



City of Pittsburg Planning Commission Agenda

December 10, 2019

**City Hall Council Chamber
65 Civic Avenue, Pittsburg, CA 94565**

**Regular Meeting
7:00 P.M.**

Planning Commission Members

**Elissa Robinson, Chair
Sarah Foster, Vice-Chair
J. Faye Fields, Commissioner
Christopher Moreno, Commissioner
Dr. Trinh Nguyen, Commissioner
Wolfgang Croskey, Commissioner
James Coniglio, Commissioner**

Any member of the public who wishes to address the Commission should complete a Speaker's Card, available on the public counter below the dais. Please note on the card the agenda item number, or, for items not listed on this agenda, a brief description of the issue on which you would like to address the Commission. Give the completed form to the Minutes Clerk or a staff member, who will give the card to the Commission Chair. The Chair will invite the speaker(s) to the podium at the appropriate time during the meeting. Each individual will be given three minutes to address the Commission, unless additional time is allowed as provided for spokespersons. Prior to speaking, each speaker is requested to state his or her name and business and city of residence in a clear and audible tone of voice. For items listed under the "Public Hearings" or "Commission Consideration" portions of this agenda, the public hearing or public comment period will follow a brief presentation on the item by Planning Department staff and/or the project applicant.

A decision by the Planning Commission is not final until the appeal period expires 10 calendar days after the date the decision occurred. The applicant, City Council member(s), City Manager, or any affected person may appeal the denial, approval, recommendation, or any condition of approval of an item within the 10-day appeal period. A completed appeal form and the applicable filing fee must be filed with the City Planner, 65 Civic Avenue, Pittsburg. The appeal form must include the name and address of the appellant and state the reasons for the appeal. The appeal will be set for City Council consideration and appropriate public notification given.

The Commission requests that you refrain from disruptive conduct during the meeting and that you observe the order and decorum of the Council Chamber. Please turn off or set to vibrate all cellular phones, and refrain from making personal, impertinent or slanderous remarks. Boisterous or disruptive behavior while the Commission is in session, and the display of signs in a manner that violates the rights of others or prevents others from watching or fully participating in the Planning Commission meeting is considered counterproductive and will not be tolerated, and the Commission Chair can order any person who engages in such conduct to leave the Council Chamber.

This agenda was posted in City Hall on Thursday, December 5, 2019

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

DELETIONS, WITHDRAWALS OR CONTINUANCES

COMMENTS FROM THE AUDIENCE

CONSENT

1. **Minutes**
Minutes of November 12, 2019.

PUBLIC HEARINGS

2. **1416 Bobo Court Overlay, AP-19-1454 (RZ)**
This is a public hearing on a request by Tina Tedesco for a recommendation to City Council for approval of a zoning amendment establishing a limited overlay district to allow a 'Food and Drug Processing' use with limitations exclusively for commercial cannabis businesses, located at 1416 Bobo Court in the CS (Service Commercial) District. Assessor's Parcel No. 088-570-009.

ZONING ADMINISTRATOR REPORTS

3. **Notice of Intent to Exercise Delegated Design Review Authority**
The Zoning Administrator submits one notice of intent to exercise delegated design review authority for a new freestanding sign at 3840 Railroad Avenue, for the Crossroads Christian Church.

STAFF COMMUNICATIONS

COMMITTEE REPORTS / COMMISSIONER COMMENTS

ADJOURNMENT OF PLANNING COMMISSION MEETING

NOTICE TO PUBLIC

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

In compliance with the Americans with Disabilities Act, the city of Pittsburg will provide special assistance for disabled citizens. Upon request, an agenda for any meeting shall be made available in appropriate alternative formats. The Council Chamber is equipped with sound amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the sound amplifier from the City Clerk for personal use during Commission meetings. If you need special assistance to participate in this meeting, or are requesting a specially formatted agenda, please contact the City Clerk at 925-252-4850. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format. (28 CFR 35.102-35.104 ADA Title II)

GENERAL INFORMATION

Copies of the open session agenda packets that are distributed to the Planning Commission are on file in the office of the Planning Department, 65 Civic Avenue, Pittsburg, California, and are available for public inspection, beginning no fewer than 72 hours in advance of the meeting, during normal business hours (8:00 a.m. – 5:00 p.m., Monday through Friday, except city holidays). Additionally, if any reports or documents that are public records are distributed to the Planning Commission fewer than 72 hours before the meeting, those reports and documents will also be available for public inspection in the city's Planning Department and at the Commission meeting. The Pittsburg Library is also provided a full agenda packet for your convenience. As a courtesy, the agenda is also located on the city's website at www.ci.pittsburg.ca.us.

**MINUTES
OF A REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION**

November 12, 2019

A regular meeting of the Pittsburg Planning Commission was called to order by Chair Robinson at 7:00 p.m. on Tuesday, November 12, 2019, in the Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, California.

OATH OF OFFICE

Commissioner Wolfgang Croskey was administered the oath of office.

ROLL CALL

Present: Chair Robinson, Vice-Chair Foster, Commissioners Fields, Moreno, Nguyen, Croskey

Absent: Commissioner Coniglio

Staff: Director of Community Development Jill Hecht, City Engineer Richard Abono, Planning Manager/ Secretary Kristin Pollot, Senior Planner Hector Rojas, Senior Civil Engineer Paul Reinders, Deputy City Clerk Amanda McVey, Administrative Coordinator Shelby Rose

PLEDGE OF ALLEGIANCE

Commissioner Croskey led the Pledge of Allegiance.

DELETIONS / WITHDRAWALS / CONTINUANCES

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE

Velather Weaver, Pittsburg, opposes the Making Waves Charter School. Requesting higher end homes be built to possibly allow for a Trader Joe's to occupy space in Pittsburg.

Durie Foster, Pittsburg, thanked the Council for appointing Commissioner Croskey to the Planning Commission.

Roland Fernandez, Pittsburg, would like additional lighting on School Street and Harbor Street.

PRESENTATIONS

1. Speed Zoning and Traffic Calming

Paul Reinders, Senior Civil Engineer, gave presentation.

2. Status of Envision Pittsburg General Plan Update

Hector Rojas, Senior Planner, gave presentation.

CONSENT

3. Minutes of October 22, 2019.

On motion by Commissioner Foster and seconded by Commissioner Moreno to approve the consent calendar and carried by the following vote:

AYES:	Fields, Foster, Moreno, Nguyen, Robinson
NAYES:	None
ABSTAIN:	Croskey
ABSENT:	Coniglio

ZONING ADMINISTRATOR REPORTS

4. The Zoning Administrator submit one notice of intent to exercise delegated design review authority for Marina Heights exterior alterations, at 2 Maria Blvd., and two resolutions previously approved under the delegated authority (Planning Commission Resolution No. 9918).

The Commissioners acknowledged receipt of the notice of intent.

STAFF COMMUNICATIONS

Planning Manager / Secretary Pollot suggested the Commission convene to next regular meeting of November 26, 2019.

COMMITTEE REPORTS

Vice-Chair Foster reported the next TRANSPLAN meeting is scheduled for November 14, 2019.

ADJOURNMENT

The meeting was adjourned at 8:22 p.m. to November 12, 2019.

Respectfully Submitted,

Kristin Pollot, AICP, Secretary

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
December 10, 2019**

ITEM: 1416 Bobo Court Overlay, AP-19-1454 (RZ)

ORIGINATED BY: Tina Todesco, 1416 Bobo Court, Pittsburg, CA. 94565

SUBJECT: This is a public hearing on a request by Tina Tedesco for a recommendation to City Council for approval of a zoning amendment establishing a limited overlay district to allow a 'Food and Drug Processing' use with limitations exclusively for commercial cannabis businesses, located at 1416 Bobo Court in the CS (Service Commercial) District. Assessor's Parcel No. 088-570-009.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 10137 recommending City Council approval of an ordinance amending the site zoning from CS (Service Commercial) to CS-O (Service Commercial with Limited Overlay) to add the land use category "Food and Drug Processing," subject to limitations exclusively for commercial cannabis businesses.

BACKGROUND:

On October 3, 2016, the City Council adopted amendments to Titles 5 and 18 of the PMC to both regulate and ban certain cannabis activities. The changes regulated the delivery of cannabis for medical purposes and banned the utilization, delivery, and other cannabis activities including testing, manufacturing, and cultivation.

On November 8, 2016, the voters of the City of Pittsburg approved Measure J, allowing for implementation of a Marijuana Business Tax on all commercial marijuana businesses that may operate within the City, should land use regulations be amended to allow for such businesses in the future. Measure J passed with 13,693 (68.3%) "yes" votes and 6,364 (31.7%) "no" votes. As approved by the voters, the maximum marijuana business tax rate is 10% on all marijuana related transactions. During this election cycle, the voters of the State of California also passed Proposition 64, which legalized the recreational use of marijuana in California for individuals 21 years of age or older.

On March 19, 2018, the City Council adopted Ordinance No. 18-1442, amending the Pittsburg Municipal Code (PMC) Title 5 to allow for use of cannabis within medical and nonmedical product manufacturing, and establishing procedures for issuing medical and nonmedical commercial cannabis permits. These amendments limit the types of commercial cannabis businesses to those designated as manufactures, testing laboratories, and distributors. Commercial entities seeking to manufacture, test, or distribute cannabis-related products are required to obtain a commercial cannabis permit, which is subject to City Council approval, and is mandated to include: 1) a Business Operating Agreement; 2) a Business Operating Plan; and 3) a Business Security Plan approved by the Chief of Police. The total number of commercial cannabis permits that may be issued within the City is limited to eighteen. To date, eight permits

have been approved by the City Council for two separate operators (Canyon Laboratories and Stoneman Laboratories). Cultivation, dispensaries, and retail deliveries of cannabis in the City of Pittsburg remain prohibited.

On June 4, 2019, the Pittsburg City Council adopted Ordinance No. 18-1448 amending the definition of the 'Food and Drug Processing' land use to include businesses utilizing cannabis as a primary or accessory use not required to obtain a use permit, but shall comply with the requirements prescribed by PMC Title 5, and Chapters 5.70 and 18.88 PMC.

On September 24, 2019, the Land Use Subcommittee was convened to discuss the proposed zoning text amendment application at 1416 Bobo Court. Staff presented three options of zoning amendments that could be processed to facilitate a potential cannabis manufacturing business at this location (which is the sole reason for the rezoning request). The subcommittee seemed to generally be in favor of the location for a cannabis facility; however, a clear consensus on which procedural approach would be best for rezoning was not reached, so staff determined that it would be most appropriate to keep the scope for rezoning as narrow as possible with a proposed overlay district specific to the desired use at the specific location.

PROJECT DESCRIPTION:

Existing Conditions: Currently, the proposed project site consists of an existing 12,000 square-foot, double volume industrial building built in 2005, complete with landscaping, trash enclosure and parking lot on a 44,164 square foot (1.03 acre) site. According to city records, the building was originally developed in order to relocate an existing custom manufacturing business from Garcia Avenue, "Modern Cabinets", which will remain in operation on site. Surrounding uses include the Wal-Mart Shopping Center and Motel 6 to the west, an auto repair shop to the east, and a self-storage facility to the north and north east. The Society of St. Vincent de Paul is located to the south. See Attachment 4 for a map of surrounding uses.

Proposed Project: The project proposal is to establish an overlay district to add 'Food and Drug Processing' as an allowable land use, subject to limitations, at 1416 Bobo Court only. This added land use category would be limited to exclusively allow commercial cannabis businesses, subject to approval by the City Council, and no other types of food and drug processing businesses that may otherwise fall within this land use category. No changes to other land use classifications or additional special regulations are proposed as part of this project.

GENERAL PLAN/CODE COMPLIANCE:

General Plan: The project site has a land use designation of 'Service Commercial'. This land use designation is intended to "feature automobile repair, contractors' services, and other heavy maintenance activities" (General Plan, pg. 2-6). The proposed limited overlay district would be consistent with the intent of the Service Commercial land use

designation in that the proposed overlay district would allow commercial cannabis businesses as defined by PMC 18.88.010, within an enclosed building, which closely resembles ‘custom manufacturing’ –a permitted use within Service Commercial land use designation.

Zoning: The purpose of the CS District is to provide opportunities for retail and service businesses on transitional sites between commercial and industrial areas, including businesses not allowed in other commercial districts because they have industrial characteristics, require heavy vehicle or truck traffic, or have certain other potentially adverse impacts.

The proposed zoning amendment for a limited overlay district to allow a commercial cannabis facility on the 1416 Bobo Court site would introduce a use that is complementary to adjacent properties, as well as those in the surrounding neighborhood and environs, as manufacturing within an enclosed building is typically compatible with auto repair and contractor yard businesses. The site has existing improvements which are in conformance with the CS District development regulations related to building height, FAR (floor-area-ratio), lot coverage, lot area, lot width, setbacks, landscaping and parking.

‘Food and Drug Processing’ uses: ‘Food and Drug Processing’ uses are currently permitted only within the IG (General Industrial), IL (Limited Industrial), and IP (Industrial Park) Districts, as well as areas where allowable uses defer to the uses allowed within these districts, such as the ‘Business Commercial’ land use designation of the Railroad Avenue Specific Plan. The proposed amendment would not allow for such uses within any additional zoning districts.

Commercial Cannabis Regulations: In accordance with PMC Chapters 18.88 and 5.70, if allowed within the base zoning district, entities seeking to manufacture, test, or distribute cannabis-related products are required to obtain a Commercial Cannabis Permit, which is subject to City Council approval, and is mandated to include: 1) a Business Operating Agreement; 2) a Business Operating Plan; and 3) a Business Security Plan approved by the Chief of Police. Commercial Cannabis Permits are not subject to Planning Commission review; however, the full text of the PMC requirements/procedures related to Commercial Cannabis Permitting are provided in Attachment 3, for reference purposes.

Findings - Zoning Amendment: In order to recommend approval of a zoning amendment, the Commission must find (in accordance with PMC Section 18.48.030) that:

1. the amendment is consistent with the objectives, policies, general land uses and programs specified in the General Plan;
2. the land use regulation is compatible with uses and regulations of the land use district for which it is proposed;

3. there is a community need for the change proposed; and
4. the change will be in conformity with the public convenience, general welfare and good zoning practice.

Findings - Limited Overlay District: In order to recommend approval of an overlay district the Commission must also find (in accordance with PMC section 18.74.060) that the proposed overlay:

1. is necessary because there are special or unique characteristics of the site or improvements that require land use and development regulations that cannot be adequately accommodated or controlled by the base zoning district;
2. conforms to the general plan; and
3. generally complies with the land use and development regulations of the base zoning district.

Environmental: The proposed overlay district is exempt from the requirements of the California Environmental Quality Act (CEQA) under the general rule of the state CEQA Guidelines, section 15061, in that the activity in question consists of a limited zoning amendment that would only allow one new type of use on the site, which is very similar in nature to other existing allowable uses within the base zoning district, and would not result in any physical impact on the environment that could be considered more significant than what is already allowed within the base zoning. Furthermore, the amendment is proposed for one property only, which includes a previously improved site, that further minimizes the potential for any environmental impacts as a result of the proposed zoning overlay district.

Public Notice: On or prior to Friday, November 30, 2019, notice of the December 10, 2019, public hearing to consider this application was published in the East County Times, posted at City Hall, near the proposed project site, and on the "Public Notices" section of the city's website; was delivered to the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to existing tenants in the building, to local service agencies expected to provide services to the business, and to individuals who had previously filed written request for such notice, in accordance with PMC section 18.14.010 and Government Code section 65091. Although not required, the notice was also posted on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed residents in the "Mosaic Apartment" Nextdoor neighborhood.

ANALYSIS:

Staff believes that the Planning Commission can make the required findings to recommend City Council approval of a zoning amendment establishing a limited overlay

district, permitting a 'Food and Drug Processing' use exclusive to commercial cannabis businesses at 1416 Bobo Court. As stated above, the zoning amendment is consistent with the General Plan designation of Service Commercial. The primarily industrial/manufacturing-based nature of the future intended commercial cannabis business (PMC only allows manufacturing, testing and distribution businesses) is appropriate for the Service Commercial zoning district and would be complementary to the surrounding land uses on Bobo Court. The proposed business would be required to be compliant with all cannabis related regulations outlined in the PMC, inclusive of the minimum buffer of 1,000-feet to sensitive uses. Establishing 'Food and Drug Processing' exclusively for cannabis businesses at 1416 Bobo Court would broaden the range of allowable uses for this site, which would assist property owners in filling vacant and underutilized spaces, which would also provide additional business tax revenue, and provide additional jobs to the City of Pittsburg. The business would be compatible with the existing and potential uses within the general area and would not place a burden to the provision of public services, such as police department staff, and would not be detrimental to public convenience, general welfare and is overall good zoning practice.

ACTION REQUIRED:

Move to adopt Resolution No.10137 recommending City Council approval of Rezoning Application No. 19-1454, as presented.

ATTACHMENTS:

1. Proposed Resolution No. 10137
2. Resolution Exhibit A, Map and Overlay Plan
3. PMC Cannabis Regulations, Chapter 5.70; Chapter 18.18
4. Map of Surrounding Uses
5. Public Hearing Notice and Vicinity Map

Prepared by: Trishia Caguiat, Associate Planner

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Recommending City Council	)	
Approval of a Limited Overlay District and	)	
Overlay Plan for a 1.03-Acre Site Located	)	Resolution No. 10137
at 1416 Bobo Court, AP-19-1454 (RZ).	)	

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On August 6, 2019, Tina Todesco filed Planning Application No. 19-1454 requesting approval of a zoning amendment to allow establishment of a commercial cannabis manufacturing facility located at 1416 Bobo Court in the CS (Service Commercial) District. Assessor's Parcel No. 088-570-009.
- B. On October 3, 2016, the City Council adopted amendments to Titles 5 and 18 of the PMC to both regulate and ban certain cannabis activities. The changes regulated the delivery of cannabis for medical purposes and banned the utilization, delivery, and other cannabis activities including testing, manufacturing, and cultivation.
- C. On November 8, 2016, the voters of the City of Pittsburg approved Measure J, allowing for implementation of a Marijuana Business Tax on all commercial marijuana businesses that may operate within the City, should land use regulations be amended to allow for such businesses in the future. As approved by the voters, the maximum marijuana business tax rate is 10% on all marijuana related transactions. During this election cycle, the voters of the State of California also passed Proposition 64, which legalized the recreational use of marijuana in California for individuals 21 years of age or older.
- D. On March 19, 2018, the City Council adopted Ordinance No. 18-1442, amending the Pittsburg Municipal Code (PMC) Title 5 to allow for use of cannabis within medical and nonmedical product manufacturing, and establishing procedures for issuing medical and nonmedical commercial cannabis permits. These amendments limit the types of commercial cannabis businesses to those designated as manufactures, testing laboratories, and distributors. Commercial entities seeking to manufacture, test, or distribute cannabis-related products are required to obtain a commercial cannabis permit, which is subject to City Council approval. The total number of commercial cannabis permits that may be issued within the City is limited to eighteen. To date, eight permits have been approved by the City Council for two separate operators (Canyon Laboratories and Stoneman Laboratories). Cultivation, dispensaries, and retail deliveries of cannabis in the City of Pittsburg remain prohibited.

- E. On June 4, 2019, the Pittsburgh City Council adopted Ordinance No. 18-1448 amending the definition of the 'Food and Drug Processing' land use to include businesses utilizing cannabis as a primary or accessory use. Where allowed within the zoning code, the use classification specifies through limitations that cannabis businesses are not required to obtain a use permit, but shall comply with the requirements prescribed by PMC Title 5, and Chapters 5.70 and 18.88 PMC.
- F. On September 24, 2019, the Land Use Subcommittee was convened to discuss the proposed zoning text amendment application at 1416 Bobo Court. Staff presented three options of zoning amendments that could be processed to facilitate a potential cannabis manufacturing business at this location (which is the sole reason for the rezoning request). The subcommittee seemed to generally be in favor of the location for a cannabis facility; however, a clear consensus on which procedural approach would be best for rezoning was not reached, so staff determined that it would be most appropriate to keep the scope for rezoning as narrow as possible with a proposed overlay district specific to the desired use at the specific location.
- G. PMC section 18.16.020 identifies the Planning Commission as the advisory body to the City Council on proposed zoning amendments. Pursuant to PMC section 18.48.030, the Planning Commission shall include written findings to support any recommendation it makes to the City Council to amend the Zoning Ordinance.
- H. In order to recommend approval of a zoning amendment, the Commission must find (in accordance with PMC sections 18.16.020 and 18.48.030) that:
 - 1. the amendments are consistent with the objectives, policies, general land uses and programs in the General Plan;
 - 2. the land use regulation is compatible with uses and regulations of the land use district for which it is proposed;
 - 3. there is a community need for the change proposed; and
 - 4. the change will be in conformity with the public convenience, general welfare, and good zoning practice.
- I. In order to recommend approval of a limited overlay, the Commission must also find (in accordance with PMC section 18.74.060) that the proposed overlay:
 - 1. is necessary because there are special or unique characteristics of the site or improvements that require land use and development regulations that cannot be adequately accommodated or controlled by the base zoning district;
 - 2. conforms to the General Plan; and
 - 3. generally complies with the land use and development regulations of the base zoning district.

- J. The proposed overlay district and overlay plan are exempt from the requirements of the California Environmental Quality Act (CEQA) under the general rule of the state CEQA Guidelines, section 15061, in that the activity in question consists of a limited zoning amendment that would only allow one new type of use on the site, which is very similar in nature to other existing allowable uses within the base zoning district, and would not result in any physical impact on the environment that could be considered more significant than what is already allowed within the base zoning. Furthermore, the amendment is proposed for one property only, which includes a previously improved site, that further minimizes the potential for any environmental impacts as a result of the proposed zoning overlay district.
- K. On or prior to November 30, 2019, notice of the December 10, 2019, public hearing was published in the East County Times; was posted at City Hall and on the "Public Notices" section of the city's website; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the project site, to local service agencies expected to provide services to the facility, and to individuals who had previously filed written request for such notice, in accordance with PMC section 18.14.020 and Government Code sections 65090 and 65091. Although not required, the notice was also posted on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed residents in the "Mosaic Apartment" Nextdoor neighborhood.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "1416 Bobo Court, AP-19-1454 (RZ)," and based on all the information contained in the Planning Division files on the project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the meeting, the Planning Commission finds that:
1. All recitals above are true and correct and are incorporated herein by reference.
 2. The proposed amendment is consistent with the objectives, policies, general land uses and programs in the General Plan, in that the amendment will remain consistent with the Service Commercial land use designation for the site, which is intended for commercial businesses that may not be appropriate in other retail commercial areas and generally include "auto repair facilities, contractors services, and other heavy maintenance activities (General Plan, page 2-6)." The primarily industrial/manufacturing-based nature of the future intended cannabis business is appropriate for the Service Commercial land use designation and would be complementary to the surrounding land uses on Bobo Court.
 3. The proposed limited overlay district and overlay plan are compatible with uses and regulations of the CS District. The proposed overlay will allow a commercial cannabis facility to operate on the site. The 'Food and Drug Processing' land use designation is substantially compatible with the existing service businesses on Bobo Court. A future commercial cannabis business will be low impact and contained within an existing custom manufacturing building.

4. The proposed overlay district and overlay plan will help meet a community need, in that it will broaden the allowable uses for the area, thereby assisting property owners in filling vacant and underutilized spaces, and it will also provide additional business tax revenue and jobs for Pittsburg residents.
 5. The proposed overlay district and overlay plan will be in conformity with the public convenience, general welfare, and good zoning practice, in that it will be consistent with the standard CS base zoning district land use regulations and the requirements of PMC Chapter 5.70 and Chapter 18.88, which regulate cannabis uses within the city, while also expanding the array of allowable uses for the area, which will assist property owners in filling vacant and underutilized spaces in the area. Future individual proposals for cannabis uses will be reviewed on an individual basis to ensure that they will operate in accordance with state law and are properly vetted, regulated, and will be monitored annually to ensure positive economic impacts for the City.
 6. The proposed overlay district and overlay plan are needed because the base zone's land use classifications do not currently permit a 'Food and Drug Processing' use and a potential commercial cannabis facility will be compatible with the surrounding land uses, which include businesses not allowed in other commercial districts because they have industrial characteristics, require heavy vehicle or truck traffic, or have certain other adverse impacts. The potential future cannabis business at the site will be required to be compliant with all cannabis related regulations outlined in the PMC, inclusive of the minimum buffer of 600-feet to sensitive uses.
- B. The staff report entitled, "1416 Bobo Court (RZ)," dated December 10, 2019, is referenced hereto as additional support for the findings.

Section 3. Decision

Based on the findings set forth above, the Planning Commission hereby recommends that the City Council adopt an ordinance to amend the Zoning Map, as referenced in Pittsburg Municipal Code, Title 18 (Zoning Ordinance) section 18.04.020, to change the zoning for a 1.03-acre site located at 1416 Bobo Court (Assessors Parcel No. 088-570-009), from CS District to CS-O (Service Commercial with limited overlay) District with an accompanying overlay plan, as shown in Exhibit A of this resolution.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner _____, seconded by Commissioner _____, the foregoing resolution was passed and adopted the 10th day of December 2019, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

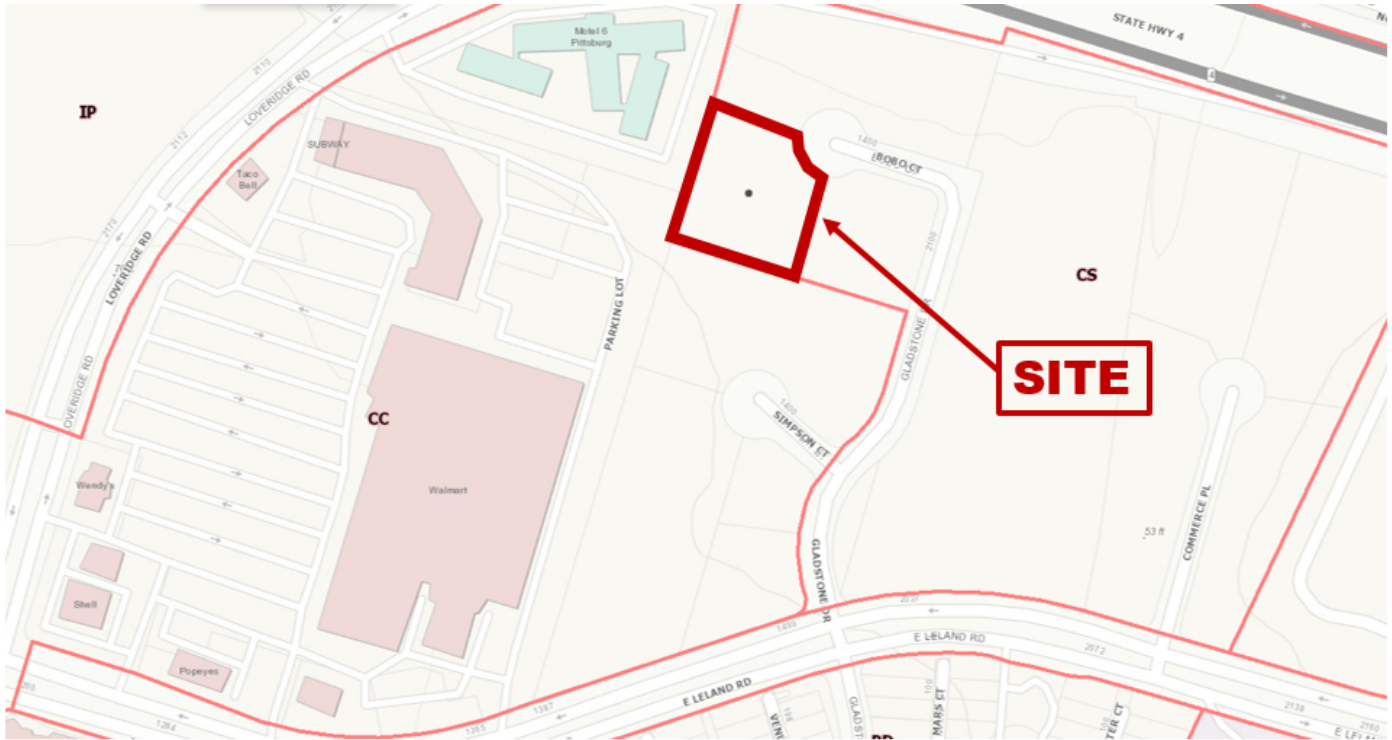
I hereby certify that the above Resolution No. 10137 was adopted by the Planning Commission of the City of Pittsburg on December 10, 2019.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Exhibit A of Resolution No. 10137
CS-O (SERVICE COMMERCIAL WITH LIMITED OVERLAY) DISTRICT OVERLAY PLAN

Purpose and Applicability

The purpose of this Overlay Plan is to establish land use and development regulations for a 1.03-acre site located 1416 Bobo Court (APN: 088-570-009) as identified in the map below. The land use and development regulations herein are intended to be supplemental to those set forth by Pittsburg Municipal Code (PMC) Chapter 18.52 for the CS (Service Commercial) District.



Land Use and Development Regulations

The land use classifications allowed in the CS-O (Service Commercial with Limited Overlay) District shown above shall be the same as those allowed in the CS District (PMC Chapter 18.52), with the addition of 'Food and Drug Processing', as defined in PMC section 18.08.100.A, and subject to the following limitation: "Uses shall be limited to commercial medical and nonmedical cannabis businesses, as defined by PMC [18.88.010](#), and related activities within an enclosed building. Additionally, businesses are not required to obtain a use permit, but shall comply with the requirements prescribed by PMC Title [5](#), and Chapters [5.70](#) and [18.88](#) PMC. On-site tasting, sampling, or retailing of cannabis products to or by the public is prohibited."

Use and development of the property shall also comply with all other applicable regulations contained within PMC Title 5, Division II (Cannabis Dispensaries, Business and Deliveries) and Title 18, Division V (Cannabis Uses).

Chapter 5.70
CANNABIS DISPENSARIES, BUSINESSES AND DELIVERIES Amended Ord. 19-1465

Sections:

Article I. Medical Cannabis

- 5.70.010 Purpose.
- 5.70.020 Definitions.
- 5.70.030 Medical cannabis dispensaries prohibited.
- 5.70.040 Medical cannabis deliveries prohibited.
- 5.70.050 Commercial medical cannabis businesses allowed.
- 5.70.051 Commercial medical cannabis permit. Amended Ord. 19-1465
- 5.70.052 Commercial medical cannabis permit holder qualifications.
- 5.70.053 Commercial medical cannabis permit application.
- 5.70.054 Commercial medical cannabis business operating agreement.
- 5.70.055 Commercial medical cannabis business operating plan.
- 5.70.056 Commercial medical cannabis business security plan.
- 5.70.057 Commercial medical cannabis permit revocation and suspension.
- 5.70.058 Commercial medical cannabis permit indemnification.
- 5.70.060 Penalty.

Article II. Nonmedical Cannabis

- 5.70.110 Purpose.
- 5.70.120 Definitions.
- 5.70.130 Nonmedical cannabis dispensaries prohibited.
- 5.70.140 Nonmedical cannabis deliveries prohibited.
- 5.70.150 Commercial nonmedical cannabis businesses allowed.
- 5.70.160 Commercial nonmedical cannabis permit. Amended Ord. 19-1465
- 5.70.161 Commercial nonmedical cannabis permit holder qualifications.
- 5.70.162 Commercial nonmedical cannabis permit application.
- 5.70.163 Commercial nonmedical cannabis business operating agreement.
- 5.70.164 Commercial nonmedical cannabis business operating plan.
- 5.70.165 Commercial nonmedical cannabis business security plan.
- 5.70.170 Commercial nonmedical cannabis permit revocation and suspension.

5.70.180 Commercial nonmedical cannabis permit indemnification.

5.70.190 Dual application process.

5.70.200 Penalty.

Article I. Medical Cannabis

5.70.010 Purpose.

A. In enacting this article, it is the intent of the city council of the city of Pittsburgh to protect the safety and welfare of the general public. The Federal Controlled Substances Act, [21](#) U.S.C. Section [841](#), prohibits the possession, sale and distribution of cannabis, and the city council finds that sanctioning the opening or establishment of medical cannabis collectives, cooperatives and dispensaries, or allowing the delivery of medical cannabis within the city, would be inconsistent with federal law. However, the city acknowledges that state law allows commercial medical cannabis businesses, and that certain commercial medical cannabis businesses that operate in accordance with state law and are properly vetted, regulated, and monitored can have positive economic impacts in the communities in which they operate.

B. Furthermore, the city council finds that medical cannabis dispensaries are public nuisances in that many violent crimes have been committed that can be traced back to the proliferation of cannabis dispensaries, including armed robberies and murders. Increased noise and pedestrian traffic, including nonresidents in pursuit of cannabis, and out-of-area criminals in search of prey, are commonly encountered near or outside cannabis collectives, cooperatives and dispensaries. The city council further finds that it is reasonable to conclude that medical cannabis deliveries are likely to cause many of these same adverse impacts.

C. Therefore, in order to protect the integrity of the city and the goals upon which this city was founded, the city council finds that it is in the best interest of the residents of the city to prohibit medical cannabis collectives, cooperatives and dispensaries, and medical cannabis deliveries, and only allow certain commercial medical cannabis businesses to operate, subject to specific permitting requirements and execution of an operating agreement.

D. The purpose of this article is to prohibit medical cannabis collectives, cooperatives and dispensaries from being opened or established in the city of Pittsburgh, as well as prohibiting medical cannabis deliveries from occurring in the city of Pittsburgh, while also allowing certain commercial medical cannabis businesses to operate subject to requirements set forth in this article. Nothing in this article shall be deemed to allow or authorize any use or activity which is otherwise prohibited by any state or federal law. [Ord. 18-1442 § 3 (Exh. A), 2018; Ord. 16-1414 § 2, 2016; Ord. 13-1365 § 2, 2013.]

5.70.020 Definitions.

The following words and phrases, whenever used in this article, shall be construed as hereafter set out, unless it is apparent that they have a different meaning:

A. “City” means the city of Pittsburgh.

B. “Commercial medical cannabis business” means Type 6 – Manufacturer 1, Type 7 – Manufacturer 2, Type 8 – Testing laboratory, and Type 11 – Distributor activities defined by the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), Business and Professions Code Section [26000](#) et seq.

C. “Medical cannabis” means cannabis used for medical purposes in accordance with the Compassionate Use Act (Health and Safety Code Section [11362.5](#)) and MAUCRSA, Business and Professions Code Section [26000](#) et seq.

D. “Medical cannabis delivery” means the transfer of medical cannabis or medical cannabis products from a medical cannabis dispensary to a qualified patient or primary caregiver, as well as the use by a dispensary of any technology platform to arrange for or facilitate the transfer of medical cannabis or medical cannabis products.

E. “Medical cannabis dispensary” or “dispensary” means (1) any facility, building, structure or location, whether fixed or mobile, where a primary caregiver makes available, sells, transmits, gives or otherwise provides medical cannabis to three or more of the following: a qualified patient or a person with an identification card, or a primary caregiver, in strict accordance with Health and Safety Code Section [11362.5](#) et seq.; or (2) any facility, building, structure or location where three qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate in order to collectively or cooperatively distribute, sell, dispense, transmit, process, deliver, exchange or give away cannabis for medicinal purposes pursuant to Health and Safety Code Section [11362.5](#) et seq., and such group is organized as a medical cannabis cooperative or collective as set forth in the Attorney General’s guidelines. The terms “primary caregiver,” “qualified patient,” and “person with an identification card” shall be as defined in Health and Safety Code Section [11362.5](#) et seq.

For purposes of this chapter, a “medical cannabis dispensary” shall not include the following uses, as long as the location of such uses is otherwise regulated by applicable law and complies strictly with applicable law, including but not limited to Health and Safety Code Section [11362.5](#) et seq.:

1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code;

2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code;
3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code;
4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code;
5. A residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

F. "Medical cannabis products" means medical cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

G. "Person" means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability corporation, collective, cooperative, or combination thereof in whatever form or character. [Ord. 18-1442 § 3 (Exh. A), 2018; Ord. 16-1414 § 2, 2016; Ord. 13-1365 § 2, 2013.]

5.70.030 Medical cannabis dispensaries prohibited.

Medical cannabis dispensaries are prohibited in the city. It shall be unlawful for any person to engage in, conduct, carry on, or to allow to be engaged in, conducted or carried on, in or upon any premises in the city, the operation of a medical cannabis dispensary. [Ord. 18-1442 § 3 (Exh. A), 2018; Ord. 16-1414 § 2, 2016; Ord. 13-1365 § 2, 2013.]

5.70.040 Medical cannabis deliveries prohibited.

Medical cannabis deliveries are prohibited in the city. It shall be unlawful for any person to engage in, conduct, carry on, or to allow to be engaged in, conducted or carried on, in or upon any premises in the city, medical cannabis deliveries. This section shall not be interpreted to prohibit the transportation of medical cannabis through the city on public roads, as long as such transportation does not involve the delivery of medical cannabis to retail or end users within the city. [Ord. 18-1442 § 3 (Exh. A), 2018; Ord. 16-1414 § 2, 2016.]

5.70.050 Commercial medical cannabis businesses allowed.

Commercial medical cannabis businesses are allowed in the city, pursuant to the requirements set forth in this article. All commercial medical cannabis businesses must obtain a city business license, a city medical cannabis permit, and a state license prior to operation, and also enter into an operating agreement with the city. Only Type 6 – Manufacturer 1, Type 7 – Manufacturer 2, Type 8 – Testing

laboratory, and Type 11 – Distributor, as defined by Business and Professions Code Section [26000](#) et seq., shall be allowed and permitted by the city. The city council may, at its discretion, issue up to nine commercial medical cannabis permits. This number may be changed at a later time by resolution of the city council. It shall be unlawful for any person to engage in, conduct, carry on, or to allow to be engaged in, conducted or carried on, in or upon any premises in the city, a commercial medical cannabis business without complying with the requirements of this article. [Ord. 18-1442 § 3 (Exh. A), 2018; Ord. 16-1414 § 2, 2016.]

5.70.051 Commercial medical cannabis permit. [Amended Ord. 19-1465](#)

A. It shall be unlawful for any person to operate a commercial medical cannabis business without a commercial medical cannabis permit, issued by the city, under the terms and conditions set forth in this article.

B. Each commercial medical cannabis permit shall expire five years from its date of issuance. Renewal of the permit shall be subject to city council approval, which must be obtained at a duly noticed, open and public meeting. City shall have the right to charge an administrative fee to the commercial medical cannabis permit holder, to compensate city for its reasonable and actual costs to evaluate the permit renewal.

C. The commercial medical cannabis permit is not transferable, and any attempt to assign or transfer the permit shall render the permit null and void.

D. No commercial medical cannabis business shall be located within 600 feet of an existing school, daycare, youth center, park or library. The city council, by ordinance, may amend this restriction or adopt additional restrictions.

E. The commercial medical cannabis business shall file an application for a commercial medical cannabis permit with the city manager or city manager's designee on forms provided by the city, and shall pay an "application fee" and "processing fee."

F. The city council may deny an application for a commercial medical cannabis permit, if it determines any of the following:

1. The applicant made one or more false or misleading statements or omissions on the registration application or during the application process;
2. The applicant fails to meet the requirements of this chapter or any regulation adopted pursuant to this chapter;

3. It is not in the best interest of the city, based upon the applicant's application or operating agreement, to issue a permit to the business;
4. Potential threats to public health and safety cannot be sufficiently mitigated; or
5. Significant public opposition necessitates denial to preserve the health, safety, and general welfare of the city. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.052 Commercial medical cannabis permit holder qualifications.

All commercial medical cannabis permit holders must meet the following minimum qualifications. The city reserves the right to require additional qualifications through the commercial medical cannabis permit application procedure.

- A. Commercial medical cannabis permit holders, business operators, and employees must be 21 years of age or older.
- B. Commercial medical cannabis permit holders, their business operators and employees shall be subject to background search by the California Department of Justice and local law enforcement. At city's discretion, city may conduct a background search of any commercial medical cannabis permit holder, their business operators, and employees.
- C. Commercial medical cannabis business owners, operators, managers, and employees must not have felony convictions, as specified in Penal Code Sections [667.5\(c\)](#) and [1192.7\(c\)](#).
- D. Commercial medical cannabis business owners, operators, managers, and employees must not have a criminal conviction that substantially relates to the qualifications, functions, or duties of the business or profession, including a felony conviction involving fraud, deceit, or embezzlement or a criminal conviction for the sale or provision of illegal controlled substances to a minor. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.053 Commercial medical cannabis permit application.

An application for a commercial medical cannabis permit shall include, but not be limited to, the following information:

- A. The legal name, and any other names, under which the commercial medical cannabis business will operate.
- B. The address of the location and the on-site telephone number, if known, of the commercial medical cannabis business.

C. The following information for each owner and manager of the medical cannabis business:

1. Complete legal name and any alias(es), address, and telephone number.
2. Date and place of birth.
3. Social security numbers.
4. Copy of a valid government issued photo identification card, license, or passport.
5. List of all criminal convictions, other than infractions for traffic violations, the jurisdiction of the convictions, and the circumstances thereof.
6. Names of businesses owned or operated by the owner(s) or manager(s) within the last 10 years.
7. Investor and/or partner information.

D. Assessor's parcel number of the parcel upon which the commercial medical cannabis business will be located.

E. Draft operating agreement, in accordance with PMC [5.70.054](#).

F. Notarized written authorization from the property owner and/or landlord to operate a commercial medical cannabis business on the site.

G. Air Quality Acknowledgement. When deemed necessary by city staff, the applicant shall provide a calculation of the business's anticipated emissions of air pollutants. The applicant shall also provide assurance that the business will comply with all best management practices established by the Bay Area Air Quality Management District ("BAAQMD"). No commercial medical cannabis permit shall be issued to any business that would exceed the thresholds of significance established by the BAAQMD for evaluating air quality impacts for operation or construction.

H. Greenhouse Gas Emissions Acknowledgement. When deemed necessary by city staff, the applicant shall provide calculations of the anticipated greenhouse gas emissions for the operation of the business and, where applicable, the operation of the business. The applicant shall further demonstrate compliance with any applicable state, regional, or local plan for the reduction of greenhouse gas emissions. No commercial medical cannabis permit shall be granted for any business that would violate any state, regional, or local plan for the reduction of greenhouse gases.

I. Water Supply Acknowledgement. When deemed necessary by the city engineer, the applicant shall demonstrate to the satisfaction of the city engineer that sufficient water supply exists for the use.

J. Wastewater Acknowledgement. When deemed necessary by the city engineer, the applicant shall demonstrate to the satisfaction of the city engineer that sufficient wastewater capacity exists for the proposed use.

K. To the extent that the applicant intends to use any hazardous materials in its operations, the applicant shall provide a hazardous materials management plan that complies with all federal, state, and local requirements for management of such substances. "Hazardous materials" includes any hazardous substance regulated by any federal, state, or local laws or regulations intended to protect human health or the environment from exposure to such substances.

L. Property owner(s) and applicant(s), shall sign the application and shall include affidavit(s) agreeing to abide by and conform to the conditions of the permit and all provisions of the Pittsburgh Municipal Code pertaining to the establishment and operation of the medical cannabis manufacturing business, including, but not limited to, the provisions of this article. The affidavit(s) shall acknowledge that the approval of the permit shall, in no way, allow any activity contrary to the Pittsburgh Municipal Code, or any activity which is in violation of applicable laws.

M. Statement in writing by the applicant, that they will, to the fullest extent allowed by law, give preference to residents of the city for employee hiring.

N. Signed indemnity provision.

O. Any other information the city deems necessary.

Pursuant to applicable law, private information will be exempt from disclosure to the public, in order to protect an applicant's privacy interest and safety. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.054 Commercial medical cannabis business operating agreement. SHARE

The operating agreement shall set forth the terms and conditions under which the commercial medical cannabis business will operate, which are in addition to the requirements of this article, including, but not limited to: a business operating plan as set forth in PMC [5.70.055](#); a security plan as set forth in PMC [5.70.056](#); payment of fees and other charges mutually agreed to; and additional terms and conditions that will protect and promote public health, safety, and welfare. The operating agreement shall be approved by the city council during a duly noticed, open and public meeting. The operating agreement may be approved concurrently with the commercial medical cannabis permit. An approved operating

agreement shall only be in force with a valid commercial medical cannabis permit. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.055 Commercial medical cannabis business operating plan.



An operating plan shall be in conformance with the requirements of this article, and shall include, at a minimum:

- A. A list of the names, addresses, telephone numbers, and responsibilities of each applicant, manager and employee of the medical cannabis manufacturing business.
- B. Planned hours and days of operations of the medical cannabis manufacturing business.
- C. Floor plan of the proposed business facility.
- D. If applicant is a commercial medical cannabis manufacturing business, procedures to be utilized at the facility, including, as applicable, a description of which chemicals will be used, how chemicals will be stored, handled, and used; extraction and infusion methods; the transportation process; inventory procedures; cannabis track and trace procedures; inventory procedures; quality control procedures; and testing procedures.
- E. If applicant is a commercial medical cannabis manufacturing business, a detailed description of the product(s) to be manufactured at the business, including a description of the product's intended final use by consumers.
- F. Transportation plan detailing how and when medical cannabis will be delivered to and from the commercial medical cannabis business.
- G. Procedures for identifying, managing, and disposing of contaminated, adulterated, deteriorated, or excess medical cannabis and medical cannabis products.
- H. Procedures for inventory control to prevent diversion of medical cannabis or medical cannabis products to nonmedical use; employee screening; storage of medical cannabis; personnel policies; and recordkeeping.
- I. Odor management plan detailing the reasonable steps that will be taken by the business to ensure that the odor of medical cannabis and other physical impacts on neighboring properties will be minimized.
- J. Policies and procedures for adopting, monitoring, implementing, and enforcing all requirements of this article.

The city shall have the discretion to require changes to a business's operating plan. A commercial medical cannabis permit holder is required to submit any proposed change(s) to an approved operating plan to the city manager for approval, at least 30 days before the proposed change(s) is/are to take effect. Failure to do so will result in a suspension and/or revocation of the permit. The city manager shall have the authority to suspend a permit, and the city council shall have the authority to revoke a permit. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.056 Commercial medical cannabis business security plan.



A security plan must be developed in consultation with, and approved by, the city's chief of police, to ensure the safety of persons working inside the business, and to protect the premises from theft, vandalism, and fire. The applicant's approved security plan must be filed with the city manager or city manager's designee. The applicant shall agree to implement all measures set forth in the security plan. The security plan shall include, but not be limited to, the following security measures:

- A. Storing cannabis and cannabis products not being manufactured or tested, in a secure room(s). Access to this/these room(s) shall be limited to key officers or employees.
- B. Installation of 24-hour security surveillance cameras of at least high definition quality, to monitor all entrances and exits to and from the premises, all interior spaces where cannabis, cash, or currency is being stored, and all interior spaces where diversion of cannabis could reasonably occur. Access to the security surveillance camera network shall be given to the police department.
- C. Retention of 24-hour surveillance camera footage for at least 60 days. All surveillance camera footage shall be made immediately available to the chief of police or the chief of police's designee, or to any other state or local law enforcement, upon request.
- D. Professionally installed, maintained and monitored alarm system. Notice of the triggered alarm shall be sent to the police department.
- E. Sensors installed to detect entry and exit from all secure areas.
- F. Use of commercial-grade, nonresidential locking mechanisms at all points of ingress and egress.
- G. Procedure whereby police are notified immediately upon any incidents of theft, vandalism, or any other instances stipulated by the chief of police.
- H. Designation of a responsible individual, who will be the business's point of contact with city, police, and other law enforcement entities.

I. Transportation plan detailing how and when medical cannabis will be delivered to and from the commercial medical cannabis business. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.057 Commercial medical cannabis permit revocation and suspension.

A commercial medical manufacturing permit issued under this article may be immediately suspended and/or revoked for any of the following reasons:

- A. An operator/permit holder ceases to meet any of the minimum qualifications listed in this article.
- B. An operator/permit holder fails to comply with the requirements of this article or any conditions of approval of the permit.
- C. An operator/permit holder's state license for commercial medical cannabis operations is revoked, terminated, or not renewed.
- D. The commercial medical cannabis business fails to become operational within six months of obtaining its commercial medical cannabis permit.
- E. Once operational, the business ceases to be in regular and continuous operation for 90 consecutive days.
- F. State law allowing the use for which the permit was issued is amended or repealed resulting in the prohibition of such use, or the city receives credible information that the federal government will commence enforcement measures against such businesses and/or local governments that allow them.
- G. Circumstances under which the permit was granted have significantly changed and the public health, safety, and welfare require the suspension, revocation, or modification.
- H. The permit was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the permit application.
- I. An operator/permit holder is not current on city taxes or fees.
- J. An operator/permit holder initiates changes to its operating plan or operating agreement without first obtaining city approval.
- K. An operator/permit holder's state license for commercial medical cannabis operations is suspended. The city shall not reinstate the permit until documentation is received showing that the state license has been reinstated or reissued. It shall be the city's discretion whether the city reinstates any permit.

The city manager shall have the authority to suspend a permit, and the city council shall have the authority to revoke a permit. A suspension and/or revocation of a permit automatically suspends and/or revokes the permit holder's commercial medical cannabis business operating agreement. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.058 Commercial medical cannabis permit indemnification.

To the fullest extent permitted by law, commercial medical cannabis permit holders shall indemnify, defend with counsel acceptable to city, and hold harmless, city and its officers, officials, employees, agents and volunteers (collectively, "indemnitees") from and against any and all liability, loss, damage, claims, expenses, and costs, including without limitation attorney's fees, costs and fees of litigation (collectively, "liability") of every nature arising out of, pertaining to, or relating to the city's suspension and/or revocation of a permit, except such liability caused by the sole gross negligence or willful misconduct of city. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.060 Penalty.

A. Violation of this article is a public nuisance.

B. Nothing in this article in any way limits any other remedy that may be available to the city, or any penalty that may be imposed by the city, for violations of this chapter. Such additional remedies include, but are not limited to, injunctive relief, administrative citations, or a cause of action under the California Narcotics Nuisance Abatement Act (Health and Safety Code Section [11570](#)). [Ord. 18-1442 § 3 (Exh. A), 2018; Ord. 16-1414 § 2, 2016; Ord. 13-1365 § 2, 2013. Formerly 5.70.040.]

Article II. Nonmedical Cannabis

5.70.110 Purpose.

A. In enacting this article, it is the intent of the city council to protect the safety and welfare of the general public. The Federal Controlled Substances Act, [21](#) U.S.C. Section [841](#), prohibits the possession, sale and distribution of cannabis, and the city council finds that sanctioning the opening or establishment of nonmedical cannabis collectives, cooperatives, and dispensaries, or allowing the delivery of nonmedical cannabis within the city would be inconsistent with federal law. However, the city acknowledges that state law allows commercial nonmedical cannabis businesses, and that certain commercial nonmedical cannabis businesses that operate in accordance with state law and are properly vetted, regulated, and monitored, can have positive economic impacts in the communities in which they operate.

B. Furthermore, the city council finds that nonmedical cannabis dispensaries are public nuisances in that many violent crimes have been committed that can be traced back to the proliferation of cannabis dispensaries, including armed robberies and murders. Increased noise and pedestrian traffic, including

nonresidents in pursuit of cannabis, and out-of-area criminals in search of prey, are commonly encountered near or outside cannabis collectives, cooperatives and dispensaries. The city council further finds that it is reasonable to conclude that cannabis deliveries are likely to cause many of these same adverse impacts.

C. Therefore, in order to protect the integrity of the city and the goals upon which this city was founded, the city council finds that it is in the best interest of the residents of the city to prohibit nonmedical cannabis collectives, cooperatives and dispensaries, and cannabis deliveries, and only allow certain commercial cannabis businesses to operate, subject to specific permitting requirements and execution of an operating agreement.

D. The purpose of this article is to prohibit cannabis collectives, cooperatives and dispensaries from being opened or established in the city of Pittsburgh, as well as prohibiting nonmedical cannabis deliveries from occurring in the city of Pittsburgh, while also allowing certain commercial nonmedical cannabis businesses to operate subject to requirements set forth in this article. Nothing in this article shall be deemed to allow or authorize any use or activity which is otherwise prohibited by any state or federal law. [Ord. 18-1442 § 3 (Exh. A), 2018; Ord. 16-1415 § 2, 2016.]

5.70.120 Definitions.

The following words and phrases, whenever used in this article, shall be construed as hereafter set out, unless it is apparent that they have a different meaning:

A. “City” means the city of Pittsburgh.

B. “Commercial nonmedical cannabis business” means Type 6 – Manufacturer 1, Type 7 – Manufacturer 2, Type 8 – Testing laboratory, and Type 11 – Distributor activities defined by the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), Business and Professions Code Section [26000](#) et seq.

C. “Nonmedical cannabis” means cannabis that is intended to be used for nonmedical purposes pursuant to Business and Professions Code Section [26000](#) et seq.

D. “Nonmedical cannabis delivery” means the commercial transfer of nonmedical cannabis or nonmedical cannabis products from a nonmedical cannabis dispensary to a person, as well as the use by a dispensary of any technology platform to arrange for or facilitate the transfer of nonmedical cannabis or nonmedical cannabis products.

E. “Nonmedical cannabis dispensary” or “dispensary” means any retail business that is required to possess a “Type 10 – Retailer” or “Type 12 Microbusiness” under Business and Professions Code Section [2600](#) et seq.

F. “Nonmedical cannabis products” means nonmedical cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

G. “Person” means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability corporation, collective, cooperative, or combination thereof in whatever form or character. [Ord. 18-1442 § 3 (Exh. A), 2018; Ord. 16-1415 § 2, 2016.]

5.70.130 Nonmedical cannabis dispensaries prohibited. SHARE

Nonmedical cannabis dispensaries are prohibited in the city. It shall be unlawful for any person to engage in, conduct, carry on, or to allow to be engaged in, conducted or carried on, in or upon any premises in the city, the operation of a nonmedical cannabis dispensary. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.140 Nonmedical cannabis deliveries prohibited. SHARE

Nonmedical cannabis deliveries are prohibited in the city. It shall be unlawful for any person to engage in, conduct, carry on, or to allow to be engaged in, conducted or carried on, in or upon any premises in the city, nonmedical cannabis deliveries. This section shall not be interpreted to prohibit the transportation of nonmedical cannabis through the city on public roads, as long as such transportation does not involve the delivery of nonmedical cannabis within the city. [Ord. 18-1442 § 3 (Exh. A), 2018; Ord. 16-1415 § 2, 2016. Formerly 5.70.130.]

5.70.150 Commercial nonmedical cannabis businesses allowed. SHARE

Commercial nonmedical cannabis businesses are allowed in the city, pursuant to the requirements set forth in this article. All commercial nonmedical cannabis businesses must obtain a city business license, a city nonmedical cannabis permit, and a state license prior to operation, and also enter into an operating agreement with the city. Only Type 6 – Manufacturer 1, Type 7 – Manufacturer 2, Type 8 – Testing laboratory, and Type 11 – Distributor, as defined by Business and Professions Code Section [26000](#) et seq., shall be allowed and permitted by the city. The city council may, at its discretion, issue up to nine commercial nonmedical cannabis permits. This number may be changed at a later time by resolution of the city council. It shall be unlawful for any person to engage in, conduct, carry on, or to allow to be engaged in, conducted or carried on, in or upon any premises in the city, a commercial nonmedical

cannabis business without complying with the requirements of this article. [Ord. 18-1442 § 3 (Exh. A), 2018; Ord. 16-1415 § 2, 2016. Formerly 5.70.140.]

5.70.160 Commercial nonmedical cannabis permit. Amended Ord. 19-1465 SHARE

A. It shall be unlawful for any person to operate a commercial nonmedical cannabis business without a commercial nonmedical cannabis permit, issued by the city, under the terms and conditions set forth in this article.

B. Each commercial nonmedical cannabis permit shall expire five years from its date of issuance. Renewal of the permit shall be subject to city council approval, which must be obtained at a duly noticed, open and public meeting. City shall have the right to charge an administrative fee to the commercial nonmedical cannabis permit holder, to compensate city for its reasonable and actual costs to evaluate the permit renewal.

C. The commercial nonmedical cannabis permit is not transferable, and any attempt to assign or transfer the permit shall render the permit null and void.

D. No commercial nonmedical cannabis business shall be located within 600 feet of an existing school, daycare, youth center, park or library. The city council, by ordinance, may amend this restriction or adopt additional restrictions.

E. The commercial nonmedical cannabis business shall file an application for a commercial nonmedical cannabis permit with the city manager or city manager's designee on forms provided by the city, and shall pay an "application fee" and "processing fee."

F. The city council may deny an application for a commercial nonmedical cannabis permit, if it determines any of the following:

1. The applicant made one or more false or misleading statements or omissions on the registration application or during the application process;
2. The applicant fails to meet the requirements of this chapter or any regulation adopted pursuant to this chapter;
3. It is not in the best interest of the city, based upon the applicant's application or operating agreement, to issue a permit to the business;
4. Potential threats to public health and safety cannot be sufficiently mitigated; or

5. Significant public opposition necessitates denial to preserve the health, safety, and general welfare of the city. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.161 Commercial nonmedical cannabis permit holder qualifications. SHARE

All commercial nonmedical cannabis permit holders must meet the following minimum qualifications. The city reserves the right to require additional qualifications through the commercial nonmedical cannabis permit application procedure.

A. Commercial nonmedical cannabis permit holders, business operators, and employees must be 21 years of age or older.

B. Commercial nonmedical cannabis permit holders, their business operators and employees shall be subject to background search by the California Department of Justice and local law enforcement. At city's discretion, city may conduct a background search of any commercial nonmedical cannabis permit holder, their business operators, and employees.

C. Commercial nonmedical cannabis business owners, operators, managers, and employees must not have felony convictions, as specified in Penal Code Sections [667.5\(c\)](#) and [1192.7\(c\)](#).

D. Commercial nonmedical cannabis business owners, operators, managers, and employees must not have a criminal conviction that substantially relates to the qualifications, functions, or duties of the business or profession, including a felony conviction involving fraud, deceit, or embezzlement or a criminal conviction for the sale or provision of illegal controlled substances to a minor. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.162 Commercial nonmedical cannabis permit application. SHARE

An application for a commercial nonmedical cannabis permit shall include, but not be limited to, the following information:

A. The legal name, and any other names, under which the commercial nonmedical cannabis business will operate.

B. The address of the location and the on-site telephone number, if known, of the commercial nonmedical cannabis business.

C. The following information for each owner and manager of the nonmedical cannabis business:

1. Complete legal name and any alias(es), address, and telephone number.

2. Date and place of birth.
3. Social security numbers.
4. Copy of a valid government issued photo identification card, license, or passport.
5. List of all criminal convictions, other than infractions for traffic violations, the jurisdiction of the convictions, and the circumstances thereof.
6. Names of businesses owned or operated by the owner(s) or manager(s) within the last 10 years.
7. Investor and/or partner information.

D. Assessor's parcel number of the parcel upon which the commercial nonmedical cannabis business will be located.

E. Draft operating agreement, in accordance with PMC [5.70.163](#).

F. Notarized written authorization from the property owner and/or landlord, to operate a commercial nonmedical cannabis business on the site.

G. Air Quality Acknowledgement. When deemed necessary by city staff, the applicant shall provide a calculation of the business's anticipated emissions of air pollutants. The applicant shall also provide assurance that the business will comply with all best management practices established by the Bay Area Air Quality Management District ("BAAQMD"). No commercial nonmedical cannabis permit shall be issued to any business that would exceed the thresholds of significance established by the BAAQMD for evaluating air quality impacts for operation or construction.

H. Greenhouse Gas Emissions Acknowledgement. When deemed necessary by city staff, the applicant shall provide calculations of the anticipated greenhouse gas emissions for the operation of the business and, where applicable, the operation of the business. The applicant shall further demonstrate compliance with any applicable state, regional, or local plan for the reduction of greenhouse gas emissions. No commercial nonmedical cannabis permit shall be granted for any business that would violate any state, regional, or local plan for the reduction of greenhouse gases.

I. Water Supply Acknowledgement. When deemed necessary by the city engineer, the applicant shall demonstrate to the satisfaction of the city engineer that sufficient water supply exists for the use.

J. Wastewater Acknowledgement. When deemed necessary by the city engineer, the applicant shall demonstrate to the satisfaction of the city engineer that sufficient wastewater capacity exists for the proposed use.

K. To the extent that the applicant intends to use any hazardous materials in its operations, the applicant shall provide a hazardous materials management plan that complies with all federal, state, and local requirements for management of such substances. "Hazardous materials" includes any hazardous substance regulated by any federal, state, or local laws or regulations intended to protect human health or the environment from exposure to such substances.

L. Property owner(s) and applicant(s) shall sign the application and shall include affidavit(s) agreeing to abide by and conform to the conditions of the permit and all provisions of the Pittsburgh Municipal Code pertaining to the establishment and operation of the nonmedical cannabis manufacturing business, including, but not limited to, the provisions of this article. The affidavit(s) shall acknowledge that the approval of the permit shall, in no way, allow any activity contrary to the Pittsburgh Municipal Code, or any activity which is in violation of applicable laws.

M. Statement in writing by the applicant, that they will, to the fullest extent allowed by law, give preference to residents of the city for employee hiring.

N. Signed indemnity provision.

O. Any other information the city deems necessary.

Pursuant to applicable law, private information will be exempt from disclosure to the public, in order to protect an applicant's privacy interest and safety. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.163 Commercial nonmedical cannabis business operating agreement. SHARE

The operating agreement shall set forth the terms and conditions under which the commercial nonmedical cannabis business will operate, which are in addition to the requirements of this article, including, but not limited to: a business operating plan as set forth in PMC [5.70.164](#); a security plan as set forth in PMC [5.70.165](#); payment of fees and other charges mutually agreed to; and additional terms and conditions that will protect and promote public health, safety, and welfare. The operating agreement shall be approved by the city council during a duly noticed, open and public meeting. The operating agreement may be approved concurrently with the commercial nonmedical cannabis permit. An approved operating agreement shall only be in force with a valid commercial nonmedical cannabis permit. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.164 Commercial nonmedical cannabis business operating plan.

An operating plan shall be in conformance with the requirements of this article, and shall include, at a minimum:

- A. A list of the names, addresses, telephone numbers, and responsibilities of each applicant, manager and employee of the nonmedical cannabis manufacturing business.
- B. Planned hours and days of operations of the nonmedical cannabis manufacturing business.
- C. Floor plan of the proposed business facility.
- D. If applicant is a commercial nonmedical cannabis manufacturing business, procedures to be utilized at the facility, including, as applicable, a description of which chemicals will be used, how chemicals will be stored, handled, and used; extraction and infusion methods; the transportation process; inventory procedures; cannabis track and trace procedures; inventory procedures; quality control procedures; and testing procedures.
- E. If applicant is a commercial nonmedical cannabis manufacturing business, a detailed description of the product(s) to be manufactured at the business, including a description of the product's intended final use by consumers.
- F. Transportation plan detailing how and when nonmedical cannabis will be delivered to and from the commercial nonmedical cannabis business.
- G. Procedures for identifying, managing, and disposing of contaminated, adulterated, deteriorated, or excess nonmedical cannabis and nonmedical cannabis products.
- H. Procedures for inventory control to prevent diversion of nonmedical cannabis or nonmedical cannabis products to unintended uses; employee screening; storage of nonmedical cannabis; personnel policies; and recordkeeping.
- I. Odor management plan detailing the reasonable steps that will be taken by the business to ensure that the odor of nonmedical cannabis and other physical impacts on neighboring properties will be minimized.
- J. Policies and procedures for adopting, monitoring, implementing, and enforcing all requirements of this article.

The city shall have the discretion to require changes to a business's operating plan. A commercial nonmedical cannabis permit holder is required to submit any proposed change(s) to an approved

operating plan to the city manager for approval, at least 30 days before the proposed change(s) is/are to take effect. Failure to do so will result in a suspension and/or revocation of the permit. The city manager shall have the authority to suspend a permit, and the city council shall have the authority to revoke a permit. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.165 Commercial nonmedical cannabis business security plan.

A security plan must be developed in consultation with, and approved by, the city's chief of police, to ensure the safety of persons working inside the business, and to protect the premises from theft, vandalism, and fire. The applicant's approved security plan must be filed with the city manager or city manager's designee. The applicant shall agree to implement all measures set forth in the security plan. The security plan shall include, but not be limited to, the following security measures:

- A. Storing nonmedical cannabis and nonmedical cannabis products not being manufactured or tested, in a secure room(s). Access to this/these room(s) shall be limited to key officers or employees.
- B. Installation of 24-hour security surveillance cameras of at least high definition quality, to monitor all entrances and exits to and from the premises, all interior spaces where cannabis, cash, or currency is being stored, and all interior spaces where diversion of cannabis could reasonably occur. Access to the security surveillance camera network shall be given to the police department.
- C. Retention of 24-hour surveillance camera footage for at least 60 days. All surveillance camera footage shall be made immediately available to the chief of police or the chief of police's designee, or to any other state or local law enforcement, upon request.
- D. Professionally installed, maintained and monitored alarm system. Notice of the triggered alarm shall be sent to the police department.
- E. Sensors installed to detect entry and exit from all secure areas.
- F. Use of commercial-grade, nonresidential locking mechanisms at all points of ingress and egress.
- G. Procedure whereby police are notified immediately upon any incidents of theft, vandalism, or any other instances stipulated by the chief of police.
- H. Designation of a responsible individual, who will be the business's point of contact with city, police, and other law enforcement entities.
- I. Transportation plan detailing how and when nonmedical cannabis will be delivered to and from the commercial nonmedical cannabis business. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.170 Commercial nonmedical cannabis permit revocation and suspension.



A commercial nonmedical manufacturing permit issued under this article may be immediately suspended and/or revoked for any of the following reasons:

- A. An operator/permit holder ceases to meet any of the minimum qualifications listed in this article.
- B. An operator/permit holder fails to comply with the requirements of this article or any conditions of approval of the permit.
- C. An operator/permit holder's state license for commercial nonmedical cannabis operations is revoked, terminated, or not renewed.
- D. An operator/permit holder's commercial nonmedical cannabis permit is suspended or revoked.
- E. The commercial nonmedical cannabis business fails to become operational within six months of obtaining its commercial nonmedical cannabis permit.
- F. Once operational, the business ceases to be in regular and continuous operation for 90 consecutive days.
- G. State law allowing the use for which the permit was issued is amended or repealed resulting in the prohibition of such use, or the city receives credible information that the federal government will commence enforcement measures against such businesses and/or local governments that allow them.
- H. Circumstances under which the permit was granted have significantly changed and the public health, safety, and welfare require the suspension, revocation, or modification.
- I. The permit was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the permit application.
- J. An operator/permit holder is not current on city taxes or fees.
- K. An operator/permit holder initiates changes to its operating plan or operating agreement without first obtaining city approval.
- L. An operator/permit holder's state license for commercial nonmedical cannabis operations is suspended. The city shall not reinstate the permit until documentation is received showing that the state license has been reinstated or reissued. It shall be the city's discretion whether the city reinstates any permit.

The city manager shall have the authority to suspend a permit, and the city council shall have the authority to revoke a permit. A suspension and/or revocation of a permit automatically suspends and/or revokes the permit holder's commercial nonmedical cannabis business operating agreement. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.180 Commercial nonmedical cannabis permit indemnification.

To the fullest extent permitted by law, commercial nonmedical cannabis permit holders shall indemnify, defend with counsel acceptable to city, and hold harmless, city and its officers, officials, employees, agents and volunteers (collectively, "indemnitees") from and against any and all liability, loss, damage, claims, expenses, and costs, including without limitation attorney's fees, costs and fees of litigation (collectively, "liability") of every nature arising out of, pertaining to, or relating to the city's suspension and/or revocation of a permit, except such liability caused by the sole gross negligence or willful misconduct of city. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.190 Dual application process.

A person may apply for a commercial medical cannabis permit and commercial nonmedical cannabis permit concurrently. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.200 Penalty.

A. Violation of this article is a public nuisance.

B. Nothing in this article in any way limits any other remedy that may be available to the city, or any penalty that may be imposed by the city, for violations of this chapter. Such additional remedies include, but are not limited to, injunctive relief, administrative citations, or a cause of action under the California Narcotics Nuisance Abatement Act (Health and Safety Code Section [11570](#)). [Ord. 18-1442 § 3 (Exh. A), 2018; Ord. 16-1415 § 2, 2016. Formerly 5.70.150.]

Chapter 18.88 CANNABIS USES

Sections:

- 18.88.010 Definitions.**
- 18.88.020 Medical cannabis dispensaries prohibited.**
- 18.88.030 Medical cannabis deliveries prohibited.**
- 18.88.035 Commercial nonmedical cannabis businesses allowed.**
- 18.88.040 Commercial medical cannabis businesses allowed.**
- 18.88.045 Nonmedical cannabis deliveries prohibited.**

18.88.050 Medical cannabis cultivation prohibited.

18.88.055 Nonmedical cannabis cultivation.

18.88.060 Violations.

18.88.010 Definitions.

“Commercial medical cannabis business” means Type 6 – Manufacturer 1, Type 7 – Manufacturer 2, Type 8 – Testing laboratory, and Type 11 – Distributor activities defined by the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), Business and Professions Code Section [26000](#) et seq.

“Commercial nonmedical cannabis business” means any nonmedical Type 6 – Manufacturer 1, Type 7 – Manufacturer 2, Type 8 – Testing laboratory, and Type 11 – Distributor activities defined by the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), Business and Professions Code Section [26000](#) et seq.

“Fully enclosed and secure structure” means a space within a building that complies with the applicable building code, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roof must be constructed of solid materials that cannot be easily broken through, and must be constructed with nontransparent material.

“Indoors” means inside a fully enclosed and secure structure or within a private residence.

“Medical cannabis” means cannabis used for medical purposes in accordance with the Compassionate Use Act, Health and Safety Code Section [11362.5](#), and the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), Business and Professions Code Section [26000](#) et seq.

“Medical cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis as defined in Business and Professions Code Section [26000](#) et seq.

“Medical cannabis delivery” means the transfer of medical cannabis or medical cannabis products from a medical cannabis dispensary to a qualified patient or primary caregiver, as well as the use by a dispensary of any technology platform to arrange for or facilitate the transfer of medical cannabis or medical cannabis products.

“Medical cannabis dispensary” or “dispensary” means (1) any facility, building, structure or location, whether fixed or mobile, where a primary caregiver makes available, sells, transmits, gives or otherwise provides medical cannabis to three or more of the following: a qualified patient or a person with an identification card, or a primary caregiver, in strict accordance with Health and Safety Code Section [11362.5](#) et seq.; or (2) any facility, building, structure or location where three qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate in order to collectively or cooperatively distribute, sell, dispense, transmit, process, deliver, exchange or give away cannabis for medicinal purposes pursuant to Health and Safety Code Section [11362.5](#) et seq., and such group is organized as a medical cannabis cooperative or collective as set forth in the Attorney General’s guidelines. The terms “primary caregiver,” “qualified patient,” and “person with an identification card” shall be as defined in Health and Safety Code Section [11362.5](#) et seq.

For purposes of this chapter, a “medical cannabis dispensary” shall not include the following uses, as long as the location of such uses is otherwise regulated by applicable law and complies strictly with applicable law, including but not limited to Health and Safety Code Section [11362.5](#) et seq.:

1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code;
2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code;
3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code;
4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code;
5. A residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

“Medical cannabis products” means medical cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

“Nonmedical cannabis” means cannabis that is intended to be used for nonmedical purposes pursuant to Health and Safety Code Section [11362.1](#) et seq. and Business and Professions Code Section [26000](#) et seq.

“Nonmedical cannabis cultivation” means the planting, growing, harvesting, drying or processing of cannabis plants or any part thereof pursuant to Health and Safety Code Section [11362.1](#) et seq. and Business and Professions Code Section [26000](#) et seq.

“Nonmedical cannabis delivery” means the commercial transfer of nonmedical cannabis or nonmedical cannabis products to a person, including any technology that enables persons to arrange for or facilitate the commercial transfer of nonmedical cannabis or nonmedical cannabis products.

“Nonmedical cannabis products” means nonmedical cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

“Outdoors” means any location within the city that is not within a fully enclosed and secure structure or a private residence.

“Person” means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability corporation, collective, cooperative, or combination thereof in whatever form or character.

“Private residence” means a house, an apartment unit, a mobile home or other similar dwelling.

“Solid fence” means a fence constructed of substantial material, such as wood or metal, that prevents viewing the contents from one side to the other side of the fence. [Ord. 18-1448 § 3 (Exh. A), 2018; Ord. 16-1415 § 3, 2016; Ord. 16-1414 § 4, 2016; Ord. 16-1403 § 3, 2016.]

18.88.020 Medical cannabis dispensaries prohibited.

Medical cannabis dispensaries are prohibited in the city. It shall be unlawful for any person to engage in, conduct, carry on, or to allow to be engaged in, conducted or carried on, in or upon any premises in the city, the operation of a medical cannabis dispensary. [Ord. 18-1448 § 3 (Exh. A), 2018; Ord. 16-1414 § 4, 2016.]

18.88.030 Medical cannabis deliveries prohibited.

Medical cannabis deliveries are prohibited in the city. It shall be unlawful for any person to engage in, conduct, carry on, or to allow to be engaged in, conducted or carried on, in or upon any premises in the city, medical cannabis deliveries. This section shall not be interpreted to prohibit the transportation of medical cannabis through the city on public roads, as long as such transportation does not involve the delivery of medical cannabis within the city. [Ord. 18-1448 § 3 (Exh. A), 2018; Ord. 16-1414 § 4, 2016.]

18.88.035 Commercial nonmedical cannabis businesses allowed.

Commercial nonmedical cannabis businesses are subject to the permit requirements outlined in the base district applicable to the site, and subject to additional permitting requirements as outlined in PMC [5.70.150](#). [Ord. 18-1448 § 3 (Exh. A), 2018; Ord. 16-1415 § 4, 2016.]

18.88.040 Commercial medical cannabis businesses allowed.

Commercial medical cannabis businesses are subject to the permit requirements outlined in the base district applicable to the site, and subject to additional permitting requirements as outlined in PMC [5.70.050](#). [Ord. 18-1448 § 3 (Exh. A), 2018; Ord. 16-1414 § 4, 2016.]

18.88.045 Nonmedical cannabis deliveries prohibited.

Nonmedical Cannabis Deliveries as a Prohibited Use. Nonmedical cannabis deliveries are prohibited in all zones of the city. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for the establishment, maintenance or operation of nonmedical cannabis deliveries. [Ord. 18-1448 § 3 (Exh. A), 2018; Ord. 16-1415 § 4, 2016.]

18.88.050 Medical cannabis cultivation prohibited.

Medical cannabis cultivation is prohibited in the city. No person shall engage in medical cannabis cultivation in or upon any premises or property in any district in the city. [Ord. 18-1448 § 3 (Exh. A), 2018; Ord. 16-1414 § 4, 2016; Ord. 16-1403 § 3, 2016. Formerly 18.88.020.]

18.88.055 Nonmedical cannabis cultivation.

The following regulations shall apply to the cultivation of nonmedical cannabis within the city:

A. Cultivation Not in Compliance with This Chapter. It is declared to be unlawful and a public nuisance for any person owning, leasing, occupying or having charge or possession of any parcel or premises within any zoning district in the city to cultivate nonmedical cannabis, except as provided for in this code. No person other than an individual 21 years of age or older may engage in the cultivation of nonmedical cannabis.

B. Outdoor Cultivation. It is unlawful and a public nuisance for any person owning, leasing, occupying, or having possession of any legal parcel or premises within any zoning district in the city to cause or allow such parcel or premises to be used for the outdoor cultivation of nonmedical cannabis.

C. Indoor Cultivation. Indoor cultivation of nonmedical cannabis is prohibited in all zoning districts of the city, except when such cultivation occurs on a parcel or premises with an approved private residence. All cultivation must be in compliance with this chapter.

D. Indoor Cultivation in Private Residence. The indoor cultivation of nonmedical cannabis on a parcel or premises with an approved private residence shall only be conducted within a fully enclosed and secure structure or within a residential structure. Such cultivation shall be in conformance with the following minimum standards:

1. The primary use of the property shall be for a residence. Nonmedical cannabis cultivation is prohibited as a home occupation.
2. All areas used for cultivation of nonmedical cannabis shall comply with PMC Title [15](#) (Buildings and Construction), as well as applicable law.
3. Indoor grow lights shall not exceed 1,000 watts per light, and shall comply with the California Building, Electrical and Fire Codes as adopted by the city.
4. The use of gas products (CO₂, butane, propane, natural gas, etc.) or generators for cultivation of nonmedical cannabis is prohibited.
5. Any fully enclosed and secure structure or residential structure used for the cultivation of nonmedical cannabis must have a ventilation and filtration system installed that shall prevent cannabis plant odors from exiting the interior of the structure and that shall comply with PMC Title [15](#) (Buildings and Construction).
6. A fully enclosed and secure structure used for the cultivation of nonmedical cannabis shall be located in the rear yard area of the parcel or premises, and must maintain a minimum 10-foot setback from any property line. The yard where the fully enclosed and secure structure is maintained must be enclosed by a solid fence at least six feet in height. This provision shall not apply to cultivation occurring in a garage.
7. Adequate mechanical locking or electronic security systems must be installed as part of the fully enclosed and secure structure or the residential structure prior to the commencement of cultivation.
8. Nonmedical cannabis cultivation shall be limited to six cannabis plants per private residence, regardless of whether the cannabis is cultivated inside the residence or in a fully enclosed and secure structure. The limit of six plants per private residence shall apply regardless of how many individuals reside at the private residence.
9. The residential structure shall remain at all times a residence, with legal and functioning cooking, sleeping and sanitation facilities with proper ingress and egress. These rooms shall not be used for

nonmedical cannabis cultivation where such cultivation will prevent their primary use for cooking of meals, sleeping and bathing.

10. Cultivation of nonmedical cannabis shall only take place on impervious surfaces.

11. From a public right-of-way, there shall be no exterior evidence of nonmedical cannabis cultivation occurring on the parcel.

12. Nonmedical cannabis cultivation area, whether in a fully enclosed and secure structure or inside a residential structure, shall not be accessible to persons under 21 years of age.

13. Written consent of the property owner to cultivate nonmedical cannabis within the residential structure shall be obtained and shall be kept on the premises, and available for inspection by the chief of police or his/her designee.

14. A portable fire extinguisher, that complies with the regulations and standards adopted by the State Fire Marshal and applicable law, shall be kept in the fully enclosed and secure structure used for cultivation of nonmedical cannabis. If cultivation occurs in a residential structure, the portable fire extinguisher shall be kept in the same room as where the cultivation occurs. [Ord. 18-1448 § 3 (Exh. A), 2018; Ord. 16-1415 § 4, 2016.]

18.88.060 Violations.

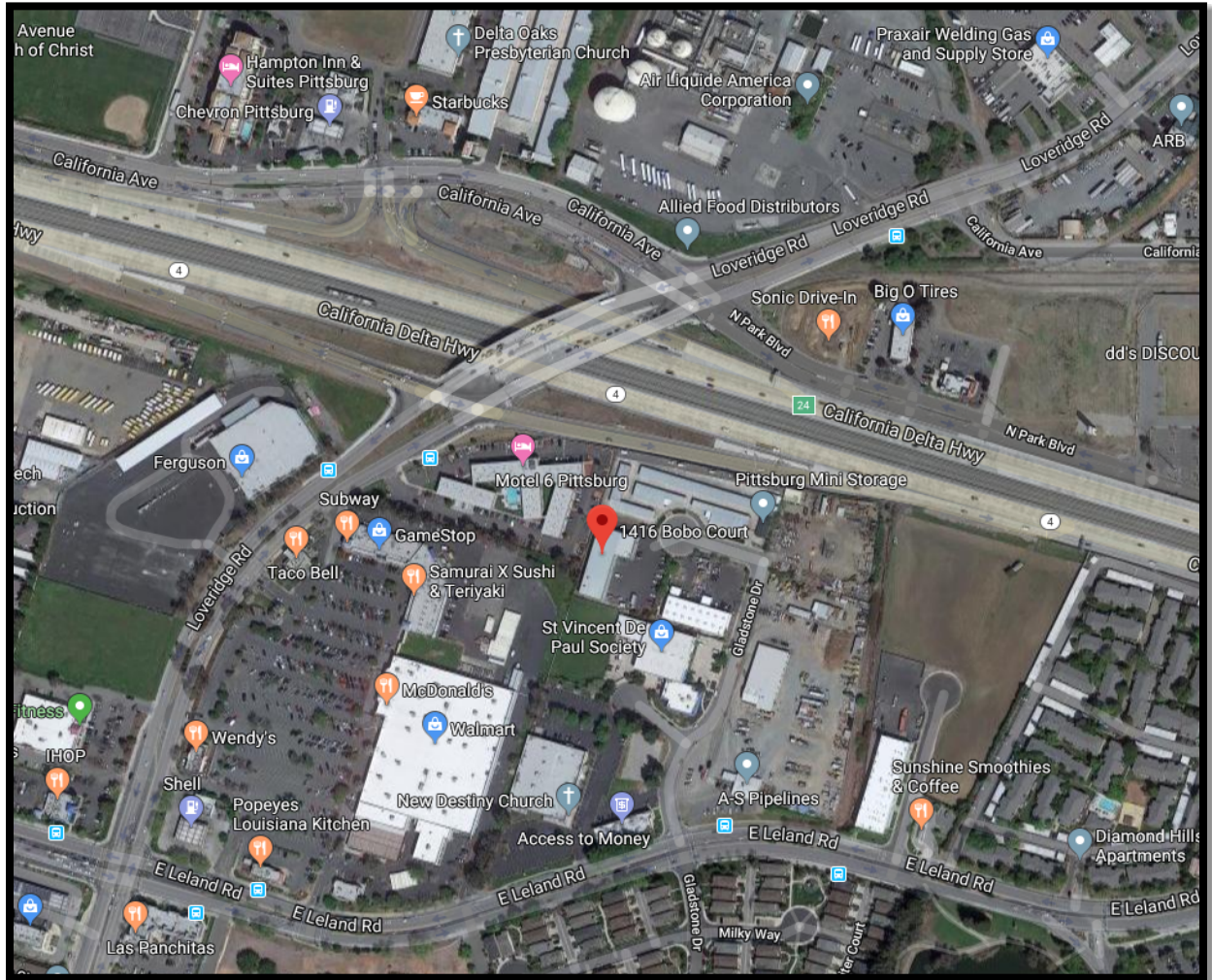
A. Violation of this chapter is hereby declared a public nuisance.

B. Nothing in this chapter in any way limits any remedy that may be available to the city, or any penalty that may be imposed by the city, for violations of this chapter. Such remedies include, but are not limited to, injunctive relief and administrative citations. [Ord. 18-1448 § 3 (Exh. A), 2018; Ord. 16-1414 § 4, 2016; Ord. 16-1403 § 3, 2016. Formerly 18.88.030.]

Project Location and Surrounding Land Uses Map

1416 Bobo Court Overlay, AP-19-1454 (RZ)

1416 Bobo Court, APN 088-570-009





City of Pittsburg

Community Development Department – Planning Division

65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the **PLANNING COMMISSION** of the **City of Pittsburg** will conduct a public hearing on:

DATE: December 10, 2019
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

1416 Bobo Court Overlay, AP-19-1454

This is a public hearing on a request by Tina Tedesco for a recommendation to City Council for approval for a zoning amendment establishing a limited overlay district to allow a 'Food and Drug Processing' use with limitations, exclusively for commercial cannabis manufacturing, located at 1416 Bobo Court in the CS (Service Commercial) District. Assessor's Parcel No. 088-570-009.

PROJECT PLANNER: Trishia Caguiat, (925) 252-4855 or tcaguiat@ci.pittsburg.ca.us

Why am I receiving this notice? You are receiving this notice because you have either previously requested notifications from the Planning Division, or a project has been proposed in your neighborhood and all property owners within a minimum 300-foot radius of the project site are required to be notified under the Pittsburg Municipal Code.

Where can I get more information about this project?

The complete file for this project is available for public inspection at the Planning Division, weekdays during the hours of 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM. You can also find out more about the project by contacting the project planner listed above.

What can I do if I have comments on the project?

Comments or objections to the project can be made by writing or through oral testimony during the public hearing. Written comments citing the project name may be emailed to the project planner listed above, or may be mailed or delivered to: Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. You may also register your comments or objections by attending the public hearing on the date and time listed above.

Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public hearing. Any written correspondence delivered to the Planning Division before the hearing body's action on the matter will become a part of the administrative record.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Location: 1416 Bobo Court, APN: 088-570-009



View from Bobo Court facing west



**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
December 10, 2019**

ITEM: Notice of Intent to Exercise Delegated Design Review Authority.

ORIGINATED BY: City of Pittsburgh, Zoning Administrator, 65 Civic Avenue, Pittsburgh, CA 94565

SUBJECT: The Zoning Administrator submits one notice of intent to exercise delegated design review authority for a new freestanding sign at 3840 Railroad Avenue, for the Crossroads Christian Church.

RECOMMENDATION:

Staff recommends that the Commission acknowledge receipt of the attached Notice of Intent to Exercise Design Review Authority.

BACKGROUND:

Delegated Design Review Authority: Planning Commission Resolution No. 9444, as later amended by Resolution No. 9918, allows for delegation of nine categories of design review applications from the Planning Commission to the Zoning Administrator, as follows:

1. Freestanding signs: Applicable to signs not already part of a sign program; must be consistent with sign standards and architecturally compatible with associated building.
2. Wireless Communication Equipment: New or replacement antennas on existing poles and their related equipment.
3. Minor Building Remodels: Limited to changes in building colors, awnings, fenestration, and finishes.
4. Changes to Existing Parking Lots.
5. Changes to Existing Landscaping.
6. Additions to Existing Buildings: Additions must be smaller than 2,500 square feet and designed to complement existing building architecture.
7. New Model Homes in Approved Subdivisions. Must be consistent with the general size, quality of architecture and materials, and general character of the originally approved models. Must comply with approved zoning development standards.

8. Ancillary Structures: Structures in any district where visual impacts are minimal, including miscellaneous mechanical equipment associated with legal uses in the Industrial Districts.

The intent of the delegation is to allow a more efficient approval process for non-controversial design review applications, without compromising the integrity of the design review process or removing from public scrutiny those projects that would be most visible or of high interest to the general public. Prior to approving any delegated design review application, the Zoning Administrator must notify the Commission of his or her intent to exercise delegated design review authority. Copies of resolutions approving any delegated design review application must also be provided to the Commission.

PROJECT DESCRIPTION:

Since the last Commission meeting, staff has received one application requesting design review approval which qualifies within one or more of the nine categories of delegated authority established by Resolution No. 9918:

1. Crossroads Christian Church Freestanding Sign, AP-19-1472 (SR, FR) – Delegated Design Review Category 1.

This is an application by Maria Lorenzana, on behalf of Crossroads Christian Church Assembly of God Contra Costa, requesting sign review approval to place a 15 square foot freestanding sign, located at 3840 Railroad Avenue in the CN (Neighborhood Commercial) District. Assessor's Parcel No. 087-121-026.

GENERAL PLAN/CODE COMPLIANCE:

Delegated Design Review Authority: Resolution No. 9918 established nine categories of design review applications upon which the Commission would authorize the Zoning Administrator to act. Resolution No. 9918, and PMC section 18.10.100, direct staff to notify the Planning Commission of intent to exercise delegated design review authority on any application that falls within one of those nine categories, prior to approving the application. Upon receiving such notification, a majority of the Commission may direct that the matter be scheduled for future consideration by the entire Commission. Resolution No. 9918 also directs staff to keep the Commission informed about delegated design review application approvals by providing copies of resolutions adopted by the Zoning Administrator.

ANALYSIS:

Not applicable.

ACTION REQUIRED:

Acknowledge receipt of the attached Notice of Intent.

ATTACHMENTS:

1. Notice of Intent: Crossroads Christian Church Freestanding Sign, AP-19-1472 (SR, FR)

Prepared by: Kristin Pollot, AICP, Zoning Administrator

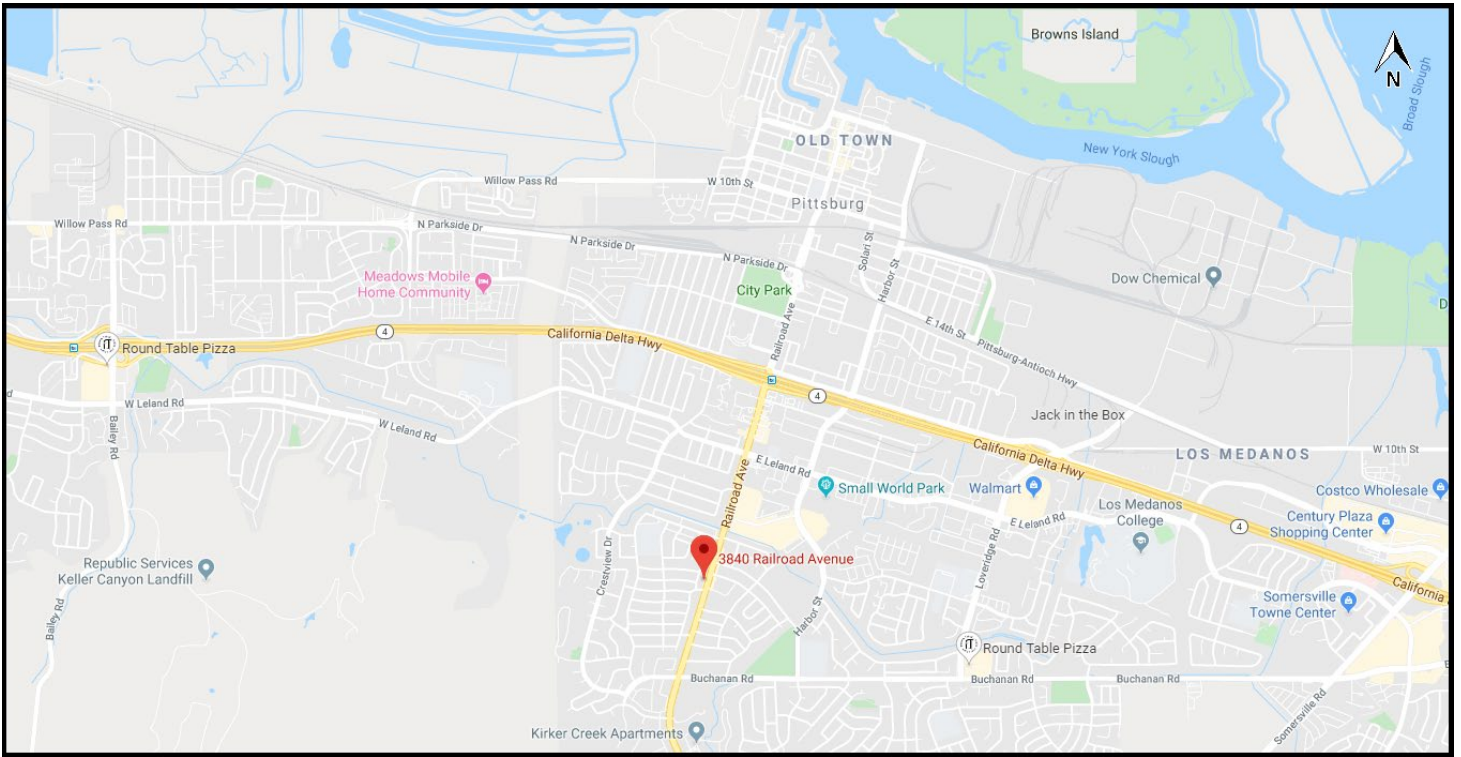
**NOTICE OF INTENT
TO CONDUCT A DESIGN REVIEW AUTHORITY DELEGATED TO STAFF
PURSUANT TO PLANNING COMMISSION RESOLUTION NO. 9918**

Crossroads Christian Church Freestanding Sign, AP-19-1472 (SR FR).

This is an application by Maria Lorenzana, on behalf of Crossroads Christian Church Assembly of God Contra Costa, requesting Sign Review approval to place a 15 square foot freestanding sign, located at 3840 Railroad Avenue in the CN (Neighborhood Commercial) District. Assessor's Parcel No. 087-121-026.

This project is delegated to staff under Category 1 (Freestanding Signs, applicable to signs not already part of a sign program; must be consistent with sign standards and architecturally compatible with associated building) of Planning Commission Resolution No. 9918.

Project Title: Crossroads Christian Church Sign Exception, AP-19-1472 (SR FS)
Location: 3840 Railroad Avenue. Assessor's Parcel No. 087-121-026.





Chapter 19.16

Specific Land Use Signs

19.16.040 Churches and Institutions.

This section applies to churches and other religious buildings, public and quasipublic uses, schools, fraternal and other service clubs, hospitals, rest homes, community halls and similar uses.

- A. Identification. A permanent institutional sign is limited to the name of the institution, types of service offered, reader boards and street address.
- B. Area. The maximum sign area allowed to be placed on a site is one square foot for each 2,000 square feet contained in the site, or 50 square feet, whichever is less. The sign need not be smaller than 15 square feet. If a site exceeds 10 acres, the planning commission may approve a sign exception to allow a sign larger than 50 square feet if it finds that the site size and type of use warrant the additional signage and that the signs are aesthetically balanced and designed for the site.
- C. Types of Signs.
 - 1. Building Signs. An institution may have wall signs, window signs and awning signs.
 - 2. Freestanding Sign. A freestanding sign may be permitted, subject to PMC [19.12.020](#). A freestanding sign is included in the maximum allowed sign area. It may not exceed five feet in height. The planning commission may approve a sign exception to allow a higher sign if it finds that the proposed sign is aesthetically balanced and designed for the site.

Signage Size: 3' x 4.33' = 13 sq.ft.

DiBond 3mm
(Aluminum
Composite
Material)

4.33'

CROSSROADS CHRISTIAN CENTER

ASSEMBLY OF GOD - CONTRA COSTA
3840 Railroad Avenue, Pittsburg Ca. 94565



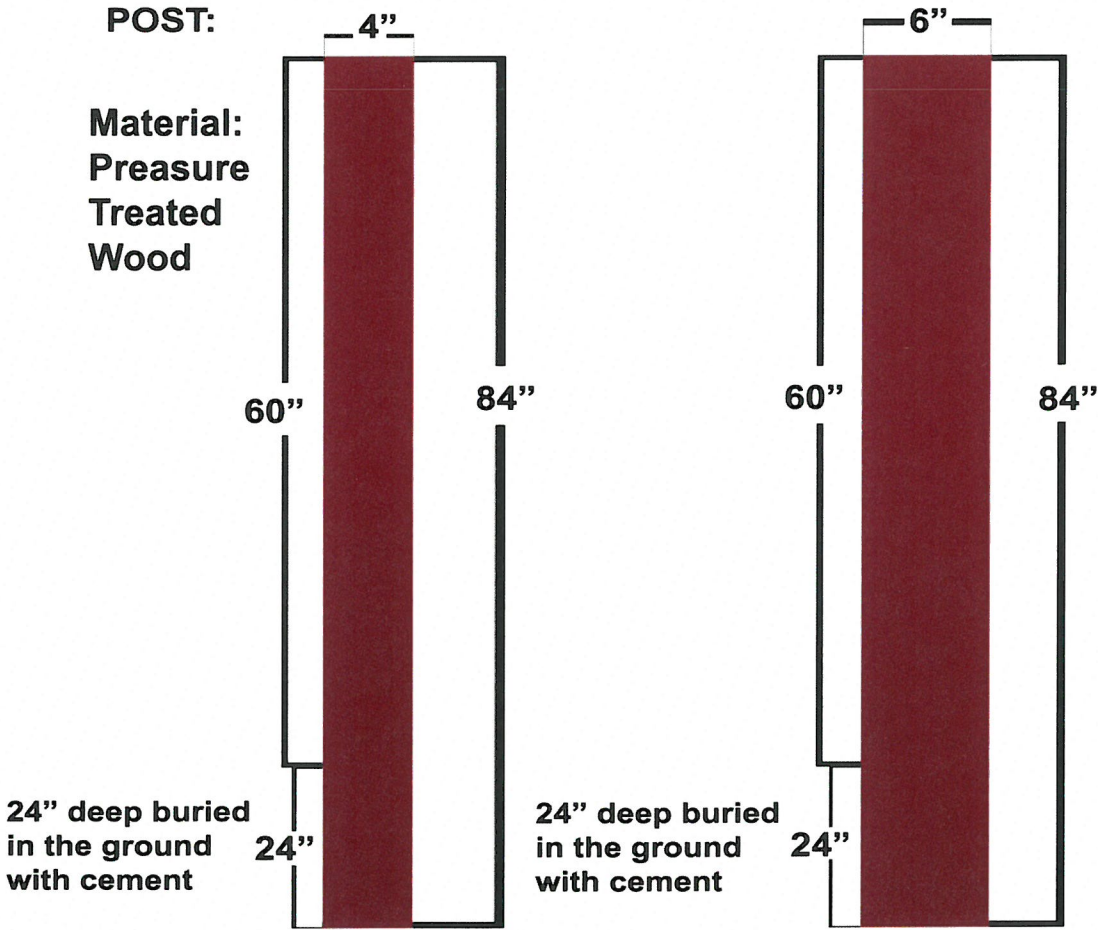
Worship God • Disciple Believers
Evangelize the Lost • Show Compassion

*Jesus answered, "I am the way and the truth and the life.
No one comes to the Father except through me." - John 14:6*

SUNDAY SERVICE: 10:30 AM

3'

3M Vinyl
Cast (Overlay)
Full Color
Digital Print
UV Laminate



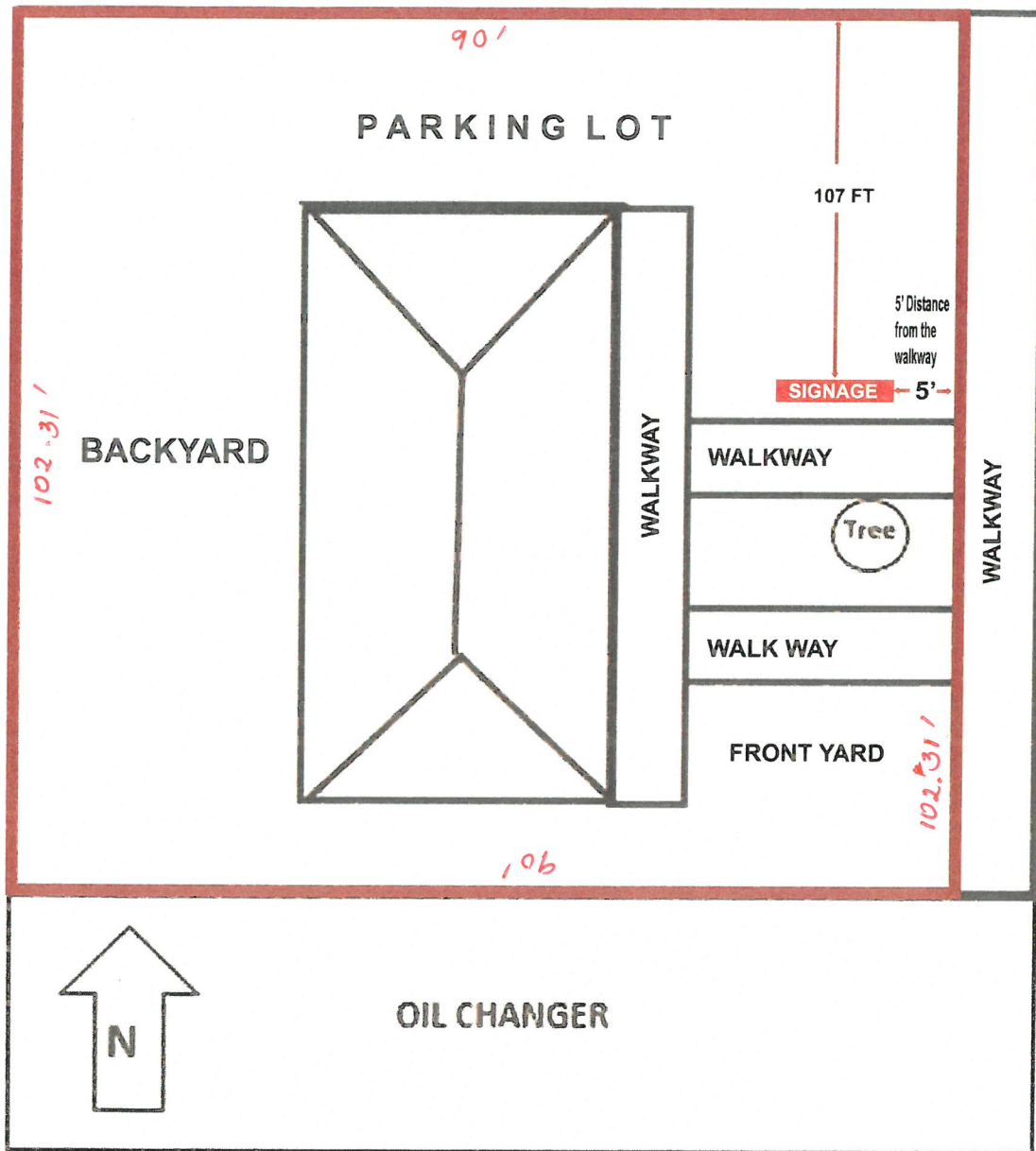
ACTUAL SIZE INCLUDING POST : 3FT X 5 FT = 15 SQ. FT.

Exact Location of Project

Road View



Red mark = Property Line



RAILROAD AVENUE

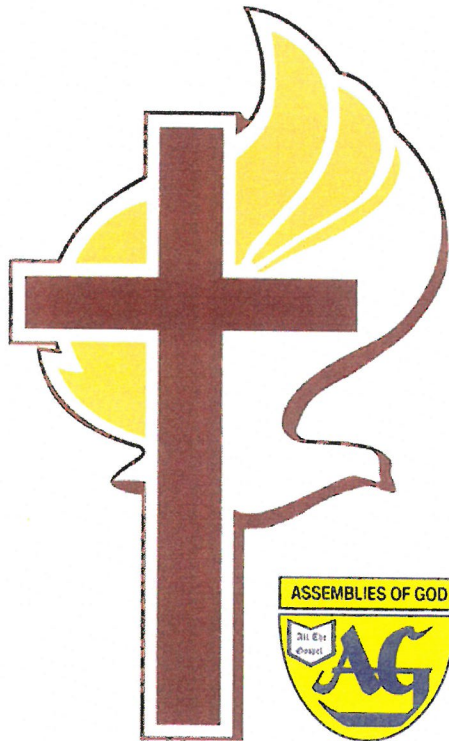


Property Address:
3840 Railroad Avenue
Pittsburg California

CROSSROADS CHRISTIAN CENTER

ASSEMBLY OF GOD - CONTRA COSTA

3840 Railroad Avenue, Pittsburg Ca. 94565



Worship God • Disciple Believers
Evangelize the Lost • Show Compassion

*Jesus answered, "I am the way and the truth and the life.
No one comes to the Father except through me." - John 14:6*

SUNDAY SERVICE : 10:30 AM

Project: Exterior Free Standing Sign for Crossroads Christian Center
Quantity: One 2- Sided

Sign Material:

DiBond 3mm (aluminum composite material)

Vinyl - Cast (Overlay) - Cast Vinyl

Overlaminates- 3M 2 milLaminate 8520 – 8520

Print: Full Color Digital Print
3M Vinyl With UV Laminate

Post: Pressure Treated Wood
size: W= 4", T=6", H=84

