manager shall review the delivery permit application for compliance with all City requirements, conditions, and certify whether the retail cannabis delivery permit application meets all the requirements of section 3-11-07.

F. Grounds for Denial. Nothing in this article shall be construed to require the City to grant a retail cannabis business, employee or delivery permit. Notwithstanding this, applications for a permit are required to be denied for one or more of the following:

1. The applicant is engaging in cannabis related business activities at a particular location that is prohibited by any local or State law, statute, rule, or regulation.

2. The applicant has been issued a local or State permit related to cannabis operations at any other location in California, or another state, and that permit was suspended or revoked, or has resulted in disciplinary action relating to the permit.

3. The applicant has knowingly made a false statement of material fact or has knowingly omitted a material fact in the application.

4. The applicant has been convicted of any of the following:

a. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c).

b. Convicted of any of the offenses listed in Business and Professions Code section 19323.

c. Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application.

d. Convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, unless the individual has received a Certificate of Rehabilitation as defined in the Act.

e. Has engaged in misconduct related to the qualifications, functions, or duties of a permittee, such as lying on an application, falsifying legal documents, or anything that would otherwise ban the permittee from obtaining a State license under State law.

f. Has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.

g. The applicant is under twenty one (21) years of age, or any older other age set by the State.

h. The application does not comply with required provisions of this chapter.

i. The required annual permit and license fees specified in this Code..

5. Any one of the applicant's failure to pay to the City any amount which remains overdue, thirty (30) or more days, in unpaid fines, penalties, fees, charges, taxes, assessments and/or other payments, including contracted payments.
6. The applicant shall have the right to appeal the City's decision and handled according to provisions in section 3-11-08 (M).

G. **Ownership Change.** Any time the property ownership and/or business operation ownership is changed, the retail cannabis business permit must be renewed by the new responsible party of interest prior to assuming operation and approved under the new applicant.

H. **State License Suspension.** Suspension of a license issued by the state of California, or by any of its departments or divisions, shall immediately suspend the ability of a retail cannabis business to operate within the City, until the state of California, or its respective department or division, reinstates or reissues the state license. Should the state of California, or any of its departments or divisions, revoke or terminate the license of a retail cannabis business, such revocation or termination shall also revoke or terminate the ability of a retail cannabis business to operate within the City of Corcoran.

I. **Permit Expiration.** Each retail cannabis business and/or operationally necessary permit issued pursuant to this chapter shall expire twelve (12) months after the date of its issuance. Annual renewal of the Retail cannabis business permits may be renewed as provided in Subsection L below.

J. **Permit Revocation.** Cannabis related permits issued under this chapter may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to relevant provision of the Corcoran Municipal Code.

K. **Renewal Applications.** An application for renewal of a cannabis related permit shall be filed at least thirty (30) calendar days prior to the expiration date of the current permit, and shall contain all the required information and be subject to all requirements of new applications.

L. **Appeals.** Unless specifically provided elsewhere to the contrary, an appeal of a City decision or action occurring under this chapter from the City manager or designee(s) shall be conducted as prescribed hereinafter:

1. **Written request for appeal.**
 - a. Within ten (10) calendar days after the date of a decision or action of the City Manager or designee(s) occurring pursuant to this chapter, an aggrieved party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper. The failure to file a timely appeal shall constitute the failure to exhaust administrative remedies.
 - b. At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council from time to time.

2. Appeal hearing process.

- a. Upon receipt of the written appeal, the City Clerk shall set the matter for a hearing before the City Council. The City Council shall hear the matter de novo.
- b. The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than ninety (90) days from the date of such filing, unless mutually agreed and confirmed in writing by the City Manager (or designee) and the appellant. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing.
- c. At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing.
- d. The failure of an appealing party to appear at the appeal hearing shall constitute a failure to exhaust their administrative remedies.
- e. At the conclusion of the hearing the City Council may affirm, reverse, or modify the decision appealed, or may do so at some later time after taking the matter under submission. The decision of the City Council shall be final.
- f. Following the appeal hearing, an aggrieved party may seek judicial review of the City Council's appeal decision by filing a complaint with the Superior Court of Kings County, California during the period identified by California Code of Civil Procedure Section 1094.6, as may be amended.

3-11-09: Violations And Enforcement.

The authorized representatives of the City, charged with enforcing the provisions of the Corcoran Municipal Code, or any provision thereof, may enter the location of a retail cannabis business at any time, without notice, and inspect the location of any retail cannabis business as well as any recordings and records required to be maintained pursuant to this chapter or under applicable provisions of state law. The following provisions apply to the City's ability to investigate, enforce and remedy any compliance issues arising from a permitted retail cannabis business, operation, and/or associated employees:

A. **Unlawful Activity.** It is unlawful for any person having responsibility over the operation of a retail cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a retail cannabis business under this chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this chapter or under state or local law.

B. **Public Nuisance.** Each and every violation of the provisions of this chapter is hereby deemed unlawful and a public nuisance. The nuisance abatement remedies and procedures

identified in Title 4, Chapter 1 of this code, which are incorporated herein by reference, shall apply to nuisances existing under this chapter.

C. **Separate Violation.** Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Corcoran Municipal Code or by state law. Each day a violation is committed or permitted to continue shall constitute a separate violation. Additionally, as a nuisance, any violation of this chapter shall be subject to injunctive relief, any permit issued pursuant to this chapter being deemed null and void, disgorgement and payment to the City of any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of Corcoran may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the retail cannabis business or persons related to, or associated with, the retail cannabis business activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the City manager or designee(s) may take immediate action to temporarily suspend or revoke a retail cannabis business permit issued by the City, pending a hearing before the City Council or its designee.

D. **Prosecution.** Each and every violation of the provisions of this chapter may be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment in the County Jail for a period of not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

E. **Citation Issuance.** In addition to any other remedy available at law, an administrative citation may be issued to any person or entity that violates this chapter.

1. Whenever the City's Police Chief, designee, or a City Code Enforcement Officer determines that a violation of this chapter has occurred, the Police Chief, designee, or a Code Enforcement Officer shall have the authority to issue an administrative citation to any person or entity responsible for the violation.

2. Each administrative citation shall contain the following information:

- a. The date of the violation or, if the date of the violation is unknown, then the date the violation is identified.
- b. The address or a definite description of the location where the violation occurred.
- c. The section of this chapter that was violated and a description of the violation.
- d. The amount of the fine for the violation.
- e. A description of the fine payment process, including a description of the time within which and the place at which the fine shall be paid.

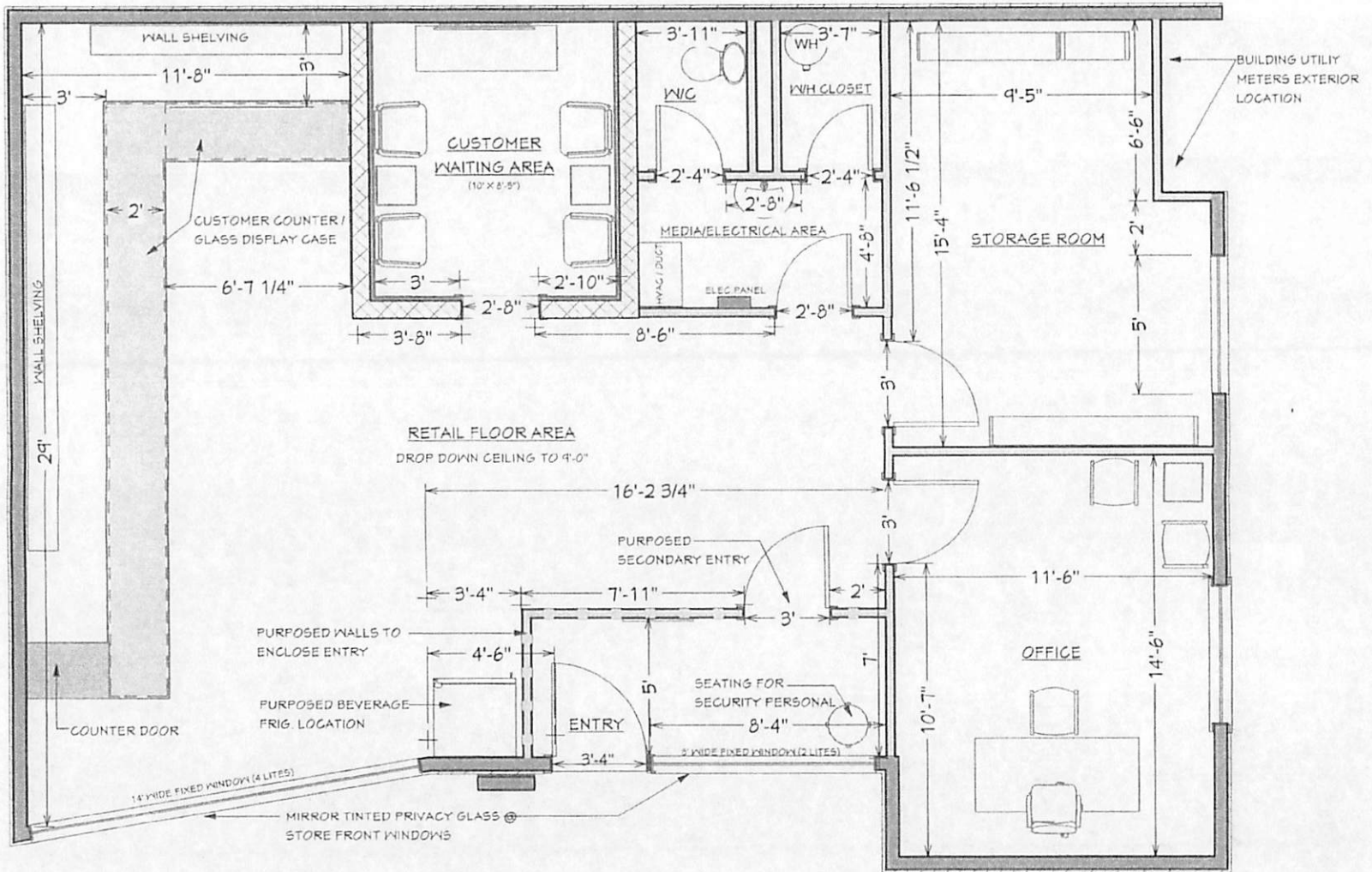
- f. An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation.
 - g. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and.
 - h. The name and signature of the individual issuing the citation.
 3. The amounts of the administrative citation fines for violations of this chapter shall be set forth in a schedule of fines established by resolution of the City Council.
 4. The schedule of fines shall specify any increased fines for repeat violations of the same code provision by the same person or entity.
- F. Payment of Fines. The payment of fines is subject to the following:
1. Fines shall be paid to the City within thirty (30) days from the date of the administrative citation.
 2. Any administrative citation fine paid shall be refunded if it is determined, after an appeal hearing, that a person or entity charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the citation.
 3. Payment of a fine under this chapter shall not excuse, discharge, or permit any continuation or repeated occurrence of the code violation that is the subject of the administrative citation.
- G. Citation Appeal. Any appeal of an administrative citation resulting from violations of this chapter shall be subject to the procedure and processes established under Title 1, Chapter 11 Civil Citations.
- H. Late Payment Charges. Any person or entity who fails to pay to the City any fine imposed or amount owed pursuant to the provisions of this chapter on or before the date that the fine or amount is due shall also be liable for a late payment charge equal to ten percent (10%) of the unpaid amount, and interest shall accrue thereafter at a rate of one and one half percent (1.5%) per month on the unpaid fine; provided however, the additional penalty and/or interest shall not apply if collection of the same by the City would violate state law.
- I. Penalties. Any retail cannabis business that fails to pay the taxes and/or fees required by this Code within thirty (30) days after the due date shall pay in addition to those taxes and/or fees a penalty for nonpayment in the sum equal to twenty five percent (25%) of the total amount due. Additional penalties will be assessed in the following manner: ten percent (10%) shall be added on the first day of each calendar month following the month of the imposition of the twenty five percent (25%) penalty if the fee remains unpaid - up to a maximum of one hundred percent (100%) of the fee payable on the due date. Receipt of the fee payment by the City shall

govern the determination of whether the fee is delinquent. Postmarks will not be accepted as adequate proof of a timely payment.

J. **Recovery of Administrative Citation Fines and Costs.** Any person or entity that violates this chapter shall be responsible for the enforcement costs incurred by the City with respect to such violation. The City may collect any past due administrative citation fines, enforcement and collection costs, and late payment charges by use of all available legal means, including, without limitation, the lien procedures identified in Sections 1-11-1, et seq., of this code, which are incorporated herein by reference. Collection costs shall be in addition to any interest and/or late charges imposed upon the delinquent obligation and shall be added to and become a part of the underlying obligation. Any partial payment of an obligation, when a partial payment is permitted, will be applied first to the principal amount of the underlying obligation, then to any penalties, and then to interest.

K. **Notices.** The administrative citation and all notices required to be given by this chapter shall be served by personal delivery thereof to the person or entity to be notified or by deposit in the United States mail, certified mail with return receipt requested, addressed to such person to be notified at his or her last-known address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the mail.

L. **Remedies Cumulative.** All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.



PURPOSED FLOOR PLAN

Untitled Map

Write a description for your map.

Legend

 1115 Norboe Ave



Google Earth

© 2023 Google

5.20 ft



Chairperson

Karl Kassner

Vice-Chairperson

Kaityln Frazier

Commissioners

David Bega
Janet Watkins
Karen Frey

Planning Commission



Community
Development
Department

(559) 992-2151
FAX (559) 992-2348

832 Whitley Avenue, Corcoran
CALIFORNIA 93212

STAFF REPORT

Item # 5.2

To: Planning Commission

From: Kevin J. Tromborg, Community Development Director, Planner, Building Official.

Date: June 19, 2023

Subject: Conditional Use Permit (CUP) 23-04 and Resolution 2303-09 Tattoo Shop to be located at 1108 Chase Avenue in the (CD) Downtown Commercial Zone. .

A. General Information:

1.	Owner of Property:	Wasil Qudus: 122 Amber Sky, Irvine Ca 92618
2.	Applicant:	Juan Jesus Melano: 601 Patterson Avenue 93212
3.	Site Location:	1108 Chase Avenue Corcoran Ca, 93212
4.	Property Description:	Downtown Commercial building
5.	Site Area:	Not available
6.	General Plan Designation:	Downtown Commercial
7.	Current Zone Classification:	CD: Downtown Commercial
8.	Existing Use:	Vacant
9.	Proposed Use:	Tattoo shop

B. Project Location & Description: 1108 Chase Avenue, Tattoo Shop.

SURROUNDING ZONING AND USES

<u>USE</u>	<u>ZONING</u>
NORTH: Retail Stores/Shops	CD: Downtown Commercial
SOUTH: Retail Stores/Shops	CD: Downtown Commercial
EAST: Retail Stores/Shops	CD: Downtown Commercial
WEST: Retail Stores/Shops	CD: Downtown Commercial

ALL BUSINESS IN THE DOWNTOWN DISTRICT SHALL BE SUBJECT TO ALL STANDARDS THAT MAY BE REQUIRED

C. Compliance with General Plan and Zoning:

Tattoo shops are an approved use under a CUP in the Downtown Commercial zone district and in compliance with the General Plan.

E. Comments from City Departments and other agencies:

1. Kings County Environmental Health:

- A. Prior to the installation of a new body art facility, operators must first Submit plans to the Department for review and approval.
- B. All California body art facilities must comply with AB 300, the safe Body art act accessible at the following link (http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0251-0300/ab_300_bill_20110908_enroll.html)
- C. Body Art Facilities must also be registered with the department and are subject to annual inspections and renewal fees.
- D. Each tattoo artist working at the facility must also be registered with our department, submit p[roof of completing an approved bloodborne pathogen training and pay the one-time registration fee.
- E. Visit our website at (www.kcdph.com/enviormenmtal-health) or contact our main office at (559-584-1411) for more information.

2. Kings County Fire Department

All regulations regarding fire extinguishers shall be done and location to be Determined by the Fire Department

3. Building Department, City of Corcoran

- A. An approved Know box shall be installed, location TBD.
- B. Tennent Improvement permits shall be applied for and approved. Before remodel work commences.
- C. As build plans shall be submitted to the Building Department before Occupancy is approved.

4. Planning Department, City of Corcoran

- A. All regulations regarding licensing, city and state, shall be adhered to at all Times.
- B. Copies of all licensees and Kings County Department of Public Health documents shall be provided to the Planning Department prior to occupancy.

5. Police Department, City of Corcoran (No Comments)

6. Public Works Department, City of Corcoran. (No comments)

7. Public Input:

A notice of Public Hearing was published in the Corcoran Journal regarding this CUP on May 31, 2023.

8. Comments from Other Agencies/Departments:

Referrals were made to City Departments and other agencies and comments have been incorporated into the findings of this report.

9. Environmental Impact Assessment and compliance with CEQA

It has been determined by the Community Development Director that this action (CUP) is ministerial therefore is categorically exempt from CEQA review under 15300.1 of the CEQA guidelines.

10. Recommendation:

Staff recommends that the staff report be given, public hearing be opened, testimony taken, and the Planning Commission take action based on the following findings and on the attached Resolution 2023-09 .

J. CONDITIONAL USE PERMIT FINDINGS

The following findings are proposed:

- (A) The project is exempt under CEQA guidelines 15300.1 (Ministerial)
- (B) That the proposed project has filed for all required applications for licensing with the

State of California, the City of Corcoran and Kings County Department of Public Health.

- (C) That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the Corcoran Municipal Code, Ordinances, Standards or State and Federal Codes of regulations to adjust said use with land and use in the designated zone or neighborhood.
- (D) That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
- (E) That the proposed use will have no or limited adverse effects upon adjoining or other Properties. in the vicinity. In making this determination, the Commission or Council shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal Circulation, external circulation, setbacks; heights of buildings or structures; wall or fences; landscaping; outdoor lighting; signs; and any other characteristics that will affect the property or properties in the vicinity.
- (F) That the proposed use is consistent with the objectives and policies of the Corcoran General Plan, or any specific plans, or planned development approved by the City.
- (G) That the proposed site for development has adequate public services, or will be provided with adequate public services to accommodate proposed land use.

CONDITIONAL USE PERMIT-ACTION BY THE PLANNING COMMISSION (from Zoning Ordinance Section 11-23-4)

The Planning Commission, by written resolution, may approve, approve with conditions, disapprove, or disapprove without prejudice a conditional use permit application.

The decision of the Planning Commission shall be final unless appealed to the City Council in accordance with the procedure outlined below. (In this case, if the Conditional Use Permit is approved by Planning Commission, then, because this requires a letter of public convenience and necessity from the City Council, the request will also go to the City Council).

No building permit or business license shall be issued where a conditional use permit has been approved or conditionally approved by the Planning Commission until such permit has been granted by the Planning Commission and after the appeal period has expired, and then only in accordance with the terms and conditions of the conditional use permit granted and only if the approval or conditional approval of the conditional use permit by the Planning Commission has not been appealed to the City Council.

CONDITIONAL USE PERMIT-APPEAL TO THE CITY COUNCIL (Section 11-27)

In case the applicant or any other party is not satisfied with the action of the Planning Commission he may, within ten days after the date of the adoption of the Planning Commission resolution, file in writing with the City Clerk an appeal to the City Council. The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission, or whereby its decision is not supported by the evidence in the record.

The City Council shall set a date a date for the public hearing and shall post notices as set fourth in Section 11-27. The date for the public hearing shall not be less than ten nor more than thirty days from the date on which the appeal was filed.

By resolution, the City Council may affirm, reverse or modify a decision of the Planning Commission, providing that the City Council make the findings prerequisite to the granting of a conditional use permit as required in Section 11-27.

The decision of the City Council shall be final and shall have immediate effect. 11-27 (G) 1

TIME LIMIT FOR DEVELOPMENT-RENEWAL RESTRICTIONS (Zoning Ordinance Section 11-25-5)

A conditional use permit shall lapse and become void one year following the date on which the conditional use permit became effective unless by conditions of the conditional use permit a lesser or greater time is prescribed, or unless, prior to the expiration, either the use is being diligently pursued in accordance with the conditional use permit, or a building permit is issued by the Building Official and construction is commenced and is being diligently pursued in accordance with the conditional use permit. A conditional use permit may be renewed for an additional period of one year or for a lesser or greater period as may be specified, provided that an application for renewal is filed with the Planning Commission prior to the expiration of the time period granted. The Planning Commission, pursuant to the procedure set forth in Section 11-25-5, may grant or deny an application for renewal.

A conditional use permit shall lapse and become void if there is discontinuance for a continuous period of six months of the exercise of rights granted under said permit.

NEW APPLICATION

Should the Planning Commission deny an application for a use permit, no application for a use permit for the same or substantially the same use on the same or substantially the same site shall be filed within six (6) months from the date of denial or revocation of the use permit, except when the Planning Commission denies "without prejudice".

USE PERMIT TO RUN WITH THE LAND

A use permit granted pursuant to the provisions of this Chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application.

Any expansion of the use or structures or area associated with such use not originally approved in the conditional use permit shall require a modification to the conditional use permit through the public hearing process.

REVOCAION 11-25-6

Upon violation of any applicable provisions of this Code, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a use permit shall be suspended automatically. Notice of such suspension shall be sent immediately to the person or persons responsible for noncompliance by the Planning Department. Within thirty (30) days of the suspension, the City Council shall consider the suspension. If not satisfied that the regulation, general provision, condition or conditions are being complied with, the City Council may revoke the use permit or take such action as may be necessary to ensure compliance with the regulation, general provision, condition or conditions. Before acting on the suspension, the City Council may refer the matter to the Planning Commission for a report and recommendations.

**CORCORAN CITY PLANNING COMMISSION
RESOLUTION NO. 2023-09
PERTAINING TO
CONDITIONAL USE PERMIT 23-04**

At a meeting of the Planning Commission of the City of Corcoran duly called and held on June 19, 2023, the Commission approved the following:

Whereas, Juan Jesus Melano, submitted an application requesting approval for a Tattoo shop business to be located at 1108 Chase Avenue; and

Whereas, this Commission considered the staff report regarding Conditional Use permit 23-03 on June 19, 2023 ; and

Whereas, the Planning Commission has made the following findings pursuant to the City of Corcoran General Plan, Zoning Ordinance and Licensing Ordinance pertaining to Cannabis Dispensaries;

Whereas; The action (Conditional Use Permit is a ministerial action therefore is exempt from CEQA review under CEQA guidelines 15300.1.

Whereas; Tattoo shops are an approved use in Downtown under an approved Conditional Use permit.

Whereas: prior to Occupation, the applicant shall present to the City all required State licenses and Documentation.

(A) That the site for the proposed use is adequate in size and shape to accommodate the said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Title to adjust said use with land and use in the neighborhood;

(B) That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

(C) That the proposed use will have no adverse effect upon adjoining or other properties. In making this determination, the Commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; heights of buildings; walls and fences; landscaping; outdoor lighting; signs; and such other characteristics as will affect surrounding property;

(D) That the proposed use is consistent with the objectives and the policies of the Corcoran General Plan, or any specific plans, area plans, or planned development approved by the City;

(E) That all comments from the City of Corcoran and other agencies be followed and approved prior to occupancy.

IT IS THEREFORE RESOLVED that Conditional Use Permit 23-04 and Resolution 2023-09 should be approved by the Planning Commission with the Conditions stated in the findings and comments.

AYES:

NOES:

ABSENT:

ABSTAIN:

Adopted this 19th, day of June, 2023

Planning Commission Chairman

Community Development Director

CERTIFICATE

City of Corcoran }
County of Kings } ss.
State of California }

I, Marlene Spain, Planning Commission Secretary of the City of Corcoran, hereby certify that this is a full, true and correct copy of Resolution No. 2023-09 duly passed by the Planning Commission of the City of Corcoran at a regular meeting thereof held on the 19th day of June, 2023, by the vote as set forth therein.

DATED: June 19, , 2023

Marlene Spain
Planning Commission Secretary

ATTEST:

Marlene Spain, City Clerk

Chairperson

Karl Kassner

Vice-Chairperson

Kaityln Frazier

Commissioners

David Bega
Janet Watkins
Karen Frey

Planning Commission



**Community
Development
Department**

(559) 992-2151
FAX (559) 992-2348

832 Whitley Avenue, Corcoran
CALIFORNIA 93212

**PUBLIC
HEARING**

STAFF REPORT

Item # 5.3

To: Planning Commission

From: Kevin J. Tromborg, Community Development Director, Planner, Building Official.

Date: June 19, 2023

Subject: Tentative Parcel Map 23-02 and Resolution 2023-10

A. General Information:

The applicant is proposing dividing one (1) parcel of 40,882 Sq Ft into three (3) parcels. Parcel one (1) is proposed at 10,932 Sq Ft. Parcel two (2) is proposed as 10,931 Sq Ft, and parcel three (3) is proposed as 11,046 Sq. Ft.

1.	Owner:	Jason Mustain & Lisa Mustain 1017 Josephine Avenue Corcoran Ca 93212
2.	Applicant:	Francisco Navarro and Camila Gutierrez P.O. Box 475 Ivanhoe Ca 93235
3.	Site Location:	APN: 032-240-021: Ottawa Avenue 600 ft west of Van Dorsten Avenue
4.	Property Description:	APN: 032-240-021
5.	Site Area:	40,882 Sq. Ft.
6.	General Plan Designation:	Residential
7.	Current Zone Classification:	R1-6
8.	Existing Use:	None, vacant lot
9.	Proposed Use:	Single Family Dwelling/Duplex

B. SURROUNDING ZONING AND USES

<u>USE</u>	<u>ZONING</u>
NORTH: SFD	R1-6 Residential
SOUTH: School Farm	RCO Resource Conservation
EAST: SFD	R1-6 Residential
WEST: SFD	R1-6 Residential

ALL BUSINESS IN THE R1-6 RESIDENTIAL DISTRICT SHALL BE SUBJECT TO ALL STANDARDS THAT MAY BE REQUIRED

C. Compliance with General Plan and Zoning:

The proposed project, TPM 23-02 is in compliance with the regulations of the Zoning Code and General Plan.

City Engineer:

The City Engineer has reviewed and approved the proposed map. In the absence of any detail regarding potential development, the City Engineer will defer any potential infrastructure that may be required to such time as the future developers submit for Site Plan Review.

D. Public Input:

A notice of public hearing was published in the Corcoran Journal on May 31, 2023. Additionally, letters were sent to property owners within a 300 ft radius of the site to notify them of the proposed Tentative Parcel Map. No comments have been received to date.

E. Comments from Other Agencies/Departments:

Referrals were made to City Departments and other agencies and comments have been incorporated in this report.

F. Environmental Impact Assessment and compliance with CEQA

This project, Tentative Parcel Map 23-02 is not subject to CEQA review under categorical Exemption 15315. Minor Land Divisions.

Class 15 consist of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and the Zoning Code.

G. Recommendation:

Staff recommends that the staff report be given, public hearing be opened, testimony taken, and the Planning Commission take act based on the following findings and on the attached Resolution 2023-10.

J. FINDINGS

The following findings are proposed:

- (A) The project is exempt is exempt under CEQA Categorical exemption 15315.
- (B) That the site for the proposed land division is adequate in size and shape to Accommodate said land division.
- (C) That all uses of the land division comply with the requirements of the Corcoran Municipal Code, Ordinances, Standards or State and Federal Codes of regulations.
- (D) That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
- (E) That the proposed use will have no adverse effects upon adjoining or other properties in the vicinity. In making this determination, the Commission or Council shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal Circulation, external circulation, setbacks; heights of buildings or structures; wall or fences; landscaping; outdoor lighting; signs; and any other characteristics that will affect the property or properties in the vicinity.
- (F) That the proposed use is consistent with the objectives and policies of the Corcoran General Plan, or any specific plans, or planned development approved by the city.
- (G) That the proposed site for development has adequate public services, or will be provided with adequate public services to accommodate proposed land use.

PARCEL MAPS-ACTION BY THE PLANNING COMMISSION (from Municipal Code Chapter 12 section 1-7 J)

The Planning Commission, by written resolution, may approve, approve with conditions, disapprove, or disapprove without prejudice a Tentative Parcel Map.

The decision of the Planning Commission shall be final unless appealed to the City Council in accordance with the procedure outlined below.

APPEAL TO THE CITY COUNCIL

In case the applicant or any other party is not satisfied with the action of the Planning Commission he may, within ten days after the date of the adoption of the Planning Commission resolution, file in writing with the City Clerk an appeal to the City Council. The appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission, or whereby its decision is not supported by the evidence in the record.

The City Council shall set a date a date for the public hearing and shall post notices as set forth in code. The date for the public hearing shall not be less than ten nor more than thirty days from the date on which the appeal was filed.

By resolution, the City Council may affirm, reverse or modify a decision of the Planning Commission, providing that the City Council make the findings prerequisite to the approval of the Parcel Map.

The decision of the City Council shall be final and shall have immediate effect. 11-27 (G) 1

EXPIRATION OF MAPS AND EXTENSIONS (MC: Chapter 12 section 12-1-8)

The approval or conditional approval of a Tentative map shall expire no later than twenty-four (24) months from the date the map was approved or conditionally approved. However, the map may be extended if the subdivider has complied with The California Map Act section 66452.6 (a) and (e).

**CORCORAN CITY PLANNING COMMISSION
RESOLUTION NO. 2023-10
PERTAINING TO
TENTATIVE PARCEL MAP 23-02**

At a meeting of the Planning Commission of the City of Corcoran duly called and held on June 19, 2023, the Commission approved the following:

Whereas Francisco Navarro and Camila Gutierrez submitted an application regarding Tentative Parcel Map approval for lot(s) located on Ottawa Avenue approximately 600 feet west of Van Dorsten Avenue. APN: 033 240-021; and

Whereas this Commission considered the staff report on June 19, 2023; and

Whereas, the Planning Commission has made the following findings pursuant to the City of Corcoran Zoning Ordinance and Municipal Code.

- (A) The project is categorically exempt under CEQA 15315, Minor Land Divisions.
- (B) That the site for the proposed use is adequate in size and shape to accommodate the said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Title to adjust said use with land and use in the Service Commercial zone.
- (C) That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
- (D) That the proposed use will have no adverse effect upon adjoining or other properties. In making this determination, the Commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; heights of buildings; walls and fences; landscaping; outdoor lighting; signs; and such other characteristics as will affect surrounding property.
- (E) That the proposed use is consistent with the objectives and the policies of the Corcoran General Plan, or any specific plans, area plans, or planned development approved by the city.
- (F) That the approved Tentative Map will expire twenty-four (24) months from the approved Date. That the property owner must file for an extension of the Tentative map or file form a final map prior to the expiration date.

IT IS THEREFORE RESOLVED that Tentative Parcel Map 23-02 should be approved with the Conditions stated in the Staff Report and Resolution 2023-10.

AYES:

NOES:

ABSENT:

ABSTAIN:

Adopted this 19, day of June 2023

Planning Commission Chairman

Community Development Director

CERTIFICATE

City of Corcoran }
County of Kings } ss.
State of California }

I, Marlene Spain, Planning Commission Secretary of the City of Corcoran, hereby certify that this is a full, true and correct copy of Resolution No 2023-10 duly passed by the Planning Commission of the City of Corcoran at a regular meeting thereof held on the 19th day of June 2023, by the vote as set forth therein.

DATED: June 19, 2023

Marlene Spain
Planning Commission Secretary

ATTEST:

Marlene Spain, City Clerk

VESTING TENTATIVE PARCEL MAP NO. ---

OF PARCEL 1 AS SHOWN UPON THAT CERTAIN PARCEL MAP RECORDED SEPTEMBER 1ST, 2004 IN BOOK 16 OF PARCEL MAPS AT PAGE 98 KINGS COUNTY RECORDS, ALSO BEING A PORTION OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 21 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF CORCORAN, COUNTY OF KINGS, STATE OF CALIFORNIA.

NORTHEAST CORNER OF SOUTH VIEW SUBDIVISION FOUND NAIL IN WASHER LABELED "P.L.S. 5804" ACCEPTED IN LIEU OF 1" IRON PIPE PER PARCEL MAP BK 16, PG 98

NARRATIVE:

OWNERS: ROBERT J MUSTAIN, LISA MUSTAIN,
FRANCISCO NAVARRO, AND CAMILA GUTIERREZ
ADDRESS: PO BOX 475
IVANHOE, CA 93235
TOTAL PROJECT AREA: 32,909 SQ. FT. GROSS, 23,919 SQ. FT. NET
CITY ZONING: R-1-6 SINGLE FAMILY RESIDENTIAL - 6,000 SQ. FT. MINIMUM SITE AREA
FLOOD ZONE: X
A.P.N.: 032-240-021
WATER: CITY OF CORCORAN
SEWER: CITY OF CORCORAN

I RONALD J NELMS HEREBY STATE THERE ARE NO STRUCTURES WITHIN THE SUBJECT PROPERTY

LEGEND

- () RECORD OR CALCULATED FROM RECORD PER PARCEL MAP RECORDED IN BK. 16 OF PARCEL MAPS AT PG. 98
- FOUND MONUMENT AS NOTED
- SET 1" IRON PIPE WITH PENNY TAG LABELED L.S. 5804
- BK. BOOK
- PG. PAGE

PREPARED BY:
NELMS SURVEYING, INC.
332 E MORRIS ROAD - SUITE 4
BAKERSFIELD, CA. 93308
PHONE# 661-399-9026
JOB# 223196

1" = 20'



SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF ANTHONY BELTRAN ON MARCH 25, 2022. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY AND THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

RONALD J NELMS P.L.S. 5804 DATE _____

CITY SURVEYOR'S STATEMENT:

I, RICHARD F. AVILES, HEREBY STATE THAT I HAVE EXAMINED THIS PARCEL MAP 22-02, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

RICHARD F. AVILES, P.L.S. 9273 DATE _____
CITY SURVEYOR, CITY OF CORCORAN

CITY ENGINEER'S STATEMENT:

I, ORFEL MUMZ, CITY ENGINEER OF THE CITY OF CORCORAN, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH. I FURTHER STATE THAT ALL REQUIRED OFFSITE AND ONSITE IMPROVEMENTS HAVE EITHER ALREADY BEEN INSTALLED, HAVE BEEN DEFERRED UNTIL FURTHER DEVELOPMENT, OR ADEQUATE BONDS OR OTHER SUITABLE SURETIES HAVE BEEN PROVIDED.

ORFEL MUMZ P.E. C88145 DATE _____
CITY ENGINEER, CITY OF CORCORAN

RECORDER'S STATEMENT

DOCUMENT NO. _____ FEE _____
FILED THIS _____ DAY OF _____, 20____ AT _____ M.
IN VOLUME _____ OF MAPS, AT PAGE _____ KINGS COUNTY RECORDS,
AT THE REQUEST OF RONALD J. NELMS

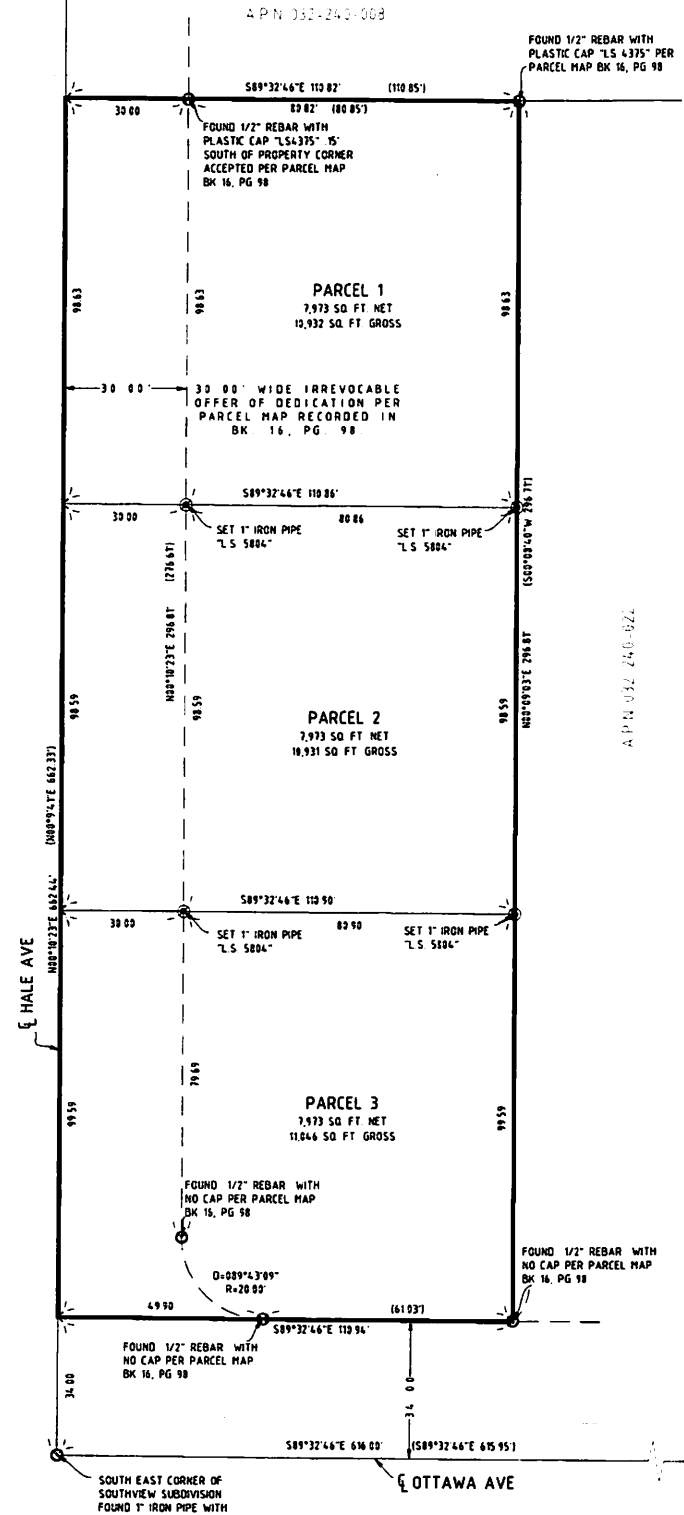
KRISTINE LEE BY _____
KINGS COUNTY RECORDER DEPUTY RECORDER

UNPLOTTABLE EASEMENT:

10' 00" WIDE RIGHT OF WAY FOR THE TRANSPORTATION OF WATER AND THE RIGHT TO ERECT AND MAINTAIN POWER LINES FOR THE TRANSMISSION OF ELECTRICAL ENERGY PER PARCEL MAP RECORDED IN BOOK 16, PAGE 98

BASIS OF BEARINGS:

ALL BEARINGS AND DISTANCES SHOWN ARE RECORD OR CALCULATED FROM RECORD PER PARCEL MAP NO. 16-98 RECORDED IN BOOK 16 OF RECORDS OF SURVEYS AT PAGE 98 AT THE KINGS COUNTY RECORDER'S OFFICE



A.P.N. 032-240-022

Environmental Setting

- 1.) The 32,909 square foot parcel and surrounding area is described as Parcel 1 as shown on that Parcel Map 16-98 recorded September 1st, 2004 in Book 16 of Parcel Map at page 98 Kings County Records. Also being a portion of the South Half of the North Half of the South West quarter of section 23, Township 21 South, Range 22 East, Mount Diablo Base Meridian, in the city of Corcoran, County of Kings, State of California.
- 2.) The Property supports no structures within the subject property. The soil has proven stable which is evidenced by other housing tracts in the surrounding area. There does not appear to be in cultural issues nor is there evidence of wildlife or habitat.
- 3.) To the North and West is residential/estate development, to the South and East is agriculture. The surrounding area does not appear to have cultural or habitat issues. The proposed project is for a subdivision that when completed will consist of three parcels of 10,000 sq. ft. or more. Further, the development will maintain the current zoning designation of R-1-6 single family residential.

Parcel Map Check Report

Date: 4/18/2023 11:31:19 AM

Parcel Name: Overall

Client:

Prepared by:

North:10,686.067'

East:22,116.718'

Segment# 1: Line

Course: S89°32'46"E

Length: 110.82'

North: 10,685.189'

East: 22,227.534'

Segment# 2: Line

Course: S0°09'03"W

Length: 296.81'

North: 10,388.380'

East: 22,226.753'

Segment# 3: Line

Course: N89°32'46"W

Length: 110.94'

North: 10,389.259'

East: 22,115.816'

Segment# 4: Line

Course: N0°10'23"E

Length: 296.81'

North: 10,686.068'

East: 22,116.713'

Perimeter: 815.38'

Area: 32,909.37Sq.Ft.

Error Closure: 0.005

Course: N82°41'49"W

Error North : 0.0006

East: -0.0049

Precision 1: 163,076.00

Parcel Map Check Report

Parcel Name: Parcel 1 Gross

North:10,307.203'

East:22,105.598'

Segment# 1: Line

Course: S89°32'46"E

Length: 110.82'

North: 10,306.325'

East: 22,216.415'

Segment# 2: Line

Course: S0°09'03"W

Length: 98.63'

North: 10,207.695'

East: 22,216.155'

Segment# 3: Line

Course: N89°32'46"W

Length: 110.86'

North: 10,208.574'

East: 22,105.298'

Segment# 4: Line

Course: N0°10'23"E

Length: 98.63'

North: 10,307.203'

East: 22,105.596'

Perimeter: 418.95'

Area: 10,932.42Sq.Ft.

Error Closure: 0.002

Course: N83°10'44"W

Error North : 0.0002

East: -0.0017

Precision 1: 209,470.00

Parcel Map Check Report

Parcel Name: Parcel 1 Net

North:10,173.058'

East:22,123.426'

Segment# 1: Line

Course: S89°32'46"E

Length: 80.82'

North: 10,172.417'

East: 22,204.244'

Segment# 2: Line

Course: S0°09'03"W

Length: 98.63'

North: 10,073.788'

East: 22,203.984'

Segment# 3: Line

Course: N89°32'46"W

Length: 80.86'

North: 10,074.428'

East: 22,123.126'

Segment# 4: Line

Course: N0°10'23"E

Length: 98.63'

North: 10,173.058'

East: 22,123.424'

Perimeter: 358.95'

Area: 7,973.41Sq.Ft.

Error Closure: 0.002

Course: N83°10'44"W

Error North : 0.0002

East: -0.0017

Precision 1: 179,470.00

Parcel Map Check Report

Parcel Name: Parcel 2 Gross

North:10,027.397'

East:22,110.995'

Segment# 1: Line

Course: S89°32'46"E

Length: 110.86'

North: 10,026.519'

East: 22,221.852'

Segment# 2: Line

Course: S0°09'03"W

Length: 98.59'

North: 9,927.929'

East: 22,221.592'

Segment# 3: Line

Course: N89°32'46"W

Length: 110.90'

North: 9,928.808'

East: 22,110.695'

Segment# 4: Line

Course: N0°10'23"E

Length: 98.59'

North: 10,027.398'

East: 22,110.993'

Perimeter: 418.93'

Area: 10,931.01Sq.Ft.

Error Closure: 0.002

Course: N83°14'13"W

Error North : 0.0002

East: -0.0018

Precision 1: 209,470.00

Parcel Map Check Report

Parcel Name: Parcel 2 Net

North:9,894.380'

East:22,125.687'

Segment# 1: Line

Course: S89°32'46"E

Length: 80.86'

North: 9,893.740'

East: 22,206.545'

Segment# 2: Line

Course: S0°09'03"W

Length: 98.59'

North: 9,795.150'

East: 22,206.285'

Segment# 3: Line

Course: N89°32'46"W

Length: 80.90'

North: 9,795.791'

East: 22,125.388'

Segment# 4: Line

Course: N0°10'23"E

Length: 98.59'

North: 9,894.380'

East: 22,125.686'

Perimeter: 358.93'

Area: 7,973.41Sq.Ft.

Error Closure: 0.002

Course: N83°14'13"W

Error North : 0.0002

East: -0.0018

Precision 1: 179,470.00

Parcel Map Check Report

Parcel Name: Parcel 3 Gross

North:9,743.999'

East:22,115.703'

Segment# 1: Line

Course: S89°32'46"E

Length: 110.90'

North: 9,743.120'

East: 22,226.600'

Segment# 2: Line

Course: S0°09'03"W

Length: 99.59'

North: 9,643.530'

East: 22,226.338'

Segment# 3: Line

Course: N89°32'46"W

Length: 110.94'

North: 9,644.409'

East: 22,115.401'

Segment# 4: Line

Course: N0°10'23"E

Length: 99.59'

North: 9,743.999'

East: 22,115.702'

Perimeter: 421.01'

Area: 11,045.93Sq.Ft.

Error Closure: 0.001

Course: N81°23'49"W

Error North : 0.0002

East: -0.0014

Precision 1: 421,020.00

Parcel Map Check Report

Date: 4/18/2023 3:26:44 PM

Parcel Name: Parcel 3 net

North:9,563.964'

East:22,131.290'

Segment# 1: Line

Course: S89°32'46"E

Length: 80.90'

North: 9,563.324'

East: 22,212.188'

Segment# 2: Line

Course: S0°09'03"W

Length: 99.59'

North: 9,463.734'

East: 22,211.926'

Segment# 3: Line

Course: N89°32'46"W

Length: 61.03'

North: 9,464.217'

East: 22,150.898'

Segment# 4: Curve

Length: 31.32'

Radius: 20.00'

Delta: 89°43'09"

Tangent: 19.90'

Chord: 28.21'

Course: N44°41'11"W

Course In: N0°27'14"E

Course Out: N89°49'37"W

RP North: 9,484.217'

East: 22,151.056'

End North: 9,484.277'

East: 22,131.056'

Segment# 5: Line

Course: N0°10'23"E

Length: 79.69'

North: 9,563.967'

East: 22,131.297'

Perimeter: 352.52'

Area: 7,973.41 Sq.Ft.

Error Closure: 0.007

Course: N69°51'26"E

Error North : 0.0024

East: 0.0064

Precision 1: 50,361.43



JR Vidales
Title Officer

Stewart Title of California, Inc.
7480 North Palm Avenue, Suite 103
Fresno, CA 93711
Phone: (559) 650-3600
Fax:
jvidales@stewart.com

PRELIMINARY REPORT

Order No.: 1949315

Your File No.:

Buyer/Borrower Name: Robert J. Mustain, Lisa Mustain, Francisco Navarro, and Camilia Gutierrez

Seller Name: Robert J. Mustain, Lisa Mustain, Francisco Navarro, and Camilia Gutierrez

Property Address: APN: 032-240-021, Corcoran, CA 93212

In response to the above referenced application for a Policy of Title Insurance, Stewart Title of California, Inc. hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Stewart Title Guaranty Company Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referenced to as an Exception on Schedule B or not excluded from coverage pursuant to the printed Schedules, Conditions, and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on covered Risks of said policy or policies are set forth in Exhibit A attached. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limits of Liability for certain coverages are also set forth in Exhibit A. Copies of the policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters, which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report, (and any supplements or amendments thereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance a binder or commitment should be requested.

Dated as of February 15, 2023 at 7:30AM

When replying, please contact: Melinda Martinez, Escrow Officer

Stewart Title of California, Inc.
325 Mall Drive, Suite 105
Hanford, CA 93230
(559) 585-7300
melmartinez@stewart.com

IF ANY DECLARATION, GOVERNING DOCUMENT (FOR EXAMPLE, COVENANT, CONDITION OR RESTRICTION) OR DEED IDENTIFIED AND/OR LINKED IN THIS TITLE PRODUCT CONTAINS ANY RESTRICTION BASED ON AGE, RACE COLOR, RELIGION, SEX, GENDER, GENDER IDENTITY, GENDER EXPRESSION, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, VETERAN OR MILITARY STATUS, GENETIC INFORMATION, NATIONAL ORIGIN, SOURCE OF INCOME AS DEFINED IN SUBDIVISION (p) OF SECTION 12955, OR ANCESTRY, THAT RESTRICTION VIOLATES STATE AND FEDERAL FAIR HOUSING LAWS AND IS VOID, AND MAY BE REMOVED PURSUANT TO SECTION 12956.2 OF THE GOVERNMENT CODE BY SUBMITTING A "RESTRICTIVE COVENANT MODIFICATION" FORM, TOGETHER WITH A COPY OF THE ATTACHED DOCUMENT WITH THE UNLAWFUL PROVISION REDACTED TO THE COUNTY RECORDER'S OFFICE. THE "RESTRICTIVE COVENANT MODIFICATION" FORM CAN BE OBTAINED FROM THE COUNTY RECORDER'S OFFICE AND MAY BE AVAILABLE ON ITS WEBSITE. THE FORM MAY ALSO BE AVAILABLE FROM THE PARTY THAT PROVIDED YOU WITH THIS DOCUMENT. LAWFUL RESTRICTIONS UNDER STATE AND FEDERAL LAW ON THE AGE OF OCCUPANTS IN SENIOR HOUSING OR HOUSING FOR OLDER PERSONS SHALL NOT BE CONSTRUED AS RESTRICTIONS BASED ON FAMILIAL STATUS.

PRELIMINARY REPORT

The form of Policy of Title Insurance contemplated by this report is:

- Standard Coverage Owner's Policy
- Extended Coverage Owner's Policy
- CLTA/ALTA Homeowners Policy
- Standard Coverage Loan Policy
- Extended Coverage Loan Policy
- Short Form Residential Loan Policy
-

SCHEDULE A

The estate or interest in the land hereinafter described or referred to covered by this report is:

FEE SIMPLE

Title to said estate or interest at the date hereof is vested in:

Robert J. Mustain and Lisa Mustain, husband and wife, as joint tenants, as to an undivided 1/3 interest and Francisco Navarro and Camila Gutierrez, husband and wife, as joint tenants, as to an undivided 2/3 interest

LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of Kings, City of Corcoran and described as follows:

Parcel 1, at City of Corcoran, County of Kings, State of California, as shown upon that certain Parcel Map recorded September 4, 2004, in Book 16 of Parcel Maps, at Page 98, Kings County Records.

APN: 032-240-021

(End of Legal Description)

MAP

THE MAP CONNECTED HERewith IS BEING PROVIDED AS A COURTESY AND FOR INFORMATIONAL PURPOSES ONLY; THIS MAP SHOULD NOT BE RELIED UPON. FURTHERMORE, THE PARCELS SET OUT ON THIS MAP MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES. STEWART ASSUMES NO LIABILITY, RESPONSIBILITY OR INDEMNIFICATION RELATED TO THE MAPS NOR ANY MATTERS CONCERNING THE CONTENTS OF OR ACCURACY OF THE MAP.

Stewart cannot respond to your request or provide you with personal information if we cannot verify your identity or authority to make the request and confirm the personal information relates to you.

Making a verifiable consumer request does not require you to create an account with Stewart.

Response Timing and Format

We endeavor to respond to a verifiable consumer request within forty-five (45) days of its receipt. If we require more time (up to an additional 45 days), we will inform you of the reason and extension period in writing.

A written response will be delivered by mail or electronically, at your option.

Any disclosures we provide will only cover the 12-month period preceding the verifiable consumer request's receipt. The response we provide will also explain the reasons we cannot comply with a request, if applicable. For data portability requests, we will select a format to provide your personal information that is readily useable and should allow you to transmit the information from one entity to another entity without hindrance.

Stewart does not charge a fee to process or respond to your verifiable consumer request unless it is excessive, repetitive, or manifestly unfounded. If we determine that the request warrants a fee, we will tell you why we made that decision and provide you with a cost estimate before completing your request.

Non-Discrimination

Stewart will not discriminate against you for exercising any of your CCPA and CPRA rights. Unless permitted by the CCPA or CPRA, we will not:

- Deny you goods or services.
- Charge you a different prices or rates for goods or services, including through granting discounts or other benefits, or imposing penalties.
- Provide you a different level or quality of goods or services.
- Suggest that you may receive a different price or rate for goods or services or a different level or quality of goods or services.

Record Retention

Your personal information will not be kept for longer than is necessary for the business purpose for which it is collected and processed. We will retain your personal information and records based on established record retention policies pursuant to California law and in compliance with all federal and state retention obligations. Additionally, we will retain your personal information to comply with applicable laws, regulations, and legal processes (such as responding to subpoenas or court orders), and to respond to legal claims, resolve disputes, and comply with legal or regulatory recordkeeping requirements

Changes to This CCPRA & CPRA Notice

Stewart reserves the right to amend this CCPA & CPRA Notice at our discretion and at any time. When we make changes to this CCPA & CPRA Notice, we will post the updated Notice on Stewart's website and update the Notice's effective date.

Link to Privacy Notice

Stewarts Privacy Notice can be found on our website at <https://www.stewart.com/en/privacy.html>.

Contact Information

If you have questions or comments about this notice, the ways in which Stewart collects and uses your information described herein, your choices and rights regarding such use, or wish to exercise your rights under California law, please do not hesitate to contact us at:

Phone: Toll Free at 1-866-571-9270

Website: <http://stewart.com/ccpa>

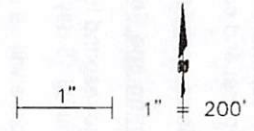
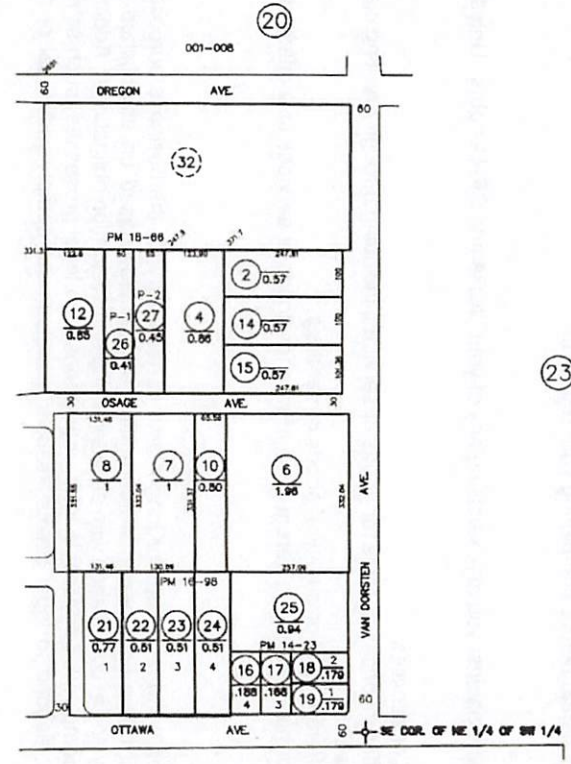
Email: Privacyrequest@stewart.com

Postal Address: Stewart Information Services Corporation
Attn: Mary Thomas, Chief Compliance and Regulatory Officer
1360 Post Oak Blvd., Ste. 100, MC #14-1
Houston, TX 77056

32-24

KINGS COUNTY ASSESSOR'S MAP E 1/2 OF NE 1/4 OF SW 1/4 SEC. 23-21-22

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY.
IT IS NOT TO BE CONSTRUED AS PORTRAYING
LEGAL OWNERSHIP OF DIVISIONS OF LAND FOR
PURPOSES OF ZONING OR SUBDIVISION LAW.
JULY 2015



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All rights reserved.

SCHEDULE B

At the date hereof, exceptions to coverage in addition to the printed exceptions and exclusions contained in said policy or policies would be as follows:

Taxes:

- A. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes, to be levied for the fiscal year 2023 - 2024.
- B. General and special city and/or county taxes, and any assessments collected with taxes, for the fiscal year 2022 - 2023:
 - 1st Installment : \$213.19
 - Status 1st: Delinquent
 - Delinquent Date : December 10, 2022
 - Penalty : \$21.31
 - 2nd Installment : \$213.19
 - Status 2nd: Open
 - Parcel No. : 032-240-021-000
 - Code Area / Tracer No. : 001-008
- C. Supplemental taxes for the fiscal year 2021 issued pursuant to the provisions of Chapter 3.5 (commencing with Section 75) of the Revenue and Taxation Code of the State of California:
 - 1st Installment : \$156.83 Open
 - Delinquent Date : March 31, 2023
 - Penalty : \$15.68
 - 2nd Installment : \$156.83 Open
 - Delinquent Date : July 31, 2023
 - Penalty : \$35.68
 - Parcel No. :032-240-021
- D. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (commencing with Section 75) of the revenue and taxation code of the State of California.
- E. Taxes and/or assessments affecting the land, if any, for Community Facility Districts including Mello Roos Districts which may exist by virtue of assessment maps or notices filed by said districts. Said taxes and/or assessments are typically collected with the County taxes; however, some districts may remove these taxes and/or assessment from the County taxes and assess and collect them separately.
- F. Prior to recording, the final amount due for taxes must be confirmed with tax collector.

Exceptions:

- 1. Taxes or assessments which are not shown as existing liens by the records of the taxing authority that levies taxes or assessments on real property or by the Public Records.

Proceeding by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- 2. Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

3. Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or other facts which a correct survey would disclose, and which are not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records. Any lien or right to a lien for services, labor, materials or equipment, heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
6. Any lien or right to a lien for services, labor or material unless such lien is shown by the Public Records at Date of Policy.
7. Water rights, claims or title to water in, or, under the property, whether or not shown by the Public Records.
8. Ownership of, or rights to, minerals or other substances, subsurface and surface, of whatsoever kind, including, but not limited to coal, ores, metals, lignite, oil, gas, geothermal resources, brine, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether the ownership or rights arise by lease, grant, exception, conveyance, reservation or otherwise, and whether or not appearing in the Public Records or listed in Schedule B. Stewart Title Guaranty Company and its issuing agent make no representation as to the present ownership of any such interests. There may be leases, grants, exceptions, or reservations of interests that are not listed.
9. Rights of way for public roads, ditches or canals heretofore dedicated, conveyed and/or declared and as the same may be located over and across said property.
10. Matters as shown on the Parcel Map filed in Book 16, Page 98, of Official Records together with any provisions and recitals contained therein.
11. Rights of parties in possession whether or not recorded in the public record.
12. Any facts, rights, interests or claims which would be disclosed by an inspection of the land.
13. Please be advised that our search did not disclose any open deeds of trust of record. If you should have knowledge of any outstanding obligation, please contact your title officer immediately for further review.
14. To assist in the clarifying, confirming and eliminating certain title matters, provide to Stewart Title, prior to recording, a completed Statement of Information for all identified and known Sellers/Owners in this transaction.

(End of Exceptions)