

**REGULATION ON CITY RESPONSES TO, AND DOCUMENTATION OF,  
DETERMINATIONS CONCERNING MEDICAL CANNABIS BUSINESS  
APPLICATIONS; FINALITY OF DETERMINATIONS**

Measure Z enacted Vista Municipal Code ("VMC") Chapter 5.94 in its entirety, and further references to Measure Z will be to the provisions of that Chapter.

**Authority**

VMC § 5.94.170.B. provides that the "City Manager...shall promulgate...rules, regulations, and procedures...to implement and administer...this Chapter," which includes VMC § 5.94.070 relating to City determinations concerning medical cannabis businesses applications.

**Purpose**

This regulation establishes rules to guide City actions on medical cannabis business applications, the documentation of those actions, and the finality of those actions.

**Rules**

1. NOTICES OF COMPLETED REGISTRATION. Applicants issued a Notice of Completed Registration pursuant to VMC § 5.94.070 shall be informed by a notification letter signed by the City Manager or designee. (On February 13, 2019, the City Manager approved 11 Notices of Completed Registration via 11 notification letters.) Concurrently with, or after the notification letter, the City shall provide the applicant with a Certificate and Notice of Completed Registration, substantially in the form of Exhibit A.
2. REGISTRATION LIST. The City shall post to its website a "Registration List" identifying each proposed medical cannabis business which has been issued a Notice of Completed Registration which remains valid and current. The Registration List will include the name of each approved medical cannabis business, the address from which the business may operate, and the date on which the registration expires if the registration is not renewed. If required, the City will update the Registration List from time to time.
3. DOCUMENTING DISQUALIFICATION/DENIAL/REJECTION OF APPLICATIONS. An application shall be disqualified or denied by a letter signed by the City Manager when: (a) disqualification is authorized by VMC § 5.94.060.D; (2) denial is allowed by VMC § 5.94.070; or (3) rejection or disapproval, is required under VMC §§ 5.94.060.G and 5.94.070.C. The reasons for the action shall be included in the letter.
4. DEEMED APPROVALS — LIMITS AND RULES. No application shall be "deemed approved" unless all of the following are satisfied: (1) the City received an application with the required application deposits and fees during a period in which the City was legally authorized to receive applications; (2) a period of 30 days passed from the date on which the City received the application without any written action of the City to deny, disqualify, or reject the application (the 31<sup>st</sup> day, being the "Deemed Approved Date"); (3) on the Deemed Approved Date the City had not approved the maximum number of medical cannabis businesses (i.e. issued the maximum number of Notices of Completed Registration) as set by VMC § 5.94.090.A; and (4) within 30 days following the Deemed Approved Date, the applicant provides written notice to the City Clerk evidencing that the applicant has satisfied each of the conditions described in clauses (1) – (3).

REGULATION ON CITY RESPONSES TO, AND DOCUMENTATION OF, DETERMINATIONS  
CONCERNING MEDICAL CANNABIS BUSINESS APPLICATIONS

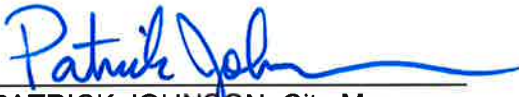
March 7, 2019

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*Explanatory Note: Clause (3) implements VMC §§ 5.94.060.G (“The City shall continue processing the applications until the maximum number of medical cannabis registrations have been issued a Notice of Completed Registration and placed on the registration list.”) and 5.94.070.C (“Once all available Notices of Completed Registration are issued or deemed issued, no applications will be accepted or considered.”).*

5. WAITING LISTS — NEITHER ESTABLISHED NOR AUTHORIZED. Chapter 5.94 does not establish a waiting list to accommodate applicants that are denied a Notice of Completed Registration. No waiting list will be established even if one or more of the prior-approved applicants cannot or do not open within the two-year window identified in its Notice of Completed Registration. See, VMC § 5.94.070.C.
  
6. DENIED APPLICATIONS ARE NOT REVIEWABLE BY APPEAL. The Vista Municipal Code does not establish a general process through which the City Council can review the determinations of the City Manager by appeal. An appellate review procedure is not found in Chapter 2.20 which identifies the role, functions and powers of the City Manager, nor in Chapter 2.12 which identifies the role, functions, and powers of the City Council. Since an appellate process is not established by Vista’s Municipal Code, it is not possible to administratively appeal the City Manager’s decision to deny, disapprove, or disqualify an application “in accordance with the provisions of the Vista Municipal Code”. See, VMC § 5.94.120.

APPROVED PER VMC § 5.94.170.B:



PATRICK JOHNSON, City Manager

March 7, 2019

EXHIBIT A

**CERTIFICATE AND NOTICE OF  
COMPLETED REGISTRATION**

CITY OF VISTA  
(ISSUED PURSUANT TO CHAPTER 5.94  
OF ITS MUNICIPAL CODE)

*Name of Registered  
Medical Cannabis*

*Business:*

**GREEN ACRES DISPENSARY**

*Location of Medical  
Cannabis Business:*

**123 SUNSHINE STREET**

*Date Registration*

*Expires:*

**FEBRUARY 12, 2021**

*Opening Preconditions:*

1. The business must obtain all required State licenses for its intended operations and its intended location.
2. All required improvement work must be accomplished at the location, and all needed approvals must be secured, to satisfy applicable statutes, codes, ordinances, and regulations.
3. A certificate of occupancy must be secured from the City of Vista after the above requirements are satisfied.

*Operating Requirements:*

1. A business license must be secured from the City pursuant to Chapter 5.04 of the Vista Municipal Code.
2. Cannabis operations and uses must be limited to on-site retail sales of medical cannabis, and such deliveries of medical cannabis as may be authorized by the VMC.
3. All operations must satisfy every applicable statute, code, ordinance, and regulation.
4. All taxes owed to the City must be fully and timely paid as provided in VMC Chapter 5.94.
5. Unless this Notice is timely renewed pursuant to VMC Chapter 5.94, all cannabis operations must cease by the end of the expiration date identified above.

ISSUED BY:

DATE OF ISSUANCE:

**SAMPLE**

Patrick Johnson, City Manager

February 13, 2019