



**City Attorney
City Prosecutor**

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August 17, 2018

Kathy Valdez, City Clerk
City of Vista

Pursuant to California Elections Code and as directed by the City Council of the City of Vista, I am providing you with an Impartial Analysis of Measure Z, the Citizen's Medical Cannabis Business Initiative of 2017, which measure the City Council placed on the ballot of the November 6, 2018, General Municipal Election.

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE Z
CITIZEN'S MEDICAL CANNABIS BUSINESS INITIATIVE OF 2017**

It is currently illegal to operate a marijuana (cannabis) business in the City of Vista. This initiative ordinance would repeal that prohibition and allow at least eleven storefront medical marijuana dispensaries in Vista based on the City's current population.

This initiative would allow medical marijuana dispensaries to locate in all of Vista's commercial, industrial, and business park zoning districts, as well as in its mixed use zoning districts (districts with residential apartments and condominiums in addition to commercial uses). Dispensaries would be required to have one parking space per 1,000 square feet instead of the five spaces required of all other retail businesses.

Within those zoning districts, a dispensary could be in any location which is:
(a) 500 feet or more from any other permitted marijuana dispensary; and
(b) 600 feet from any pre-existing public or private K-12 school. There is no set-back requirement from adjacent residentially-zoned properties.

All commercial marijuana businesses would pay Vista a permanent special use tax equal to 7% of gross sales. The tax proceeds would be placed in the City's general fund and be available for any lawful municipal expenditure.

Once licensed, no criminal or public nuisance action can be initiated against a licensed dispensary operating within the limited rules set by the initiative ordinance.

The City would be required to issue a certificate of occupancy and business license to a marijuana dispensary if it meets its minimum requirements, including the installation of security and video surveillance systems, adequate



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lighting, a ventilation system, and insurance. The City would be prohibited from imposing any additional operating requirements on the businesses.

The initiative requires dispensaries to follow day-to-day operating rules set by the initiative unless otherwise provided by state law. These rules would allow a dispensary to operate from 9 a.m. to 10 p.m. daily, would prohibit consumption of marijuana products on the premises, and would require a dispensary to hire a security guard during business hours.

An individual would be eligible to own or to work at a marijuana dispensary if the individual has not been convicted of a felony or if the felony convictions are more than four years old.

A "yes" vote means you want to authorize at least eleven storefront medical marijuana dispensaries in Vista based on the City's current population.

A "no" vote means you do not want to authorize at least eleven storefront medical marijuana dispensaries in Vista based on the City's current population.

This initiative was placed on the ballot by the requisite number of voters.

Darold Pieper
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The above statement is an impartial analysis of Measure Z. If you desire a copy of the ordinance or measure, please call the elections official's office at (760) 636-6125 and a copy will be mailed at no cost to you. You may also access the full text of the measure and other election material from the internet on the City's home page at www.cityofvista.com.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Darold Pieper", with a long horizontal flourish extending to the right.

Darold Pieper
City Attorney