

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 22-07 FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 1000 SOUTH LESLIE STREET, SUITE D, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The City Council of the City of La Habra does hereby resolve as follows:

Section 1. The City Council does hereby find and determine that:

- a. Max Hoskins, on behalf of On Deck Delivery, LLC filed an application requesting approval of Conditional Use Permit 22-07 for a non-storefront retail business at 1000 South Leslie Street, Suite D.
- b. This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to 14 CCR 15060(c)(2) and 15061(b)(3) because it can be seen with certainty that there is no possibility that the project will have a significant impact on the environment.
- c. The Applicant's proposal has been reviewed pursuant to the requirements of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, the Local Implementation Plan (LIP), and the Model Water Quality Management Plan (WQMP), Section 7.2. Since no disturbance of soil will occur, this project is exempted by the Water Quality Ordinance from the preparation of a WQMP.
- d. The Planning Commission held a public hearing on June 27, 2022 to consider the Applicant's request of Conditional Use Permit 22-07. The Planning Commission, after considering all the written and oral evidence offered including the staff report and all attachments, denied the request.
- e. The City Council held a duly noticed public hearing on August 1, 2022 to consider the Applicant's appeal of the Planning Commission's denial of Conditional Use Permit 22-07. The City Council, after considering all the written and oral evidence offered including the staff report, all attachments overruled the Planning Commission's decision.

Section 2. The City Council further finds and determines that:

- a. The Applicant met the pre-application requirements contained within Chapter 18.22 “Commercial Cannabis Activity” of the La Habra Municipal Code.
- b. The Applicant has completed negotiations on a Development Agreement as required by Chapter 18.22 “Commercial Cannabis Activity” of the La Habra Municipal Code.
- c. The Applicant has been successful in meeting their burden of providing evidence in order to support the granting of the Conditional Use Permit application under Chapter 18.66 of the La Habra Municipal Code.
- d. The City Council hereby makes the following required findings of the Conditional Use Permit application:
 1. The granting of such Conditional Use Permit will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession, and or enjoyment of surrounding and adjacent properties and will not impair the character of the zone in which it is to be located.

On April 2, 2018, the City Council of La Habra adopted Chapter 18.22 “Commercial Cannabis Activity” (LHMC) with regulations that permit cannabis distribution facilities subject to a CUP within the M-1, M-1 PUD, and PCI zones. On December 21, 2020, the City Council adopted Ordinance No. 1827 amending Chapter 18.22 (LHMC) allowing cannabis non-storefront retail facilities, to be operated in strict compliance with the Cannabis Laws allowed by the California Bureau of Cannabis Control per a Type 9 Non-Storefront Retailer (Delivery Only) License under certain conditions and provisions. The subject property is already developed with light industrial uses and an existing cannabis distribution business in the adjacent industrial suite. The proposed cannabis business will be pre-dominantly surrounded by other light industrial uses to the north, east, south and west. The properties to the south will be separated from the subject site due to a grade difference of approximately 20 feet, thereby providing an adequate buffer from the Kaiser medical office building and planned and existing commercial development to the south.

During the first year, the proposed business will have 12 employees. The applicant expects to hire three sales associates/dispatchers and three inventory/fulfillment

specialists, which will utilize six on-site parking spaces. It is also initially expected that delivery drivers will utilize an additional six on-site parking spaces. Conditions of approval have been placed on the use pursuant to the standards set forth in Chapter 18.22 (LHMC). These conditions were created to ensure that the use would not cause any detriment to existing uses within the surrounding area. Conditions include the installation and maintenance of a high-quality security system, implementation of specified security measures, implementation of adequate inventory control, the use of an odor-controlling ventilation system, and the prohibition of consumption of cannabis products on-site. Therefore, the approval of the use will not be detrimental to the public welfare and will not impair the character of the zone where the proposed cannabis business is located.

2. The subject site is physically suitable for the type of land use being proposed.

No physical changes are proposed to the site. The proposed improvements include interior tenant improvements only. The proposed use is basically a delivery service. The only additional traffic is generated by the delivery drivers coming and going throughout the day, which is equivalent to a retail use with customers coming to the site at different times throughout the day. Therefore, the site is physically suitable for the type of land use proposed.

3. The use is conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this title.

Chapter 18.22 of the La Habra Municipal Code allows for cannabis distribution facilities within the M-1 Zone with the approval of a Conditional Use Permit, granted by the Planning Commission. After reviewing CUP 22-07, staff determined that the proposed non-storefront retail cannabis business operations conforms with the development standards and requirements of the M-1 zone.

4. The granting of this Conditional Use Permit will not adversely affect the Comprehensive General Plan.

The projects implement Policies LU 11.1 (Diversity of Uses) and ED 1.1 (Consumer Demand) of the General Plan 2035.

The General Plan establishes land uses designations for properties throughout the city. Zoning is utilized as a tool to implement the General Plan. The General Plan Land Use Designation for this site is Commercial Industrial, which

envisions business park, industrial uses or commercial uses. The property is zoned Planned Commercial Industrial (PC-I) with a Planned Unit Development (PUD) overlay, which is consistent with the General Plan. These zoning standards were utilized when the current commercials center was developed. Additionally, this zone allows for the proposed use with approval of a Conditional Use Permit. Therefore, the use will be consistent with the General Plan if the Commission approved the CUP.

Section 4. This action is subject to the following conditions:

General conditions:

Standard Condition 1.1 CODE COMPLIANCE (Modified)

The business operator shall comply with all applicable City of La Habra Municipal Codes and Ordinances including all provisions of Chapter 18.22 "Commercial Cannabis Activities".

Standard Condition 1.5 MINOR MODIFICATIONS

The Director of Community and Economic Development or designee may approve minor modifications through the Administrative Adjustment process to the conditions of approval so long as the intent of the Planning Commission or City Council is maintained.

Standard Condition 1.6 PLANS

This approval is for those plans date stamped June 16, 2021 and are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of June 27, 2022. A copy of said plans shall be maintained in the files of the City of La Habra Planning Division. The project shall be developed and maintained in substantial conformance with said plans, except as otherwise specified in these conditions of approval.

Standard Condition 1.7 COMPLIANCE (Modified)

The failure to comply with any of these conditions of approval by the business operator shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Conditional Use Permit 22-05.

Standard Condition 1.8 VIOLATION

In the event that the business operator violates or fails to comply with any of the conditions of approval of this permit, the City may take measures to cure such violations, including but not limited to, administrative citation and full reimbursement of the City for its costs and expenses, including but not limited to, attorney's fees, in undertaking such corrective action. Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City shall refrain from issuing further permits, licenses or other approvals until such violations have been fully remedied.

Standard Condition 1.14 RESOLUTION ON HAND

The business operator shall at all times maintain a copy of the approved resolution containing all the conditions of approval on site. Said resolution shall be provided for review upon request by any law enforcement officer or community preservation inspector.

Standard Condition 4.24 SECURITY AND CAMERA PLANS
(Modified)

The business operator shall submit a final security camera system design plan to the Chief of Police and Director of Community and Economic Development or designee for approval prior to the issuance of any building permits. Requirements for the camera system include the following at a minimum:

- The cameras shall be in use twenty-four hours per day, seven days per week.
- The operator shall maintain at least ninety days of concurrent hours of digitally recorded documentation.
- Any disruption in security camera images shall be cured expeditiously within twenty-four hours.
- Cameras must cover, at minimum:
 - o All inside and outside doors from both sides
 - o Any on-site vault where cash is stored
 - o Any secured room where cannabis or cannabis products are stored
 - o Any front counter or other space accessible by customers or the public
 - o Any locations where transactions or sales take place

The Applicant shall comply with the security plan at all times.

Standard Condition 7.6 LICENSING REQUIREMENTS
(Modified)

The business operator shall obtain a Type 9 Non-storefront Retailer (Delivery Only) License that permits both medicinal and adult use business operations within six months of the building permit becoming final and prior to business operations, consistent with Project Specific Condition 19 and shall comply with all the licensing requirements of the State of California for a non-storefront retail business.

Standard Condition 7.14 ON-SITE MANAGER

The business operator shall ensure that a designated manager be on the premises at all times during the hours of operation or any time employees or customers are present. The name and contact information for any and all managers must be provided to the City in advance, and all such persons must pass a LiveScan background check, consistent with Project Specific Condition 16. The manager shall ensure compliance with the terms of the Conditional Use Permit. The business owner shall remain responsible for any violations of the terms of this Conditional Use Permit.

Project specific conditions:

1. The approval of Conditional Use Permit 22-07 is specifically granted to On Deck Delivery, LLC for the property at 1000 South Leslie Street, Suite D and cannot be transferred to another party or entity and cannot exceed the 2,032 square feet business floor plan for the operation unless first approved by the Planning Commission. For the purpose of this resolution, "The Applicant" or "Business Operator" is On Deck Delivery, LLC.
2. The approval of Conditional Use Permit 22-07 is contingent upon the approval of and continued compliance with Development Agreement (DA) 22-02. Should DA 22-02 not be approved by the City Council, not initiated by either party, cancelled, nullified or the Applicant not implement all provisions of the Development Agreement, the approval for Conditional Use Permit 22-07 is thereby null and void.
3. The business operator shall not allow minors on the premises unless permitted by California State Law.
4. The business operator shall utilize a licensed armed security guard at all times that cannabis products are present on-site, to the satisfaction of the Chief of Police and the Director of Community and Economic Development or designee.

5. The business operator shall submit a final employee safety plan as required by La Habra Municipal Code Chapter 18.22 "Commercial Cannabis Activity" and described within the Cannabis Application package to the Chief of Police and Director of Community and Economic Development for approval prior to the issuance of building permits. The business operator shall comply with the employee safety plan at all times.
6. The business operator shall post and not permit the consumption of cannabis or cannabis products on site at any time.
7. The business operator shall ensure that the facility does not adversely affect the health or safety of the nearby property owner/business operators by preventing the creation of odors, dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products, or wastes as required by La Habra Municipal Code Chapter 18.22 "Commercial Cannabis Activity" and described within the Cannabis Application package.
8. The business operator shall be permitted to operate 8:00 a.m. to 10:00 p.m., seven days per week.
9. All cannabis and cannabis products shall be kept in a secured manner during all business and non-business hours.
10. All commercial cannabis facilities shall pay all applicable taxes pursuant to federal, state, and local laws, in addition to any payment terms pursuant to La Habra Municipal Code Section 18.22.060 as applicable.
11. The business operator shall prepare and submit an odor ventilation plan that provides sufficient odor absorbing ventilation and exhaust systems so that odor outside the premises is not detected on any adjacent property, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building or premises as the cannabis distribution business. The plan shall be reviewed and approved by the Chief Building Official prior to issuance of building permits.
12. Prior to the sale or the delivery of any edible cannabis or edible cannabis product the same shall be labeled and in tamper-evident packaging which at least meets the minimum requirements of the state.

13. The business operator shall utilize product and inventory tracking software and accounting software that is in-line with state law and as approved by the Director of Finance, the Chief of Police and Director of Community and Economic Development prior to issuance of building permits.
14. The business operator shall keep complete, accurate and appropriate books and records of all receipts from operations in accordance with generally acceptable accounting principles. The city shall have the right to audit and examine such books, records and documents and other relevant items in the possession of the operator, as per Chapter 18.22 of the LHMC. Upon request by the city, the commercial cannabis operator shall make such books, records and documents available to the city, and provide removable copies thereof, within 30 days of the date of the city's request. The cost for any audit shall be shared equally by the commercial cannabis business operator and the city of La Habra. The commercial cannabis business operator shall preserve such books, records, documents, and other items for a period of not less than seven years for the purpose of auditing or re-auditing these accounts upon reasonable notice; except that, if an audit is made within the seven-year period and the commercial cannabis business operator claims that errors or omissions have occurred, the books and records shall be retained and made available until those matters are resolved.
15. The city shall keep strictly confidential all statements of revenue furnished by the commercial cannabis business and all other information concerning the commercial cannabis business operation obtained by the city by way of the city's inspection, audit and examination privileges, except as otherwise required by law or judicial order. It shall be the sole responsibility of the commercial cannabis business to seek a protective order, as deemed necessary to protect such records and/or information from disclosure.
16. Within seven years after receipt of any statement of receipts, the city at any time shall be entitled to carry out an audit of such revenue either by the city or agents to be designated by the city. If it shall be determined as a result of such audit that there has been deficiency in any payment due to the city made on the basis of such statement, the such deficiency shall become immediately due and payable. If such statement of revenue for the relevant year shall be found to have understated receipts by more than two percent and the city is entitled to any additional payment as a result of such understatement, then the commercial cannabis business operator shall, in addition, pay all of the city's reasonable costs and expenses connected with such audit, including the expense incurred in retaining such agent; otherwise the city shall bear the cost and expense of such audit.

17. The business operator shall ensure that any business signage complies with the City's sign code and any restrictions placed on the facility with the conditional use permit at all times.
18. The business operator shall make the un-used roll-up doors non-functional or replace them with solid walls designed and finished to match the existing building prior to Certificate of Occupancy issuance, to the satisfaction of the Director of Community and Economic Development or designee.
19. The business operator shall provide the Chief of Police with the name, cell phone number(s), facsimile number, and email address of the on-site representative of the distribution facility whom the City and the public can provide notice if there are any operational problems associated with the facility prior to business operation and updated as personnel change.
20. The business operator shall ensure that the cannabis facility has the capacity to remain secure and operational during a power outage through the use of an emergency generator or other means approved by the Chief of Police 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. The system shall be in place and operational prior to building occupancy. The system shall be maintained and operational for the life of the business.
21. The business operator shall submit to the Chief of Police or designee for review and approval, a final transportation plan describing the procedures for safety and security for the transporting of cannabis and cannabis products, drivers and currency prior to the issuance of building permits.
22. The business operator shall ensure that delivery vehicles shall be equipped with video recording equipment that monitors the inside and outside of the vehicle. All recordings shall be stored up to seven calendar days and be available to city personnel upon request. In addition, each vehicle shall also be equipped with GPS tracking system and an alarm system. All drivers shall have active motor carrier permits issued by the California Department of Motor Vehicles.
23. The business operator shall have any person who is an employee or who otherwise works or volunteers within the business obtain a work permit from the Chief of Police or designee. No person under the age of twenty-one may be employed by or act as a responsible person on behalf of the business. A work permit shall be valid for a twelve-month period and must be renewed on an annual basis. applications for work

permits shall be submitted under oath and shall contain a statement of the past criminal record, if any, of the applicant and such information as may be deemed necessary by the Chief of Police or designee to determine whether the Applicant should be issued a work permit. The applicant for a work permit will be required to submit to LiveScan fingerprinting and a photograph for the purpose of the City performing a background investigation and will only be issued a work permit upon the successful completion of that process.

24. The business operator shall maintain on-site a register of all the employees currently employed by the commercial cannabis business and shall produce such register to the Chief of Police or designee or any other City of La Habra official authorized to enforce the La Habra Municipal Code for purposes of determining compliance with LHMC Chapter 18.22 "Commercial Cannabis Activity". A copy of the employee's work permit shall also be contained in the register.
25. The business operator shall notify the chief of police or designee within 10 calendar days when an employee terminates employment with the business. Failure to notify the chief of police shall automatically void the work permit.
26. The business operator shall notify the Chief of Police or designee immediately upon discovering that the security system required by this chapter has become inoperative or is malfunctioning. In addition, notification to the Chief of Police must be made within twenty-four hours after discovering any of the following:
 - Significant discrepancies identified in a commercial cannabis business' inventory. The level of significance shall be determined by the Chief of Police or designee prior to issuance of building permits.
 - Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business.
 - The loss of unauthorized alteration of records related to cannabis, or employees or agents of the commercial cannabis business.
 - Any other breach of security.
27. The business operator shall obtain and maintain a Type 9 Non-Storefront Retailer (Delivery Only) state license within six months of the building permit becoming final and prior to business operation. The non-storefront retail business is limited to only those activities

permitted by the State for a Type 9 Non-Storefront Retailer (Delivery Only). Failure to obtain the required state license will result in the automatic expiration of the Conditional Use Permit.

28. The business operator shall obtain a commercial cannabis business license from the City, to be renewed annually, twelve months after the date of its issuance. Failure to obtain and maintain an active cannabis business license will result in the Conditional Use Permit expiring.
29. The business operator shall only be permitted to submit building improvement plans upon the successful completion of the LiveScan background investigation.
30. The business operator shall conduct retail cannabis sales exclusively by delivery as defined in Business and Professions Code Section 26001 (p) and the licensed premises of the non-storefront retailer licensee shall be closed to the public.
31. The business operator shall ensure that all deliveries of cannabis and cannabis products shall be performed by a delivery employee that is directly employed by the licensed non-storefront retailer.
32. The business operator shall ensure that each delivery employee of licensed retailer shall be at least twenty-one years of age.
33. The business operator shall ensure that all deliveries of cannabis and cannabis products shall be made in person and that delivery of cannabis or cannabis products shall not be made through the use of an unmanned vehicle.
34. The business operator shall ensure that the process of delivery begins when the delivery employee leaves the retailer's licensed premises with the cannabis or cannabis products for delivery. The process of delivering ends when the delivery employee returns to the retailer's licensed premises after delivering the cannabis or cannabis products to the customer(s). During the process of delivery, the retailer's delivery employee may not engage in any activities except for cannabis or cannabis product delivery and necessary rest, fuel, or vehicle repair stops.
35. The business operator shall ensure that a delivery employee of the licensed retailer shall, during deliveries, carry a copy of the retailer's current license, the employee's city issued work permit, and an identification badge provided by the employer pursuant to the Bureau of Cannabis Control regulations.

36. The business operator shall ensure that prior to providing cannabis or cannabis products to a delivery customer, a delivery employee shall confirm the identity and age of the delivery customer as required by the Bureau of Cannabis Control and place the cannabis or cannabis products in a resealable child-resistant opaque exit package.
37. The business operator shall maintain an accurate list of the retailer's delivery employees and shall provide the list to the city upon request.
38. The business operator shall ensure that a delivery employee may only deliver cannabis or cannabis products to a physical address in California.
39. The business operator shall ensure that a delivery employee shall not leave the state of California while possessing cannabis or cannabis products.
40. The business operator shall ensure that a delivery employee shall not deliver cannabis or cannabis products to an address located on publicly owned land or any address on land or in a building leased by a public agency. This prohibition applies to land held in trust by the United States for a tribe or an individual tribal member unless the delivery is authorized by and consistent with applicable tribal law.
41. The business operator shall allow a delivery employee to deliver to any jurisdiction within the state of California.
42. The business operator shall ensure that a retailer's delivery employee, carrying cannabis or cannabis products for delivery, shall only travel in an enclosed motor vehicle. Any vehicle used in the delivery of cannabis or cannabis products shall be operated by a delivery employee of the licensee. Only the licensee or an employee of the retailer licensee for whom delivery is being performed shall be in the delivery vehicle.
43. The business operator shall ensure that while carrying cannabis or cannabis products for delivery, a retailer's delivery employee shall ensure the cannabis and cannabis products are not visible to the public. Cannabis and cannabis products shall be locked in a box, container, or cage that is secured on the inside of the vehicle. The inside of the vehicle includes the trunk.
44. The business operator shall ensure that the retailer's delivery employee shall not leave cannabis or cannabis products in an unattended motor vehicle unless the motor vehicle is locked and equipped with an active alarm system.

45. The business operator shall ensure that all vehicles used for delivery of cannabis or cannabis products shall be outfitted with a dedicated Global Positioning System (GPS) device for identifying the geographic location of the delivery vehicle. The device shall remain active and inside of the delivery vehicle at all times during delivery. At all times the licensed retailer shall be able to identify the geographic location of all delivery vehicles that are making deliveries for the licensed retailer and shall provide that information to the city upon request.
46. The business operator upon request, shall provide the city with information regarding any motor vehicle used for the delivery of cannabis and cannabis products, including the vehicle's make, model, color, vehicle identification number, license plate number and Department of Motor Vehicles registration information.
47. The business operator shall ensure that any motor vehicle used by the licensed retailer to deliver cannabis or cannabis products is subject to inspection by the city. Vehicles used to deliver cannabis or cannabis products may be stopped and inspected by the city at any licensed premises or during delivery.
48. The business operator shall ensure that direct communication system with the retailer's business location and the retailer's delivery employee shall be incorporated in each vehicle.
49. The business operator shall not display of any logo, signage, or other information that identifies, advertises, or lists the services or products offered shall be placed on the delivery vehicles.
50. The business operator shall ensure that the retailer's delivery employee shall not carry cannabis or cannabis products in the delivery vehicle in excess of ten thousand dollars at any time.
51. The business operator shall ensure that delivery employees may only carry cannabis or cannabis products in the delivery vehicle and may only perform deliveries for one licensed retailer at a time. The vehicle shall not carry more cannabis or cannabis products than allowed by state and local law and required to fulfill all immediate delivery requests.
52. The business operator shall ensure that the retailer's delivery employee shall not leave the licensed premises with cannabis or cannabis products without at least one delivery order that has already been received and processed by the licensed retailer.

53. The business operator shall ensure that before leaving the licensed premises, the retailer's delivery driver must have a delivery inventory ledger of all cannabis and cannabis products provided to the retailer's delivery driver. After each customer delivery, the delivery inventory ledger must be updated to reflect the current inventory in possession of the retailer's delivery driver.
54. The business operator shall ensure that the retailer's delivery drivers maintain a log that includes all stops from the time the retailer's delivery driver leaves the licensed premises to the time that the retailer's delivery driver returns to the licensed premises, and the reason for each stop. The log shall be turned in to the retailer when the retailer's delivery driver returns to the licensed premises. The licensed retailer must maintain the log as a commercial cannabis activity record as required by the state.
55. The business operator shall ensure that prior to arrival at any delivery location, the licensed retailer must have received a delivery request from the customer and provided the delivery request receipt to the retailer's delivery driver electronically or in hard copy. The delivery request provided to the retailer's delivery driver shall contain all of the information required by the Bureau of Cannabis Control except for the date and time the delivery was made, and the signature of the customer.
56. The business operator shall ensure that immediately upon request by the Bureau of Cannabis Control or any law enforcement officer, the retailer's delivery driver shall provide:
 - a. All delivery inventory ledgers from the time the retailer's delivery driver left the licensed premises up to the time of the request;
 - b. All delivery request receipts for cannabis and cannabis products carried by the driver, in the delivery vehicle, or any deliveries that have already been made to customers; and
 - c. The log of all stops from the time the retailer's delivery driver left the licensed premises up to the time of the request.
57. The business operator shall ensure that if a retailer's delivery driver does not have any delivery requests to be performed for a thirty-minute period, the retailer's delivery driver shall not make any additional deliveries and shall return to the licensed premises. Required meal breaks shall not count towards the thirty-minute period.

58. The business operator shall ensure that upon returning to the licensed premises, all undelivered cannabis and cannabis products shall be returned to inventory.
59. The business operator shall prepare a hard copy or electronic delivery request receipt for each delivery of cannabis or cannabis products.
60. The business operator shall ensure that the delivery request receipt contain the following:
 - a. The name and address of the licensed retailer.
 - b. The first name and employee number of the retailer's delivery employee who delivered the order.
 - c. The first name and employee number of the retailer's employee who prepared the order for delivery.
 - d. The first name of the customer and retailer assigned customer number for the person who requested the delivery.
 - e. The date and time the delivery request was made.
 - f. The delivery address.
 - g. A detailed description of all cannabis and cannabis products requested for delivery as required by the Bureau of Cannabis Control.
 - h. The total amount paid for the delivery as required by the Bureau of Cannabis Control.
 - i. Upon delivery, the date and time the delivery was made, and the handwritten or electronic signature of the customer who received the delivery.
 - j. At the time of delivery, the delivery employee of the retailer shall provide the customer who placed the order with a hard or electronic copy of the delivery request receipt. The delivery driver shall retain a hard or electronic copy of the signed delivery request receipt for the licensed retailer's records.
 - k. For the purpose of this section, an employee number is a distinct number assigned by a licensed retailer to their employees that would allow the licensed retailer to identify the employee on documents or records using the employee number rather than the employee's full name. A licensed retailer shall be able to identify the employee associated with each employee number upon request by the state/city.
 - l. For the purpose of this section, a customer number is a distinct number assigned by a licensed retailer to a customer that would allow the licensed retailer to identify the customer in documents or records using the customer

number rather than the customer's full name. A licensed retailer shall be able to identify the customer associated with each customer number upon request by the state/city.

61. The business operator shall ensure that while making deliveries of cannabis or cannabis products, a retailer's delivery driver shall only travel from the retailer's licensed premises to the delivery address; from one delivery address to another delivery address; or from a delivery address back to the retailer's licensed premises. A delivery driver of a retailer shall not deviate from the delivery path except for necessary rest, fuel, or vehicle repair stops, or because road conditions make continued use of routes unsafe, impossible, or impracticable.
62. The business operator shall receive a shipment of cannabis and cannabis products only from a licensed distributor or licensed microbusiness.
63. The business operator shall accept shipments of cannabis and cannabis products only between the hours of six a.m. and ten p.m.
64. The business operator shall ensure that during business hours, shipments of cannabis and cannabis products shall not enter the licensed premises through an entrance or exit that is available for use by the public.
65. The business operator shall maintain an accurate record of its inventory. The licensed retailer shall provide the Bureau of Cannabis Control/city with the record of inventory immediately upon request. The licensed retailer shall keep a record of the following information for all cannabis and cannabis products the licensed retailer has in its inventory:
 - a. A description of each item such that cannabis or cannabis products can easily be identified;
 - b. An accurate measurement of the quality of the item;
 - c. The date and time the cannabis or cannabis products was received by the licensed retailer;
 - d. The sell by or expiration date provided on the package of cannabis or cannabis products, if any;
 - e. The name and license number of the licensed distributor or licensed microbusiness that transported the cannabis or cannabis products to the licensed retailer; and
 - f. The price the licensed retailer paid for the cannabis or cannabis products, including taxes, delivery costs, and any other costs.

66. The business operator shall perform reconciliation of its inventory in the time and manner required by 16 CCR 5424.
67. The business operator shall maintain an accurate record of sales made to a customer.
68. The business operator shall ensure that a record of cannabis and cannabis products sold to a customer shall contain the following information:
 - a. The first name and employee number of the retailer employee who processed the sale;
 - b. The first name and the retailer assigned customer number for the customer who made the purchase;
 - c. The date and time of the transaction;
 - d. A list of all the cannabis and cannabis products purchased, including the quantity purchased; and
 - e. The total amount paid for the sale including the individual prices paid for each amount of cannabis or cannabis products purchased and any amounts paid for taxes.
69. The business operator shall ensure point of sales for all sale transactions performed by the licensed retailer shall be credited to the city of La Habra.
70. The business operator shall ensure that all licensed retailer specific records shall be maintained in accordance with the requirements of 16 CCR 5037.
71. The business operator (licensee) who holds multiple retail licenses shall be permitted to arrange for the transfer of cannabis and cannabis products from one licensed retail premises to another licensed retail premises if both retail licenses are held under the same ownership.
72. The business operator shall be permitted to transfer cannabis and cannabis products to a licensed retail premises as per subsection 18.22.030(n)(i) of the La Habra Municipal Code which may be sold by the licensed retailer receiving the cannabis or cannabis products if the receiving retailer is in compliance with all requirements of the Bureau of Cannabis Control.
73. The business operator shall ensure that the transportation of cannabis and cannabis products comply with all requirements of the Bureau of Cannabis Control.

74. The business operator shall ensure that any movement of cannabis or cannabis products be properly entered into the state track and trace system.

Section 5. Based upon the foregoing, the City Council of the City of La Habra adopts a resolution approving Conditional Use Permit 22-07.

Section 6. The City Clerk shall certify to the passage and adoption of this Resolution and shall cause the same to be published in the manner required by law and transmit a copy to the Applicant.

PASSED, APPROVED AND ADOPTED this 1st day of August, 2022 by the following roll call vote:

Jose Medrano
Mayor

ATTEST:

Rhonda J. Barone, CMC
Assistant City Clerk

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS.
CITY OF LA HABRA }

I, Rhonda J. Barone, CMC, Assistant City Clerk of the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. ____ introduced and adopted at a Regular Meeting of the City Council of the City of La Habra held on the 1st day of August, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Witness my hand and the official seal of the City of La Habra this 1st day of August, 2022.

Rhonda J. Barone, CMC
Assistant City Clerk