



**CITY OF PITTSBURG
PLANNING COMMISSION AGENDA**

MAY 12, 2026

**CITY HALL COUNCIL CHAMBER
65 CIVIC AVENUE, PITTSBURG, CA**

**REGULAR MEETING
7:00 PM**

Planning Commission Members

**Donna Smith, Chair
Elissa Robinson, Vice-Chair
Jennifer Ingram, Commissioner
Deandra Stokes, Commissioner
Ivelina Popova, Commissioner
Reilly Kent, Commissioner
Sarah Foster, 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 Friday, May 8, 2026

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

DELETIONS, WITHDRAWALS OR CONTINUANCES

COMMENTS FROM THE AUDIENCE

CONSENT

1. Minutes

Minutes of February 24, 2026

Minutes of March 24, 2026

Minutes of April 14, 2026

Minutes of April 28, 2026

PUBLIC HEARINGS

2. Consideration of a Resolution for a Use Permit Request for a Type 20 ABC License to Permit the Sale of Beer and Wine in Conjunction with an Existing Convenience Store (Old Town Market, AP-25-0012 [UP])

This is a Public Hearing for a Use Permit to allow the sale of beer and wine under a Type 20 Alcoholic Beverage Control (ABC) License within an existing convenience store located at 315 Railroad Avenue. The site is located within the Pedestrian Commercial (CP) Zoning District in Old Town Pittsburg and has a General Plan designation of Downtown Commercial. Assessor's Parcel No. 085-108-001.

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, "Existing Facilities," of the CEQA Guidelines, section 15301. The proposed project qualifies for a Class 1 categorical exemption because the project site is an existing privately owned structure, and the applicant is not proposing any expansion of the existing structure. The proposed project would not have any significant effect on the environment and therefore categorically exempt from the provisions of CEQA.

NOTICE OF REVOCATION

3. Notice to Planning Commission for Revocation of Use Permit for Violation of Conditions of Approval for Day Spring Spa, 1353 Buchanan Road, Pittsburg, CA 94565 (AP-21-1570)

Notice of Revocation of Use Permit for Violation of Conditions of Approval for Day Spring Spa, 1353 Buchanan Road, Pittsburg, CA 94565 (AP-21-1570)

STAFF COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT OF PLANNING COMMISSION MEETING

NOTICE TO PUBLIC

GENERAL INFORMATION

Copies of the open session agenda packets, as distributed to the City Council, are on file in the office of the City Clerk, 65 Civic Avenue, Pittsburg, California, and are available for public inspection, beginning 72 hours in advance, during normal business hours (8:00 a.m. – 5:00 p.m., Monday through Friday, except City holidays). Full agenda packets are also located on the City's website at www.pittsburgca.gov. If any reports or documents, which are public records, are distributed to the City Council less than 72 hours before the meeting, those reports or documents will be available for public inspection in the City Clerk's Office and on the day of the meeting in the Council Chamber at the public counter area below the dais.

SPEAKER'S CARD

Members of the audience who wish to address the City Council on issues that are not scheduled for the agenda and on any items listed as part of the agenda should complete a Speaker's Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given up to three minutes to address the Council unless additional time is allowed as provided for spokespersons. Speakers are not permitted to yield their time to another speaker. Prior to speaking, each member of the public shall state their name and business and City of residence in a clear and audible tone of voice. Pursuant to the Brown Act, no action may be taken by the City Council on items not already scheduled on the agenda; however, the City Council may refer your comments/concerns to staff or request that the item be placed on a future agenda.

PUBLIC HEARINGS

Persons who wish to speak on Public Hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to public comment and brought to the Council/Agency level for discussion and action. Further comment from the audience will not be received unless requested by the Council/Agency.

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting.

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 residents. 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 Council 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)

DISRUPTIVE CONDUCT

The Council requests that you observe the order and decorum of our Council Chamber by turning off or setting to vibrate all cellular telephones and electronic devices, and that you refrain from making personal, impertinent, or slanderous remarks. Boisterous and disruptive behavior while the Council is in session, and the display of signs in a manner which violates the rights of others or prevents others from watching or fully participating in the Council meeting, is a violation of our Municipal Code and any person who engages in such conduct can be ordered to leave the Council Chamber by the Mayor.

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

February 24, 2026

A regular meeting of the Pittsburg Planning Commission was called to order by Chair Foster at 7:00 p.m. on Tuesday, February 24, 2026, in the Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL

Present: Chair Foster, Vice-Chair Smith, Commissioners Ingram, Robinson, Popova, Stokes

Absent: Commissioner Kent

Staff: Assistant Director of Community and Economic Development John Funderburg,
Administrative Analyst I Candace Hatch

PLEDGE OF ALLEGIANCE

Commissioner Robinson led the Pledge of Allegiance.

DELETIONS, WITHDRAWALS OR CONTINUANCES

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

CONSENT ITEM

1. Minutes of November 25, 2025
Minutes of January 27, 2026

On a motion by Commissioner Robinson, approving the consent item(s), seconded by Commissioner Popova:

AYES: Foster, Ingram, Popova, Robinson, Smtih, Stokes
NAYES: None
ABSTAIN: None
ABSENT: Kent

PRESENTATION

2. Planning Project Update

Secretary Funderburg provided a presentation to the Planning Commission on Planning Projects.

ZONING ADMINISTRATOR REPROTS

The Zoning Administrator submitted two Notices of Intent to Exercise Delegated Design Review Authority.

STAFF COMMUNICATIONS

Secretary Funderburg informed the Planning commission that there are no tentative items scheduled for the March 10, 2026, meeting at this time.

Three (3) items tentatively to be presented at the March 24, 2026, meeting:

1. General Plan Annual Progress Report
2. Annual Reorganization
3. Historic Resources Commission

COMMITTEE REPORTS

There were no committee reports.

ADJOURNMENT

The meeting was adjourned at 8:07 p.m. to March 10, 2026.

Respectfully Submitted,

John Funderburg, Secretary

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

March 24, 2026

A regular meeting of the Pittsburg Planning Commission was called to order by Chair Foster at 7:00 p.m. on Tuesday, March 24, 2026, in the Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL

Present: Chair Smith, Vice-Chair Robinson, Commissioners Foster, Ingram, Kent, Robinson, Popova, Stokes

Staff: Assistant Director of Community and Economic Development John Funderburg, Associate Planner Kelsey Gunter Administrative Analyst I Candace Hatch

PLEDGE OF ALLEGIANCE

Commissioner Stokes led the Pledge of Allegiance.

REORGANIZATION

Per the Planning Commission by-laws, as the current sitting Vice-Chair, Commissioner Smith assumed the role of Chair. In the order of seniority, Commissioner Robinson assumed the role of Vice-Chair.

DELETIONS, WITHDRAWALS OR CONTINUANCES

1. Old Town Market Beer & Wine Sales, AP-25-0012 (UP) a public for approval of a Use Permit to establish the sale of beer and wine under a Type 20 Alcoholic Beverage Control (ABC) License at an existing convenience store. The beer and wine sales would be located in existing coolers and on existing shelving located towards the rear of the establishment, as shown in the attached floor plan. The subject property is located at 315 Railroad Avenue, and the property is zoned CP (Pedestrian Commercial) with a General Plan designation of Downtown Commercial. Assessor's Parcel Number: 085-108-001.

Staff requested a continuance to a date not specified.

COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

COMMISSION CONSIDERATION

2. General Plan Annual Progress Report

A presentation was made to the Planning Commission by Associate Planner Kelsey Gunter on the General Plan Annual Progress Report requesting for the Planning Commission to: 1) review the draft General Plan Progress Report (ARP) for Calendar Year 2025; and 2) authorize its submittal to the City Council, Governor's Office of Land Use and Climate Innovation (LCI), California Housing Community Development Department (HCD), and Contra Costa Transpiration Authority (CCTA)

Chair Smith opened the consideration item.

There being no public comments at this time, Chair Smith closed the consideration item.

On motion by Vice-Chair Robinson, approving the review of the General Plan Annual Progress Report (ARP) for Calendar Year 2025; and authorizing its submittal to the City Council, Governor's Office of Land Use and Climate Innovation (LCI), California Housing Community Development Department (HCD), and Contra Costa Transpiration Authority (CCTA), seconded by Commissioner Popova:

AYES:	Foster, Ingram, Kent, Robinson, Popova, Smith, Stokes
NAYES	None
ABSTAIN	None
ABSENT:	None

ZONING ADMINISTRATOR REPROTS

There were no Zoning Administrator reports.

STAFF COMMUNICATIONS

Secretary Funderburg provided an update to the Planning Commission on the tentatively scheduled items for upcoming meetings.

Two (2) items tentatively to be presented at the April 14, 2026, meeting:

1. AP-26-0009/SRG Site/Bay Walk; (GP, ZR) – General Plan Map and Zoning Map Amendments affecting approximately 96.15 acres within the 637-acre Nort Central River Subarea. This proposed amendment would allow for applicable base district uses and Employment Center Industrial (ECI) uses, including uses such as data centers, technology, and innovation developments, battery storage facilities, and clean energy uses.
2. Historic Resources Commission Meeting and Subcommittee Assignments:
 - Community and Economic Development Subcommittee
 - TRANSPLAN
 - Pittsburg Recognition Committee

Secretary Funderburg provide dates for the upcoming NIT meetings:
Wednesday, April 22, 2026 from 6:00p.m.-8:00p.m. Ray Giacamelli
Saturday April 25 10:00a.m.-12:00p.m. Marina Community Center

Secretary Funderburg provided an update, on the request of Chair Smith, on the building located next to California Theater (337 Railroad Avenue).

COMMITTEE REPORTS

There were no committee reports.

ADJOURNMENT

The meeting was adjourned 7:33 p.m. to April 14, 2026.

Respectfully Submitted,

John Funderburg, Secretary

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

April 14, 2026

A regular meeting of the Pittsburg Planning Commission was called to order by Chair Foster at 7:00 p.m. on Tuesday, April 14, 2026, in the Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL

Present: Chair Smith, Vice-Chair Robinson, Commissioners Foster, Kent, Robinson, Popova

Absent: Commissioner Ingram, Stokes

Staff: Assistant Director of Community and Economic Development John Funderburg,
Associate Planner Kelsey Gunter, Administrative Analyst I Candace Hatch

PLEDGE OF ALLEGIANCE

Secretary Funderburg led the Pledge of Allegiance.

DELETIONS, WITHDRAWALS OR CONTINUANCES

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

CONSENT

There were no consent items.

PUBLIC HEARING

1. Recommending the City Council: (1) Adopt a Resolution Finding that an Addendum to the 2040 General Plan FEIR has been prepared and Considered in Compliance with CEQA; (2) Adopt a Resolution Amending the General Plan Map; and (3) Adopt an Ordinance Amending the Zoning Map and Establishing a Limited Overlay District to Implement the 2040 General Plan, AP-26-0009 (GP, RZ)

A presentation was made to the Planning Commission by Associate Planner Kelsey Gunter on the Recommendation to City Council to (1) Adopt a Resolution Finding that an Addendum to the 2040 General Plan FEIR has been prepared and Considered in Compliance with CEQA; (2) Adopt a Resolution Amending the General Plan Map; and (3) Adopt an Ordinance Amending the Zoning Map and Establishing a Limited Overlay District to Implement the 2040 General Plan.

Chair Smith opened the public hearing.

There being no public comments at this time, Chair Smith closed the public hearing.

On a motion by Commissioner Foster to recommend approval, with no second motion received, the motion failed.

On motion by Vice-Chair Robinson, to not recommend approval to the City Council adopting a: (1) Resolution Finding that an Addendum to the 2040 General Plan FEIR has been prepared and Considered in Compliance with CEQA; (2) Adopt a Resolution Amending the General Plan Map; and (3) Adopt an Ordinance Amending the Zoning Map and Establishing a Limited Overlay District to Implement the 2040 General Plan, AP-26-0009 (GP, RZ), based on the inability to make the finding that the proposed City-Initiated General Plan Map and Zoning Map Amendments would not be in conformity with the public convenience, general welfare, and good zoning practice, in that it would not encourage development of employment and revenue-generating uses, that could help eradicate existing problems that come with blighted sites, such as illegal dumping and loitering seconded by Commissioner Popova:

AYES:	Ingram, Kent, Robinson, Popova, Smith, Stokes
NAYES	Foster
ABSTAIN	None
ABSENT:	None

ZONING ADMINISTRATOR REPROTS

There were no Zoning Administrator reports.

STAFF COMMUNICATIONS

Secretary Funderburg updated the Planning Commission that subcommittee assignments will take place during the April 28, 2026, meeting to allow all Commissioners to be present.

Secretary Funderburg provided an update to the Planning Commission on the tentatively scheduled items for upcoming meetings.

Two (2) items tentatively to be presented at the April 28, 2026, meeting:

1. AP-21-1562 Blue Wave Car Wash (RZ, UP, DR) – 3-year Time Extension Request for a Use Permit to establish an automobile washing facility and Desing Review approval to construct the commercial self-service car wash for Blue Wave, located at 1160 East Leland Road.
2. Subcommittee Assignments –
 - Community and Economic Development Subcommittee: Meets as needed to provide initial feedback on items that would require land use changes. Planning Commissioner Chair appoints two representatives and an alternate.
 - TRANSPLAN: Meets at 6:30 pm on 2nd Thursdays to coordinate and improve transportation in East Contra Costa County. Planning Commissioner Chair appoints two representative and alternate.
 - Pittsburg Recognition Committee: Meets as needed to consider requests for plaques and monuments on public property. Planning Commissioner Chair appoints one representative and alternate.

One (1) item tentatively to be presented at the May 12, 2026, meeting:

1. AP-25-0012 Old Town Market (UP) – Use permit to allow the sale of beer and wine under a Type 20 Alcoholic Beverage Control (ABC) License within an existing convenience store located at 315 Railroad Avenue. This site is located within the Pedestrian Commercial (CP) Zoning District in Old Town Pittsburg.

Secretary Funderburg provide dates for the upcoming NIT meetings:
Wednesday, April 22nd , 2026 from 6:00p.m.-8:00p.m. Ray Giacomelli
Saturday, April 25th 10:00p.m.-12:00p.m. Marina Community Center

There were no further staff communications.

COMMITTEE REPORTS

Commissioner Popova provided an update on the Community and Economic Development Subcommittee meeting held on April 9, 2026.

There were no further committee reports.

ADJOURNMENT

The meeting was adjourned 8:30 p.m. to April 28, 2026.

Respectfully Submitted,

John Funderburg, Secretary

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

April 28, 2026

A regular meeting of the Pittsburg Planning Commission was called to order by Chair Foster at 7:08 p.m. on Tuesday, April 28, 2026, in the Council Chambers at City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL

Present: Chair Smith, Commissioners Foster, Kent, Robinson, Popova

Absent: Vice-Chair Robinson

Staff: Assistant Director of Community and Economic Development John Funderburg,
Associate Planner Kelsey Gunter, Administrative Analyst I Candace Hatch

PLEDGE OF ALLEGIANCE

Secretary Funderburg led the Pledge of Allegiance.

DELETIONS, WITHDRAWALS OR CONTINUANCES

1. A request for a three-year time extension of the Use Permit and Design Review approved entitlement of the Blue Wave Car Wash project (AP-21-1562).

Staff requested a continuance on this item to a date specified of June 9, 2026.

COMMENTS FROM THE AUDIENCE

Public comment was made by Isaac Suarez and Joe Kidron on item #1 that was continued.

CONSENT

There were no consent items.

PUBLIC HEARING

There were no public hearing items, the item originally presented on the agenda was continued.

ZONING ADMINISTRATOR REPROTS

The Zoning Administrator submitted two Notices of Intent to exercise Delegated Design Review Authority.

STAFF COMMUNICATIONS

Secretary Funderburg provided an update to the Planning Commission on the tentatively scheduled items for upcoming meetings.

One (1) item tentatively to be presented at the May 12, 2026, meeting:

1. AP-25-0012 Old Town Market (UP) – Use Permit to allow the sale of beer and wine under a Type 20 Alcoholic Beverage Control (ABC) License within an existing convenience store located at 315 Railroad Avenue. The site is located within Pedestrian Commercial (CP) Zoning District in Old Town Pittsburgh.

One (1) item tentatively to be presented at the May 26, 2026, meeting:

1. AP-26-0040 Bay Point Animal Care (UP) – Use Permit to establish a veterinary clinic within an existing 2,339-square-foot commercial space located at 628 Bailey Road, within the Oak Hills Shopping Center

There were no further staff communications.

COMMITTEE REPORTS

Chair Smith announced the reorganization of the sub-committee assignments; all commissioners were in agreement with the changes.

Community and Economic Development Subcommittee

_____ Primary - Vice Chair Robinson

_____ Primary – Commissioner Popova

_____ Alternate – Commissioner Stokes

TRANSPLAN

_____ Primary – Commissioner Kent

_____ Alternate – Commissioner Foster

Pittsburg Recognition Committee

_____ Primary – Chair Smith

_____ Alternate – Commissioner Ingram

There were no further committee reports.

ADJOURNMENT

The meeting was adjourned at 7:21 p.m. to May 12, 2026.

Respectfully Submitted,

John Funderburg, Secretary

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
May 12, 2026**

ITEM: Consideration of a Resolution for a Use Permit Request for a Type 20 ABC License to Permit the Sale of Beer and Wine in Conjunction with an Existing Convenience Store (Old Town Market, AP-25-0012 [UP])

ORIGINATED BY: Ity Ity, Old Town Market; 315 Railroad Avenue, Pittsburg, CA 94565

SUBJECT: This is a Public Hearing for a Use Permit to allow the sale of beer and wine under a Type 20 Alcoholic Beverage Control (ABC) License within an existing convenience store located at 315 Railroad Avenue. The site is located within the Pedestrian Commercial (CP) Zoning District in Old Town Pittsburg and has a General Plan designation of Downtown Commercial. Assessor's Parcel No. 085-108-001.

RECOMMENDATION: Staff recommends that the Planning Commission adopt a Resolution denying Use Permit Application No. 25-0012.

BACKGROUND: On February 27, 2025, Ity Ity of Old Town Market submitted a Use Permit application requesting approval to sell beer and wine under a Type 20 Alcoholic Beverage Control (ABC) License at an existing convenience store located at 315 Railroad Avenue in Old Town Pittsburg. At the time of the filing of the application the City was reviewing performance standards and regulations for the sale of Alcoholic Beverages within City Limits. The project was placed on hold pending the review and adoption of the Creating Healthy Communities Ordinance.

On June 2, 2025, the City Council adopted two Ordinances for Creating Healthy Communities, one of which establishes Use Permit findings and performance standards for alcoholic beverage establishments. The proposed application AP-25-0012 has been reviewed for compliance with the recently adopted Ordinance, and the findings cannot be made in the affirmative to support the projects proposed use. Further evaluation of the project's compatibility with Creating Healthy Community Ordinance (Ord. No. 25-1531) is included within the "Analysis" section of this Staff Report.

On March 24, 2026, this item was scheduled on the regular Planning Commission agenda. During the meeting, the Planning Commission Secretary requested that the item be continued to a date to be determined. Staff has since completed additional analysis of the project and has prepared the item for the Planning Commission's consideration of the requested Use Permit application.

PROJECT DESCRIPTION:

Existing Conditions:

The subject site is located along Railroad Avenue within the Old Town Pittsburg commercial core. More specifically, the project site is located within the New York Landing Historic District and occupies a tenant space within the historic National Building.

Constructed in 1922, the National Building is a historic Italianate-style structure located at the southeast corner of Railroad Avenue and Third Street in Old Town Pittsburg, California. The building is a contributing structure within the New York Landing Historic District and currently operates as a multi-tenant commercial building. The building accommodates a variety of commercial uses, including the subject tenant space, which is currently occupied by a convenience store operating under the business name “Old Town Market.”

The National Building is part of a pedestrian-oriented downtown area characterized by a mix of retail, restaurant, entertainment, and service-oriented businesses, contributing to the historic and economic vitality of Old Town Pittsburg.

The project site is located within the Pedestrian Commercial (CP) Zoning District and is designated as Downtown Commercial in the City of Pittsburg General Plan.

The Existing Conditions Photos are included as Attachment 2 to this Staff Report.

Surrounding Land Uses:

North: Bay Harbor Park Residential Subdivision, Pittsburg Marina
East: Commercial Uses
South: California Theatre; Mixed-Use Development
West: New Mecca Café; Marina Community Center

A map of Surrounding Land Uses is included as Attachment 3 to this Staff Report.

Proposed Project:

The proposed project is a request for Use Permit approval to establish the sale of beer and wine under a Type 20 ABC License at the existing Old Town Market convenience store. No physical modifications to the building or tenant space are proposed. Additionally, the business would continue to operate on site as it does currently, with no proposed business operation modifications other than the sale of beer and wine. Old Town Market operates from 10:00 A.M. to 10:00 P.M., Monday through Sunday. The business operates with two employees and customers utilize on-street parking facilities within the project’s vicinity.

The proposed floor plan, showing the on-site location of storage for the beer and wine, is included as Attachment 4 to this Staff Report.

CODE COMPLIANCE:

Pittsburg General Plan 2040: The project site is located in the Commercial Core Downtown Subarea of the City of Pittsburg’s 2040 General Plan and has a land use designation of Downtown Commercial. The Downtown Commercial land use designation

is intended to be a walkable, mixed-use district with specialty retail, restaurants, service uses, and professional offices integrated with residential uses.

Pittsburg Municipal Code: The project site is located within the Pedestrian Commercial (CP) Zoning District which is intended to provide a vibrant destination area that caters to pedestrian shoppers and visitors in the Downtown Commercial Core. The Zoning District is intended to create a place for pedestrian-oriented activity by providing inviting, visually interesting, human-scale architecture, pedestrian-friendly storefronts, outdoor dining opportunities, and a limited number of (public) parking facilities.

Pursuant to the Pittsburg Municipal Code (PMC) Section 18.08.080 - Commercial Use Classifications and Section 18.52.010 – CP District – Land Use Regulations, Food and Beverage Sales (Grocery) establishments are conditionally permitted in the CP District subject to Commercial Limited Land Use Regulations L-125).

- L-125 states: “Conditional use permit required for establishments occupying more than 2,500 square feet, or for establishments that sell any alcoholic beverages.”

This request constitutes the requirement for the Use Permit application, submitted as AP-25-0012.

Off-Street Parking: PMC Section 18.78.040 sets forth standards for off-street parking. PMC Section 18.78.040(G)(3) specifies that nonresidential uses on properties located in the CP Zoning District shall not be subject to the minimum off-street parking and loading spaces required by Section 18.78.040. Therefore, no off-street parking is required for the proposed project. Public parking lots are located within walking distance of the proposed project site.

Use Permit Required Findings: In accordance with PMC Section 18.16.040, a Use Permit may be granted only if the Planning Commission can make findings that the proposed use:

- A. is in accord with the objective of the Zoning Ordinance, the purposes of the land use district in which it is located and is appropriate to the specific location;
- B. is not detrimental to the health, safety, and general welfare of the City;
- C. will not adversely affect the orderly development of property within the City;
- D. will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City;
- E. is consistent with the objectives, policies, general land uses and programs specified in the General Plan and applicable Specific Plan;

- F. will not create a nuisance or enforcement problem within the neighborhood;
- G. will not encourage marginal development within the neighborhood;
- H. will not create a demand for public services within the City beyond that of the ability of the City to meet in light of taxation and spending restraints imposed by law;
- I. is consistent with the City's approved funding priorities; and
- J. if located within the Pedestrian Commercial (CP) district, will support the goals of creating a vibrant, economically prosperous, visually interesting, and engaging pedestrian-oriented atmosphere along the primary downtown corridor.

Creating Healthy Communities Use Permit Required Findings. In addition to the Use Permit Findings prescribed by PMC Section 18.16.040, the Creating Healthy Communities Ordinance established additional findings required by commercial businesses for the sale or service of alcoholic beverages within the City. In July 2025, the City adopted two ordinances under the Creating Healthy Communities Project to strengthen local regulations related to tobacco, smoking, alcohol, and cannabis, including updates to tobacco retailer licensing, smoking restrictions, social host rules, cannabis business requirements, and new alcohol performance standards. The ordinances build on existing City regulations and recent California laws aimed at reducing underage substance use, improving public health, and giving local governments greater authority over tobacco, alcohol, and cannabis oversight.

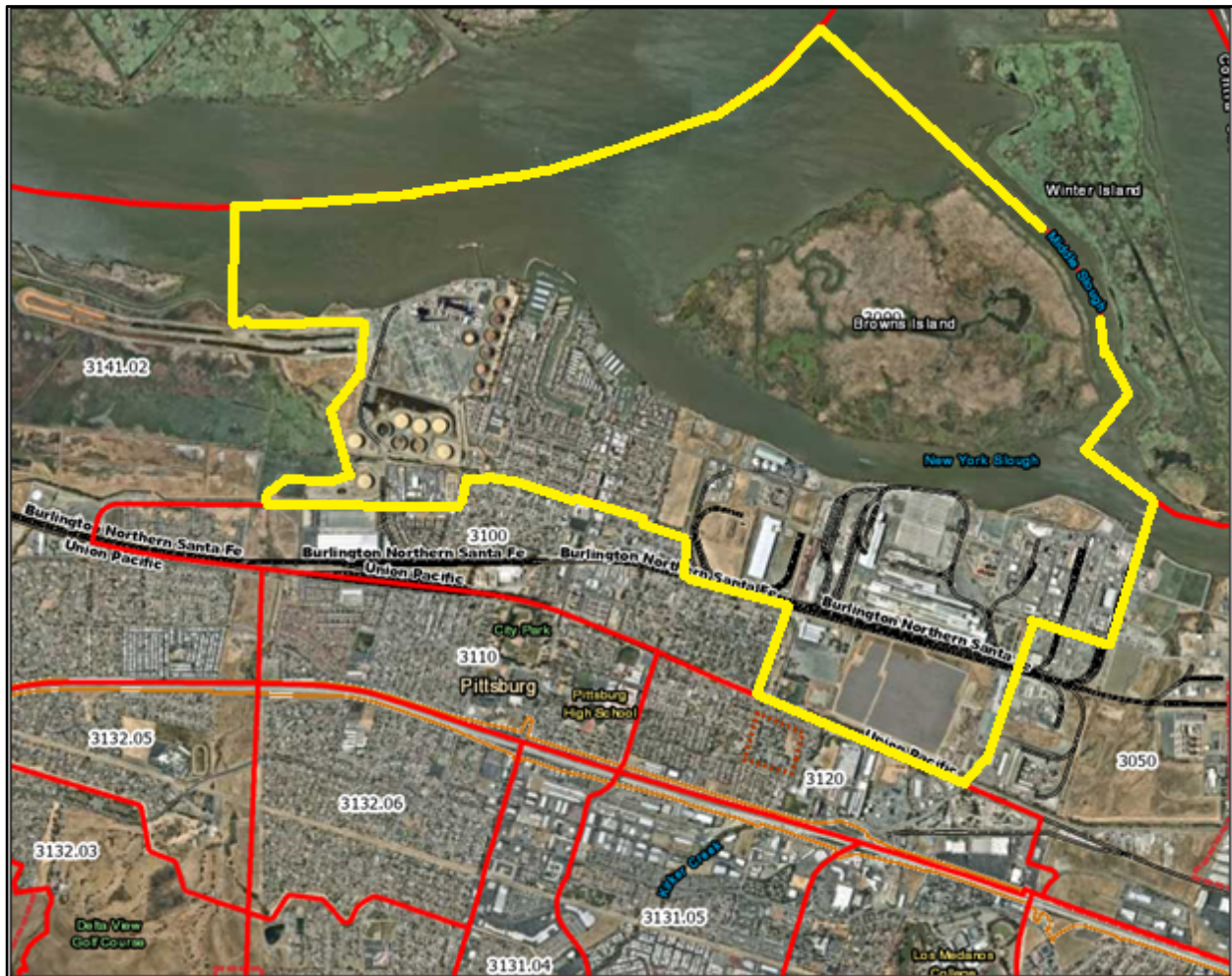
In accordance with PMC Section 18.84.1015, the Use Permit may only be granted if the City Council can make the following Findings in the affirmative:

- A. The location and operating characteristics of the proposed alcohol sales will not adversely affect sensitive land uses, as defined by PMC 18.84.1005. For the purposes of this chapter, "adversely affect" means to impact in a substantial, negative manner the safety, economic value, habitability, or use of properties in the immediate area; and
- B. The impacts of any nearby discretionary land use that is already subject to a use permit and that also engages in alcoholic beverage sales or service are not increased; and
- C. Conditions are placed on the use that reduce, manage, minimize, mitigate, or eliminate impacts to public health and safety, including, but not limited to, interior

and exterior restrictions such as noise controls, location and use of parking areas, sound barriers, and other performance standards.

ABC: In California, the Department of Alcoholic Beverage Control (ABC) allocates alcoholic beverage licenses by census tract to ensure balanced distribution. The proposed project is located within Census Tract 3090, which encompasses the below area (see Figure 1; yellow outline). Census Tract 3090 allows up to two Off-Sale licenses. There is one existing business with an ABC License for Off-Sale alcoholic beverage sales within the Census Tract (Fishermen’s Catch; 27 Marina Blvd.). Approval of the request to sell beer and wine would be the second License issued in the Census Tract.

Figure 1 - Census Tract Map



Environmental: The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, “Existing Facilities,” of the CEQA Guidelines, section 15301. The proposed project qualifies for a Class 1

categorical exemption because the project site is an existing privately owned structure, and the applicant is not proposing any expansion of the existing structure. The proposed project would not have any significant effect on the environment and therefore categorically exempt from the provisions of CEQA.

Public Notice: On or prior to May 1, 2026, a notice of the May 12, 2026, Public Hearing for the proposed project was posted at City Hall and at or near the project site; was delivered for posting at the Pittsburg Library; was posted on the “Public Notices” section of the City’s website and was mailed via first class or electronic mail to the applicant, to the property owner, to all owners of property within 300 feet of the project site, 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. The notice was also posted on www.nextdoor.com (“Nextdoor”) and was sent directly to all subscribed residents in the “Harbor and School Street”, “Marina Vista”, “The Village at New York Landing” “W. 8th Street” and “Downtown Pittsburg” neighborhoods.

The Public Hearing Notice is included as Attachment 5 to this Report.

ANALYSIS:

Staff finds that the proposed addition of alcoholic beverage sales to the existing convenience store is inconsistent with the goals and policies of the General Plan. Specifically, the proposed beer and wine sales are inconsistent with General Plan Action 2-A-2.b, which emphasizes compatibility with surrounding land uses. Surrounding land uses include residential uses, schools, youth-oriented community centers, and parks, which are located in close proximity to the site. Although properties within the Downtown Subarea of the General Plan are exempt from specified buffer requirements under the Healthy Communities Ordinance, the immediate proximity of these land uses conflict with the overall City’s goals and policies to create a healthier community.

In addition, the sale of beer and wine at the existing convenience store, located within the Downtown Commercial Core, would not further the General Plan’s vision of creating a vibrant, economically prosperous, and visually engaging pedestrian environment along the East Third Street and Marina Area corridor. Staff finds that the proposed use is unlikely to attract new visitors to Old Town Pittsburg and may instead reduce pedestrian engagement with surrounding businesses, thereby limiting opportunities for economic activity and related tax revenue generation.

Because the required findings for approval of a Use Permit cannot be made in the affirmative, staff recommends the Planning Commission deny the proposed request.

ACTION REQUIRED:

Move to adopt a Resolution, denying Use Permit application No. 25-0012, due to the inability to make the findings for a Use Permit and the findings for the Creating Healthy Communities Ordinance's in the affirmative. If the Planning Commission finds it necessary and determines that all required findings can be made in the affirmative to approve the proposed project, then direct staff to return to the Planning Commission with a Resolution for approval subject to conditions.

ATTACHMENTS:

1. Proposed Resolution
2. Existing Conditions Photos
3. Surrounding Land Uses Map
4. Proposed Project Floor Plan
5. Public Hearing Notice/Vicinity Map

Prepared by: Kelsey Gunter, Associate Planner

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Consideration of a Use Permit Request for a)
Type 20 ABC License to Permit the Sale of)
Beer and Wine in Conjunction with an Existing)
Convenience Store (Old Town Market,)
AP-25-0012 (UP))

RESOLUTION NO.

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On February 27, 2026, Ity of Old Town Market submitted a Use Permit application requesting approval to sell beer and wine under a Type 20 Alcoholic Beverage Control (ABC) License at an existing convenience store located at 315 Railroad Avenue in Old Town Pittsburg. At the time of the filing of the application the City was reviewing performance standards and regulations for the sale of Alcoholic Beverages within City Limits. The project was placed on hold pending the review and adoption of the Creating Healthy Communities Ordinance.
- B. On June 2, 2025, the City Council adopted two Ordinances for Creating Healthy Communities, one of which establishes Use Permit findings and performance standards for alcoholic beverage establishments. The proposed application AP-25-0012 has been reviewed for compliance with the recently adopted Ordinance and does not comply with the standards or regulations described therein.
- C. The proposed project is governed by the policies and guidelines contained in the 2040 Pittsburg General Plan, Pittsburg Municipal Code (PMC) Title 18 (“Zoning”).
- D. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, “Existing Facilities,” of the CEQA Guidelines, section 15301.
- E. PMC Section 18.16.040 specifies that the following findings must be made before approval of a Use Permit. The Planning Commission may grant approval of a Use Permit if the proposed use:
 - 1. is in accord with the objective of this title, the purposes of the land use district in which it is located and is appropriate to the specific location;
 - 2. is not detrimental to the health, safety, and general welfare of the City;
 - 3. will not adversely affect the orderly development of property within the City;

4. will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City;
5. is consistent with the objectives, policies, general land uses and programs specified in the General Plan and applicable Specific Plan;
6. will not create a nuisance or enforcement problem within the neighborhood;
7. will not encourage marginal development within the neighborhood;
8. will not create a demand for public services within the City beyond that of the ability of the City to meet in the light of taxation and spending restraints imposed by law;
9. is consistent with the City's approved funding priorities; and
10. if located within the Pedestrian Commercial (CP) district, will support the goals of creating a vibrant, economically prosperous, visually interesting, and engaging pedestrian-oriented atmosphere along the primary downtown corridor.

F. Further, the proposed Use Permit, in accordance with PMC Section 18.84.1015:

1. The location and operating characteristics of the proposed alcohol sales will not adversely affect sensitive land uses, as defined by PMC 18.84.1005. For the purposes of this chapter, "adversely affect" means to impact in a substantial, negative manner the safety, economic value, habitability, or use of properties in the immediate area; and
2. The impacts of any nearby discretionary land use that is already subject to a use permit and that also engages in alcoholic beverage sales or service are not increased; and
3. Conditions are placed on the use that reduce, manage, minimize, mitigate, or eliminate impacts to public health and safety, including, but not limited to, interior and exterior restrictions such as noise controls, location and use of parking areas, sound barriers, and other performance standards.

G. On or prior to March 13, 2026 a notice of the March 24, 2026, Public Hearing for the proposed project was posted at City Hall; was delivered for posting at the Pittsburg Library; was posted on the "Public Notices" section of the City's website and was mailed via first class or electronic mail to the applicant, to the property owner, to all owners of property within 300 feet of the project site, 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. The notice was also posted on

www.nextdoor.com (“Nextdoor”) and was sent directly to all subscribed residents in the “Harbor and School Street”, “Marina Vista”, “The Village at New York Landing” “W. 8th Street” and “Downtown Pittsburg” neighborhoods.

- H. On March 24, 2026, this project was included on the Planning Commission Agenda. At the March 24, 2026, Planning Commission hearing, the Planning Commission Secretary requested a continuance of the project to a date to be determined. The Planning Commission did not object to the continuance request.
- I. On or prior to May 1, 2026 a notice of the May 12, 2026, Public Hearing for the proposed project was posted at City Hall; was delivered for posting at the Pittsburg Library; was posted on the “Public Notices” section of the City’s website and was mailed via first class or electronic mail to the applicant, to the property owner, to all owners of property within 300 feet of the project site, 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. The notice was also posted on www.nextdoor.com (“Nextdoor”) and was sent directly to all subscribed residents in the “Harbor and School Street”, “Marina Vista”, “The Village at New York Landing” “W. 8th Street” and “Downtown Pittsburg” neighborhoods.
- J. On May 12, 2026, the Planning Commission held Public Hearing on Planning Application No. 25-0012, at which time oral and/or written testimony was considered.

Section 2. Findings

Based on the Planning Commission Staff Report entitled, “Consideration of a Resolution for a Use Permit Request for a Type 20 ABC License to Permit the Sale of Beer and Wine in Conjunction with an Existing Convenience Store (Old Town Market, AP-25-0012 [UP])”, dated May 12, 2026, incorporated here 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 public hearing, the Planning Commission finds that:

1. All recitals above are true and correct and are incorporated herein by reference.
2. The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, “Existing Facilities,” of the CEQA Guidelines, section 15301. The proposed project qualifies for a Class 1 categorical exemption because the project site is an existing privately owned structure, and the applicant is not proposing any expansion of the existing structure. The proposed project would not have any significant effect on the environment and therefore categorically exempt from the provisions of CEQA.
3. The proposed Use Permit proposal:

- a) Will be in accordance with the objectives of the Zoning Ordinance, the purpose of the land use district in which it is located and is appropriate to the specific location, in that in that convenience stores with alcoholic beverage sales are conditionally permitted uses in the Pedestrian Commercial Zoning District. The convenience store is an existing, approved use and therefore does not require a new Use Permit to continue operating. However, a Use Permit is now required because the applicant is expanding the existing operation to include the sale of alcoholic beverages (beer and wine) for consumption off premises.
- b) Will not be detrimental to the health, safety, and general welfare of the City, in that the proposed project is located within a census tract that authorizes two off-sale licenses issued by ABC and would not independently create an “undue concentration” under ABC’s population-based standards.
- c) Will not adversely affect the orderly development of property within the City, in that the existing use of a convenience store is consistent with the 2040 General Plan and Pittsburg Municipal Code, which govern land use in the City. The convenience store will continue occupying an existing commercial space, and the applicant is not proposing exterior building expansions or parking lot changes that would otherwise conflict with the City’s goals, policies, and development standards.
- d) Will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City as the convenience store is an existing use.
- e) Will not be consistent with the General Plan. Specifically, the proposed beer and wine sales are inconsistent with General Plan Action 2-A-2.b, which emphasizes compatibility with surrounding land uses. Surrounding land uses include residential uses, schools, youth-oriented community centers, and parks, which are located in close proximity to the site. Although properties within the Downtown Subarea of the General Plan are exempt from specified buffer requirements under the Healthy Communities Ordinance, the immediate proximity of these land uses conflict with the overall City’s goals and policies to create a healthier community.
- f) Will create a nuisance or enforcement problem within the neighborhood because it would not comply with the performance standards set forth in PMC Chapter 18.84, Article XXII Alcoholic Beverages, which are intended to address ongoing safety, buffer, and property maintenance concerns.
- g) Will not encourage marginal development within the neighborhood, as the primary use of the site as a convenience store is not being modified. The addition of alcoholic beverage sales is ancillary to the existing operation and does not alter the fundamental character or function of the business.

- h) Will not create a demand for public services within the City beyond that of the ability of the City to meet in light of taxation and spending restraints imposed by law, in that the proposed use has access to existing infrastructure, including fire, police, and water.
- i) Will not be inconsistent with the City's approved funding priorities, in that it does not require City funding.
- j) Although located within the Pedestrian Commercial (CP) district the proposed use, will not support the goals of creating a vibrant, economically prosperous, visually interesting, and engaging pedestrian-oriented atmosphere along the primary downtown corridor, in that the use is unlikely to attract new visitors to Old Town Pittsburg, reducing pedestrian activity both on site and at neighboring businesses, thereby diminishing economic development and potential tax revenue.

4. Further, in accordance with PMC Section 18.84.1015:

- a) The location and operating characteristics of the proposed alcohol sales will adversely affect sensitive land uses, as defined by PMC 18.84.1005. For the purposes of this chapter, "adversely affect" means to impact in a substantial, negative manner the safety, economic value, habitability, or use of properties in the immediate area. This finding cannot be made because although properties within the Downtown Subarea of the General Plan are exempt from specified buffer requirements under the Healthy Communities Ordinance, the immediate proximity of these land uses conflict with the overall City's goals and policies to create a healthier community. Accordingly, staff is unable to make this finding in the affirmative.
- b) The impacts of any nearby discretionary land use that is already subject to a use permit and that also engages in alcoholic beverage sales or service are increased. This finding cannot be made because the project site is located within Census Tract 3090, which the California Department of Alcoholic Beverage Control has identified as containing an undue concentration of on-sale alcoholic beverage licenses. While the Census Tract may remain eligible for issuance of one additional off-sale license the proposed project would nonetheless introduce an additional alcohol establishment into an area already experiencing a high concentration of licensed premises. Approval of the proposed use would therefore contribute to the cumulative concentration of alcoholic beverage sales and service within the approximate vicinity and would impact nearby land uses and conflict with the overall City's goals and policies to create a healthier community.
- c) Conditions are placed on the use that reduce, manage, minimize, mitigate, or eliminate impacts to public health and safety, including, but not limited to, interior and exterior restrictions such as noise controls, location and use of

parking areas, sound barriers, and other performance standards. This finding cannot be made because all operational and performance standards for the Healthy Communities Ordinance cannot be met as described in Findings A and B and therefore it cannot fully mitigate or eliminate potential safety concerns associated with the proposed request. The Staff Report entitled, "Consideration of a Resolution for a Use Permit Request for a Type 20 ABC License to Permit the Sale of Beer and Wine in Conjunction with an Existing Convenience Store (Old Town Market, AP-25-0012 [UP])", dated May 12, 2026, is referenced hereto as additional support for the findings.

Section 3. Decision

Based on the findings set forth above, the Planning Commission hereby denies the Use Permit Application No. 25-0012.

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 12th day of May 2026, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

I hereby certify that the above Resolution No. _____ was adopted by the Planning Commission of the City of Pittsburg on May 12, 2026.

JOHN FUNDERBURG, SECRETARY
PITTSBURG PLANNING COMMISSION

Attachment 2 – Existing Conditions

AP-25-0012 Old Town Market (UP)



Attachment 2 – Existing Conditions

AP-25-0012 Old Town Market (UP)



Attachment 2 – Existing Conditions AP-25-0012 Old Town Market (UP)



Attachment 2 – Existing Conditions AP-25-0012 Old Town Market (UP)

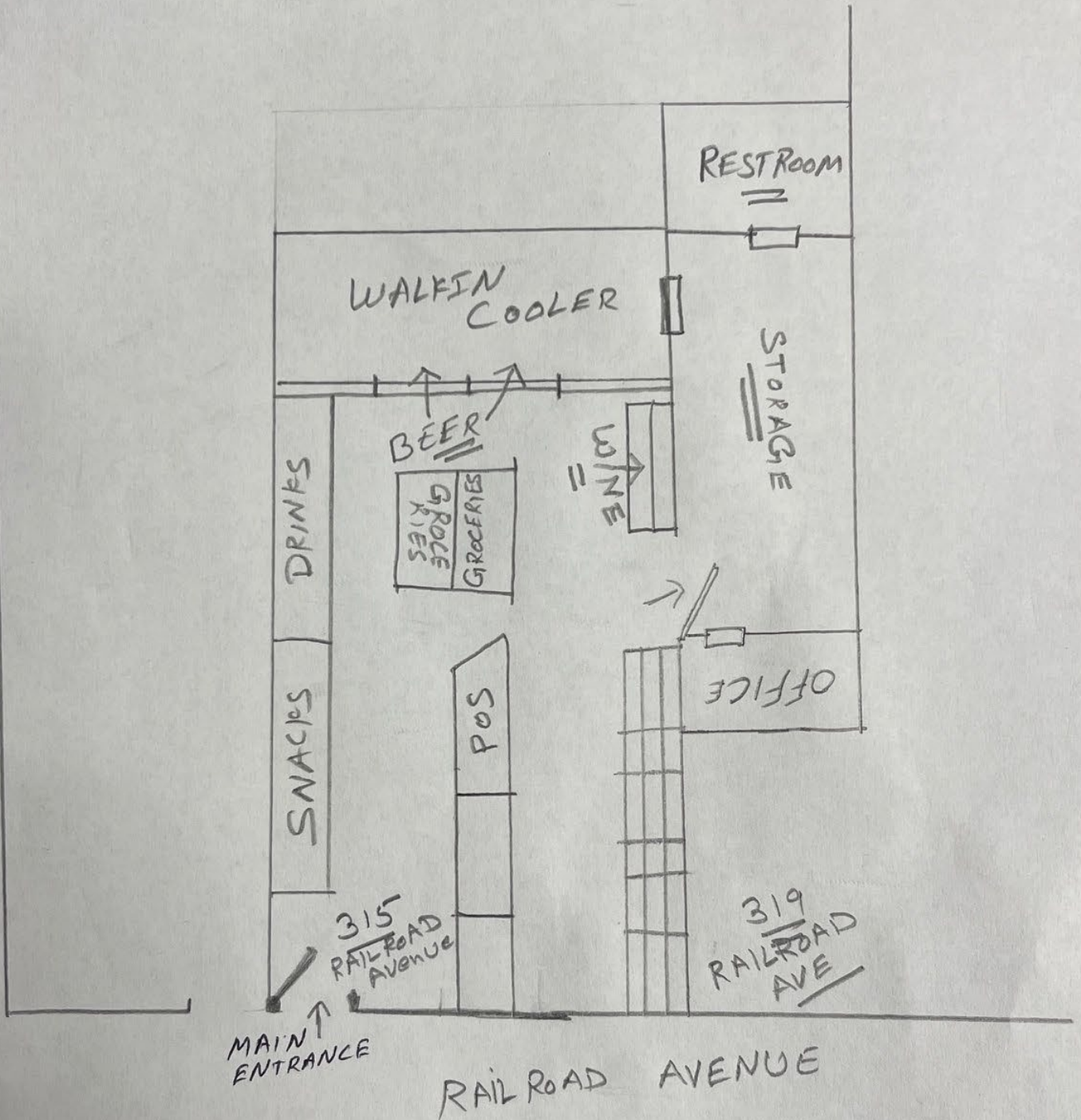


Attachment 3 – Surrounding Land Uses AP-25-0012 Old Town Market



OLD TOWN MARKET
315 RAILROAD AVENUE
TOTAL SQ FT ESTMI - 950SQ FT

E 3RD ST



NEW MECCA
CAFE 324 RAILROAD AVENUE

Community and Economic Development Department – Planning Division**NOTICE OF PUBLIC HEARING**

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

DATE: May 12, 2026
TIME: 7:00 P.M.
PLACE: City Council Chamber at City Hall (3rd Floor)
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Old Town Market Beer & Wine Sales, AP-25-0012 (UP)

This is a public hearing on a request for approval of a Use Permit to establish the sale of beer and wine under a Type 20 Alcoholic Beverage Control (ABC) License at an existing convenience store. The beer and wine sales would be located in existing coolers and on existing shelving located towards the rear of the establishment, as shown in the attached floor plan. The subject property is located at 315 Railroad Avenue, and the property is zoned CP (Pedestrian Commercial) with a General Plan designation of Downtown Commercial. Assessor's Parcel Number: 085-108-001.

Environmental Determination

The proposed project is categorically exempt from the provisions of the CEQA Guidelines under Class 1, 'Existing Facilities' of the CEQA Guidelines, Section 15301, as the business would occupy an existing commercial tenant space with no expansion of the building footprint or change in intensity of land use.

PROJECT PLANNER: Kelsey Gunter, (925) 252-4824 or kgunter@pittsburgca.gov

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

The complete file for this project is available for public inspection; please contact the project planner listed above to make necessary arrangements. Comments or objections to the project can be made by writing or through e-mailed testimony prior to the meeting or provided orally during the meeting. 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. 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.

*Para información en
español:
(925) 252-4920*



JOHN FUNDERBURG, SECRETARY
PITTSBURG PLANNING COMMISSION

Project Title: Old Town Market Beer and Wine Sales, AP-25-0012
Location: 315 Railroad Avenue, Pittsburg, CA 94565



City of Pittsburg

Community and Economic Development Department -
Planning Division
65 Civic Avenue
Pittsburg, CA 94565



NOTICE OF PUBLIC HEARING



PLANNING DIVISION Memorandum

MEMO: May 12, 2026

TO: Planning Commission

FROM: John Funderburg, Secretary

RE: Notice of Revocation of Use Permit for Violation of Conditions of Approval for Day Spring Spa, 1353 Buchanan Road, Pittsburg, CA 94565 (AP-21-1570)

On July 13, 2021, the Planning Commission of the City of Pittsburg adopted Resolution No. 10171 approving a Use Permit to establish a foot reflexology and massage therapy business at the above address subject to conditions (see attachment).

On May 7, 2026, The City of Pittsburg Code Enforcement Division issued a Notice of Revocation of Business Permit and Business License for the massage therapy business effective May 22, 2026 (see attachment).

The Code Enforcement Division found the business to have been operating in a manner which violates the adopted conditions of approval adopted under Resolution No. 10171. Pursuant to Pittsburg Municipal Code Section 18.28.110 Procedure for revocation of use permit or variance this memorandum serves as Notice of a Public Hearing for Revocation of the Use Permit.

Pursuant to Pittsburg Municipal Code Section 18.28.100 Grounds for revocation of use permit or variance. The Planning Commission may revoke a use permit or variance on any of the following grounds:

- A. Violation of a zoning regulation of the city;
- B. Violation of a term, limitation or condition;
- C. Causing or allowing a nuisance in connection with the premises; or
- D. Conviction of a violation of federal or state law or city ordinance in connection with the operation of the permitted use.

The date of the public hearing before the Planning Commission, and a public notice with the location and time of the revocation hearing will be mailed out prior to the meeting date. The public hearing shall be conducted in the same manner as the original application approval, except the city has the burden of proving the grounds for revocation.

If the Planning Commission finds that grounds for revocation exist, it may revoke the use permit or variance or impose conditions to its continuance. An order revoking or failing to revoke a use permit or variance may be appealed to the City Council.

Recommendation:

Staff recommends the Planning Commission direct staff to initiate revocation proceedings.

Attachments:

Resolution No. 10171

May 7, 2026 Code Enforcement Notice of Revocation of Business Permit and Business License

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Approving a Use Permit to Allow a Foot)
Reflexology and Massage Therapy)
Business, located at 1353 Buchanan) Resolution No. 10171
Road, for "Day Spring Spa, AP-21-1570)
(UP).")

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On May 20, 2021, Jing Lin filed Planning Application No. AP-21-1570, requesting approval of a use permit to establish a foot reflexology and massage therapy business within an existing 1,536 square foot commercial space located at 1353 Buchanan Road, within the Highlands Square Shopping Center. The property is within the CC (Community Commercial) District. Assessor's Parcel Number: 088-460-002.
- B. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, "Existing Facilities," of the CEQA Guidelines, section 15301.
- C. On or prior to July 3, 2021, notice of the July 13, 2021, public hearing was posted at City Hall, near the proposed project site, 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 proposed project site, to local service agencies expected to provide services to the building, 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.
- D. PMC section 18.16.040 specifies that the following findings must be made before approval of a use permit. The Planning Commission may grant approval of a use permit if the proposed use:
 - 1. is in accord with the objective of this title, the purposes of the land use district in which it is located and is appropriate to the specific location;
 - 2. is not detrimental to the health, safety, and general welfare of the City;
 - 3. will not adversely affect the orderly development of property within the City;
 - 4. will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City;

5. is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan;
 6. will not create a nuisance or enforcement problem within the neighborhood;
 7. will not encourage marginal development within the neighborhood;
 8. will not create a demand for public services within the city beyond that of the ability of the city to meet in the light of taxation and spending restraints imposed by law; and
 9. is consistent with the city's approved funding priorities.
- E. On July 13, 2021, the Planning Commission held a public hearing on Planning Application No. 21-1570, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "Consideration of a Resolution Approving a Use Permit for Day Spring Spa, AP-21-1570 (UP)," 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 project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, "Existing Facilities," of the CEQA Guidelines, section 15301.
 3. The proposed foot reflexology and massage therapy use will:
 - a) be in accordance with the objectives of the Zoning Ordinance, the purposes of the land use district in which it is located, and will be appropriate to the specific location. The purpose of the CC District is to provide commercial centers, including personal services subject to a use permit and certain limitations to avoid adverse effects on adjacent uses, on sites that are located within reasonable distance of high densities of residences or that are served by local and regional transportation and transit systems. Approval of the requested use permit allowing a massage therapy and foot reflexology business will provide a personal service use in an area in which will serve local residents.
 - b) not be detrimental to the health, safety, and general welfare of the City, if: 1) all massage therapists employed by the business are holders of unexpired California Massage Therapy Council (CAMTC) certificates, and if the business owner and operator are holders of unexpired CAMTC certificates or undergo thorough background checks conducted by the Pittsburg Police Department

pursuant to PMC section 5.64.040; 2) the business owner installs cameras at the front and rear entrances of the tenant space; and 3) that the front windows are not screened, tinted, or otherwise obscured, and allow for visibility into the business. In addition, the use will be required to meet health and safety requirements of the CAMTC, the Pittsburg Community Development Department, the Contra Costa County Fire Protection District, and the Environmental Health Division of Contra Costa Health Services.

- c) not adversely affect the orderly development of property within the City, in that the massage establishment will be occupying an existing commercial space, and the applicant is proposing no exterior building expansions or parking lot changes that would otherwise conflict with the City's goals, policies, and development standards.
- d) not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City, as the continued occupancy of empty tenant spaces throughout town will increase property values as well as the City's tax base.
- e) be consistent with the General Plan. The project site is located in the 'Buchanan Subarea' of the General Plan, and has a land use designation of *Community Commercial*. This land use designation is intended to provide shopping areas (primarily in shopping centers) containing a wide variety of businesses, including personal services.
- f) not create a nuisance or enforcement problem within the neighborhood, if: 1) all massage therapists employed by the business are holders of unexpired CAMTC certificates, and if the business owner and operator are holders of unexpired CAMTC certificates or undergo thorough background checks conducted by the Pittsburg Police Department pursuant to PMC section 5.64.040; 2) the business owner installs cameras at the front and rear entrances of the tenant space; and 3) that the front windows are not screened, tinted, or otherwise obscured, and allow for visibility into the business. In addition, the use will be required to meet health and safety requirements of the California Massage Therapy Council.
- g) not encourage marginal development within the neighborhood, in that the business will occupy a space located within an existing commercial shopping center, and does not involve construction of a new building or building addition.
- h) not create a demand for public services within the City beyond that of the ability of the City to meet in light of taxation and spending restraints imposed by law, in that the massage establishment use will operate in a building that has been designed to take advantage of existing infrastructure. Additional proposed conditions of approval state that the Pittsburg Police Department reserves the right to require the business owner to provide additional public safety measures, including but not limited to, video cameras, additional exterior lighting, hiring licensed and bonded security guards approved by the Police Department, or such other measures as determined necessary by the Chief of Police, at the

business owner's sole expense to ensure that the Pittsburg Police Department can adequately address potential public safety concerns.

- i) not be inconsistent with the City's approved funding priorities, in that the use does not include any City funding.

B. The Staff Report entitled, "Consideration of a Resolution Approving a Use Permit for Day Spring Spa, AP-21-1570 (UP)," dated July 13, 2021, is referenced hereto as additional support for findings.

Section 3. Decision

Based on the findings set forth above, the Planning Commission hereby approves Planning Application No. 21-1570, subject to the following conditions:

1. The approved use shall be operated substantially as presented to the Planning Commission in the staff report identified in Section 2 of this resolution, except as may be modified by the conditions below. Operation of the approved use in a manner inconsistent with this use permit shall be grounds for revocation of the use permit.
2. The hours of operation for the business shall be limited to those hours specified in Pittsburg Municipal Code (PMC) section 5.64.070.A.5.
3. The business owner and all massage therapists shall adhere to all requirements of the California Massage Therapy Council (CAMTC).
4. All massage therapists employed by the business shall maintain and keep displayed valid massage therapy licenses issued by the state of California.
5. The business owner, operator, and all massage therapists employed by the business shall maintain and keep displayed active business licenses issued by the City of Pittsburg. Pursuant to Pittsburg Municipal Code (PMC) section 5.64.040, prior to issuance of a business license to the business owner or an individual massage therapist, each applicant shall be required to submit to the Chief of Police or his designee an application which shall include the following:
 - a) A list stating the number of massage therapists and other employees the applicant intends to employ at the massage establishment, the full name, date of birth, current address, and telephone number of each employee, the identification number and expiration date of each massage therapist's CAMTC certificate, and how many massage therapists the applicant intends to be working on site performing massages simultaneously. The business shall also provide a copy of each massage therapist's unexpired CAMTC certificate and identification card;

- b) A list providing the complete name, address, and telephone number of each owner and operator of the proposed business;
- c) Proof that an owner or operator is a CAMTC certificate holder, through submission of a copy of the owner's or operator's valid, unexpired CAMTC certificate and CAMTC identification; or the applicant may submit an application for a background check filed, under penalty of perjury, by each individual owner and operator of the massage establishment containing the following:
 - i. Each individual owner and operator of the massage establishment's full legal name and any other names used by the individual;
 - ii. The individual's height, weight, and color of eyes and hair;
 - iii. The business name, address and telephone number of the proposed massage establishment for which the business permit is sought;
 - iv. The current residential address and telephone number of the individual, and two previous residential addresses and business addresses, if any;
 - v. A copy of a valid and current driver's license and/or identification issued by a state or federal government agency or other photographic identification bearing a bona fide seal by a foreign government showing, to the satisfaction of the city, that the individual is at least 18 years of age;
 - vi. The individual's business, occupation or employment history for the five years immediately preceding the date of the application;
 - vii. The name and address of any massage establishment or similar business owned or operated by the person whether inside or outside the city or state;
 - viii. The massage or similar business license history of the individual, including whether such person, in previously operating in this city or another city, county or state under a license or permit, has had such license or permit revoked or suspended, and the reasons and dates for any such revocation or suspension;
 - ix. All criminal convictions, except infractions for traffic violations;
 - x. Two identical passport photos;

- xi. The individual shall be fingerprinted, and such fingerprints shall be submitted to the Department of Justice for a criminal background check; and
 - xii. A statement that the applicant understands that the application shall be considered by the City only after a full background investigation has been made by the Chief of Police;
- d) A statement as to whether the proposed business intends to provide massage services off site;
 - e) Information demonstrating that the proposed business is consistent with the applicable land use designation and city zoning code;
 - f) A floor plan showing the layout of the massage establishment, to the specifications required by the finance department;
 - g) A statement of the nature and character of the business and of any other business conducted or proposed to be conducted at the same location, if applicable;
 - h) An acknowledgment signed by the applicant and each owner and operator of the massage establishment that:
 - i. all information contained in the application is true and correct;
 - ii. the applicant and each owner and operator have read this chapter and are familiar with state and local requirements for massage establishments;
 - iii. the applicant and all owners and operators shall be jointly responsible for all conduct of the business and its employees; and
 - iv. the failure of the business, applicant, any owner, any operator, or any employee to comply with California Business and Professions Code Section 4600 et seq. and any local, state, or federal law, including CAMTC rules or regulations and the provisions of this chapter, may result in immediate suspension or revocation of the business permit.
 - i) A statement that the applicant understands and agrees that any business or activity conducted or operated under any permit issued under such application shall be operated in full conformity with all state and local laws and regulations, and that a violation of any such laws or regulations may render any permit subject to immediate suspension or revocation;
 - j) A statement that the applicant has read the provisions of PMC Chapter 5.64, and particularly the provisions of PMC section 5.64.070, and understands

and agrees to abide by all rules and regulations contained in PMC Chapter 5.64;

- k) A statement in a form acceptable to the city attorney that the applicant understands and agrees to be bound by the indemnity provisions set forth in PMC Chapter 5.64. Furthermore, a statement by the applicant that it accepts all risks of any adverse public notice, publicity, embarrassment, criticism, financial loss or all other actions and consequences which may result from activities with respect to reviewing, processing, approving or disapproving any application, and that the applicant waives any claims for damages against the City, its agents, officials and employees resulting therefrom, other than damages resulting from the intentional willful misconduct of the City, its agents, officials and employees; and
 - l) Any other information reasonably required by the Chief of Police.
6. The business owner shall abide by the operational requirements contained within PMC section 5.64.070. In the event of a conflict between the conditions of approval contained within this resolution and the operational requirements contained within PMC section 5.64.070, the more restrictive requirement, as determined by the City Planner, shall rule.
 7. The business owner shall install and maintain exterior video cameras at the front and back doors of the business location. The cameras shall encompass the parking lot in front of the business, the front public entrance, and the rear emergency exit. The cameras shall be web-based, and the business owner shall provide the Police Department with the cameras' internet protocol (IP) addresses.
 8. The business owner shall ensure that front windows are not screened, tinted, or otherwise obscured, and allow for visibility into the business.
 9. The business operator shall maintain unobstructed access and visibility between the main entrance and the rear storage area at the northern end of the tenant space, and shall not construct or install any doors, walls, curtains, or similar screening mechanisms between the reception, foot reflexology, and hallway areas. The operator may install doors or curtains between the hallway and private massage rooms; however, these doors shall not be lockable.
 10. Exterior signage is not approved at this time. No signs shall be installed until plans are reviewed and approved by the Planning Division under a separate sign permit application.
 11. Illuminated window signage shall be prohibited.
 12. The business owner shall ensure a minimum of one 'Inverted-U' bicycle rack be installed within 75 feet of the front entrance of the business. The final design of the bike rack shall meet the requirements of City Standard T-9, and shall be installed in a location approved by the Planning Division prior to installation.

13. The business operator shall ensure that there is no loitering on the sidewalks, rear or side yards, or streets surrounding the business tenant space, or within the nearby parking lots, during operating hours and within one (1) hour of business closing. If the business operator observes loitering, the Pittsburg Police Department shall be notified immediately.
14. The business operator shall be responsible for maintaining the peace and order on the premises. All necessary steps shall be taken to ensure that the customers refrain from incidents of violence that adversely impact the safety of the community. Should the business operator fail to control loitering, noise, public disturbances or incidents of violence, and in the event that the business necessitates an increased police presence, the Chief of Police may require the business owner to provide additional public safety measures, including but not limited to, video cameras, additional exterior lighting, hiring licensed and bonded security guards approved by the Police Department, or such other measures as determined necessary by the Chief of Police. Any such required additional measures shall be at the business owner/operator's sole expense.
15. The site shall be kept clean and free of all litter, debris, and refuse at all times. For the cleanup of trash and leaf debris on and around the premises, the applicant shall ensure that dry cleanup methods such as sweeping are used whenever possible, in lieu of hosing the area down with water. There shall be no outside storage of materials, supplies, bins, or other equipment related to the business operation.
16. The business owner shall practice dry clean-up methods for outdoor sidewalk and patio surface areas, in accordance with the guidelines established by the Bay Area Stormwater Management Agencies Association (BASMAA).
17. The business owner shall ensure employees collect and dispose of water and cleaning liquids to the sanitary sewer, not the exterior storm drain inlets/catch basins.
18. The business owner shall ensure detergents/degreasers are never used in the process of outdoor cleaning.
19. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is a conflict between the Standard Conditions of Development and the project-specific conditions identified in this resolution, the specific conditions of this resolution shall govern.
20. The business owner shall comply with all the requirements of the City's Community Development Department, Contra Costa County Fire Protection District, the Environmental Health Division of Contra Costa Health Services, the California Massage Therapy Council, and all other applicable local, state and federal agencies. It is the responsibility of the business owner to contact each local, state, or federal agency for requirements that may pertain to this project.

21. Business owner agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person challenging the validity of this project approval, subsequent project approval, or other action arising out of, or in connection with, this project approval. The parties shall cooperate in defending such action or proceeding. The parties shall use reasonable efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel at applicant's sole cost and expense. Business owner may select its own legal counsel to represent business owner's interests at business owner's sole cost and expense. Business owner shall pay for City's costs of defense, whether directly or by timely reimbursement to City on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent responding to and defending the claim, action or proceeding.
22. This use permit will expire on July 13, 2022, unless the use has been legally established prior to the expiration date, or a written request for an extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Planning Commission.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner H. Moreno, seconded by Commissioner Perkins, the foregoing resolution was passed and adopted the 13th day of July 2021, by the Planning Commission of the City of Pittsburg, California by the following vote:


AYES: Coniglio, C. Moreno, H. Moreno, Perkins, Popova, Robinson

NAYES: None

ABSTAIN: None

ABSENT: Foster

I hereby certify that the above Resolution No. 10171 was adopted by the Planning Commission of the City of Pittsburg on July 13, 2021.



JORDAN DAVIS, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION



Community and Economic Development Department — Code Enforcement Division

May 7, 2026

Day Spring Spa
Mark Wasser
1353 Buchanan Road
Pittsburg, CA 94565

RE: Notice of Revocation of Business Permit and Business License for Day Spring Spa, 1353 Buchanan Road, (Business Permit Number 15183BP/Business License Number 15183L)

Dear Business Owner,

THIS LETTER SERVES AS NOTICE OF REVOCATION OF BUSINESS PERMIT AND BUSINESS LICENSE EFFECTIVE 5 P.M., FRIDAY, MAY 22, 2026.

Local law, set forth in the Pittsburg Municipal Code (PMC), requires that no person shall operate a business within the City without a permit (PMC Section 5.12.030(A)). A business permit may be revoked if the permittee violates the law pursuant to PMC Section 5.12.200(A), which reads, "[a] business permit may be revoked for any of the following reasons: A. The business is operated in a manner which violates any city, state, federal or otherwise applicable codes, rules, regulations or laws." Regulation of business pursuant to the business permitting is for the purpose of protecting the public peace, health, safety, and welfare of the city residents, and preventing nuisances (PMC Section 5.12.010).

As you are aware, the business was found to have been operating in a manner which violates the law. The violations of city, state, and federal law include but are not limited to the following:

- 01/28/26 – Building Code Violation – Observed beds for sleeping, a dresser, and suitcases located in “break room” (photos attached) - Improper Occupancy of a commercial space (1997 Uniform Housing Code 1001.14), Unpermitted shower (Building Code 15.08 – Section 109.4)
- 01/28/26 – Commercial Sex Advertisement – Erotic webpage advertisements found when searching business phone number online (screenshots attached) - Illegal to solicit or engage in prostitution (CA Penal Code 647[b]), Pimping, any other who profits from the earning of commercial sex (CA Penal Code 266h), Pandering, any other who encourages, persuades or assist in commercial sex (CA Penal Code 266i), and it is a misdemeanor to supervise, direct, recruit, or aid someone in prostitution, or to collect proceeds from prostitution, essentially criminalizing misdemeanor pimping/pandering (CA Penal Code 653.23)
- 01/28/26 – Engaging in Prostitution – Massuer made hand contact with Under Cover Officer’s genitals and stated a price during a Pittsburg Police decoy operation (CA Penal Code 647[b])

- 04/22/26 – Commercial Sex Advertisement – Erotic webpage advertisements found online when searching the business' phone number (925) 330-7653 online (screenshots attached) - Illegal to solicit or engage in prostitution (CA Penal Code 647[b]), Pimping, any other who profits from the earning of commercial sex (CA Penal Code 266h), Pandering, any other who encourages, persuades or assist in commercial sex (CA Penal Code 266i), and it is a misdemeanor to supervise, direct, recruit, or aid someone in prostitution, or to collect proceeds from prostitution, essentially criminalizing misdemeanor pimping/pandering (CA Penal Code 653.23)
- 04/30/26 – Building Code Violation – removed unpermitted shower prior to obtaining a demolition permit from City of Pittsburg Building Division (photos attached). Ceiling height metal rails added to massage room at rear of business (photos attached). (Building Code 15.08 – Section 109.4)
- 04/30/26 – No Worker's Comp Insurance for employees – a Stop Order and fine was issued by EDD after an administrative inspection confirmed the business was operating without offering employees Worker's Comp. (CA Labor Code Section 3700)

PMC section 5.12.220 provides that a holder of a business permit may file an appeal of the revocation of a business permit. An appeal pursuant to this section shall be in writing, shall state the specific reasons for the appeal and the grounds asserted for relief, and be accompanied by a non-refundable appeal processing fee (\$275) set by City Council resolution.

The appeal shall be filed with the Finance Director, no later than 15 days after the date of service of the notice providing the grounds for appeal. The failure to file an appeal in the time or in the manner prescribed in this section, or to include the appeals processing fee, waives the right to appeal. PMC section 5.12.190(C)

Additionally, PMC section 5.12.260 B. provides that revocation of a business permit shall also automatically and without notice also revoke the business license issued pursuant to Chapter [5.04](#) PMC.

Unless an appeal is filed, continued operation of the business on or after May 22, 2026, is a violation of local law and will be subject to enforcement, including but not limited to, one or more administrative citations, or court proceedings. Please note each offense set forth on an administrative citation may be deemed a separate offense, with each day a separate offense, and fine of \$100, \$200, and \$500 may be assessed for each daily offense. Concurrently, the State Franchise Tax Board and/or the California Department of Tax and Fee Administration may be notified.

Please contact Pittsburg Police Department Records Division (925) 252-4980 to obtain copies of the police reports.

Attached is a copy of Chapters 5.04 and 12 of the Pittsburg Municipal Code. The Code is also available online at <https://www.codepublishing.com/CA/Pittsburg/>.

Sincerely,



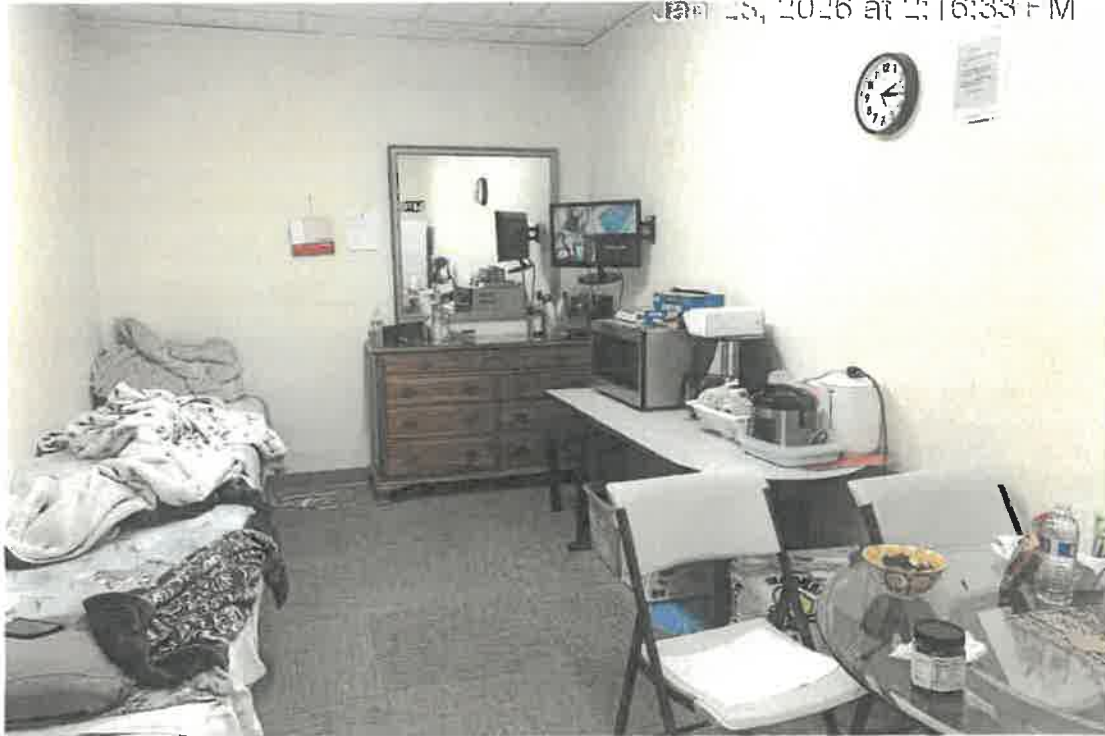
Jordan Davis

Community and Economic Development Director

Attachments: PMC Chapters 5.04 and 5.12

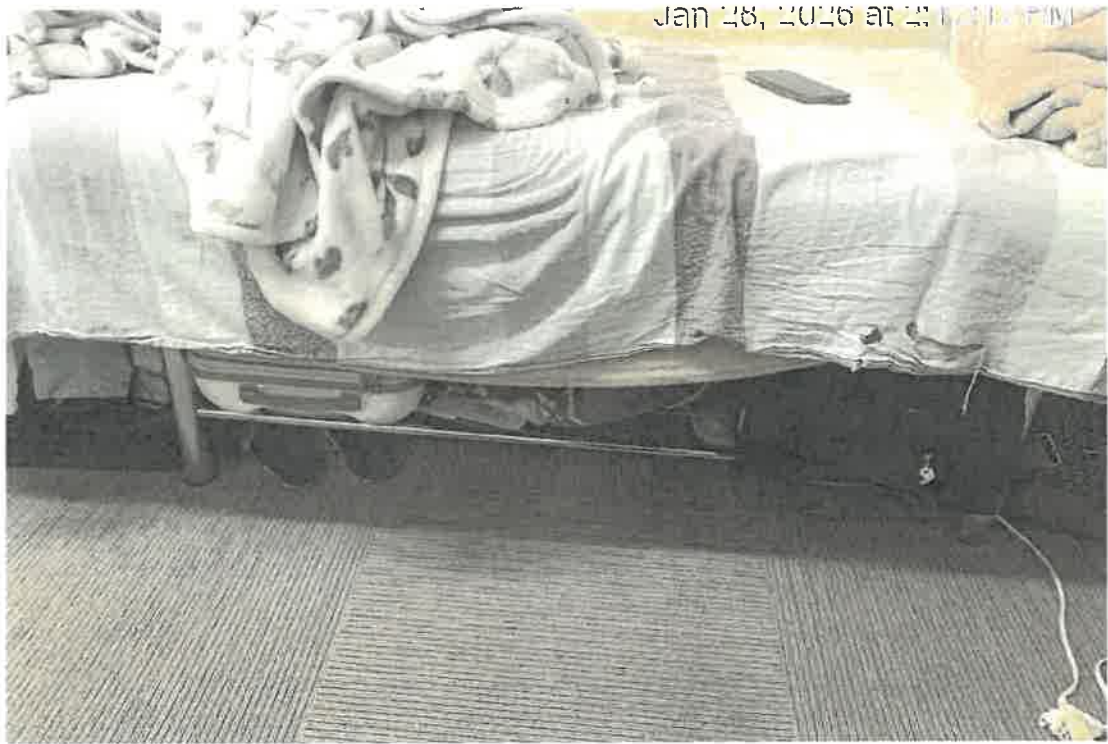
CC: Seeno Enterprises, Property Owner
Darin Gale, City Manager
Donna Mooney, City Attorney
Chief Steve Albanese, Pittsburg Police Department
Sgt. Joe Terry, Pittsburg Police Department
Det. Colton Harvey, Pittsburg Police Department
Elena Adair, Director of Finance
Planning Division, Permit Center, Business Licensing Division

Jan 28, 2026 at 12:16:33 PM



Jan 28, 2026 at 2:16:29 PM





Jan 28, 2026 at 2:18:52 PM



Jan 28, 2026 at 2:18:59 PM





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925-330-7653 new girl Best massage Posted on 03 Nov 25 23 ...

Oakland/East Bay Female Escorts.Escorts, profile with , The provider with number 925-330-7653, call me on 925-330-7653.



Yelp

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4.1 (9) (23)

Day Spring Spa in Pittsburg, CA – Reviews, Hours, and ...

Phone:(925) 330-7653 Cross Streets:Near the intersection of Buchanan Rd and Woodborough Pl. Open now. Wed9:00 AM - 9:00 PM [Read more](#)



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Day Spring SPA - Massage salon

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<https://hot.com/pittsburg/day-spring-spa-b-XpD> ;

Day Spring Spa | Massage Parlors in Pittsburg, CA

Massage parlor located in Pittsburg, California, United States. Day Spring Spa phone number is (925) 330 7653.



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Day Spring Spa

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Apr 30, 2026 at 11:14:57 AM



Division I. General Provisions

**Chapter 5.04
BUSINESS LICENSES¹**

Sections:

Article I. General Provisions

- 5.04.010 Purpose and scope.
- 5.04.020 Definitions.
- 5.04.030 Effect on other code sections and ordinances.
- 5.04.040 Constitutional apportionment.
- 5.04.045 Enforcement.
- 5.04.048 Penalty for violations.

Article II. License Requirements

- 5.04.050 License required.
- 5.04.060 Separate licenses for branch establishments.
- 5.04.070 Evidence of doing business.

Article III. Exemptions

- 5.04.080 Exemptions – License tax and license fees – Charitable and nonprofit organizations.
- 5.04.085 Exemptions – Live performers.
- 5.04.090 Exemptions – Generally.

Article IV. License Procedures and Regulations

- 5.04.100 Issuance of license certificate.
- 5.04.110 Application – Generally.
- 5.04.120 Application – First license – Requirements.
- 5.04.130 Application – License renewal.
- 5.04.140 Statements and records are not conclusive.
- 5.04.150 Information confidential.
- 5.04.160 Failure to file a statement or corrected statement.
- 5.04.170 Appeal.
- 5.04.180 Nontransferability of license.
- 5.04.190 Amendment of license for change of location.
- 5.04.200 Duplicate license.
- 5.04.210 Posting and keeping.

Article V. License Taxes

- 5.04.220 License tax – How and when payable.
- 5.04.230 Tax – Delinquency – Penalty.
- 5.04.240 Tax – Overpayment refund.
- 5.04.250 Tax – Amount.
- 5.04.260 License tax – A debt.
- 5.04.265 Business license tax amnesty program.

Article VI. Regulations and Enforcement

- 5.04.270 *Repealed.*
- 5.04.280 *Repealed.*
- 5.04.290 *Repealed.*
- 5.04.300 *Repealed.*

Article VII. Penalties

- 5.04.310 *Repealed.*

Article I. General Provisions

- 5.04.010 Purpose and scope.**

A. This chapter is enacted solely for the purpose of raising revenue for general municipal purposes and to defray the usual current administrative expenses of the city. The payment of a business tax required by this chapter, its acceptance by the city, and the issuance of a business license to any person shall not entitle the holder thereof to carry on any business unless the holder has complied with all the requirements of this municipal code and all other applicable laws, nor does the issuance of a license allow a business to be carried on in any building or on any premises designated in such business license where such building or premises are situated in a zone or locality in which the conduct of such business is in violation of this code or any law.

B. This chapter is not intended to regulate businesses in the city, nor to collect administrative fees more than are necessary to recover the administrative costs of processing an application for the issuance or renewal of a business license.

C. Neither the issuance nor the receipt of a business license shall constitute evidence of compliance with the laws of the municipal code or a representation of assurance to the recipient upon which reliance is authorized or intended by the city that the business for which the license is issued, or the property or premises upon or in which it is housed, complies with such laws. [Ord. 08-1309 § 2, 2008; Ord. 04-1219 § 2, 2004; Ord. 965 § 1, 1989.]

5.04.020 Definitions.

As used in this chapter, "business" includes all commercial or industrial enterprise, trades, profession, occupation, vocation, and every kind of calling whether or not carried on for profit.

A. "Business" includes professions, trades and occupations and every kind of calling whether or not carried on for profit.

B. "Gross receipts" includes the total of amounts actually received or receivable from sales and the total amounts actually received or receivable for the performance of any act or service for which a charge is made or credit allowed, whether or not such act or service is done as a part of or in connection with the sale of materials, goods, wares or merchandise. Included in gross receipts shall be all receipts, cash, credits and property of any kind without deduction of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from "gross receipts" are the following:

1. Cash discounts allowed and taken on sales;
2. Credit allowed on property accepted as part of the purchase price and which property may later be sold;
3. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
4. Such part of the sale price of property returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit;
5. Amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those for whom collected, provided the agent or trustee furnishes the director of finance with the names and address of the others and the amounts paid to them;
6. Receipts of refundable deposits, except that refundable deposits forfeited and taken into income of the business are not excluded;
7. As to a real estate agent or broker, the sales price of real estate sold for the account of others except that portion which represents commission, payment or income to the agent or broker;
8. As to a retail gasoline business, that portion of his receipts from the sale of motor vehicle fuels equal to the motor vehicle fuel license tax imposed by and previously paid under the provision of Division 2 of the Revenue and Taxation Code of the state;
9. As to a retail gasoline business, the special motor fuel tax imposed by Section 4041 of Title 26 of the United States Code, if paid by the employee or collected by him from the consumer or purchaser;
10. That portion of the receipts of a general contractor which represents payments to subcontractors; provided, that such subcontractors are licensed under this chapter and provided the general contractor furnishes the director of finance with the names and addresses of the subcontractors and the amounts paid to each subcontractor;
11. Businesses engaged in the rental of living quarters or housing units where the total number of rentals within the city is less than five.

C. "Regularly employed individual" means all employees or agents who are active in the business of a person a minimum of 17 and one-half hours per week for a period of more than six months of the year; provided, however, that if two or more employees or agents perform the same function for a minimum of 17 and one-half hours per week for a period of more than six months during the year, the employees or agents shall be deemed to be regularly employed individuals.

D. "Sale" includes the transfer, in any manner or by any means whatsoever, of title to property for a consideration; the serving, supplying or furnishing for a consideration of any property; and a transaction whereby the possession of property is transferred and the seller retains the title as security, for the payment of the price shall likewise be considered a sale. The foregoing definitions do not exclude any transaction which is or which, in effect, results in a sale within the contemplation of law.

E. "Vendor" means a person who offers or sells any type of merchandise at any location other than a building constructed on a permanent foundation which is leased or owned by that person. "Vendor" includes, but is not limited to, any vending operations business conducted or carried

on by any person engaged in the business of owning, renting, leasing, lending, or otherwise distributing or supplying coin and/or card operated machines while retaining title thereto. Such machines include, but are not limited to, coin operated vending, amusement and service machines.

F. As used in this chapter, "person" means all domestic and foreign corporations, firm, association, syndicates, joint stock corporations, partnerships of every kind, corporations, joint venture, club, business or common law trust, societies, and individual engaged in business in the city of Pittsburg as defined in this section, other than an employee.

G. "Profession" means any business conducted or carried on by any person engaged in an occupation or vocation requiring special knowledge and training and a license by the state of California to practice. A profession includes, but is not limited to, an accountant, architect, attorney, auditor, certified public accountant, chiropractor, dentist, landscape architect, optometrist, osteopath, physician, realtor, real estate agent, registered engineer, surgeon, and veterinarian.

H. "Finance director" means the finance director of the city of Pittsburg or his/her designee.

I. "License certificate" means the document issued by the finance director of the city of Pittsburg showing that the business paid the license tax for the current year. This is the license issued pursuant to this chapter.

J. "Special event vendor" means a person, vendor or booth operator who offers or sells any type of merchandise, including but not limited to food, beverages, tangible goods or products, at a special event, as defined by Chapter 9.94 PMC, within the city. [Ord. 08-1309 §§ 3 – 6, 2008; Ord. 04-1219 § 3, 2004; Ord. 965 § 1, 1989.]

5.04.030 Effect on other code sections and ordinances.

A person required to pay a license tax for transacting and carrying on any business under this chapter is not relieved from the payment of any license tax for the privilege of doing such business under any other ordinance of the city or chapter of this code and is subject to the regulatory provisions of other ordinances or chapters of this code. [Ord. 965 § 1, 1989.]

5.04.040 Constitutional apportionment.

A. None of the license taxes provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitutions of the United States and the state.

B. In any case where a license tax is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce or be violative of such constitutional clauses, he may apply to the director of finance for an adjustment of the tax. Such application may be made before, at or within six months after payment of the prescribed license tax. The applicant shall, by sworn statement and supporting testimony, show the method of business and the gross volume or estimated gross volume of business and such other information as the director of finance considers necessary in order to determine the extent, if any, of such undue burden or violation. The director of finance shall then conduct an investigation, and, after having first obtained the written approval of the city attorney, may fix as the license tax for the applicant a lesser amount that is reasonable and nondiscriminatory, or if the license tax has already been paid, may order a partial refund of the amount over and above the license tax so fixed. In fixing the license tax to be charged, the director of finance shall have the power to base the license tax upon a percentage of gross receipts or any other measure which will assure that the license tax assessed is uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the license tax as prescribed by this chapter. Should the director of finance determine the gross receipts measure of license tax to be the proper basis, they may require the applicant to submit, either at the time of termination of applicant's business in the city or at the end of each three-month period, a sworn statement of the gross receipts and pay the amount of license tax therefor; provided, that no additional license tax during any one calendar year shall be required after the licensee has paid an amount equal to the annual license tax as prescribed in this chapter. [Ord. 965 § 1, 1989.]

5.04.045 Enforcement.

A. The finance director may make rules and regulations not inconsistent with this chapter as may be necessary or desirable to aid in carrying out this chapter.

B. The finance director shall enforce each provision of this chapter, and the chief of police shall give such assistance in the enforcement of this chapter as may from time to time be required by the finance director or the city council.

C. In addition to other authority conferred upon the finance director, he/she may, for good cause shown, extend the time for filing any required sworn statement of application for a period not to exceed 30 days and to waive a penalty that would otherwise have accrued.

D. The finance director, in the exercise of the duties imposed upon him/her under this chapter, shall examine or cause to be examined all places of business in the city to determine whether this chapter is complied with.

E. Each remedy prescribed under this chapter is cumulative and the use of one or more remedies by the city does not bar the use of any other remedy. [Ord. 08-1309 § 7, 2008.]

5.04.048 Penalty for violations.

A. A person violating a provision of this chapter or knowingly or intentionally misrepresenting to an officer or employee of the city a material fact in procuring the license or permit provided for in this chapter is guilty of an infraction and upon conviction thereof is punishable as provided in PMC 1.12.020.

B. A person licensed and having such license in his/her possession or under his/her control, who willfully fails to exhibit it on demand, is guilty of a misdemeanor and subject to the penalties provided in this code. [Ord. 08-1309 § 8, 2008.]

Article II. License Requirements

5.04.050 License required.

A. Unless otherwise exempt under the provisions of this chapter, it is unlawful for a person to transact and carry on a business, trade, profession, calling or occupation in the city without a license from the city for this purpose and without paying the license tax prescribed in this chapter, or without complying with all applicable provisions of this chapter.

B. Unless otherwise exempt under the provisions of this chapter or Chapter [5.12](#) PMC, it is also unlawful for a person to transact business within the city without a business permit as required by Chapter [5.12](#) PMC.

C. This section shall not be construed to require a person to obtain a license before doing business in the city if such requirement conflicts with applicable statutes of the United States or of the state. [Ord. 08-1309 § 9, 2008; Ord. 04-1219 § 4, 2004; Ord. 965 § 1, 1989.]

5.04.060 Separate licenses for branch establishments.

A separate license must be obtained for each branch establishment or location of the business engaged in, as if each such branch establishment or location were a separate business, and each license shall authorize the licensee to engage only in the business licensed thereby at the location and in the manner designated in such license. However, a warehouse and distributing plant used in connection with and incidental to a business licensed under this chapter is not considered a separate place of business or branch establishment. [Ord. 965 § 1, 1989.]

5.04.070 Evidence of doing business.

When a person advertises, holds out or represents that he is in business in the city, or when a person holds an active license or permit issued by a governmental agency indicating that he is in business in the city, and such person fails to deny, by a sworn statement given to the director of finance, that he is not conducting a business in the city, after being requested to do so by the director of finance, then these facts shall be considered prima facie evidence that he is conducting a business in the city. [Ord. 965 § 1, 1989.]

Article III. Exemptions

5.04.080 Exemptions – License tax and license fees – Charitable and nonprofit organizations.

A. Unless otherwise provided in this chapter, the following activities and organizations are exempt from payment of license tax and license fees:

1. The conducting, managing or carrying on of any business, occupation or activity from any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes or from which profit is not derived, either directly or indirectly, by any individual, firm or corporation;
2. The conducting of any entertainment, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects, whenever all the receipts thereof are to be appropriated to any church or school or to any religious or benevolent purpose;
3. The conducting of any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, state, county or municipal organization or association, whenever the receipts of such are to be appropriated for the purpose and objects for which such organization or association was formed, and from which profit is not derived, either directly or indirectly, by any individual, firm or corporation.

B. In making a determination as to the exempt status of any organization or activity hereunder, the following criteria are to be considered by the director of finance:

1. The organization or activity has received or has formally applied for tax exempt status from the State Franchise Tax Board and Internal Revenue Service where applicable;
2. The proposed activity will not be in conflict with any provisions of this code, state or federal law.

C. For purposes of this section, "charitable" means and includes patriotic, philanthropic, social service, welfare, benevolent, educational, civic or fraternal, either actual or purported. An activity defined as "religious" or a "religion" shall not mean and include "charitable" as herein defined, but shall be given their commonly accepted definitions. [Ord. 13-1376 § 1, 2013; Ord. 965 § 1, 1989.]

5.04.085 Exemptions – Live performers.

The requirement to obtain a business license set forth in this chapter does not apply to businesses whose sole purpose is providing live entertainment, including but not limited to bands, performers, dancers or comedians. Event planners, promoters or entertainment venues associated with these performers or performances are still required to obtain a business license. [Ord. 13-1376 § 2, 2013.]

5.04.090 Exemptions – Generally.

A. This chapter does not apply to a person transacting and carrying on business exempt by virtue of the Constitution or applicable statutes of the United States or of the state from the payment of a business license tax.

B. A person claiming an exemption under this section shall file a sworn statement with the director of finance stating the law and facts upon which exemption is claimed, and in the absence of such statement substantiating the claim, such person is liable for the payment of the taxes imposed by this chapter.

C. The director of finance shall, upon a proper showing contained in the sworn statement, issue a license to such person claiming exemption under this section without payment to the city of the license tax required by this chapter.

D. The director of finance, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke a license granted under this section upon information that the licensee is not entitled to the exemption as provided herein. [Ord. 965 § 1, 1989.]

Article IV. License Procedures and Regulations

5.04.100 Issuance of license certificate.

A. Every person required to have a license under this chapter shall apply to the finance director. A license certificate will not be issued until an application for a license has been completed and filed, all license fees are paid, and all city officers or departments required to investigate the application have approved such issuance. The issuance of a license certificate shall not be deemed as evidence that the person operating a business in the city is in fact in compliance with all ordinances, rules, or regulations of the city or that the person has applied for or has been issued all permits or certificates which otherwise may be required under applicable law. The issuance of a license pursuant to the provisions of this chapter shall not entitle the licensee to engage in any business for any reason which is in violation of any law.

B. Whenever the tax imposed under this chapter is measured by the number of vehicles, devices, machines or other pieces of equipment used, or whenever the license tax is measured by the gross receipts from the operation of such items, the finance director shall issue only one license; provided, that he/she may issue for each tax period for which the license tax has been paid one identification sticker, tag, plate or symbol for each item included in the measure of the tax or used in a business where the tax is measured by the gross receipts from such items.

C. A license certificate issued under this chapter shall include the following information:

1. The name of the person to whom the license is issued;
2. The business licensed;
3. The place where the business is to be conducted;
4. The date of the expiration of the license; and
5. Such other information as may be necessary for the enforcement of this chapter.

D. Every person required to have a license pursuant to this chapter shall produce and exhibit the license certificate whenever requested to do so by any person authorized to issue or inspect licenses or collect license taxes. [Ord. 08-1309 § 10, 2008; Ord. 04-1219 § 5, 2004; Ord. 965 § 1, 1989.]

5.04.110 Application – Generally.

A. Every person required to have a license under this chapter shall apply for it to the director of finance of the city. The application shall be a written statement upon a form provided by the director of finance and shall be written by the applicant under penalty of perjury, or sworn to by the applicant before a person authorized to administer oaths. The applicant shall set forth such information as may be necessary to determine the amount of the license tax to be paid by the applicant.

B. If the amount of the license tax to be paid by the applicant is based upon gross receipts, the application shall set forth the gross receipts for the applicable period, as provided in PMC [5.04.020\(B\)](#).

C. The director of finance shall impose a fee to recover the administrative costs of processing an application for the issuance and/or renewal of a license required by this chapter. Such fees shall be established by resolution by the city council. The payment of fees under this chapter shall not preclude the imposition of any administrative fees necessary to recover actual costs established by the city council by resolution or under other provisions of this municipal code, or any other fees required under applicable laws. [Ord. 04-1219 § 6, 2004; Ord. 965 § 1, 1989.]

5.04.120 Application – First license – Requirements.

Every person applying for a first license shall estimate the gross receipts, the number of machines, devices or other applicable basis for the period to be covered by the license to be issued. The estimate, if accepted by the director of finance as being reasonable, shall be used in determining the amount of license tax to be paid by the applicant; however, the amount of the license tax so determined shall be tentative only. The person shall, within 30 days after the expiration of the period for which the license was issued, furnish the director of finance with a sworn statement, upon a form to be provided by the director of finance, setting forth any required information and showing, during the period of the license, the gross receipts, the number of machines, devices or other applicable basis. The license tax shall be determined and paid upon such applicable basis, credit being given for the tentative license tax previously paid. [Ord. 965 § 1, 1989.]

5.04.130 Application – License renewal.

A. The applicant for the renewal of a license shall submit to the director of finance for his guidance in determining the amount of the license tax to be paid by the applicant, a written statement, upon a form to be provided by the director of finance, written under penalty of perjury or sworn to before a person authorized to administer oaths. The form shall set forth such information concerning the type of the applicant's business and the gross receipts derived or other applicable basis during the preceding year as may be required by the director of finance to enable him to determine the amount of the license tax to be paid by the applicant.

B. The director of finance shall determine the average monthly gross receipts, the number of machines, devices or other applicable basis and compute the license fee payable for 12 months. The license fee payable for the next period shall be the amount based upon the computed 12 months of applicable base. For the purpose of this section, a fractional part of a month is considered as a full month. [Ord. 965 § 1, 1989.]

5.04.140 Statements and records are not conclusive.

A. No statement is conclusive as to the basis for determining the license tax for that business, and filing a statement does not preclude the city from collecting the sum actually due and payable.

B. All persons subject to this chapter shall keep complete records of all business transactions and maintain these records for at least three years. The director of finance may, after five days' written notice, inspect the records of any person engaged in business within the city for the purpose of determining the true license tax of that person.

C. Refusal to allow an inspection at a reasonable time and place is grounds to revoke or to refuse issuance of a license. [Ord. 04-1219 § 7, 2004; Ord. 965 § 1, 1989.]

5.04.150 Information confidential.

A. The information furnished or obtained under this chapter is confidential in character and shall not be subject to public inspection and shall be kept so that the contents may not become known except to the persons charged with the administration of this chapter.

B. Unless in compliance with judicial order or as may be required for the proper administration of this chapter, the director of finance, his agents and employees shall not divulge facts or information obtained in the administration of this chapter. [Ord. 965 § 1, 1989.]

5.04.160 Failure to file a statement or corrected statement.

A. If a person fails to file a required statement within the time prescribed; or, if after demand has been made by the director of finance, he fails to file a corrected statement within 15 days after notification; or if it appears to the satisfaction of the director of finance that a statement filed does not set forth the true facts of the business for which a license is required, the director of finance shall determine the amount of license tax due by means of such information as he may be able to obtain.

B. In case this determination is made, the director of finance shall give notice of the amount assessed by serving it personally or by depositing it in the U.S. Post Office at Pittsburg, California, postage prepaid, addressed to the person so assessed at the address appearing on his last license or application. The person may, within 10 days after the serving or mailing of the notice, apply in writing to the director of finance for a hearing on the amount of the license tax. If an application is made, the director of finance shall give not less than five days' written notice, in the manner prescribed herein, to the licensee to show cause, at a time and place fixed in the notice, why the amount specified should not be fixed for the license. At the hearing the licensee may appear and offer evidence why the specified tax should not be fixed as the license tax. After the hearing, the director of finance shall determine the tax to be charged and shall give written notice to the licensee in the manner prescribed herein of such determination and the amount of such tax.

C. If application by the licensee for a hearing is not made within the time prescribed, the license tax determined by the director of finance is final. [Ord. 965 § 1, 1989.]

5.04.170 Appeal.

A. A person aggrieved by a decision of an administrative officer or agent with respect to the issuance or refusal to issue or renew a license, or the amount of a license tax, or the revocation of a license, may appeal to the city council by filing a notice of appeal with the director of finance within 15 calendar days of the mailing of the decision. The city council shall fix a time and place for hearing the appeal and the director of finance shall give notice in writing to the person of the time and place of hearing by serving it personally or by depositing it in the U.S. Post Office at Pittsburg, California, postage prepaid, addressed to the person at the address appearing on his last license or application. The findings of the city council shall be final and conclusive and shall be served upon the applicant in the manner prescribed above for service of notice of hearing.

B. The amount of the license tax finally determined is due and payable on the date the original license fee was due and payable, together with penalties that may be due. [Ord. 04-1219 § 8, 2004; Ord. 965 § 1, 1989.]

5.04.180 Nontransferability of license.

A. No license issued under this chapter is transferable from person to person, unless upon transfer of the business the ultimate ownership is substantially similar to the ownership existing before transfer. For purposes of this section, stockholders, bond holders, partnerships or other persons holding an interest in a corporation or other entity are regarded as having ultimate ownership of that corporation or entity.

B. Upon sale or transfer of a business to a new owner, the new owner must apply for a business license as provided in PMC [5.04.120](#); however, the license tax for that period will be calculated on a pro rata basis for that year, as provided in PMC [5.04.220\(C\)](#). [Ord. 965 § 1, 1989.]

5.04.190 Amendment of license for change of location.

A person licensed to transact business at a particular place may have the existing license amended to authorize the transaction of the same business at some other location, upon application and paying a fee of an amount fixed by resolution of city council. [Ord. 965 § 1, 1989.]

5.04.200 Duplicate license.

A duplicate license may be issued by the director of finance to replace a license previously issued under this chapter which has been lost or destroyed upon the licensee filing statement of that fact and at the time of filing the statement paying to the director of finance a duplicate license fee of an amount fixed by resolution of city council. [Ord. 965 § 1, 1989.]

5.04.210 Posting and keeping.

A. A licensee transacting and carrying on business at a fixed place of business in the city shall keep the license posted in a conspicuous place upon the premises where the business is carried on.

B. A licensee transacting and carrying on business but not operating at a fixed place of business in the city shall keep the license upon his person at all times while transacting and carrying on the business for which it is issued.

C. Whenever an identifying sticker, tag, plate or symbol is issued for a vehicle, device, machine or other piece of equipment included in the measure of a license tax, the person to whom issued shall keep it firmly affixed upon the equipment at the location designated by the director of finance. The sticker, tag, plate or symbol shall not be removed during the period for which it is used.

D. No person shall give away, sell or transfer an identifying sticker, tag, plate or symbol to another person, or permit its use by another person. [Ord. 965 § 1, 1989.]

Article V. License Taxes

5.04.220 License tax – How and when payable.

A. Unless otherwise specifically provided, each annual license tax payable under this chapter is due and payable in advance on the first day of January of each year.

B. Except as otherwise provided, a license tax, other than annual, required under this chapter is due and payable as follows:

1. Daily flat rate license tax, each day in advance;
2. Other flat rate license tax is payable in advance on the first day of business and thereafter on the first day of any applicable period.

C. Each annual license issued under this chapter is effective on a calendar-year basis. However, a license tax for a new business with a fixed place of business within the city commencing business on or after the first day of April, shall be prorated for the balance of the license period as follows:

Date of Commencement of Business	Prorated Tax
Between April 1st and June 30th	3/4 of annual tax
Between July 1st and September 30th	1/2 of annual tax
Between October 1st and December 31st	1/4 of annual tax

[Ord. 04-1219 § 9, 2004; Ord. 965 § 1, 1989.]

5.04.230 Tax – Delinquency – Penalty.

A. For failure to pay a license tax when due, the finance director shall add a penalty of 10 percent of the license tax due on the last day of each month after the due date. However, the amount of penalty to be added shall in no event exceed 50 percent of the amount of the license tax due.

B. All payments of the business license tax received by the city, irrespective of any designation to the contrary by the taxpayer, shall be credited and applied first to any penalties and tax due for prior years in which the tax was due but unpaid. [Ord. 08-1309 § 11, 2008; Ord. 965 § 1, 1989.]

5.04.240 Tax – Overpayment refund.

No refund of an overpayment of tax is allowed unless a claim for refund is filed with the director of finance within a period of one year from the last day of the calendar month following the period for which the overpayment was made. A claim for refund of the amount of the overpayment must be filed with the director of finance on a form furnished by him and in the manner prescribed by him. Upon the filing of a claim and when he determines that an overpayment has been made, the director of finance may refund the amount overpaid. [Ord. 965 § 1, 1989.]

5.04.250 Tax – Amount.

Unless otherwise provided under this section, every person who engages in business within the city shall pay a license tax based upon gross receipts which is rounded to the nearest \$1,000, as follows:

Gross Receipts (in dollars)	Tax (mil per dollar)
First 250,000	At 1.00
Next 250,000	At 0.25
Next 500,000	At 0.125
All over 1,000,000	At 0.05
Minimum tax:	\$30.00

Professions: \$100.00 for each professional, except that in lieu thereof a person engaged in a profession may elect to pay a license tax computed on the basis of a tax per dollar of gross receipts as provided in the above schedule.

Pickup or delivery – From outside city:

Retail: \$40.00 per year for first truck; \$15.00 per year for each additional truck;

Wholesale: \$30.00 per year for first truck; \$10.00 per year for each additional truck;

Amusements:

Circus: \$150.00 per day;

Carnival: \$150.00 per day;

Boxing and wrestling: \$80.00, 500 seats and over; \$40.00, less than 500 seats;

Dancehall: \$100.00 per year;

Taxicabs, buses: Per vehicle, \$25.00 per year;

Other – Flat rate:

Savings and loan: \$250.00 per year;

Newspaper: \$200.00 per year;

Pawnbroker: \$100.00 per year;

Peddlers:

Regular route: \$75.00 per year;

Other: \$5.00 per day;

Solicitors: \$10.00 per day;

Special event vendor: \$10.00 per event;

Coin-operated machines (except laundromats):

Music: \$15.00 per machine per year;

Nonmusic, requiring less than \$0.05 to operate: \$15.00 per machine per year;

Nonmusic, requiring \$0.05 or more to operate: \$30.00 per machine per year;

Utilities: Public utilities shall pay a license under the gross receipts schedule outlined above; except that any public utility possessing a franchise granted by the city and making an annual payment under the franchise shall be entitled to a credit in the amount of such payment against the license tax payable by such utility pursuant to the provisions of this chapter. [Ord. 08-1309 § 12, 2008; Ord. 04-1219 § 11, 2004; Ord. 1056 § 1, 1993; Ord. 965 § 1, 1989.]

5.04.260 License tax – A debt.

The license tax and penalty is a debt to the city. The city may bring an action to collect the debt. [Ord. 965 § 1, 1989.]

5.04.265 Business license tax amnesty program.

A. Upon adoption of a resolution of the city council, the city will provide amnesty from payment of penalties and interest associated with past due business license taxes. The council may authorize the program to be instituted for no longer than three months at any given time.

B. The city council may authorize use of the business tax amnesty program no more than once every 24-month period.

C. The director of finance shall develop and implement regulations that are consistent with and further the terms and requirements set forth within this section. This shall include the procedures related to the request for business tax amnesty, payments of business taxes and any other policies applicable to the business tax amnesty program. [Ord. 09-1318 § 1, 2009.]

Article VI. Regulations and Enforcement

5.04.270 Rules and regulations.

Repealed by Ord. 08-1309. [Ord. 04-1219 § 10, 2004; Ord. 965 § 1, 1989.]

5.04.280 Enforcement.

Repealed by Ord. 08-1309. [Ord. 965 § 1, 1989.]

5.04.290 Remedies cumulative.

Repealed by Ord. 08-1309. [Ord. 965 § 1, 1989.]

5.04.300 Tax – Effective date.

Repealed by Ord. 08-1309. [Ord. 965 § 1, 1989.]

Article VII. Penalties

5.04.310 Penalty for violation.

Repealed by Ord. 08-1309. [Ord. 974 § 1, 1989; Ord. 965 § 1, 1989.]

¹Prior legislation: 1937 Code §§ 80 through 107, 109.

[Mobile Version](#)

Chapter 5.12 BUSINESS PERMITS

Sections:

- 5.12.010 Purpose.
- 5.12.020 Definitions.
- 5.12.030 Permit required.
- 5.12.040 Number of permits required.
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- 5.12.250 Review by city council.
- 5.12.260 Effect of revocation.
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5.12.010 Purpose.

The purpose of this chapter is to promote improved enforcement of ordinances, at lower public cost, with a higher level of protection for the public. Regulation of businesses within the city will help to ensure compliance with city ordinances and state laws, prevent disturbances of neighborhoods and nuisances and otherwise protect the public peace, health, safety and welfare of the people of the city. [Ord. 08-1309 § 15, 2008.]

5.12.020 Definitions.

As used in this chapter, the following terms and phrases shall have the indicated meanings:

- A. "Applicant" means an applicant for a business permit.
- B. "Business permit" means a permit issued by the finance director pursuant to this chapter and required of all businesses operating within the city, issued for the purpose of regulating businesses. The permit may or may not contain conditions placed on the operation of the business.
- C. "Convicted" and "conviction" will be used in relation to the outcome of criminal charges, including a plea of nolo contendere.
- D. "Finance director" means the finance director of the city of Pittsburg or his/her designee.
- E. "Hearing officer" means a person to whom the city manager has assigned the responsibility for conducting a hearing required by this chapter. The city manager shall be authorized to assign hearing responsibilities to any person the city manager finds that, by training and experience, is qualified to act as a hearing officer, including but not limited to city management personnel and individuals retained by contract to conduct hearings, such as attorneys or administrative law judges.
- F. "Permittee" means a person issued a business permit pursuant to this chapter.
- G. "Special event vendor" means a person, vendor or booth operator who offers or sells any type of merchandise, including but not limited to food, beverages, tangible goods or products, at a special event, as defined by Chapter 9.94 PMC, within the city. [Ord. 08-1309 § 15, 2008.]

5.12.030 Permit required.

A. Except as provided for in PMC 5.12.130(D), no person shall operate or conduct a business within the city unless and by the authority of a valid, unexpired and unrevoked business permit issued pursuant to this chapter. A person shall be deemed to operate or conduct a business and violate

this section if a person, without a required business permit in effect, supervises, directs, organizes, manages or controls or is any way responsible for or in charge of the business for which a permit is required.

B. Businesses required to obtain a business license pursuant to Chapter [5.04](#) PMC must also obtain a business permit.

C. Neither the issuance nor the receipt of a business permit shall be deemed to constitute a representation that the business complies with all city, state, federal or otherwise applicable codes, rules, regulations or laws, or that the business is housed on property or premises that complies with all such laws; nor shall the existence of such an unrevoked license be deemed to preclude any criminal or civil remedy for violation of such ordinances or laws, including but not limited to the revocation of the business permit. The possession of a business permit shall not be deemed to relieve the permittee of the requirement to obtain any other licenses or permits required by city, state, federal or otherwise applicable codes, rules, regulations, or laws, including but not limited to a business license pursuant to this code. [Ord. 08-1309 § 15, 2008.]

5.12.040 Number of permits required.

A. A business permit is required for each location or branch of a business within the city. A business permit issued for a fixed location is only valid for the location listed on the permit.

B. When space within an office building, shopping center, warehouse, department store or other structure or property is leased for business or commercial use, each tenant of the premises operating a business required to have a permit under this chapter shall apply for and obtain a separate business permit. [Ord. 08-1309 § 15, 2008.]

5.12.050 Enforcement – Inspections.

A. The finance director and city staff are responsible for enforcing this chapter and inspecting businesses which are licensed and/or regulated by the city. The finance director and city staff may enter any business subject to this chapter for the purpose of inspecting for compliance with this code.

B. The finance director may, during the term of a permit, require the permittee to complete a permit information update form for the purpose of ensuring continued compliance with this code. The permittee shall, within 15 days of the date of mailing such a form by the finance director, return the completed form to the finance director. [Ord. 08-1309 § 15, 2008.]

5.12.060 Term of business permit.

A. Business permits shall be renewed annually in conjunction with the business license.

B. If a permittee ceases to use the property for the business or activity listed on his/her permit, the permit shall have no further force or effect and becomes void. However, if the business is closed for remodel or renovations, the business permit shall remain valid as long as the business is closed for less than 45 days, unless a longer period is approved in advance by the finance department. [Ord. 08-1309 § 15, 2008.]

5.12.070 Permit fees.

A. The finance director shall impose a nonrefundable fee to recover the administrative costs of processing applications, issuing and renewing business permits, and administering this chapter. Such fees shall be established by resolution of the city council, amended from time to time. The payment of fees under this chapter shall not preclude the imposition of any administrative fees collected under any other provisions of the municipal code, or any other fees required under applicable law.

B. All fees for the issuance, processing, and renewal of permits shall be paid at the time of filing the application with the finance director. All fees for an appeal shall be paid at the time of and with the filing of the appeal. No application or request for approval or appeal shall be deemed valid or complete until all prescribed fees have been paid.

C. Charitable and nonprofit organizations, as set forth in PMC [5.04.080](#), are exempt from the payment of the permit fees required pursuant to this section. [Ord. 13-1376 § 3, 2013; Ord. 08-1309 § 15, 2008.]

5.12.080 Contents and posting of permits.

A. The contents of each business permit shall include, but need not be limited to, the following:

1. A complete description of the business authorized by the permit;
2. The name of the business or person to whom the permit was issued;
3. The date of issuance and date of expiration of the permit;
4. A description of any and all conditions upon which the permit was issued.

B. The original business permit issued to the business, with any applicable conditions, shall be posted conspicuously on the premises in full public view. "Original," for purposes of this section, shall not include photocopies or reproductions of the permit issued by the city. [Ord. 08-1309 § 15, 2008.]

5.12.090 Transferability.

A. A business permit shall not be transferable or assignable from one person to another, or from one location to another.

B. Each business permit shall automatically terminate and have no further force or effect upon a change of the primary function or operation for which the permit has been issued. [Ord. 08-1309 § 15, 2008.]

5.12.100 Notices.

A. Any notice or writing issued pursuant to this chapter shall be deemed served and effective on the date when the notice is either personally delivered to the party to whom it is directed or is addressed to the party and deposited in the United States mail, postage prepaid. When any notice or other writing is authorized or required to be filed, it shall not be deemed to have been filed until it is received in the office of the official with whom filing is required.

B. Any notice or writing sent to a permittee or applicant regarding a business permit or business permit application, including, but not limited to, denial of an application, conditions imposed on a permit, or revocation of a permit, shall also be sent to the property owner of the building or premises where the business is housed. However, failure of the property owner to receive or respond to such notice shall not affect the validity of the application or any proceedings under this chapter. [Ord. 08-1309 § 15, 2008.]

5.12.110 Administration.

A. Except as otherwise provided, the finance director is responsible for administering business permits and is authorized from time to time to promulgate and enforce such rules or regulations consistent with the purposes, intent, and express terms of this code.

B. No rules or regulations promulgated by the finance director, or amendments thereof, shall be enforced or become effective until 30 calendar days following the date on which the proposed rules or regulations are filed with the city clerk. [Ord. 08-1309 § 15, 2008.]

5.12.120 Violations.

A. Operating a business without a business permit, in violation of this code, after service of a written notice advising of the violation and ordering a cessation of operations, shall constitute a misdemeanor.

B. Except as otherwise specifically provided, any violation of this chapter shall constitute an infraction subject to punishment. [Ord. 08-1309 § 15, 2008.]

5.12.130 Application.

A. Filing. Every person required to have a permit under this chapter shall apply for a business permit with the finance director. An application for a business permit shall be made at the same time as the application for a business license, required by Chapter [5.04](#) PMC.

B. Contents of Application. The application for a business permit shall be on a form provided by the finance director and shall be written by the applicant under penalty of perjury. The application shall contain such information as is prescribed by the finance director, but shall include, at a minimum, the following:

1. The type of ownership of the business, whether individual, partnership, or a closely held corporation, or otherwise;
2. The name under which the business is to be conducted;
3. The complete address and all telephone numbers of the business;
4. The name and address of the manager of the business, if known at the time of submitting the application;
5. The following personal information concerning the applicant; and concerning each partner having an ownership interest in the business of more than 10 percent, if the applicant is a partnership; and concerning the manager or other person in charge of the operation of the business:
 - a. Name, complete current home address and telephone numbers, and complete mailing address if applicable;
 - b. Business history experience, including but not limited to whether or not the person, previously operating in this or another city, county or state under a permit or license, had a permit or license denied, revoked or suspended and the reasons therefor;
 - c. All criminal convictions within the last 10 years, other than misdemeanor traffic violations and infractions for any criminal offense, the jurisdiction in which the conviction occurred, and the circumstances thereof;
6. The number of employees reporting to and/or located at the business site. If the business is seasonal, the highest and lowest number of employees reporting to and/or located at the business site within the corresponding month of the year for each period;
7. The number and types of vehicles associated with the business that will be reporting to and/or located at the business site.

C. Application Deemed Complete. An application is deemed complete and validly filed when the finance director has received all information required by the business permit application and this code, and has received any fees associated with the application or application processing. An application is not deemed complete unless an application for a business license required by Chapter [5.04](#) PMC has also been submitted and any applicable business taxes have been paid.

D. Exemption from Permit Requirement. The following persons, entities or organizations shall be exempt from obtaining a business permit required by this chapter:

1. Any person, entity or organization exempt from the requirement to obtain a business license pursuant to Chapter [5.04](#) PMC;
2. Any person, entity or organization with a valid home occupation permit issued by the city's planning department;
3. Any business or contractor whose business is operated out of a fixed location not within the city limits. A business operated from a residence outside of the city limits shall be deemed to be conducted at a fixed location;

4. Any person, entity or organization with a valid temporary activity permit, required by PMC 18.08.160;

5. Special event vendor, participating in a special event as defined by Chapter 9.94 PMC. [Ord. 08-1309 § 15, 2008.]

5.12.140 Investigation and issuance.

A. The finance director shall refer the application for review by the relevant city departments, including but not limited to the planning department, the engineering department and the police department. Each department shall examine the application for the purpose of determining whether the business complies with the municipal code and applicable law, and whether any conditions should be attached to issuance of the permit. Inspection of the site shall be conducted as necessary to determine applicability, compliance with, or the adequacy of corrections to achieve compliance with such law.

B. The finance director shall issue the business permit no later than 45 days after the date a complete application is filed, unless grounds for denial established in this chapter exist. [Ord. 08-1309 § 15, 2008.]

5.12.150 Conditions.

A. Upon recommendation by a department responsible for reviewing business permits pursuant to PMC 5.12.140, the finance director may issue the business permit upon such conditions as are necessary to ensure safety and prevent the business from disturbing the peace and tranquility of the neighborhood in which it is located. Such conditions may include, but are not limited to, the following:

1. Limitations upon hours or days of operation, when required in order to prevent disturbance of the peace and quiet of a neighborhood caused by the business or the patrons of the business;
2. Requirement that the business provide licensed or otherwise qualified security personnel for the exterior or interior of the business during operating hours;
3. The provision of adequate off-street parking to prevent the business from inconveniencing neighbors or causing traffic disruptions at a particular location;
4. The installation of on-site improvements required to prevent operation of the business from disturbing its neighbors at a particular location;
or
5. Other conditions related to operations or improvements demonstrated under the particular circumstances to be necessary in order to prevent hazards; disturbance of the peace, quiet or safety of the neighborhood; or other nuisance.

B. Such conditions may be imposed at the time a business permit is initially issued, upon renewal of the permit, or at any time during the term of the business permit. [Ord. 08-1309 § 15, 2008.]

5.12.160 Procedure for imposition of conditions.

A. The finance director shall provide written notice of the conditions imposed on the business permit and the reasons for the conditions to the applicant or permittee. The city department recommending conditions shall assist the finance department in the explanation of the conditions to the applicant or permittee.

B. Conditions imposed at the issuance of an initial business permit become effective immediately following the date of service of the notice thereof. The holder of the business permit is entitled to appeal the conditions within the time and manner prescribed; however, the business permit shall not be effective until the appeal is finally determined.

C. Conditions imposed at the time of renewal or during the term of a business permit become effective 15 days following the date of service of the notice thereof; however, if an appeal is filed by the applicant or permittee within the time and in the manner prescribed, the conditions shall not become effective until the appeal is finally determined. [Ord. 08-1309 § 15, 2008.]

5.12.170 Processing and issuance of renewed business permit.

A. Processing. An application for renewal of a business permit shall be investigated and processed in the same manner as an initial application for a business permit. The permittee shall file the application for renewal, and any required fees, with the finance director prior to the expiration of the immediately preceding permit.

1. Issuance. Within 30 days of receiving a complete application, the finance director shall issue the business permit unless grounds for denial identified in this chapter exist.

B. The renewed business permit shall be processed at the same time as any other entitlements required by this title.

C. With respect to any application for renewal of a business permit which is filed on or before the date of expiration of the immediately preceding permit, the finance director shall extend the term of the immediately preceding permit, without charge, during the period of any investigation required to determine whether the permit shall be renewed. [Ord. 08-1309 § 15, 2008.]

5.12.180 Grounds for denial.

A. The finance director shall deny an initial application or application for renewal of a business permit if the finance director finds in writing that:

1. The applicant has committed acts which would constitute a felony or which would constitute a crime, or the conviction thereof, if the crime is substantially related to the qualifications, functions, or duties of the business, profession or trade for which the permit was requested or issued;

2. The applicant has knowingly made a false statement of fact or omitted a fact required to be revealed in an application for the permit, or in any amendment or report, or other information required to be made thereunder;
3. The finance director determines the business, or the property or building in which the business is housed, violates city, state, federal, or otherwise applicable codes, rules, regulations or laws;
4. The applicant has owned or leased premises that have been the subject of an administrative, civil or criminal nuisance abatement action and court judgment or administrative determination finding the premises to be a nuisance within the past five years;
5. The applicant has engaged in, created, maintained or suffered either a public nuisance as defined in Chapter 1.20 PMC and Sections 3479 and 3480 of the California Civil Code, or criminal conduct, as proscribed in the California Penal Code, on or in proximity to the licensed or permitted premises or in connection with the operation of the licensed or permitted premises;
6. Pursuant to Business and Professions Code Section 16000(c), the applicant or business fails to hold a valid, unexpired, unsuspended, unrevoked contractor's license issued by the State of California, Contractor's License Board;
7. The permittee has failed to pay business license taxes as required by Chapter 5.04 PMC.

B. The finance director shall also deny an application for renewal upon a finding that one or more conditions applicable to the preceding permit at the same location have been violated and, pursuant to PMC 5.12.150, it is determined that such conditions should also be applicable to the renewed permit. [Ord. 08-1309 § 15, 2008.]

5.12.190 Method of denial.

A. The finance director's denial of an initial application or application for renewal of a business permit shall be in writing, with the reasons stated therefor. The finance director's written notice of denial and a copy of this chapter shall be served upon the applicant. The city department recommending denial shall assist in explaining the grounds of denial to the applicant.

B. Denial of an initial application or application for renewal of a business permit shall relate solely to the location at which the business is proposed and shall not affect the conduct of such business at another location within the city, if grounds for denial could be cured by an alternate location.

C. With respect to denial of an application for renewal, the immediately preceding business permit shall be deemed to be in full force and effect for a period of 15 days following the date of service upon the applicant of the notice of denial. If the permittee files an appeal in the time and manner prescribed, the permit shall remain in full force and effect until the appeal is finally determined. [Ord. 08-1309 § 15, 2008.]

5.12.200 Grounds for revocation.

A business permit may be revoked for any of the following reasons:

A. The business is operated in a manner or is housed on premises or within a building which violates or is in violation of any city, state, federal or otherwise applicable codes, rules, regulations or laws; or

B. The permittee has violated one or more conditions upon which the permit has been issued; or

C. The permittee, while holding an active business permit, has committed an act which would have resulted in the denial of a business permit pursuant to this chapter; or

D. The permittee has failed to pay business license taxes as required by Chapter 5.04 PMC; or

E. Pursuant to Business and Professions Code Section 16000(c), the applicant or permittee no longer holds a valid contractor's license issued by the State of California, Contractor's State License Board. [Ord. 08-1309 § 15, 2008.]

5.12.210 Method of revocation.

A. The finance director may revoke a business permit by issuing a written notice of revocation, stating the reasons therefor, and serving the notice, together with a copy of this chapter, upon the permittee. The city department recommending revocation shall assist in explaining the grounds of revocation to the applicant.

B. The revocation of a business permit shall become effective 15 days after the date of service upon the holder of the notice of revocation. If the permittee files an appeal in the manner and within the time prescribed, the permit shall remain in effect until the appeal is finally determined.

C. A business permit may be temporarily suspended pending expiration for the time of appeal, if the finance director finds that such temporary suspension is necessary in order to protect against a serious and immediate threat to the health, safety or welfare of the public caused by exercise of the permit. If the finance director orders a temporary suspension, the notice of suspension shall be served to each place of business to which the permit relates, served upon the permittee, and shall contain the following:

1. The finding justifying the temporary suspension;
2. The time, date and place at which the permittee may appear in advance of the commencement of the temporary suspension for the purpose of showing cause to the hearing officer as to why the temporary suspension is not necessary; and
3. The time and date on which the temporary suspension commences, which shall not be earlier than 24 hours following the time and date of delivery of the notice of suspension. [Ord. 08-1309 § 15, 2008.]

5.12.220 Appeals.

A. The holder of a business permit or applicant for a business permit may file an appeal from the following:

1. The denial of an initial application for or application for renewal of a business permit; or
2. The imposition of conditions on the business permit at the time of issuance; or
3. The imposition of conditions on the business permit at the time of renewal of the business permit or during the term of the business permit;
or
4. The revocation of a business permit.

B. An appeal pursuant to this section shall be in writing, shall state the specific reasons for the appeal and the grounds asserted for relief, and be accompanied by a nonrefundable appeals processing fee set by city council resolution. The appeal shall be filed with the finance director, no later than 15 days after the date of service of the notice providing the grounds for appeal. The failure to file an appeal in the time or in the manner prescribed in this section, or to include the appeals processing fee, waives the right to appeal. [Ord. 08-1309 § 15, 2008.]

5.12.230 Appeal hearing.

A. No later than 20 days following filing of a timely appeal, a hearing shall be held to determine whether the appeal shall be granted. The city shall provide the appellant written notice of the time, date and place of the hearing no later than 10 days before the hearing date.

B. The issues raised on appeal shall be limited to:

1. Whether grounds for denial of a business permit exist; and/or
2. Whether conditions placed on the business permit were justified; and/or
3. Whether active conditions on the business permit were violated; and/or
4. Whether conditions placed on a business were unclear, resulting in the inability of the business permit holder to comply with the conditions.

C. The finance director, in conjunction with the city department recommending the conditions on the permit, shall have the burden of proof during the hearing. The provisions of the California Administrative Procedure Act, Government Code Section 11500 et seq., and the formal rules of evidence do not apply at the hearing.

D. At the conclusion of the hearing, the hearing officer shall prepare a written decision which either grants or denies the appeal and contains findings of fact and conclusions of law. The written decision shall be filed with the finance director no later than seven days following the date on which the hearing is closed. The finance director shall, within three days of the filing of such decision, serve the applicant or permittee with notice of the written decision and include a copy of such decision. [Ord. 08-1309 § 15, 2008.]

5.12.240 Finality of determination.

A. With respect to appeals from the denial of an initial application for a business permit or the imposition of conditions on an initial business permit, the hearing officer's decision is final upon service of the hearing officer's decision on the appellant.

B. With respect to an appeal from either denial of renewal of a business permit or from the imposition of conditions upon a business permit at renewal or during the term of a business permit, or from the revocation of a business permit, the hearing officer's decision is final upon 15 days after service of the hearing officer's decision on the appellant. [Ord. 08-1309 § 15, 2008.]

5.12.250 Review by city council.

A. To request city council review of the hearing officer's decision, the applicant for a business permit, permittee, or finance director and/or city department requesting review shall file a written request with the city clerk within 15 days following the date of service of the hearing officer's decision. The request for review shall state in detail the reasons for review and the error alleged in the hearing officer's decision, and include a copy of the hearing officer's decision attached to the request for review, and an appeals processing fee as set by city council resolution.

B. Upon receipt of a request for review by city council, the city clerk shall schedule city council review not later than 30 calendar days following the date of filing of the notice of appeal. The city clerk shall provide notice of the time and date of the hearing to the parties at least 10 days in advance. The city council shall be authorized to deny the introduction of evidence and decide the matter after oral argument presented during the hearing, to admit supplementary evidence with respect to challenges or particular findings, or reject the findings and conclusions and conduct a de novo hearing. The determination by the city council granting or denying the appeal shall be final and shall be accompanied by findings of fact and conclusions of law, which may consist of an adoption by reference of those by the hearing officer.

C. The city council is authorized to order the issuance or renewal of a business permit, may order the revocation of the business permit, suspend the business permit or order the business permit to remain in effect upon such terms and conditions as in the discretion of the city council are deemed to be necessary and appropriate. [Ord. 08-1309 § 15, 2008.]

5.12.260 Effect of revocation.

A. With respect to any business that has a business license issued pursuant to Chapter 5.04 PMC, revocation of the business license for failure to pay taxes shall automatically and without notice also revoke the business permit issued for the same business at each location at which the business is located.

B. Revocation of a business permit shall also automatically and without notice also revoke the business license issued pursuant to Chapter [5.04](#) PMC.

C. With the exception of subsection (A) of this section, revocation of a business permit shall terminate the privilege of doing business at that location to which the business relates. [Ord. 08-1309 § 15, 2008.]

5.12.270 Failure to exhaust.

Any administrative remedy, including an appeal procedure, applicable to the interpretation, administration or enforcement of this chapter shall be exhausted prior to having a right to judicial review. The failure to exhaust such a remedy shall constitute grounds for denial of an appeal under this chapter. The hearing officer and city council shall be bound in the decision of appeals under this chapter by determination made in exhausting such remedies, and questions decided or which should have been decided pursuant to the exhaustion of such remedies shall not be subject to litigation in appeals under this chapter. [Ord. 08-1309 § 15, 2008.]

[Mobile Version](#)