

C-7

December 10, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Refer to a Hearing Officer the business license application denial appeal by 3333 59th, LLC, to lease out the property located at 3333 E. 59th Street. (District 9)

DISCUSSION

On October 15, 2019, the Department of Financial Management denied the business license application for 3333 59th, LLC (Applicant), to lease out the commercial/industrial property at 3333 E. 59th Street (Property) (Attachment A), due to failure of the business to comply with applicable laws and regulations, pursuant to Long Beach Municipal Code (LBMC) Section 3.80.210, Section 5.92.210, and Section 3.80.421.5 (Attachment B). On October 25, 2019, the Applicant filed an appeal of the business license application denial (Attachment C).

Prior to denying the application, the City of Long Beach (City) determined that an illegal cannabis establishment was operating at the Property pursuant to LBMC Section 5.90.290. On July 23, 2019, the City issued a letter to the Applicant identifying persons or entities operating an illegal cannabis establishment upon the subject Property within the previous 60 days (Attachment D). The original letter was returned to the City as undeliverable by the United States Postal Service and the letter was mailed again to the agent for service of process for the Applicant on July 31, 2019, along with an updated deadline to appeal (Attachment E). The Applicant did not appeal the determination of an illegal cannabis establishment operating on the Property by the specified deadline and the determination of an illegal cannabis establishment operating on the subject property became final on August 27, 2019 (Attachment F).

Pursuant to LBMC Section 3.80.210, it is unlawful for any person to carry on any business without having procured a business license. Due to the determination that an illegal cannabis establishment was operating upon the subject Property, the Applicant's commercial/industrial space rental business license application for 3333 E. 59th Street was denied.

Pursuant to LBMC Section 3.80.421.6, an applicant for a business license whose application for such license has been denied by the Director of Financial Management may appeal to the City Council. Whenever it is provided that a hearing shall be heard by the City Council, the City Council may, in its discretion, conduct the hearing itself or refer

it to a hearing officer, in accordance with LBMC 2.93.050(A). If the matter is referred, the City Council shall set the hearing to be held not less than 20 days thereafter.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez on November 1, 2019.

TIMING CONSIDERATIONS

If referred, upon selection of a hearing officer, the matter will be heard not less than twenty days thereafter.

FISCAL IMPACT

The recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,




JOHN GROSS

DIRECTOR OF FINANCIAL MANAGEMENT

ATTACHMENTS

- ATTACHMENT A – DENIAL LETTER
- ATTACHMENT B – LONG BEACH MUNICIPAL CODE SECTIONS
- ATTACHMENT C – DENIAL APPEAL LETTER
- ATTACHMENT D – NOTICE OF ILLEGAL CANNABIS ESTABLISHMENT
- ATTACHMENT E – RENOTICE TO PROPERTY OWNER
- ATTACHMENT F – DETERMINATION LETTER OF ILLEGAL BUSINESS

APPROVED:



THOMAS B. MODICA
ACTING CITY MANAGER

October 15, 2019

3333 59th LLC
Attn: Dorothy Groza
405 Pine Avenue
Long Beach, CA 90802

RE: Denial of Business License Application BU21801274
Business Address: 3333 E. 59th Street, Long Beach, CA 90805, APN 7121-007-005

Dear Applicant:

Thank you for your interest in establishing a business in the City of Long Beach. Unfortunately, your application to operate a commercial/industrial space rental property is denied at this time. The Business License Division has denied your application due to failure to comply with applicable laws and regulations, including:

- Long Beach Municipal Code (LBMC) Chapter 5.92.210 which states, "It is unlawful for any person to engage in, operate, conduct, carry on, or allow to be carried on, the business of adult-use cannabis in the City without having first met the following requirements:
 1. The person has paid any business license tax pursuant to Chapter 3.80 of this Code;
 2. The person holds a valid permit pursuant to the requirements of this Chapter; and
 3. The person holds a State license in accordance with California Business and Professions Code Section 26000 et seq., and any applicable regulations implemented by the State or any of its departments or divisions."
- Long Beach Municipal Code (LBMC) Chapter 3.80.210 which states, "It shall be unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the City without first having procured a license from said City to do so and paying the tax hereinafter prescribed and without complying with any and all applicable provisions of this Code, and every person conducting any such business in the City shall be required to obtain a business license hereunder."
- Long Beach Municipal Code (LBMC) Chapter 3.80.421.5 which states, "In the event that a particular department of the City rejects an application for the reason that such business or the location at which it is proposed to conduct the same will not so comply with the applicable laws and ordinances, the Director of Financial Management shall not issue such license."

On July 23, 2019, the City issued a letter notifying you that an illegal cannabis establishment is and/or was operating on your property within the last sixty (60) days. The letter came back returned to our office, and on July 31, 2019, the letter was re-sent to the agent for service of process for the LLC. The letter stated an

appeal must be filed within fifteen (15) calendar days from the date of the letter to dispute the alleged illegal cannabis establishment. No response was ever received and on August 27, 2019, the City sent a letter determining that an illegal cannabis establishment was operating on your property.

Should you wish to appeal the denial of your business license application to the Long Beach City Council, you may do so by filing an appeal letter with the Director of Financial Management within ten (10) calendar days from the date of mailing of this letter pursuant to LBMC Chapter 3.80.421.6 (attached). The notice of appeal shall state the reason for the appeal and the grounds of such appeal.

Please send the notice of appeal to the address below along with a nonrefundable filing fee of \$1,398.00.

City of Long Beach Business License Division
Attn: Emily Armstrong
411 W. Ocean Blvd., 6th Floor
Long Beach, CA 90802

Should you have any questions please contact Emily Armstrong, Administrative Analyst, at (562) 570-6649 or by email at emily.armstrong@longbeach.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brett Yakus', is written over the typed name and title.

Brett Yakus
Business Services Officer

Attachments

ecc: Art Sanchez, Deputy City Attorney
Ajay Kolluri, Cannabis Program Manager

3.80.421.1 - Application—Investigation.

- A. The Director shall refer such application to the appropriate departments of the City in order that it may be ascertained whether the business proposed to be conducted or the premises in which it is proposed to locate such business will comply with applicable fire, building safety, zoning, health and other laws and regulations.
- B. The Director may issue a conditional license under this Chapter for the applicant to conduct business during the investigation period if: all necessary applications have been completed by the applicant, the business tax and application fees have been paid, no department has declared the building or structure "unsafe" as defined in Section 102 of the current edition of the California Uniform Building Code, and the business has not had an application denied pursuant to the provisions of this Chapter within the past year. A conditional license shall not be valid for a period longer than one hundred eighty (180) days from the date of application. During such period, based upon review by the appropriate departments of the City, the applicant may be rejected for failure to comply with applicable laws and regulations at any time. Within one hundred eighty (180) days, if no departments have rejected the applicant or requested an extension of the time to review same, the Director shall issue the license.
- C. The Director, at his sole discretion, may issue a notice of nonoperation during the investigation period when a department determines the building or structure unsafe and corrections are required prior to the safe operation and continuation of the business. Following completion and City approval of any City mandated corrections, a conditional license or a business license may be issued.

(Ord. C-7849 § 1, 2003; Ord. C-6259 § 1 (part), 1986)

3.80.421.5 - Application—Rejection.

In the event that a particular department of the City rejects an application for the reason that such business or the location at which it is proposed to conduct the same will not so comply with applicable laws and ordinances, the Director Of Financial Management shall not issue such license.

(Ord. C-6259 § 1 (part), 1986)

3.80.421.6 - Appeals.

Any applicant for a business license whose application for such license has been denied by the Director of Financial Management may, within ten (10) days after such denial, appeal therefrom to the City Council by filing with the Director a notice of such appeal setting forth the decision and the grounds upon which he deems himself aggrieved thereby. The applicant shall pay to the Director at the time of filing the notice of appeal the fee set by resolution of the City Council for appeals hereunder. The Director shall thereupon make a written report to the City Council reflecting such determination denying the business license. The City Council at its next regular meeting following the filing of said appeal, or within ten (10) days following the filing thereof, shall set said appeal for hearing to be held not less than ten (10) days nor more than thirty (30) days thereafter and such hearing may for good cause be continued by the order of the City Council. Upon the hearing of the appeal the City Council may overrule or modify the decision of the Director appealed from and enter any such order or orders as are in harmony with this Title and such disposition of the appeal shall be final.

(Ord. C-6325 § 8, 1986; Ord. C-6259 § 1 (part), 1986)

3.80.210 - License and tax payment required.

There are hereby imposed upon the businesses, trades, professions, callings and occupations specified in this Chapter license taxes in the amounts hereinafter prescribed. It shall be unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the City without first having procured a license from said City to do so and paying the tax hereinafter prescribed and without complying with any and all applicable provisions of this Code, and every person conducting any such business in the City shall be required to obtain a business license hereunder.

This Section shall not be construed to require any person to obtain a license prior to doing business within the City if such requirement conflicts with applicable statutes of the United States or of the State of California.

Any person who engages in any business for which a business license is required, shall be liable for the amount of all taxes and penalties applicable from the date of commencement of the business, whether or not such person would have qualified for such business license; however, such payment shall not create any right for the person to remain in business.

All payments of business license tax received by the City, irrespective of any designation to the contrary by the taxpayer, shall be credited and applied first to any penalties and tax due for prior years in which the tax was due but unpaid.

(Ord. C-7783 § 2, 2002; Ord. C-6259 § 1 (part), 1986)

3.80.421.5 - Application—Rejection.

In the event that a particular department of the City rejects an application for the reason that such business or the location at which it is proposed to conduct the same will not so comply with applicable laws and ordinances, the Director Of Financial Management shall not issue such license.

(Ord. C-6259 § 1 (part), 1986)

5.92.210 - Business license and permit required.

- A. It is unlawful for any person to engage in, operate, conduct, carry on, or allow to be carried on, the business of adult-use cannabis in the City without having first met the following requirements:
1. The person has paid any business license tax pursuant to Chapter 3.80 of this Code;
 2. The person holds a valid permit pursuant to the requirements of this Chapter; and
 3. The person holds a State license in accordance with California Business and Professions Code Section 26000 et seq., and any applicable regulations implemented by the State or any of its departments or divisions.
- B. Each permit issued pursuant to the requirements of this Chapter shall entitle the holder thereof to obtain a City license to engage in the business described in the permit, upon payment of the license tax required by the provisions of Chapter 3.80 of this Code, provided the holder of the permit complies with all other applicable provisions of law or ordinance.

C. Fixed location required. A permit may only be issued for a specific, fixed location within a secured, fully enclosed building, that is subject to building and/or zoning permits and regulations.

(ORD-18-0015 § 6(Exh. F), 2018)



GROZA LAW

405 Pine Avenue
Long Beach, CA 90802
O: (323) 813-8811
dorothy@grozalaw.com

October 24, 2019

Via US Mail and Email:

City of Long Beach Business Services Bureau
Department of Financial Management
Attn: Emily Armstrong
Attn: Sandy Tsang-Palmer
411 W. Ocean Blvd., 6th Floor
Long Beach, CA 90802

RE: **NOTICE OF APPEAL**
Denial of Business License Application BU21801274
3333 E. 59th Street APN 7121-007-005

To the Department of Financial Management and Long Beach Business Services Bureau:

This office represents 3333 59th, LLC the property owner (hereinafter collectively "Clients") for the business address of 3333 E 59th Street, Long Beach, CA 90805 ("Property").

Please accept this correspondence, in good faith, as a NOTICE OF APPEAL of the denial of business license application **BU21801274**.

This dispute is based on the following fact: LBMC Chapters 5.92.210 and 3.80.210 have not been violated by my Client.

My Clients have not engaged in any kind of business activity, nor have they authorized any cannabis related activity at the Property. The Property has been vacant since my Clients' acquisition of it. My Client has solely been working on pending building and planning approvals to conduct future lawful business activity at the Property – but has not engaged in nor authorized any business activity of any kind a the Property.

There have been no facts or evidence presented to me or my Client to support a finding by the Department of Financial Management, Long Beach City Council, the Long Beach Police Department, the Los Angeles District Attorneys Office or any other local or state government agency that my Clients had any involvement, knowledge or affiliation with the Incident that occurred at the Property.

My Clients do not dispute that an incident involving a fire occurred at the Property ("Incident"). However, my Clients do dispute that they had any involvement or knowledge of the activities that caused the fire.



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405 Pine Avenue
Long Beach, CA 90802
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dorothy@grozalaw.com

My Clients believe that an individual or multiple individuals unlawfully broke into the Property because it remained vacant for over 1 year, and engaged in activities that caused this unfortunate fire. Again, the Property has been vacant since my Clients acquired it pending building and planning approvals for the intended lawful cultivation business activities. My Clients have not made use of the premises nor engaged in any conduct or activities or business on the Property of any kind.

I want to make it clear that my Clients were not engaged in any illegal cannabis activity at the Property. They did not authorize any illegal cannabis activity at the property. They had no knowledge of any criminal or cannabis activity at the property. My Clients have no affiliation with the "burned man" that the police found at the property at the time of the Incident. My Clients have no actual knowledge of what caused this fire other than what they have been told by third parties.

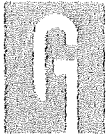
As stated before, my Clients have received very little information from the City of Long Beach, the Long Beach Police Department, the Fire Department, or Detective Jackson (Los Angeles Police Department) regarding the Incident. My Clients has requested police reports and fire reports and have not received them. My Clients have made themselves available for questioning via myself and their attorney Ty Anis, and have not once been contacted for questioning.

My Clients have not received any material update regarding the status of this investigation for months other than it is "on-going". The only information my Clients have is the very little that was disclosed at the time of the Incident, and from news sources.

As of the date of this appeal, my Clients have not received any formal notice of an intent to bring any criminal charges against them by any law enforcement agency regarding this Incident.

My Clients are victims in this incident, and have simply been patiently waiting for the investigation to conclude so that they can take the next steps in restoring the building and proceeding with its application to conduct legal business activity.

On or about the end of September 2019, I personally spoke with Detective Jackson and inquired whether my Clients could regain access to the Property and begin the necessary restoration work. Detective Jackson indicated that the physical investigation of the Property was complete, and that my Clients had the "all clear" to enter the premises and begin restoring the building. Since then, we have been preparing to interview local general contractors and receiving bids to begin such restoration work at the Property.



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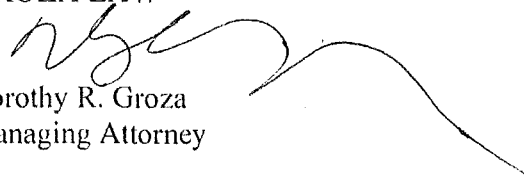
It is my hope that the City of Long Beach not draw incorrect conclusions regarding the unfortunate incident that occurred. It is our goal to work with the City going forward to restore the building, and work together to ensure that the building is safe and secured going forward. We can discuss these next steps at another time.

As such, PLEASE ACCEPT THIS NOTICE OF APPEAL. As stated, no facts or evidence have been presented to suggest my Clients have violated LBMC Chapters 5.92.210 or 3.80.210. The Incident is an unfortunate and terrible event to have occurred, but my Clients were not the cause of it and should not be penalized in any way.

My Clients seek the opportunity to have a hearing with the City to be further heard and reach a fair resolution of this matter. We will make ourselves available at anytime.

Sincerely,

GROZA LAW


Dorothy R. Groza
Managing Attorney



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT
BUSINESS SERVICES BUREAU

333 West Ocean Boulevard 4th Floor • Long Beach, CA 90802 • (562) 570-6211

July 23, 2019

3333 59th, LLC.
200 Pine Avenue, Ste 515
Long Beach, CA 90802

VIA CERTIFIED MAIL

RE: Illegal Cannabis Establishment – 3333 E. 59th Street, APN 7121-007-005

Dear Property Owner:

The City of Long Beach ("the City") has identified persons or entities operating an illegal cannabis establishment ("Establishment") upon your property at 3333 E. 59th Street in direct violation of the Long Beach Municipal Code ("LBMC").

Pursuant to LBMC Chapters 5.90 and 5.92, it is unlawful for any person or entity to operate, in or upon any property, a cannabis business without first obtaining a business license or permits issued by the City. Further, any operation of a cannabis business without the proper licenses and permits shall be deemed unlawful and a public nuisance. No property owner in charge of, or in possession of, any real property within the City shall cause, permit, maintain, conduct, or otherwise suffer or allow a public nuisance to exist.

As the owner of the above-stated property, you are HEREBY GIVEN NOTICE that an Establishment is currently operating and/or was operating within the previous sixty (60) days at or on your property.

Should you wish to dispute the determination of the alleged Establishment operation, you may do so by filing a written request, along with a non-refundable filing fee, to the Director of Financial Management within fifteen (15) calendar days from the date of mailing of this letter pursuant to LBMC Section 5.90.290 (attached). Such written request shall set forth the specific ground(s) on which the dispute is based.

Failure to file the written request within the time period specified shall result in waiver of any right to dispute the allegation of operation of an Establishment at the subject property. In the event of such waiver, no medical or nonmedical cannabis business, whether licensed or non-licensed, shall be permitted to operate at the subject property for a period of one (1) year from the 16th day after the date of mailing of this letter.

The written request shall be sent to the address below along with a nonrefundable filing fee of \$1,348.00.

City of Long Beach Business Services Bureau
Attn: Emily Armstrong
333 W. Ocean Blvd., 4th Floor
Long Beach, CA 90802

If the written request is filed within the time period specified, within thirty (30) days following the filing of said written request, the City shall set a hearing to be held not less than ten (10) days nor not more than thirty (30) days thereafter.

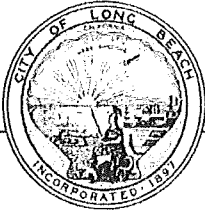
Should you have any questions please contact Emily Armstrong, Administrative Analyst, at (562) 570-6649 or by email at emily.armstrong@longbeach.gov.

Sincerely,



Brett Yakus
Business Services Officer

Attachments



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

411 West Ocean Boulevard 6th Floor • Long Beach, CA 90802 • (562) 570-6211

July 31, 2019

3333 59th, LLC.
C/O Dorothy Groza
405 Pine Avenue
Long Beach, CA 90802

RE: Returned Mail Notice

Dear Dorothy Groza:

We attempted to send the attached letter entitled, "Illegal Cannabis Establishment – 3333 E. 59th Street, APN 7121-007-005", to the property owner's mailing address provided on the Commercial/Industrial business license submitted by 3333 59th, LLC to the City of Long Beach; however, the letter came back to our office returned. As the agent for service of process, we are now mailing the correspondence to your office.

Please find the enclosed letter regarding an illegal cannabis establishment at the property. Please note that the effective date of the original letter has been updated to the date of mailing of this letter.

Should you have any questions regarding this matter, please contact Emily Armstrong, Administrative Analyst, at (562) 570-6649 or by email at emily.armstrong@longbeach.gov.

Sincerely,

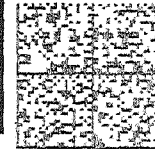
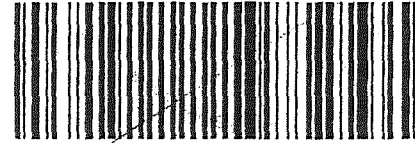
Sandy Tsang-Palmer
Deputy Director of Financial Management



CITY OF LONG BEACH
BUSINESS RELATIONS BUREAU
BUSINESS LICENSE SECTION
333 W. OCEAN BLVD.- 7TH FLOOR
LONG BEACH, CA 90802

FM730000

OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL



U.S. POSTAGE >> PITNEY BOWES

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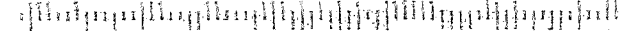
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CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT
BUSINESS SERVICES BUREAU

333 West Ocean Boulevard 4th Floor • Long Beach, CA 90802 • (562) 570-6211

July 23, 2019

3333 59th, LLC.
200 Pine Avenue, Ste 515
Long Beach, CA 90802

VIA CERTIFIED MAIL

RE: Illegal Cannabis Establishment – 3333 E. 59th Street, APN 7121-007-005

Dear Property Owner:

The City of Long Beach ("the City") has identified persons or entities operating an illegal cannabis establishment ("Establishment") upon your property at 3333 E. 59th Street in direct violation of the Long Beach Municipal Code ("LBMC").

Pursuant to LBMC Chapters 5.90 and 5.92, it is unlawful for any person or entity to operate, in or upon any property, a cannabis business without first obtaining a business license or permits issued by the City. Further, any operation of a cannabis business without the proper licenses and permits shall be deemed unlawful and a public nuisance. No property owner in charge of, or in possession of, any real property within the City shall cause, permit, maintain, conduct, or otherwise suffer or allow a public nuisance to exist.

As the owner of the above-stated property, you are HEREBY GIVEN NOTICE that an Establishment is currently operating and/or was operating within the previous sixty (60) days at or on your property.

Should you wish to dispute the determination of the alleged Establishment operation, you may do so by filing a written request, along with a non-refundable filing fee, to the Director of Financial Management within fifteen (15) calendar days from the date of mailing of this letter pursuant to LBMC Section 5.90.290 (attached). Such written request shall set forth the specific ground(s) on which the dispute is based.

Failure to file the written request within the time period specified shall result in waiver of any right to dispute the allegation of operation of an Establishment at the subject property. In the event of such waiver, no medical or nonmedical cannabis business, whether licensed or non-licensed, shall be permitted to operate at the subject property for a period of one (1) year from the 16th day after the date of mailing of this letter.

The written request shall be sent to the address below along with a nonrefundable filing fee of \$1,348.00.

City of Long Beach Business Services Bureau
Attn: Emily Armstrong
333 W. Ocean Blvd., 4th Floor
Long Beach, CA 90802

If the written request is filed within the time period specified, within thirty (30) days following the filing of said written request, the City shall set a hearing to be held not less than ten (10) days nor not more than thirty (30) days thereafter.

Should you have any questions please contact Emily Armstrong, Administrative Analyst, at (562) 570-6649 or by email at emily.armstrong@longbeach.gov.

Sincerely,



Brett Yakus
Business Services Officer

Attachments

5.90.290 - Local enforcement and penalties for illegal marijuana businesses.

- A. Applicability. This Section applies to all entities and persons engaging in medical and/or nonmedical marijuana related activity who are legally required to, but do not have, a City issued license, permit or authorization ("Establishment"). This Section also applies to any person or entity who has an ownership or possessory interest in any real property upon which an Establishment is being operated, permitted or maintained ("Property Owner").
- B. Actions for injunctive relief and civil penalties.
1. As an alternative or in addition to any other remedy, the City Attorney may enforce the provisions of this Chapter against an Establishment and/or Property Owner in any court of competent jurisdiction. The City Attorney may apply to such court for an order seeking injunctive relief to abate or remove any nuisance caused, maintained, or permitted by an Establishment and/or Property Owner; to restrain any Establishment and/or Property Owner from taking any action contrary to the provisions of this Chapter or other applicable law; and/or to require any Establishment and/or Property Owner to take any action to comply with this Chapter or other applicable law.
 2. In any civil court action brought by the City Attorney pursuant to this Section in which the City succeeds in obtaining an order from the court, the City shall be entitled to recover from an Establishment and/or Property Owner all of the City's costs of investigation, enforcement, abatement, and litigation, including but not limited to attorneys' fees.
 3. The City shall also be entitled to recover civil penalties against an Establishment and/or Property Owner in a maximum amount of five thousand dollars (\$5,000.00) per violation for each day an Establishment is operated, permitted, or maintained on the subject property. In assessing the amount of the civil penalty, the court shall consider any one or more of the relevant circumstances presented by any of the parties to the case, including, but not limited to, the following: the nature and seriousness of the violation, any economic benefit gained through the violation, the number of violations, the length of time over which the violation occurred, the willfulness of the defendant's violation, and the defendant's assets, liabilities, and net worth.
 4. The City Attorney is authorized, without further direction from the City Council, to institute any civil actions permitted pursuant to this Section.
- C. Prohibited property sites for marijuana-related operations.
1. The City may in its sole discretion take any action as specified in this subsection.
 2. If the City discovers an Establishment is currently and/or was operating within the previous 60 days at or on a property, or any portion thereof, the City may take action as specified herein. The City shall notify the Property Owner in writing of their right to file, within fifteen (15) days after the date of mailing of the Notice, written request of a hearing to the City disputing the alleged Establishment operation. Such written request shall set forth the specific ground(s) on which the dispute is based and the Property Owner shall pay to the City at the time of filing said written request a filing fee in an amount to be set by resolution of the City Council. Failure to file the written request within the time period specified shall result in waiver of any right to dispute the allegation of operation of an Establishment at the subject property. In the event of such waiver, no medical or nonmedical marijuana business, whether licensed or non-licensed, shall be permitted to operate at the subject property for a period of one (1) year from the 16th day after the date of mailing of the Notice.

If the written request is filed within the time period specified, within thirty (30) days following the filing of said written request, the City shall set a hearing to be held not less than ten (10) days nor not more than thirty (30) days thereafter, and such hearing may for good cause be continued by the City. The hearing shall be held in accordance with Chapter 2.93 of this Code, except that the matter shall be automatically referred to the City Clerk for selection of a Hearing Officer, without the City Council's referral, in accordance with Subsection 2.93.050.B of this Code. The City shall thereupon make a written report to the Hearing Officer reflecting such determination that an Establishment exists and/or existed at the subject property. Whenever it has been determined that an Establishment was and/or is in operation, no medical or nonmedical marijuana business, whether licensed or non-licensed, shall be permitted to operate at the subject property for a period of one (1) year from the effective date of such determination.

The prohibitions contained in this subsection shall be sufficient grounds to deny any application for operation of a marijuana-related business at the subject property received within the one-year time period.

3. In the event the City revokes a Property Owner's Non-Residential Rental Business License for violating this Chapter, no medical or nonmedical marijuana business, whether licensed or non-licensed, shall be permitted to operate at the subject property for a period of five (5) years from the effective date of revocation of the Non-Residential Rental Business License. Such revocation shall be sufficient grounds to deny any application for operation of a marijuana-related business at the subject property received within the five-year period. This prohibition shall also remain in effect in the event a Property Owner (or an entity owned by or affiliated with such Property Owner) obtains another Non-Residential Rental Business License anytime within the five-year period for the subject property.

D. Disconnection of utilities.

1. To the maximum extent permitted by law, and in accordance with the processes thereof, the City may discontinue utility services to any premises upon which an Establishment is operating.
2. Prior to the disconnection of utility services, the City must notify, wherever possible, the Property Owner and occupant of the building, structure, or premises upon which the Establishment is operating, of the decision to disconnect the utility service(s) and the reason(s) for service suspension at least seven (7) calendar days before taking such action, unless a different period of notification is mandated by law; provided that the City's Building Official may dispense with any attempt at prior notification if, in the sole discretion of the Building Official, the nature or severity of any apparent dangerous hazard justifies such inaction in accordance with other provisions of this Code.
3. In the event utilities are disconnected, the Building Official must notify the owner or occupant of the building, structure, or premises in writing of the disconnection as soon as practical thereafter.
4. Disconnected utilities shall not be re-established until an inspection has been made by the City's Building Official and the Building Official has determined that the unlawful Establishment has ceased operations; that any imminent hazard has been abated or eliminated (if applicable); that the building complies with applicable law; and that any applicable fees for disconnection, reconnection, penalties and/or other related services have been paid.
5. Removing or defacing a notice posted in relation to this provision shall constitute a separate and distinct violation of this Chapter.

E. Miscellaneous.

1. The enforcement and penalties stated herein are in addition to any additional civil or criminal remedies and actions available at law or equity for such violations.
2. Nothing in this Section shall be construed as requiring the City to allow, permit, license, authorize, or otherwise regulate medical or nonmedical marijuana, or as abridging the City's police power with respect to enforcement regarding medical or nonmedical marijuana, or as restricting or otherwise limiting the enforcement authority conferred upon the City or any State agency by other provisions of this Municipal Code or State law.
3. In the event any provision in this Section shall be deemed invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby and such provision shall be ineffective only to the extent of such invalidity, illegality or unenforceability.

(ORD-17-0011 § 1, 2017)

August 27, 2019

3333 59th, LLC.
200 Pine Avenue, Suite 515
Long Beach, CA 90802

RE: Illegal Cannabis Establishment – 3333 E. 59th Street, APN 7121-007-005

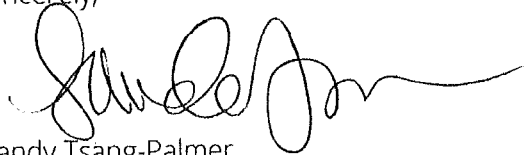
Dear Property Owner:

This letter is to inform you that per our notice letter dated July 23, 2019, you were provided information to appeal the City's determination of an illegal cannabis establishment operating on your property to the Director of Financial Management within fifteen (15) calendar days from the date of mailing the letter.

A written request to appeal was not received by our office by the deadline specified, in accordance to Long Beach Municipal Code 5.90.290.C.2. Therefore, the City's determination that an illegal cannabis establishment is operating and/or was operating within the previous sixty (60) days at or on your property is final.

Should you have any questions, please contact Emily Armstrong, Administrative Analyst, at (562) 570-6649 or emily.armstrong@longbeach.gov.

Sincerely,



Sandy Tsang-Palmer
Deputy Director of Financial Management

STP:ea

