

## Appeal Procedure under Step (1), Step 1(a) and Step 1(b) of the City Cannabis Business Permit Application Process: Storefront

Authority: *Culver City Municipal Code § 11.17.185 Promulgation of Regulations, Standards and Other Legal Duties.*

*“A. In addition to any regulations adopted by the City Council, the City Manager is authorized to establish any additional rules, regulations and standards related to the issuance, denial or renewal of Commercial Cannabis Business Permits, the ongoing operation and City’s oversight of commercial cannabis businesses, or any other subject determined to be necessary to carry out the purposes of this Chapter.”*

Under the authority of Culver City Municipal Code § 11.17.185, and Resolution 2018-R014 (adopted February 12, 2018), the following is the Appeal Procedure established by the City Manager for appealing rejections or denials of Commercial Cannabis Storefront Applications (“Applications”) during the Culver City Storefront Retail Cannabis Business Permit Application process (“Application Process”), Step (1), Step 1(a) and Step 1(b):

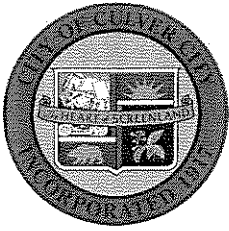
A. Rejections or denials of Applications for a Culver City Storefront Retail Cannabis Business Permit made while an Applicant is in Step 1, Step 1(a) and Step 1(b) of the Application Process shall be signed by the Permit Administrator.

B. An Applicant may appeal the Permit Administrator’s rejection or denial of an Application by submitting a written request for an administrative appeal to the City Clerk’s office, within fifteen (15) calendar days of the notice rejecting or denying the Application. The written request shall contain the name of the Applicant and the individual requesting the appeal, a current address where notices shall be mailed, and shall state with specificity the grounds for appeal, including but not limited to a statement of facts in sufficient detail to enable the City Manager to understand the nature of the appeal and the relief requested. Any documents relevant to the appeal shall be attached to the written appeal request.

C. The Applicant has to option to (1) personally appear before the City Manager; (2) to have the appeal heard by telephone; or (3) to have the appeal determined based on the written request, along with any documents submitted.

D. Failure of any Applicant to file a timely appeal shall constitute an irrevocable waiver of the right to appeal and the decision of the Permit Administrator shall become final upon the expiration of the period for filing a written request for appeal.

E. Upon receipt of a timely request for appeal, the City Manager shall review the written grounds for appeal and the City’s own records of the circumstances of the rejection or denial of the Application. If a telephonic or in-person hearing is requested, the appeal hearing shall be scheduled no sooner than ten (10) calendar days and no



## Appeal Procedure under Step (1), Step 1(a) and Step 1(b) of the City Cannabis Business Permit Application Process: Storefront

later than thirty (30) calendar days after the City's receipt of a timely request for appeal. The appeal hearing will be informal and rules of evidence do not apply.

F. If the City Manager determines that one or more of the reasons or ground enumerated on the Permit Administrator's notice of rejection or denial of Application exists, he or she shall issue a written decision, which at a minimum shall contain a finding or description of each reason or ground for denial or rejection of the Application.

G. A written determination by the City Manager shall be mailed to the Applicant, to the address on the Request for Appeal, within fifteen (15) days from the date of the filing of the appeal if no hearing was requested; or, within fifteen days from the date of the in-person or telephonic hearing. The action of the City Manager under this section shall be final and conclusive.

H. The decision shall also contain the following statement: "The decision of the City Manager is final and binding. Judicial review of this decision is subject to the time limits set forth in California Code of Civil Procedure Section 1094.6."

I. A copy of the City Manager's decision shall be served by first class mail on the Applicant. Failure of a person to receive a properly addressed decision of the City Manager shall not invalidate any action or proceeding by the City pursuant to this Chapter.

Approved and adopted this date:

John Nachbar  
City Manager

1/24/19

Date