



City of Pittsburg

Land Use Sub-Committee Meeting Agenda

January 28, 2020
5:00 p.m.

City Hall
First Floor Conference Room, 4B
65 Civic Avenue
Pittsburg, CA 94565

Council Members
Juan Antonio Banales
Holland Barrett White

Planning Commission Members
Elissa Robinson
Christopher Moreno

1. Public Comment for Non-Agenda Items

2. Miscellaneous Code Enforcement Updates

Staff is considering several updates to the Pittsburg Municipal Code (PMC) in order to help provide more clarity for the public on reoccurring code enforcement issues. One item that staff needs policy direction on is related to the storage of Recreational Vehicles (RVs) on private residentially zoned property. *Subcommittee feedback is requested.*

3. West Willow Park & Storage, AP-20-1486

An application for preliminary plan review has been filed by West Willow, LLC, in order to facilitate the development of a recreational vehicle and trailer storage park located at 1215 Willow Pass Road. *Subcommittee feedback is requested.*

4. Perfect Union Pittsburg, AP-20-1489

An application for preliminary plan review has been filed by Thomas Sheridan of Sheridan Law Group, on behalf of Perfect Union, for consideration of municipal code amendment to allow a retail cannabis use on the second floor of the newly constructed building at 2108 Railroad Avenue. *Subcommittee feedback is requested.*

5. 2112 Loveridge Road – Hotel and Drive-Through Retail, AP-20-1492

An application for preliminary plan review has been filed by Blackpoint Properties, LLC, in order to solicit feedback on a conceptual plan to develop a hotel and drive-through coffee shop on the southernmost portion of 2112 Loveridge Road. *Subcommittee feedback is requested.*

6. Miscellaneous Project Updates

a. Envision Pittsburg - General Plan Update



PLANNING DIVISION
Memorandum

MEMO: January 28, 2020
TO: Land Use Subcommittee Members
FROM: Celina Palmer, Assistant Planner
RE: Item 2 – Miscellaneous Code Enforcement Updates

Staff is considering several updates to the Pittsburg Municipal Code (PMC) in order to help provide more clarity for the public on reoccurring code enforcement issues. Most of the changes that are being considered are relatively minor, but one that staff needs policy direction on is related to the storage of Recreational Vehicles (RVs) on private residentially zoned property. Current regulations are stricter than some neighboring cities and have resulted in a high volume of Code Enforcement requests.

Currently, RVs are only allowed to be stored at a private residence if the RV is on a paved surface for no more than 72 hours in any single 30-day period, or if the RV is “not visible” (i.e. stored in a garage or completely screened by a fence, wall or landscaping). The actual PMC regulation is included below for reference.

For the past several years, code enforcement staff has loosely interpreted the screening requirement and allowed RVs to be stored on private residentially zoned property if the RV is behind a fence; however, many times an RV is much taller than the standard 6-foot fence and is technically still visible from the street. This policy has helped many RV owners by providing more flexibility in where and how they can store their RVs; however, there are other property owners who do not like to see these vehicles in their neighborhood and have requested a stricter interpretation of the code.

In order to ensure a consistent application of the rules for all residents, staff is considering an amendment of the PMC to better codify the city’s current policy related to RV storage on private residentially zoned property. Staff would like feedback from the Subcommittee regarding these regulations before moving forward to the Planning Commission for a formal recommendation to City Council.

Current Regulations:

18.78.070 Parking or storage of vehicles and vessels.

- A. Prohibition. No person may park or store any of the following vehicles, vessels or items on public or private property in a district except as provided in subsection (B) of this section:
[...] Recreational vehicle;
- B. Exceptions. Notwithstanding the prohibition in subsection (A) of this section, a vehicle or vessel referred to in subsection (A) of this section may be parked or stored if it meets one of the following conditions:
 - 1. It is parked or stored on a paved surface for less than 72 hours total in any 30-day period on a parcel in a permitted location. This exception does not apply to a commercial vehicle;
 - 2. It is not visible by being maintained in a garage or other building or behind a fence, wall or landscaping; or
 - 3. For pick-up or delivery, the loading or unloading of a commercial vehicle is permitted for up to five hours subject to PMC 10.16.130.

Code Enforcement complaints received regarding RVs on all private property, per month, in 2019:

January	13	July	21
February	17	August	31
March	10	September	20
April	7	October	24
May	10	November	9
June	9	December	12

Average of 15.25 calls per month in 2019 for all private property RV complaints

Potential Changes:

Zoning Text Amendment. A zoning text amendment could be drafted to allow RV storage on public or private property as follows:

18.78.070 Parking or storage of vehicles and vessels.

- C. Prohibition. No person may park or store any of the following vehicles, vessels or items on public or private property in a district except as provided in subsection (B) of this section:
[...] Recreational vehicle;
- D. Exceptions. Notwithstanding the prohibition in subsection (A) of this section, a vehicle or vessel referred to in subsection (A) of this section may be parked or stored if it meets one of the following conditions:
 - 1. It is parked or stored on a paved surface for less than 72 hours total in any 30-day period on a parcel in a permitted location. This exception does not apply to a commercial vehicle;
 - 2. It is ~~not visible by being~~ maintained in a garage or other building or behind a *minimum six-foot tall* fence, wall or landscaping; or
 - 3. For pick-up or delivery, the loading or unloading of a commercial vehicle is permitted for up to five hours subject to PMC 10.16.130.

Discussion Items:

1. Zoning text amendment? Any modification from the potential changes?
2. Same regulations for commercial as residential?

Next Steps/Required Approvals:

Amendments to PMC Title 18 (Planning Commission & City Council review)

Attachments:

1. Summary of RV Regulations for Neighboring Cities
2. Existing/Approved RV Storage Locations in Pittsburg

Nearby cities have various regulations for RV parking as seen summarized below:

1. Antioch

[Antioch Municipal Code section 5-1.201.1. When Storage Of A Recreational Vehicle Is A Public Nuisance.](#)

On Parcel: Permitted if vehicle is parked or stored in a side or rear yard, on an improved surface (concrete, asphalt, pavers or gravel) and behind a legally constructed opaque fence not less than six feet in height

In Front or Side Yard, including Driveway:

- 1) Unloading for 24 hours or less only before or after a trip using the recreational vehicle for an extended use requiring additional preparation time
- 2) Recreational vehicle is the sole means of transportation for occupants of the dwelling

With Permit/Registration: Recreational vehicle owners who have their recreational vehicle parked in the front yard, including the driveway, at the time of the effective date of this section and who meet the following requirements:

- 1) Each owner may register one recreational vehicle with the city within six months of the effective date of this chapter, including submittal of documentation and payment of any applicable application or processing fees.
- 2) The parking of such recreational vehicle shall be on an improved surface of concrete or pavers but not of asphalt or gravel and shall not encroach in the sidewalk or roadway or violate any other requirements of the Municipal Code. The recreational vehicle, if covered, shall be with a tight-fitting, single cover. The recreational vehicle shall not be parked parallel to the front of the house.
- 3) The registration shall pertain to the registrant of the recreational vehicle and not the vehicle itself or the real property. If the vehicle is sold, then the registration is not applicable to that vehicle, but the owner may register a replacement vehicle.
- 4) The owner of the recreational vehicle must be an Antioch resident, and a resident or owner of the property where the vehicle is stored.
- 5) Upon sale of the property, no further recreational vehicle storage shall be allowed in the front yard, including the driveway.
- 6) Upon termination of tenancy, no subsequent tenant shall be allowed to store a recreational vehicle in the front yard, including the driveway.

2. Concord

[Concord Municipal Code section 18.160.160 Parking and Storage of Recreational Vehicles](#)

On Parcel: Permitted in rear yard or side yard if behind a legally constructed opaque fence not less than six feet tall. At the option of the owner or occupant of the property, lattice not exceeding one foot in height may be affixed to the top of the fence.

In Driveway:

- 1) Unloading for 72 hours or less

- 2) for visitors, up to one week in a six month period
- 3) five feet from back of sidewalk; or if there is no sidewalk, no closer than 10 feet from the edge of the pavement
- 4) Not blocking access to garage or carport

Number: No more than two recreational vehicles, including boats and other recreational equipment registered to the owner or occupant of the property, may be stored on a parcel of real property

With Permit/Registration: Only those grandfathered in from 2008 with an annual permit.

3. Brentwood

[Brentwood Municipal Code section 17.620.016 Vehicle Storage](#)

On Parcel: Permitted in rear yard or side yard if stored behind a solid six-foot fence, or other wrought iron or chain link fence with screening material on it, with additional regulations:

- 1) Not exceed twelve feet in height,
- 2) Not be used for living or sleeping,
- 3) If the property has an access driveway for vehicle storage in the side or rear yard, the curb cut to the access driveway requires an encroachment permit and the property owner must maintain the required percentage of landscaped area under Section 8.36.030(B), Residential landscaping requirements— Structures completed after the year 1987. A vehicle may not be parked or stored on the access driveway. An access driveway is a secondary driveway not adjacent to the main driveway, on the opposite side of the front yard (or on the adjacent street of a corner lot). An access driveway may be improved with an impervious surface or with open pavers with green planting material growing through and around the pavers.

In Driveway: Not permitted

Number: Unspecified

With Permit/Registration: None.

Existing/Approved RV storage locations in Pittsburg:

Storage Facility	Address	Number of RV Spaces	Spaces Available
Sierra RV & Boat Storage	1600 Buchanan Road	457	0
Avila Road RV& Boat Storage	101 Avila Road	Approximately 80	0
Public Storage	1275 California Avenue	Storage Spaces are not large enough to accommodate RV storage	-
Pittsburg Mini Storage	1417 Bobo Court	Does not allow RV storage	-
Auto Inn Car & Truck Storage	2200 Freed Way	Does not have space for RVs	-
Public Storage	525 California Avenue	Storage Spaces are not large enough to accommodate RV storage	-
Storemaster Self Storage	2750 California Avenue	RV spaces on site, but no longer rent out to RVs because of unspecified previous problems	-
Fort Knox Self Storage	3865 Railroad Avenue	Removed RV parking spaces to build extra storage units	-





**PLANNING DIVISION
Memorandum**

MEMO: January 28, 2020
TO: Land Use Subcommittee Members
FROM: John Dacey, AICP, Assistant Planner
RE: Item 3 –West Willow Park & Storage, AP-20-1486 (PPR)

An application for preliminary plan review has been filed by West Willow LLC in order to facilitate the development of a recreational vehicle and trailer storage park located at 1215 Willow Pass Road. The site was formerly used as a junk yard (J&M Enterprises); however, in 2009 the use permit was revoked by the City. The site has been vacant since the use permit revocation and is currently designated Business Commercial and zoned IP (Industrial Park); which does not allow for “vehicle storage,” as defined in the Pittsburg Municipal Code (PMC) section 18.08.080(28)(h). In reviewing the request, staff is generally supportive of the proposal at the specific location; however, staff believes there are two different ways in which the request could be processed and as such, would like feedback from the Subcommittee before moving forward to the Planning Commission for a formal recommendation to City Council.

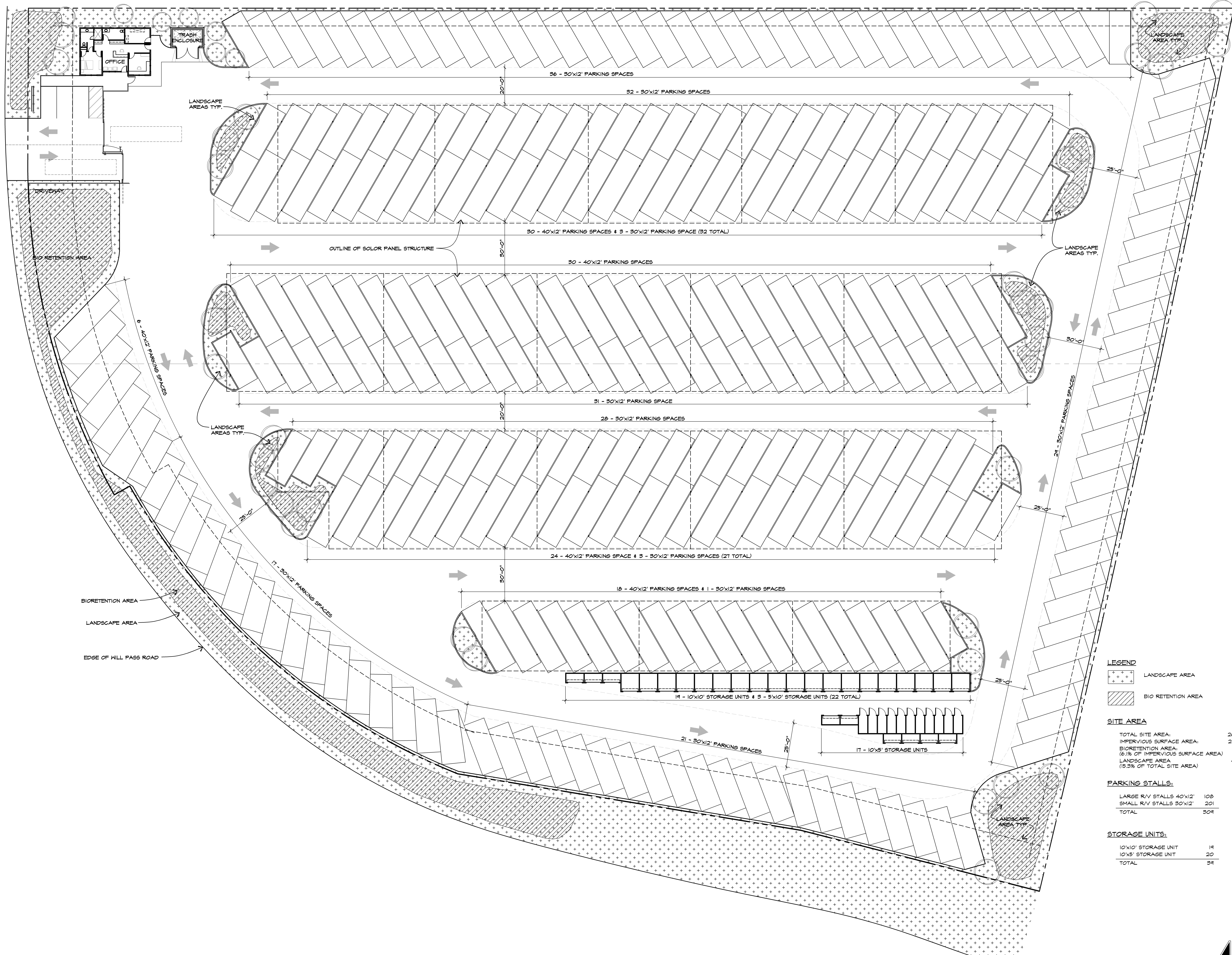
- 1. Overlay Zoning Specific to 1215 Willow Pass Road.** An Overlay District could be established for the property address only, to allow the use of “vehicle storage” (which includes the storage of trailers and recreational vehicles), in addition to all uses allowed within the IP District zoning. This approach would keep the application very focused in scope to the single property in question; however, it should be noted that ongoing administration/record management for multiple overlay districts within the City can get cumbersome for staff. There are currently 20 separate overlay districts in existence in the City, and another 31 planned development zones (which function similarly to an overlay district.)
- 2. Zoning Text Amendment.** A zoning text amendment could be drafted to allow the “vehicle storage” use (which, as stated above, allows for the storage of trailers and recreational vehicles) in the IP District, subject to discretionary review through the issuance of a use permit. For reference purposes, Attachment 1 to this report is a map of all IP zoned area within the City

Attachments:

1. IP Zoning Map
2. Project Plans

ATTACHMENT 1:





BIORETENTION AREA
LANDSCAPE AREA
EDGE OF HILL PASS ROAD

LEGEND
 LANDSCAPE AREA
 BIORETENTION AREA

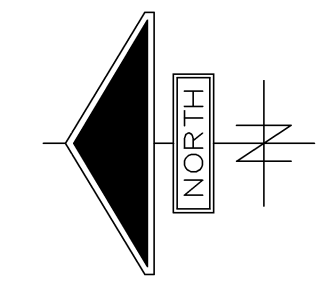
SITE AREA
 TOTAL SITE AREA: 263,233 SQ/FT
 IMPERVIOUS SURFACE AREA: 240,975 SQ/FT
 BIORETENTION AREA: 14,756 SQ/FT
 (6.1% OF IMPERVIOUS SURFACE AREA)
 LANDSCAPE AREA: 40,367 SQ/FT
 (15.3% OF TOTAL SITE AREA)

PARKING STALLS:
 LARGE R/V STALLS 40'x12' 108
 SMALL R/V STALLS 30'x12' 201
 TOTAL 309

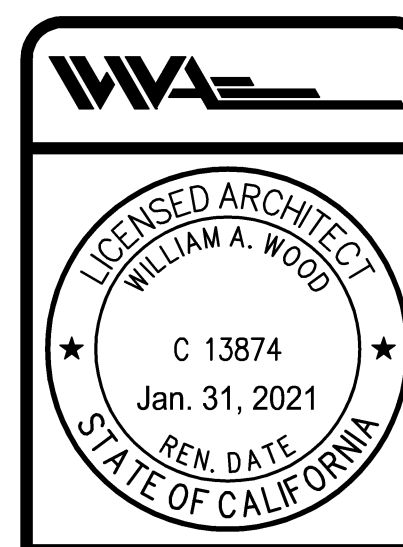
STORAGE UNITS:
 10'x10' STORAGE UNIT 14
 10'x5' STORAGE UNIT 20
 TOTAL 34

PRELIMINARY SITE PLAN

SCALE: 1" = 20'-0"



REVISIONS	DATE



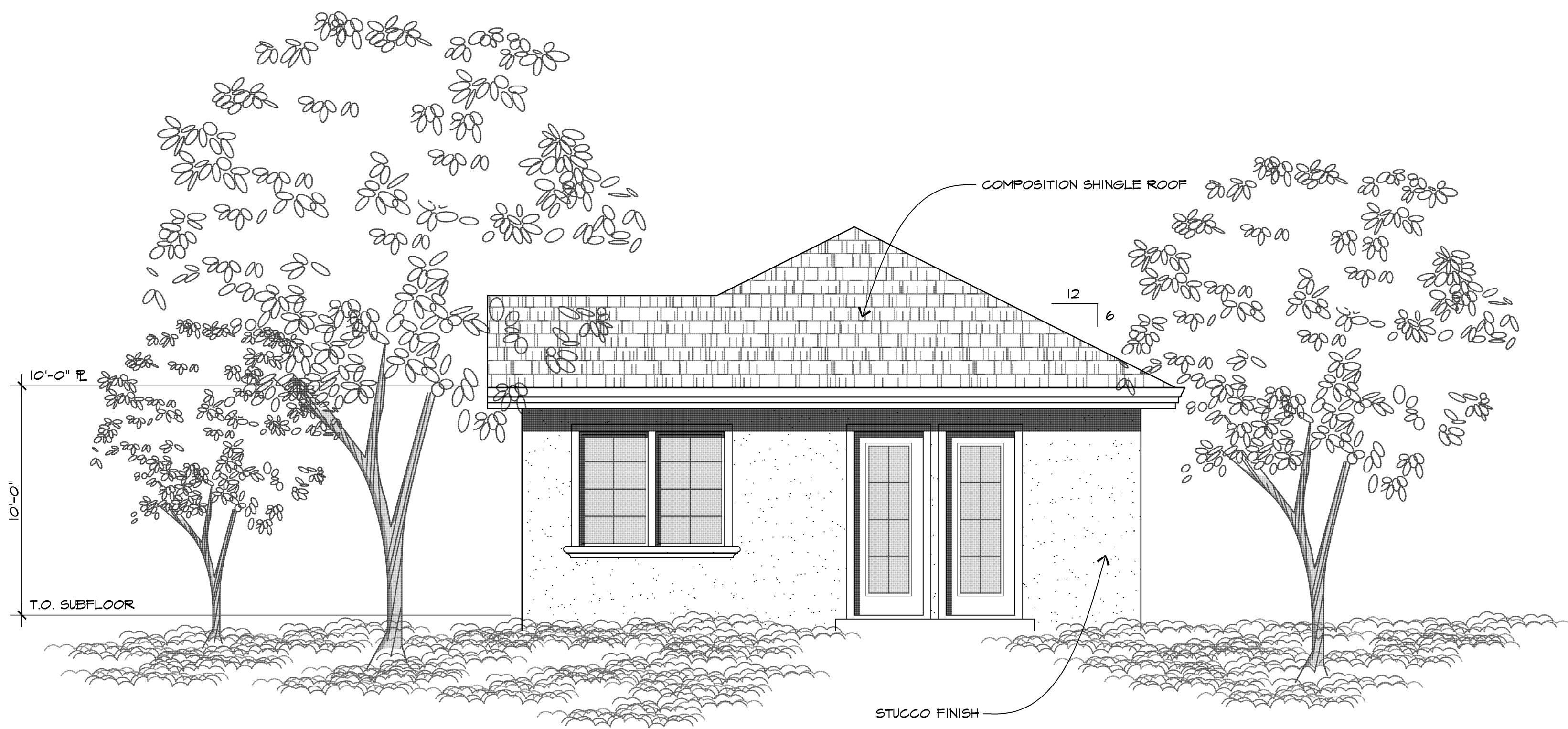
WILLOW PASS STORAGE
 1215 WILLOW PASS ROAD
 PITTSBURG, CA

WILLIAM WOOD ARCHITECTS
 301 HARTZ AVENUE, SUITE 203
 DANVILLE, CALIFORNIA 94526
 (925) 820-8233

THIS IS AN ORIGINAL UNPUBLISHED WORK, AND MAY NOT BE REPRODUCED, PUBLISHED, OR OTHERWISE USED WITHOUT WRITTEN CONSENT OF WILLIAM WOOD ARCHITECTS.

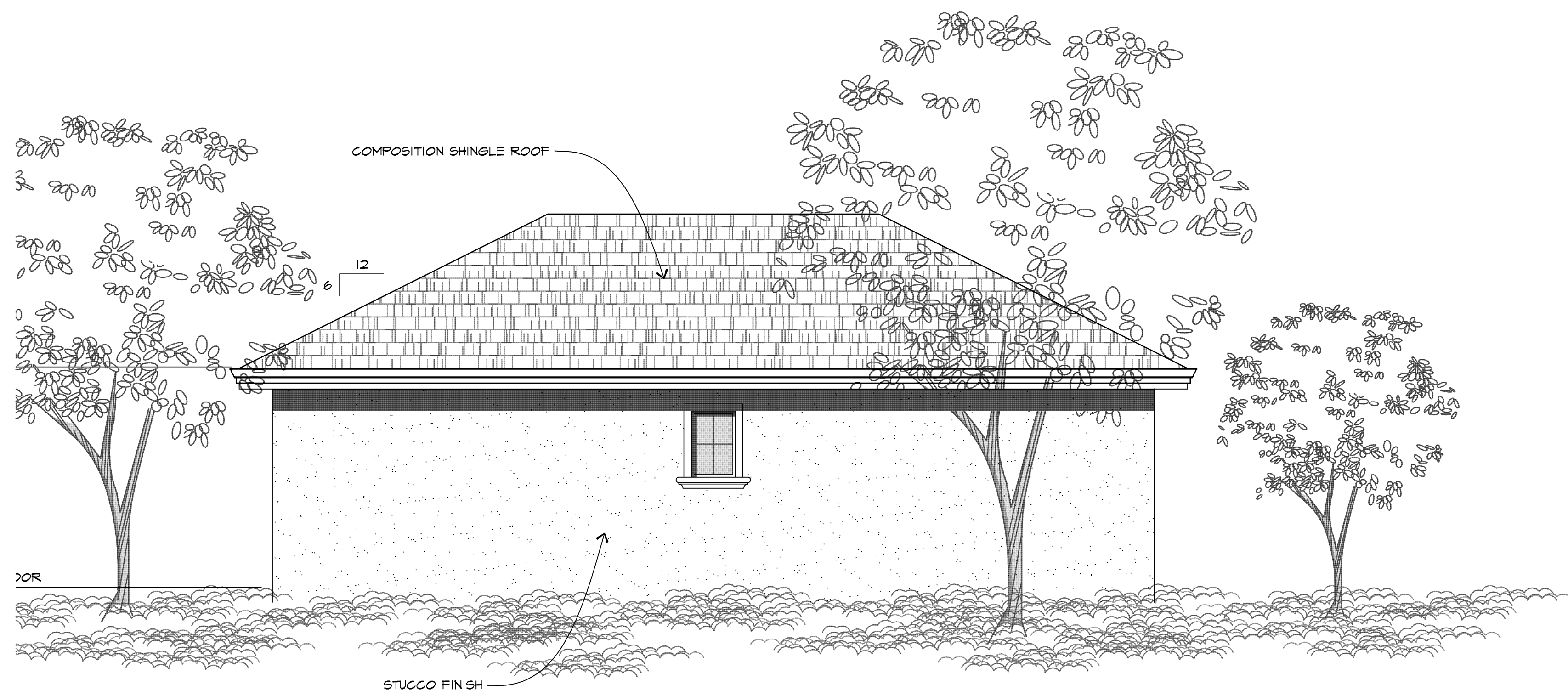
COPYRIGHT © WILLIAM WOOD ARCHITECTS, 2021

DRAWN	JJ
CHECKED	WW
DATE	
SCALE	AS SHOWN
JOB NO.	
SHEET	A1
OF SHEETS	



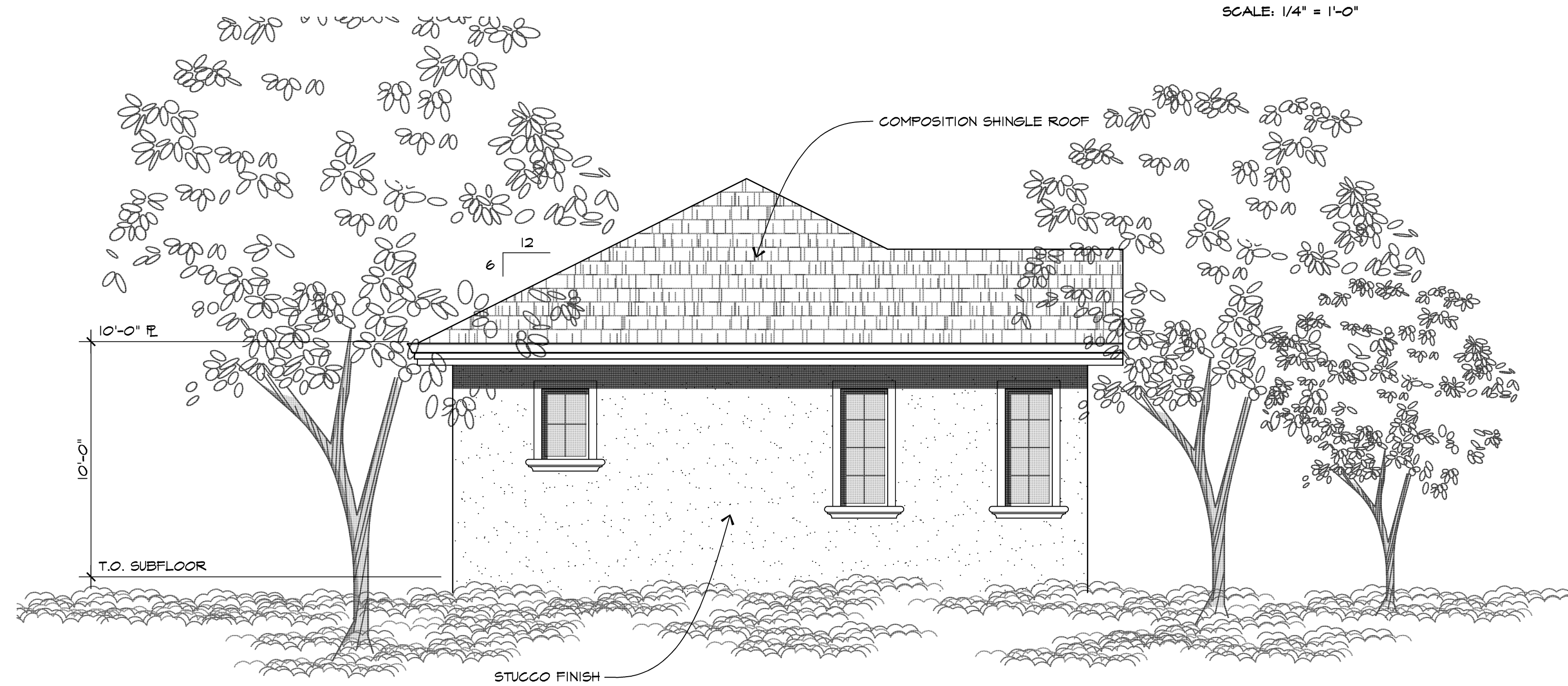
OFFICE SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



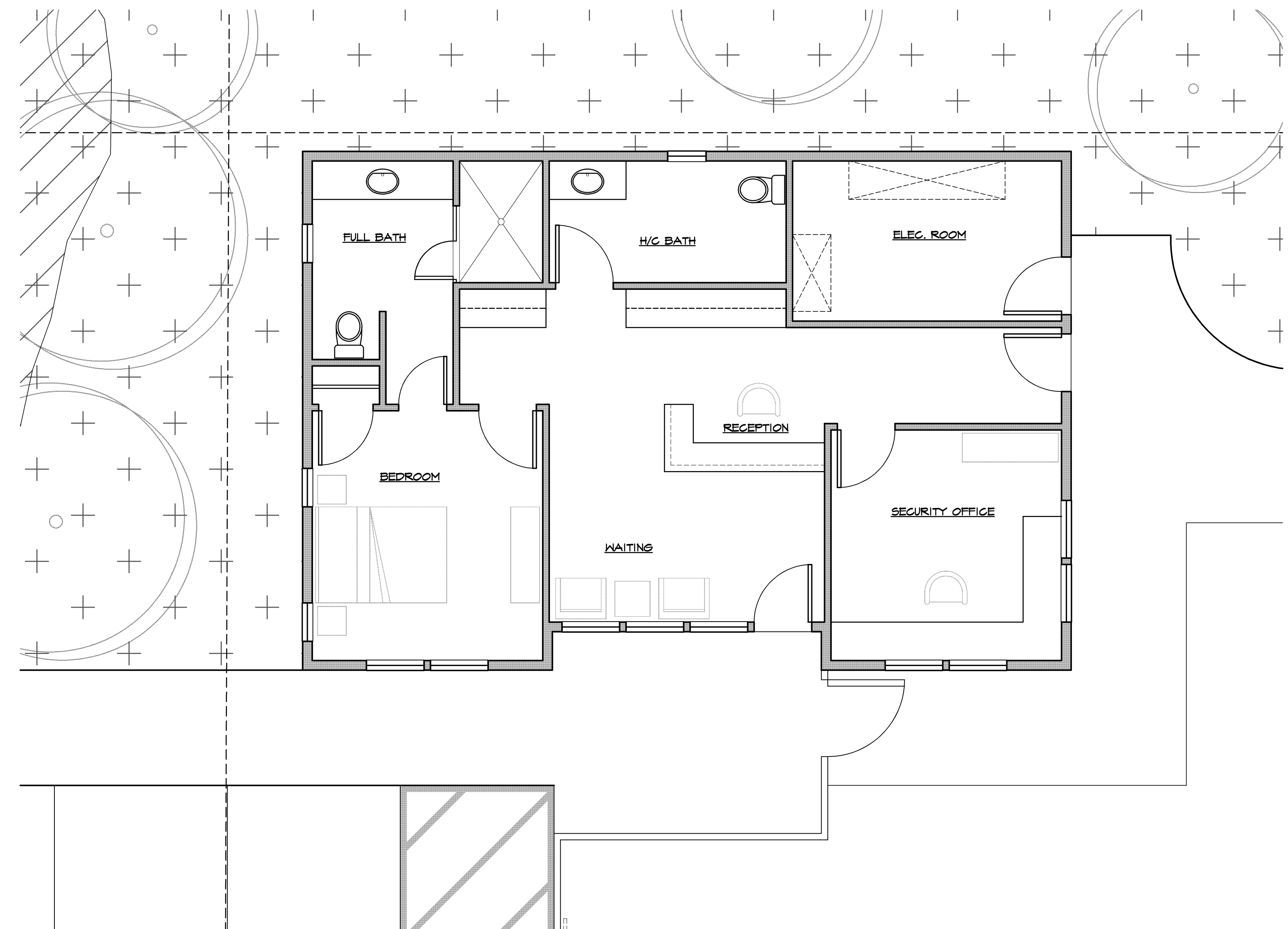
OFFICE EAST ELEVATION

SCALE: 1/4" = 1'-0"



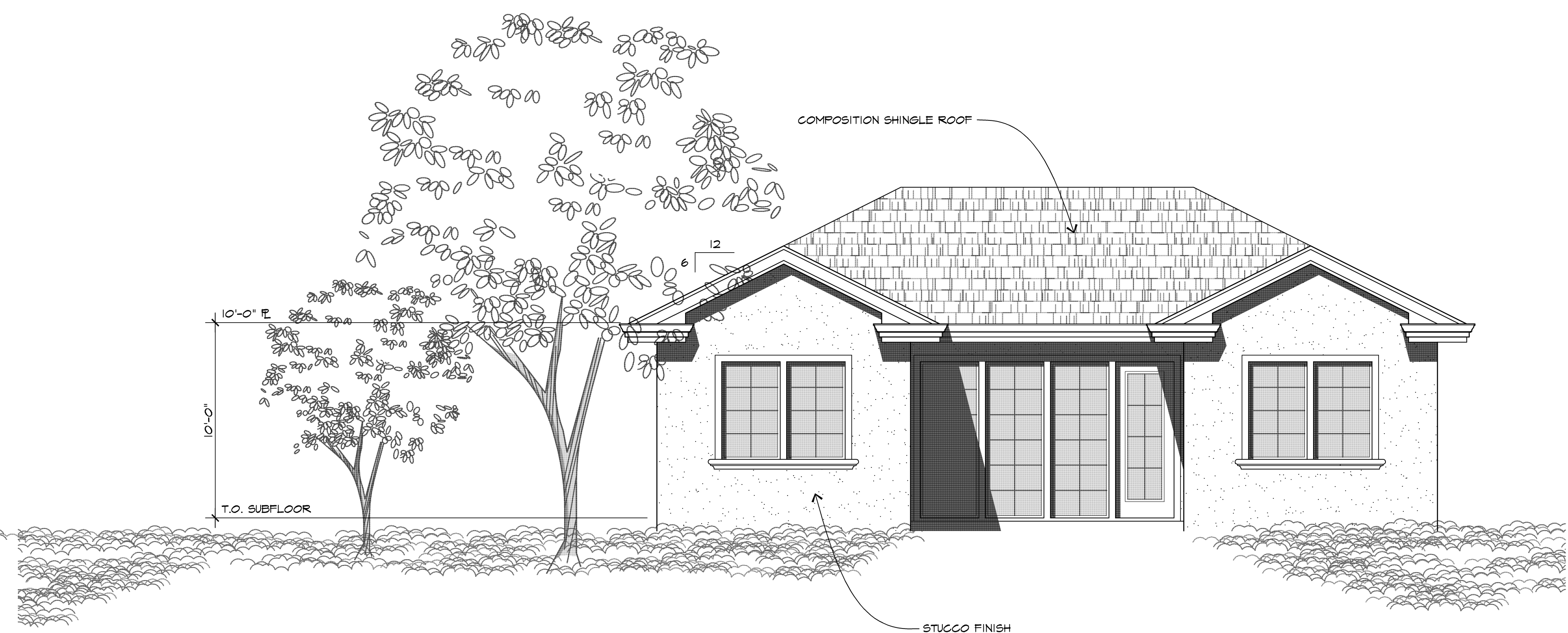
OFFICE NORTH ELEVATION

SCALE: 1/4" = 1'-0"



OFFICE FLOOR PLAN (1052 SQ/FT)

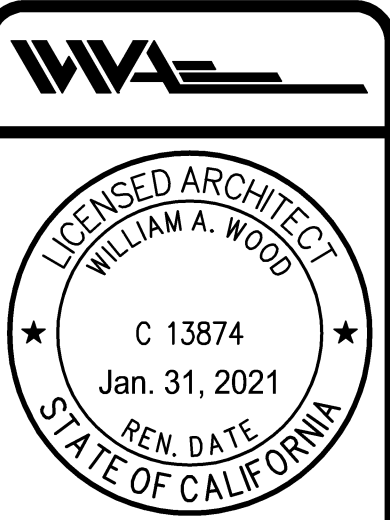
SCALE: 1/4" = 1'-0"



OFFICE WEST ELEVATION

SCALE: 1/4" = 1'-0"

REVISIONS	DATE



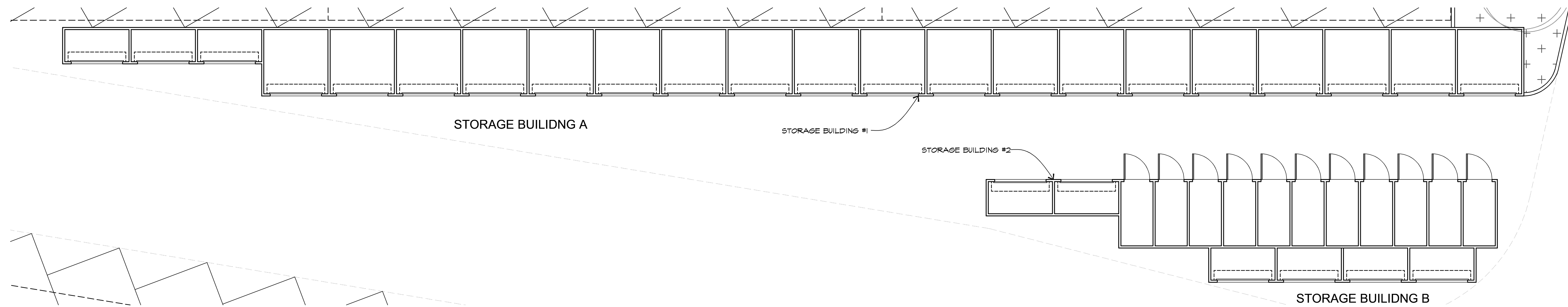
WILLOW PASS STORAGE
 1215 WILLOW PASS ROAD
 PITTSBURG, CA

WILLIAM WOOD ARCHITECTS
 301 HARTZ AVENUE, SUITE 203
 DANVILLE, CALIFORNIA 94526
 (925) 820-8233

THIS IS AN ORIGINAL UNPUBLISHED WORK, AND MAY NOT BE REPRODUCED, PUBLISHED OR OTHERWISE USED WITHOUT THE WRITTEN CONSENT OF WILLIAM WOOD ARCHITECTS.

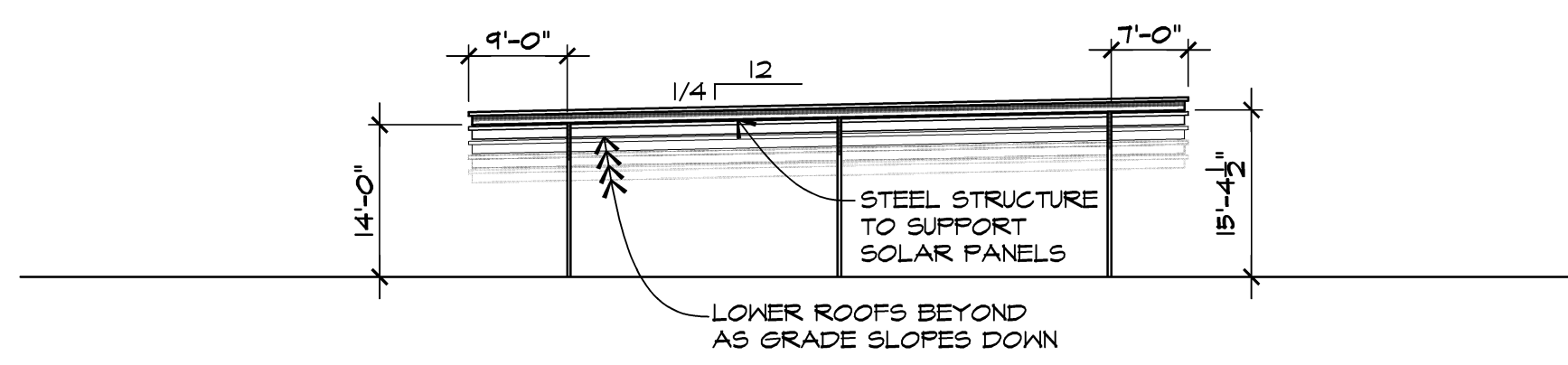
COPYRIGHT © WILLIAM WOOD ARCHITECTS, 2010

DRAWN	JJ
CHECKED	WW
DATE	
SCALE	AS SHOWN
JOB NO.	
SHEET	A2
OF SHEETS	



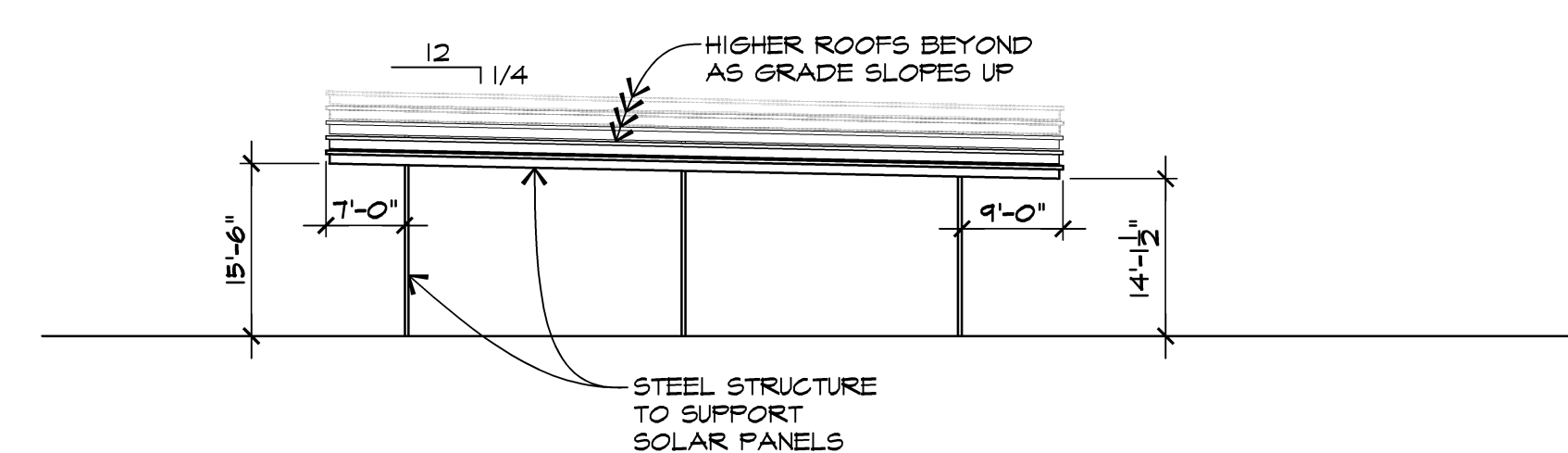
STORAGE BUILDINGS FLOOR PLANS

SCALE: 1/8" = 1'-0"



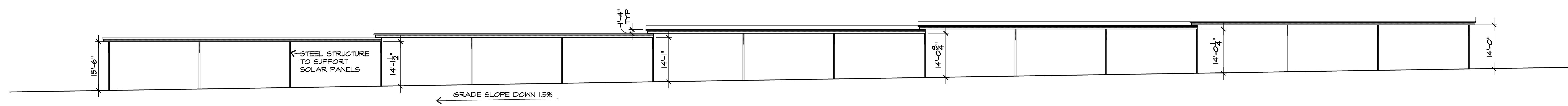
SOLAR STRUCTURE SOUTH ELEVATION

SCALE: 1/16" = 1'-0"



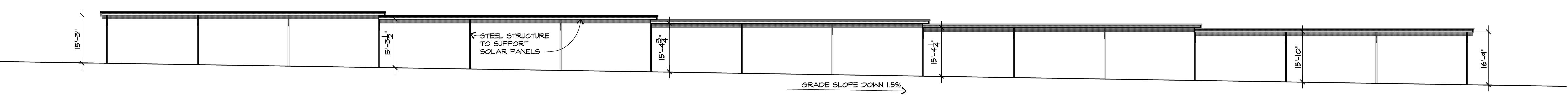
SOLAR STRUCTURE NORTH ELEVATION

SCALE: 1/16" = 1'-0"



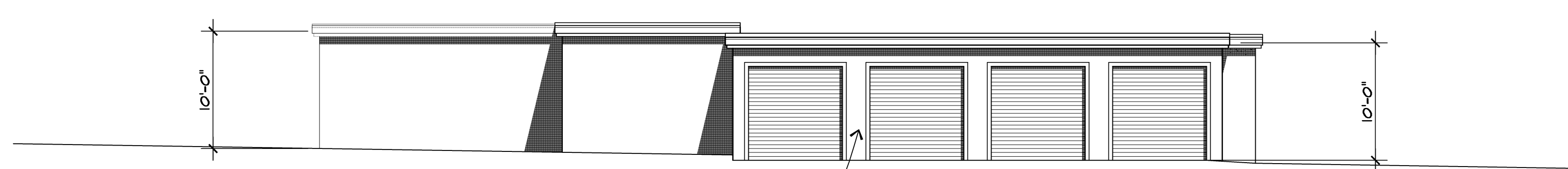
SOLAR STRUCTURE WEST ELEVATION

SCALE: 1/16" = 1'-0"



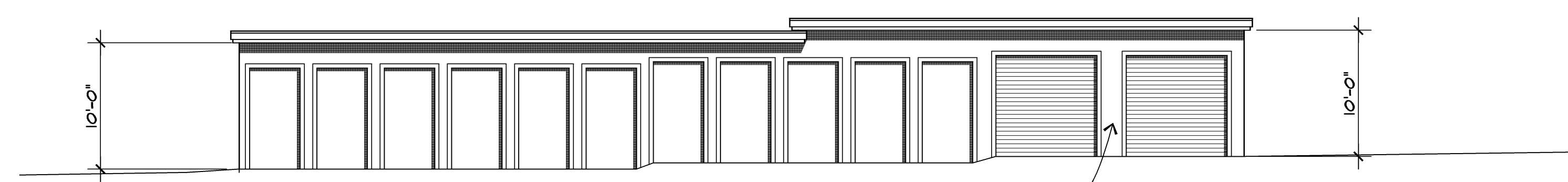
SOLAR STRUCTURE EAST ELEVATION

SCALE: 1/16" = 1'-0"



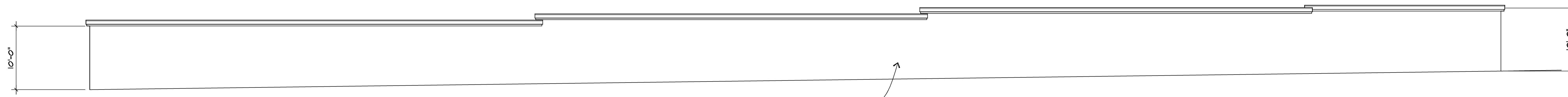
STORAGE BUILDING #2 WEST ELEVATION

SCALE: 1/8" = 1'-0"



STORAGE BUILDING #2 EAST ELEVATION

SCALE: 1/8" = 1'-0"



STORAGE BUILDING #1 WEST ELEVATION

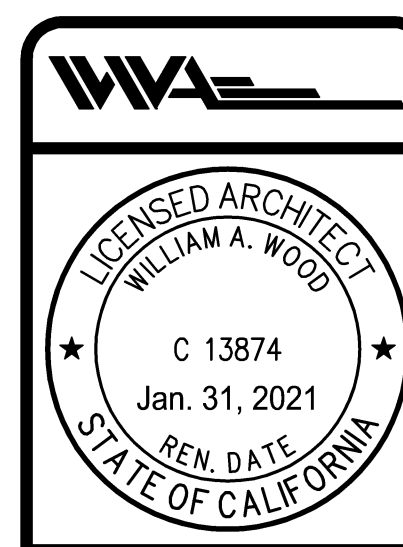
SCALE: 1/8" = 1'-0"



STORAGE BUILDING #1 EAST ELEVATION

SCALE: 1/8" = 1'-0"

REVISIONS	DATE



WILLOW PASS STORAGE
 1215 WILLOW PASS ROAD
 PITTSBURG, CA

WILLIAM WOOD ARCHITECTS
 301 HARTZ AVENUE, SUITE 203
 DANVILLE, CALIFORNIA 94526
 (925) 820-8233

DRAWN	JJ
CHECKED	WW
DATE	
SCALE	AS SHOWN
JOB NO.	
SHEET	A3
OF SHEETS	



**PLANNING DIVISION
Memorandum**

MEMO: January 28, 2020
TO: Land Use Subcommittee Members
FROM: Celina Palmer, Assistant Planner
RE: Item 4 – Perfect Union Pittsburg, AP-20-1489 (PPR)

Proposed Project: Thomas Sheridan of Sheridan Law Group, on behalf of Perfect Union, has requested Preliminary Plan Review for a retail cannabis use on the second floor of the newly constructed building at 2108 Railroad Avenue in the PD-1319 (Planned Development, City Council Ordinance No. 09-1319) District. APN: 087-034-087.

The proposed project is a cannabis dispensary providing access to medicinal and recreational cannabis. The facility would be located in an approximate 3,600 square foot space in the second story of 2108 Railroad Avenue, which is a freestanding, highly visible building located in Railroad Plaza off the Highway 4 off-ramp, near Pittsburg Center BART station. The facility is proposed to be operated by Perfect Union, an existing retail cannabis operator in the State of California with over a decade of experience. Perfect Union operates 6 existing dispensaries in the state of California and 5 in New Mexico, along with additional operations involving distribution and cultivation.

The facility proposes be open from 9am-9pm and hire 80% of their employees from the Pittsburg community. Perfect Union also has a history of philanthropic giving within the communities in which they operate.

Current regulations do not permit cannabis dispensaries within the City of Pittsburg and as such, staff would like feedback from the Subcommittee before moving forward on the project.

Discussion Items:

1. Given the current prohibition on cannabis dispensaries, should the proposed project be considered?
2. Overlay zoning specific to 2108 Railroad Avenue or zoning text amendment?
3. Comments regarding the relationship of the proposed use to surrounding uses?

Next Steps/Required Approvals:

Amendments to PMC Title 18 (Planning Commission & City Council review)

Amendments to PMC Title 5 (City Council review)

Commercial Cannabis Permit (City Council review)

Attachments:

1. Applicant Power Point Presentation
2. Project Location & Surrounding Land Uses Map
3. Cannabis Regulations PMC 5.70

PERFECT UNION



Our goal is to build the **premier cannabis retail brand** by focusing on a branded, multi-unit chain of well-designed, exceptionally operated dispensaries in key markets, supported by state-of-the-art cultivation, manufacturing and distribution to provide a vertically-integrated cannabis platform.



Current Operations



<u>DISPENSARIES</u>	<u>Type of Operation</u>	<u>Inception / Acquired Date</u>
Perfect Union, North Sacramento, CA	Dispensary	2011
Perfect Union, East Sacramento, CA	Dispensary	2017
Perfect Union, Marysville, CA	Dispensary	Jan 2019
Perfect Union, Morro Bay, CA	Dispensary	June 2020
Perfect Union, Turlock, CA	Dispensary	June 2020
Perfect Union, South Lake Tahoe, CA	Micro Business	June 2020
Natural RX, New Mexico Chain	5 Dispensaries	April 2019
<u>DISTRIBUTION</u>		
Metta Distribution, Sacramento, CA	Distribution	July 2018
<u>CULTIVATION</u>		
Fireworx Farms Cultivation Facility, Sacramento, CA	Indoor Cultivation	March 2019
Ocean State Cultivation Center, Long Island, RI	Cultivation + Distribution	August 2018
Natural RX, New Mexico	Cultivation + Distribution + Manufacturing	April 2019



Introduction

We Care...

...about our **Customers**. We are genuinely committed to trying to understand what our customers want and need and to provide to them the best care in our power. So we always try and provide the highest quality products and information possible so that they can make the right choices for their own self-care.

...about our **Employees**. We believe that if we take care of our people, they will be better able to take care of others. We invest in our staff so they can lead balanced and fulfilling lives.

...about our **Communities**. We try to become an integral part of the communities in which we operate. We look for meaningful ways to give back and make our neighborhoods better for everyone.

PERFECT UNION
ADULT USE & MEDICAL CANNABIS
4 AREA LOCATIONS

Eastside
2035 Stockton Blvd.
Sacramento, CA 95817
(916) 452-3699
A10-18-0000129-TEMP

Marysville
Medical Use Only
311 F St, Marysville, CA 95901
(530) 763-4826
C10-18-0000139-TEMP

Southside
6492 Florin Perkins Rd.
Sacramento, CA 95828
(916) 382-9766
A10-18-0000144-TEMP

Northside
1508 El Camino Ave
Sacramento, CA 95815
(916) 925-5696
A10-17-0000091-TEMP

@perfect__union

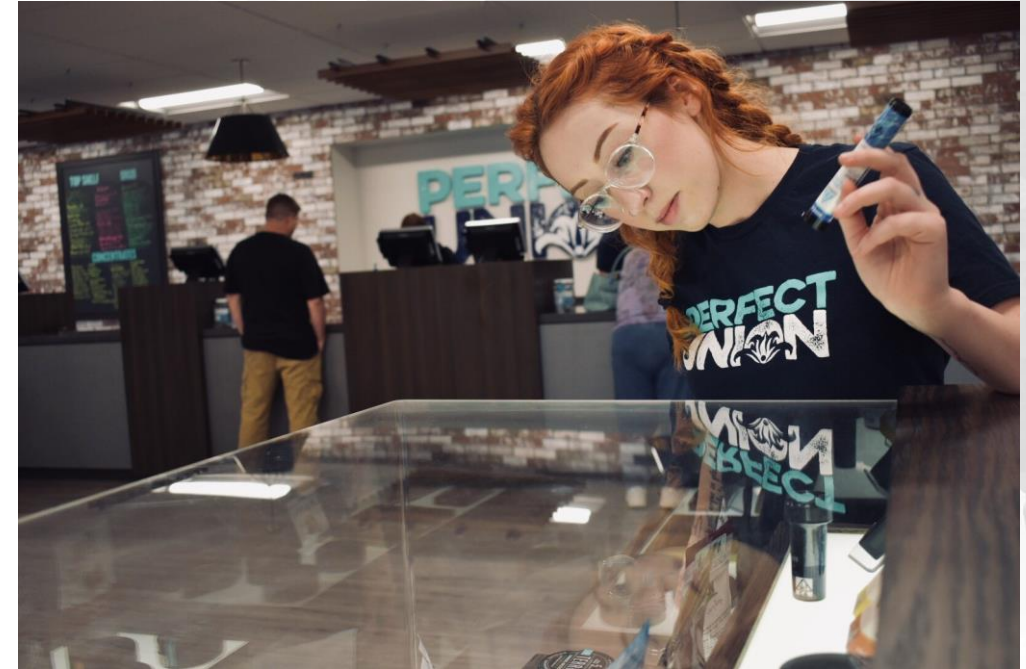
perfect-union.com



Operations

Our business plan is based on years of experience operating dispensaries in other regulated jurisdictions, as well as our knowledge and understanding of the needs of the Pittsburg community. We have brought together an incredible team of professionals and local community leaders to develop a program that will meet all requirements and local regulations, as well as all State laws.

Perfect Union will hire at least 80 percent of our store employees from the Pittsburg community, and we are excited to begin developing meaningful engagement that will serve the needs of the area.





UFCW Apprenticeship Program

Perfect Union Principals have been instrumental in the development of a California State-approved apprenticeship program in conjunction with our partners at the United Food and Commercial Workers Union (UFCW).

This program will be the “gold standard” for training the cannabis workers of the future, and Perfect Union’s leaders have contributed greatly to the development of the curriculum and standards for the program.





Philanthropic Giving

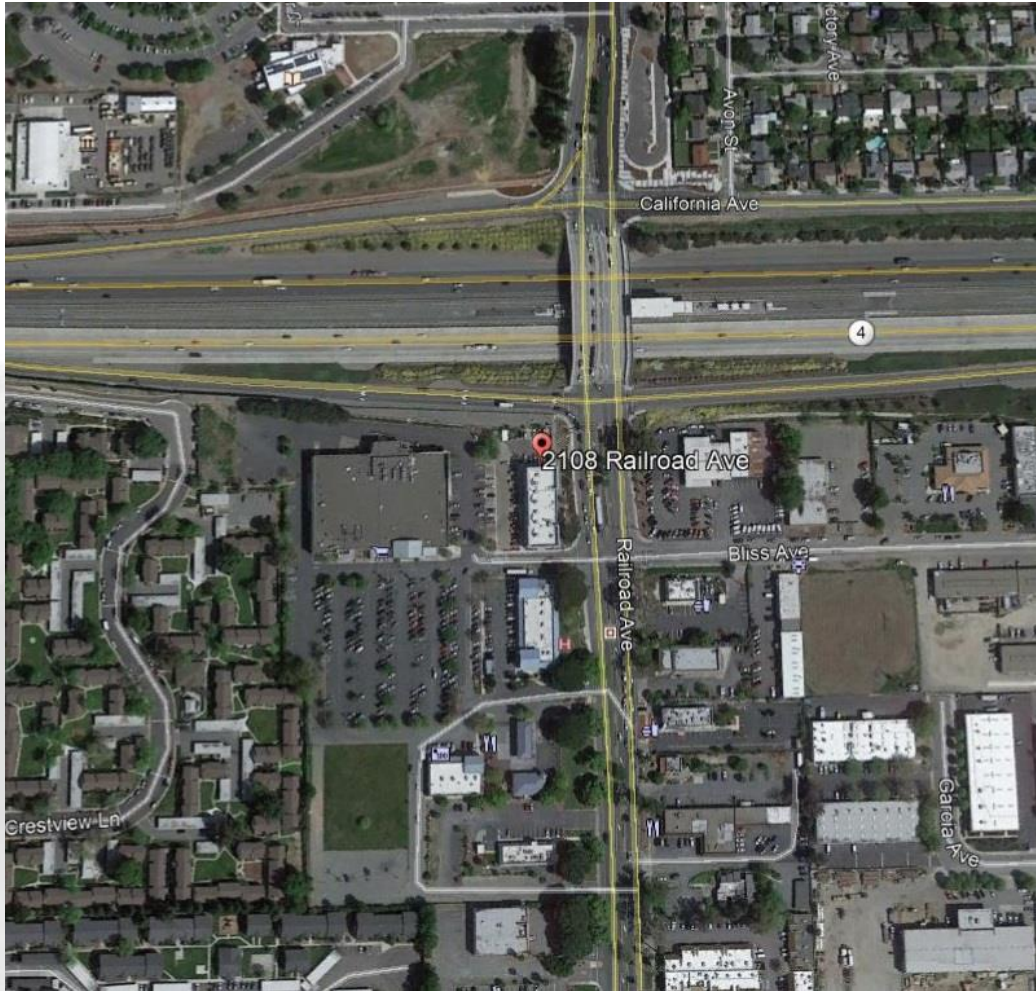
Perfect Union and our affiliates are proud of the work we do to benefit the communities we serve. Our organization works hard to ensure that we are making the world a better place in everything that we do. From providing good-paying union jobs to our staff to contributing resources to charitable organizations and local causes, Perfect Union always builds community into our model.

Our organization has a long history of making an impact and benefiting our patrons, the areas where we operate, and the society in which we all live. Our program consists of many unique projects that improve the quality of lives for the patrons we serve and those in need.





Proposed Location – 2108 Railroad Ave., Pittsburg





Preliminary Security Proposal

Our Security Plan is developed based on years of experience in providing cannabis to our patients in safe and secure environments, as well as always conducting a security assessment of the property and area. We understand that dispensaries are unique operations and we spare no expense in assuring that the facility, all products, our customers, and our staff are always well-protected.

Our facilities exceed regulatory requirements for security in the municipalities in which we currently operate, and we will continue to provide the same level of security should we be selected for a license in Pittsburgh.



PERFECT UNION

3111

PERFECT UNION
NOW OPEN

PERFECT UNION
NOW OPEN

PERFECT UNION
PARKING RESTRICTED




Minors and adults use cannabis for safe, personal use only. Minors under 21 years of age are prohibited from entering the property unless they are accompanied by a parent or guardian. Any individual entering the premises without the consent of the parent or guardian is prohibited.

PERFECT UNION

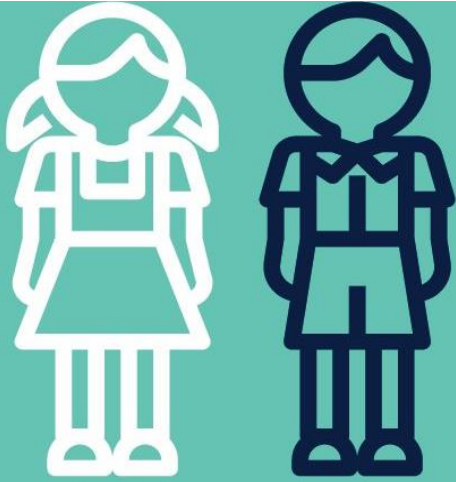

No cellphones, cameras, or any other recording devices are allowed on the premises.

PERFECT UNION


Smoking, ingesting or consuming marijuana on the property or within 20 feet of the dispensary is prohibited.

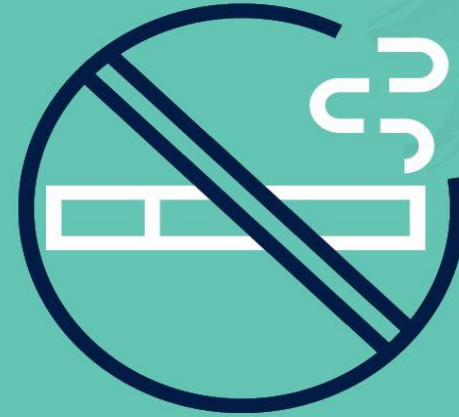
PERFECT UNION





Medical and adult-use cannabis for sale. Persons under 21 years of age are prohibited from entering this property unless they are a qualified patient or a primary caregiver. Any qualified patient or primary caregiver under 18 years of age must be in the presence of their parent or legal guardian.

**PERFECT
UNION**



Smoking, ingesting or consuming marijuana on this property or within 20 feet of the dispensary is prohibited.

**PERFECT
UNION**



DAILY SPECIALS

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
10% OFF any purchase over \$100	\$30 / 8TH with any 1/8th of regular price	4.5 GRAM EIGHTHS	15% OFF with any 1/8th of regular price	Early Bird Special 10% OFF from 10am - 12pm	\$30 / 8TH with any 1/8th of regular price	4.5 GRAM EIGHTHS







PERFECT UNION



PERFECT UNION

CANNABIS WITH FRIENDS.



Attachment 2: Project Location and Surrounding Land Uses



Chapter 5.70**CANNABIS DISPENSARIES, BUSINESSES
AND DELIVERIES**

Sections:

Article I. Medical Cannabis

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

Article II. Nonmedical Cannabis

- 5.70.110 Purpose.
- 5.70.120 Definitions.
- 5.70.130 Nonmedical cannabis dispensaries prohibited.
- 5.70.140 Nonmedical cannabis deliveries prohibited.
- 5.70.150 Commercial nonmedical cannabis businesses allowed.
- 5.70.160 Commercial nonmedical cannabis permit.
- 5.70.161 Commercial nonmedical cannabis permit holder qualifications.
- 5.70.162 Commercial nonmedical cannabis permit application.

- 5.70.163 Commercial nonmedical cannabis business operating agreement.
- 5.70.164 Commercial nonmedical cannabis business operating plan.
- 5.70.165 Commercial nonmedical cannabis business security plan.
- 5.70.170 Commercial nonmedical cannabis permit revocation and suspension.
- 5.70.180 Commercial nonmedical cannabis permit indemnification.
- 5.70.190 Dual application process.
- 5.70.200 Penalty.

Article I. Medical Cannabis**5.70.010 Purpose.**

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

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

C. Therefore, in order to protect the integrity of the city and the goals upon which this city was founded, the city council finds that it is in the best interest of the residents of the city to prohibit med-

ical cannabis collectives, cooperatives and dispensaries, and medical cannabis deliveries, and only allow certain commercial medical cannabis businesses to operate, subject to specific permitting requirements and execution of an operating agreement.

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

5.70.020 Definitions.

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

A. “City” means the city of Pittsburgh.

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

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

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

E. “Medical cannabis dispensary” or “dispensary” means (1) any facility, building, structure or location, whether fixed or mobile, where a primary caregiver makes available, sells, transmits, gives or otherwise provides medical cannabis to three or

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

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

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

2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code;

3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code;

4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code;

5. A residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

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

G. “Person” means any individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability corporation,

collective, cooperative, or combination thereof in whatever form or character. [Ord. 18-1442 § 3 (Exh. A), 2018; Ord. 16-1414 § 2, 2016; Ord. 13-1365 § 2, 2013.]

5.70.030 Medical cannabis dispensaries prohibited.

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

5.70.040 Medical cannabis deliveries prohibited.

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

5.70.050 Commercial medical cannabis businesses allowed.

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

cal cannabis business without complying with the requirements of this article. [Ord. 18-1442 § 3 (Exh. A), 2018; Ord. 16-1414 § 2, 2016.]

5.70.051 Commercial medical cannabis permit.

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

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

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

D. No commercial medical cannabis business shall be located within 600 feet of an existing school (as defined by PMC 18.08.060(V)), general day care (as defined by PMC 18.08.060(F)), club or lodge (as defined by PMC 18.08.060(B)) used exclusively as a youth center, city-owned park space which is open to the public, or library, as measured from the main entrance of the business to the nearest access point of the other use, following the shortest publicly accessible path of travel, including but not limited to streets, alleys, sidewalks, pathways, or trails. However, in no event shall a commercial medical cannabis dispensary providing cannabis products to the end user be located less than 1,000 feet from any of the uses described above, as measured by the shortest direct line distance between the subject parcel lines. The city council, by ordinance, may amend this restriction or adopt additional restrictions.

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

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

1. The applicant made one or more false or misleading statements or omissions on the registration application or during the application process;
2. The applicant fails to meet the requirements of this chapter or any regulation adopted pursuant to this chapter;
3. It is not in the best interest of the city, based upon the applicant's application or operating agreement, to issue a permit to the business;
4. Potential threats to public health and safety cannot be sufficiently mitigated; or
5. Significant public opposition necessitates denial to preserve the health, safety, and general welfare of the city. [Ord. 19-1465 § 3, 2019; Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.052 Commercial medical cannabis permit holder qualifications.

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

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

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

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

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

5.70.053 Commercial medical cannabis permit application.

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

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

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

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

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

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

E. Draft operating agreement, in accordance with PMC 5.70.054.

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

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

H. Greenhouse Gas Emissions Acknowledgement. When deemed necessary by city staff, the applicant shall provide calculations of the anticipated greenhouse gas emissions for the operation

of the business and, where applicable, the operation of the business. The applicant shall further demonstrate compliance with any applicable state, regional, or local plan for the reduction of greenhouse gas emissions. No commercial medical cannabis permit shall be granted for any business that would violate any state, regional, or local plan for the reduction of greenhouse gases.

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

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

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

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

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

N. Signed indemnity provision.

O. Any other information the city deems necessary.

Pursuant to applicable law, private information will be exempt from disclosure to the public, in

order to protect an applicant's privacy interest and safety. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.054 Commercial medical cannabis business operating agreement.

The operating agreement shall set forth the terms and conditions under which the commercial medical cannabis business will operate, which are in addition to the requirements of this article, including, but not limited to: a business operating plan as set forth in PMC 5.70.055; a security plan as set forth in PMC 5.70.056; payment of fees and other charges mutually agreed to; and additional terms and conditions that will protect and promote public health, safety, and welfare. The operating agreement shall be approved by the city council during a duly noticed, open and public meeting. The operating agreement may be approved concurrently with the commercial medical cannabis permit. An approved operating agreement shall only be in force with a valid commercial medical cannabis permit. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.055 Commercial medical cannabis business operating plan.

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

A. A list of the names, addresses, telephone numbers, and responsibilities of each applicant, manager and employee of the medical cannabis manufacturing business.

B. Planned hours and days of operations of the medical cannabis manufacturing business.

C. Floor plan of the proposed business facility.

D. If applicant is a commercial medical cannabis manufacturing business, procedures to be utilized at the facility, including, as applicable, a description of which chemicals will be used, how chemicals will be stored, handled, and used; extraction and infusion methods; the transportation process; inventory procedures; cannabis track and trace procedures; inventory procedures; quality control procedures; and testing procedures.

E. If applicant is a commercial medical cannabis manufacturing business, a detailed description of the product(s) to be manufactured at the business, including a description of the product's intended final use by consumers.

F. Transportation plan detailing how and when medical cannabis will be delivered to and from the commercial medical cannabis business.

G. Procedures for identifying, managing, and disposing of contaminated, adulterated, deteriorated, or excess medical cannabis and medical cannabis products.

H. Procedures for inventory control to prevent diversion of medical cannabis or medical cannabis products to nonmedical use; employee screening; storage of medical cannabis; personnel policies; and recordkeeping.

I. Odor management plan detailing the reasonable steps that will be taken by the business to ensure that the odor of medical cannabis and other physical impacts on neighboring properties will be minimized.

This page left blank intentionally.

J. Policies and procedures for adopting, monitoring, implementing, and enforcing all requirements of this article.

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

5.70.056 Commercial medical cannabis business security plan.

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

A. Storing cannabis and cannabis products not being manufactured or tested, in a secure room(s). Access to this/these room(s) shall be limited to key officers or employees.

B. Installation of 24-hour security surveillance cameras of at least high definition quality, to monitor all entrances and exits to and from the premises, all interior spaces where cannabis, cash, or currency is being stored, and all interior spaces where diversion of cannabis could reasonably occur. Access to the security surveillance camera network shall be given to the police department.

C. Retention of 24-hour surveillance camera footage for at least 60 days. All surveillance camera footage shall be made immediately available to the chief of police or the chief of police's designee, or to any other state or local law enforcement, upon request.

D. Professionally installed, maintained and monitored alarm system. Notice of the triggered alarm shall be sent to the police department.

E. Sensors installed to detect entry and exit from all secure areas.

F. Use of commercial-grade, nonresidential locking mechanisms at all points of ingress and egress.

G. Procedure whereby police are notified immediately upon any incidents of theft, vandalism, or any other instances stipulated by the chief of police.

H. Designation of a responsible individual, who will be the business's point of contact with city, police, and other law enforcement entities.

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

5.70.057 Commercial medical cannabis permit revocation and suspension.

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

A. An operator/permit holder ceases to meet any of the minimum qualifications listed in this article.

B. An operator/permit holder fails to comply with the requirements of this article or any conditions of approval of the permit.

C. An operator/permit holder's state license for commercial medical cannabis operations is revoked, terminated, or not renewed.

D. The commercial medical cannabis business fails to become operational within six months of obtaining its commercial medical cannabis permit.

E. Once operational, the business ceases to be in regular and continuous operation for 90 consecutive days.

F. State law allowing the use for which the permit was issued is amended or repealed resulting in the prohibition of such use, or the city receives credible information that the federal government will commence enforcement measures against such businesses and/or local governments that allow them.

G. Circumstances under which the permit was granted have significantly changed and the public health, safety, and welfare require the suspension, revocation, or modification.

H. The permit was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the permit application.

I. An operator/permit holder is not current on city taxes or fees.

J. An operator/permit holder initiates changes to its operating plan or operating agreement without first obtaining city approval.

K. An operator/permit holder's state license for commercial medical cannabis operations is suspended. The city shall not reinstate the permit until documentation is received showing that the state license has been reinstated or reissued. It shall be the city's discretion whether the city reinstates any permit.

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

5.70.058 Commercial medical cannabis permit indemnification.

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

5.70.060 Penalty.

A. Violation of this article is a public nuisance.

B. Nothing in this article in any way limits any other remedy that may be available to the city, or any penalty that may be imposed by the city, for violations of this chapter. Such additional remedies include, but are not limited to, injunctive relief, administrative citations, or a cause of action under the California Narcotics Nuisance Abatement Act

(Health and Safety Code Section 11570). [Ord. 18-1442 § 3 (Exh. A), 2018; Ord. 16-1414 § 2, 2016; Ord. 13-1365 § 2, 2013. Formerly 5.70.040.]

Article II. Nonmedical Cannabis

5.70.110 Purpose.

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

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

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

D. The purpose of this article is to prohibit cannabis collectives, cooperatives and dispensaries from being opened or established in the city of Pittsburg, as well as prohibiting nonmedical canna-

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

5.70.120 Definitions.

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

A. “City” means the city of Pittsburgh.

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

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

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

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

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

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

whatever form or character. [Ord. 18-1442 § 3 (Exh. A), 2018; Ord. 16-1415 § 2, 2016.]

5.70.130 Nonmedical cannabis dispensaries prohibited.

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

5.70.140 Nonmedical cannabis deliveries prohibited.

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

5.70.150 Commercial nonmedical cannabis businesses allowed.

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

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

5.70.160 Commercial nonmedical cannabis permit.

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

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

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

D. No commercial nonmedical cannabis business shall be located within 600 feet of an existing school (as defined by PMC 18.08.060(V)), general day care (as defined by PMC 18.08.060(F)), club or lodge (as defined by PMC 18.08.060(B)) used exclusively as a youth center, city-owned park space which is open to the public, or library, as measured from the main entrance of the business to the nearest access point of the other use, following the shortest publicly accessible path of travel, including but not limited to streets, alleys, sidewalks, pathways, or trails. However, in no event shall a commercial nonmedical cannabis dispensary providing cannabis products to the end user be located less than 1,000 feet from any of the uses described above, as measured by the shortest direct line distance between the subject parcel lines. The city council, by ordinance, may amend this restriction or adopt additional restrictions.

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

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

1. The applicant made one or more false or misleading statements or omissions on the registration application or during the application process;

2. The applicant fails to meet the requirements of this chapter or any regulation adopted pursuant to this chapter;

3. It is not in the best interest of the city, based upon the applicant's application or operating agreement, to issue a permit to the business;

4. Potential threats to public health and safety cannot be sufficiently mitigated; or

5. Significant public opposition necessitates denial to preserve the health, safety, and general welfare of the city. [Ord. 19-1465 § 3, 2019; Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.161 Commercial nonmedical cannabis permit holder qualifications.

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

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

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

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

D. Commercial nonmedical cannabis business owners, operators, managers, and employees must not have a criminal conviction that substantially relates to the qualifications, functions, or duties of the business or profession, including a felony conviction involving fraud, deceit, or embezzlement or a criminal conviction for the sale or provision of

illegal controlled substances to a minor. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.162 Commercial nonmedical cannabis permit application.

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

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

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

This page left blank intentionally.

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

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

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

E. Draft operating agreement, in accordance with PMC 5.70.163.

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

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

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

I. Water Supply Acknowledgement. When deemed necessary by the city engineer, the applicant shall demonstrate to the satisfaction of the city

engineer that sufficient water supply exists for the use.

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

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

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

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

N. Signed indemnity provision.

O. Any other information the city deems necessary.

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

5.70.163 Commercial nonmedical cannabis business operating agreement.

The operating agreement shall set forth the terms and conditions under which the commercial nonmedical cannabis business will operate, which are in addition to the requirements of this article, including, but not limited to: a business operating plan as set forth in PMC 5.70.164; a security plan as set forth in PMC 5.70.165; payment of fees and

other charges mutually agreed to; and additional terms and conditions that will protect and promote public health, safety, and welfare. The operating agreement shall be approved by the city council during a duly noticed, open and public meeting. The operating agreement may be approved concurrently with the commercial nonmedical cannabis permit. An approved operating agreement shall only be in force with a valid commercial nonmedical cannabis permit. [Ord. 18-1442 § 3 (Exh. A), 2018.]

5.70.164 Commercial nonmedical cannabis business operating plan.

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

A. A list of the names, addresses, telephone numbers, and responsibilities of each applicant, manager and employee of the nonmedical cannabis manufacturing business.

B. Planned hours and days of operations of the nonmedical cannabis manufacturing business.

C. Floor plan of the proposed business facility.

D. If applicant is a commercial nonmedical cannabis manufacturing business, procedures to be utilized at the facility, including, as applicable, a description of which chemicals will be used, how chemicals will be stored, handled, and used; extraction and infusion methods; the transportation process; inventory procedures; cannabis track and trace procedures; inventory procedures; quality control procedures; and testing procedures.

E. If applicant is a commercial nonmedical cannabis manufacturing business, a detailed description of the product(s) to be manufactured at the business, including a description of the product's intended final use by consumers.

F. Transportation plan detailing how and when nonmedical cannabis will be delivered to and from the commercial nonmedical cannabis business.

G. Procedures for identifying, managing, and disposing of contaminated, adulterated, deteriorated, or excess nonmedical cannabis and nonmedical cannabis products.

H. Procedures for inventory control to prevent diversion of nonmedical cannabis or nonmedical cannabis products to unintended uses; employee screening; storage of nonmedical cannabis; personnel policies; and recordkeeping.

I. Odor management plan detailing the reasonable steps that will be taken by the business to ensure that the odor of nonmedical cannabis and other physical impacts on neighboring properties will be minimized.

J. Policies and procedures for adopting, monitoring, implementing, and enforcing all requirements of this article.

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

5.70.165 Commercial nonmedical cannabis business security plan.

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

A. Storing nonmedical cannabis and nonmedical cannabis products not being manufactured or tested, in a secure room(s). Access to this/these room(s) shall be limited to key officers or employees.

B. Installation of 24-hour security surveillance cameras of at least high definition quality, to monitor all entrances and exits to and from the premises, all interior spaces where cannabis, cash, or currency is being stored, and all interior spaces where diversion of cannabis could reasonably occur. Access to the security surveillance camera network shall be given to the police department.

C. Retention of 24-hour surveillance camera footage for at least 60 days. All surveillance camera footage shall be made immediately available to

the chief of police or the chief of police's designee, or to any other state or local law enforcement, upon request.

D. Professionally installed, maintained and monitored alarm system. Notice of the triggered alarm shall be sent to the police department.

E. Sensors installed to detect entry and exit from all secure areas.

F. Use of commercial-grade, nonresidential locking mechanisms at all points of ingress and egress.

G. Procedure whereby police are notified immediately upon any incidents of theft, vandalism, or any other instances stipulated by the chief of police.

H. Designation of a responsible individual, who will be the business's point of contact with city, police, and other law enforcement entities.

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

5.70.170 Commercial nonmedical cannabis permit revocation and suspension.

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

A. An operator/permit holder ceases to meet any of the minimum qualifications listed in this article.

B. An operator/permit holder fails to comply with the requirements of this article or any conditions of approval of the permit.

C. An operator/permit holder's state license for commercial nonmedical cannabis operations is revoked, terminated, or not renewed.

D. An operator/permit holder's commercial nonmedical cannabis permit is suspended or revoked.

E. The commercial nonmedical cannabis business fails to become operational within six months of obtaining its commercial nonmedical cannabis permit.

F. Once operational, the business ceases to be in regular and continuous operation for 90 consecutive days.

G. State law allowing the use for which the permit was issued is amended or repealed resulting in

the prohibition of such use, or the city receives credible information that the federal government will commence enforcement measures against such businesses and/or local governments that allow them.

H. Circumstances under which the permit was granted have significantly changed and the public health, safety, and welfare require the suspension, revocation, or modification.

I. The permit was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the permit application.

J. An operator/permit holder is not current on city taxes or fees.

K. An operator/permit holder initiates changes to its operating plan or operating agreement without first obtaining city approval.

L. An operator/permit holder's state license for commercial nonmedical cannabis operations is suspended. The city shall not reinstate the permit until documentation is received showing that the state license has been reinstated or reissued. It shall be the city's discretion whether the city reinstates any permit.

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

5.70.180 Commercial nonmedical cannabis permit indemnification.

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

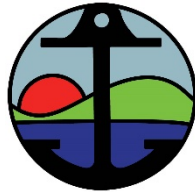
5.70.190 Dual application process.

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

5.70.200 Penalty.

A. Violation of this article is a public nuisance.

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



PLANNING DIVISION
Memorandum

MEMO: January 28, 2020

TO: Land Use Subcommittee Members

FROM: John Dacey, AICP, Assistant Planner

RE: Item 5 – 2112 Loveridge Road – Hotel and Drive-Through Retail, AP-20-1492

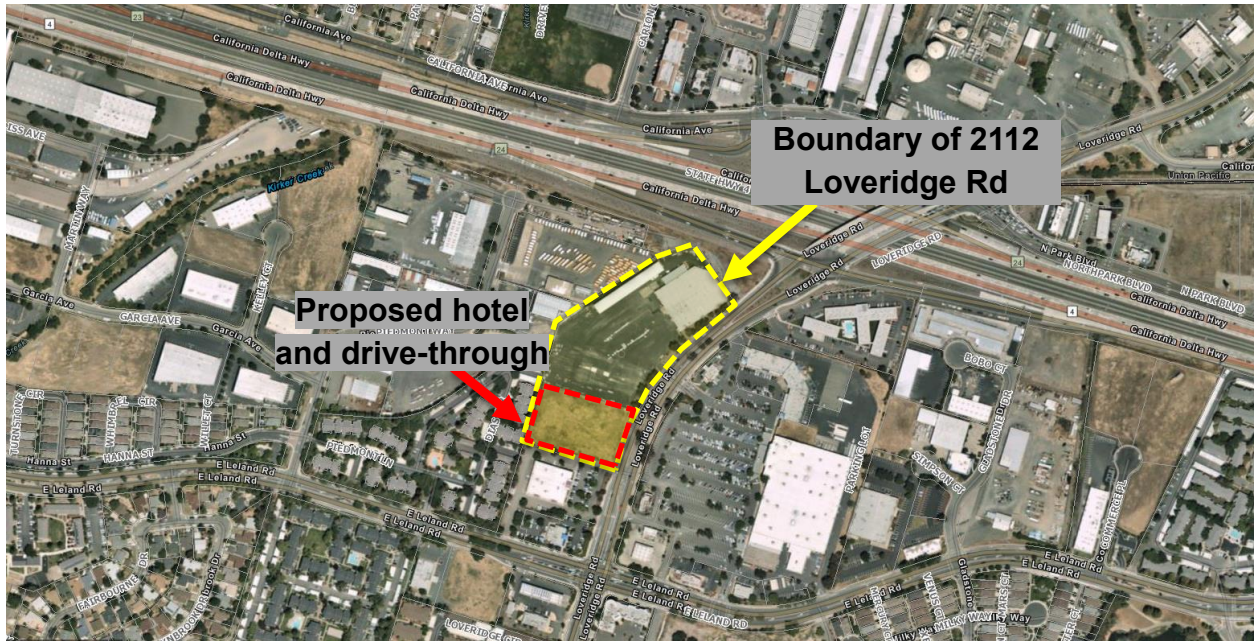
An application for preliminary plan review has been filed by Blackpoint Properties, LLC, in order to solicit feedback on a conceptual plan to develop a hotel and drive-through coffee shop on the southernmost portion of 2112 Loveridge Road. The site is designated Business Commercial and zoned IP (Industrial Park) and is currently vacant. The IP zoning district does not allow for a hotel or drive-through retail and service use, however, with a general plan amendment and zone change to Community Commercial, both proposed uses would be allowable, subject to approval of a use permit. The application also proposes a large pylon sign advertising the businesses at the northernmost portion of the site, so that it is visible to drivers on Highway 4.

Blackpoint Properties, LLC, is requesting the Subcommittee's feedback on the potential general plan amendment, zone change and sign exception. Preliminary development plans have been submitted and are attached (see Attachment 3).

Attachments:

1. Location Map
2. Aerial Map
3. Site Plan

ATTACHMENT 1:



(N) HWY VISIBLE
PYLON SIGN

2112 Loveridge Rd

Loveridge Rd

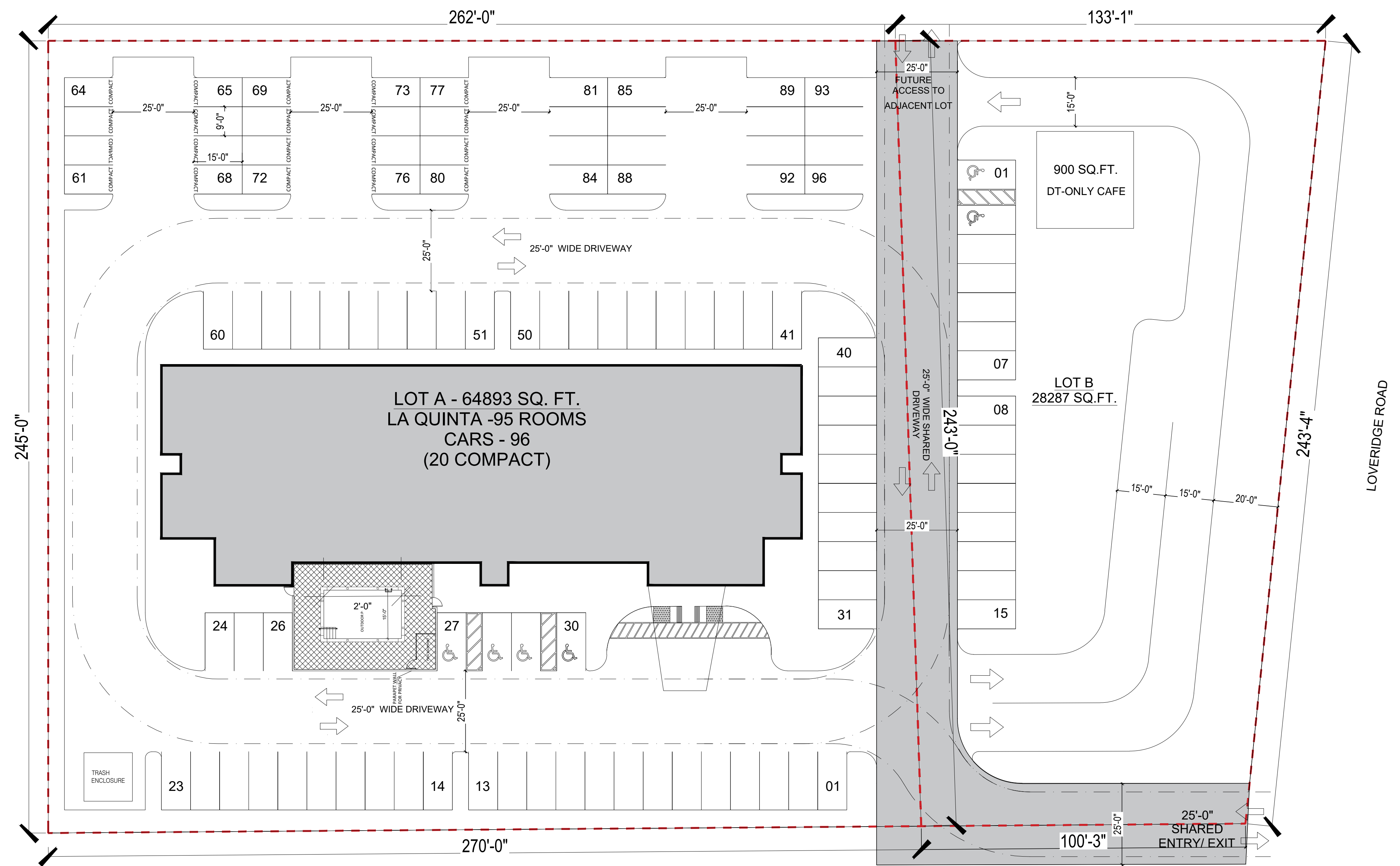
NEW HOTEL

900 SF
DT QSR

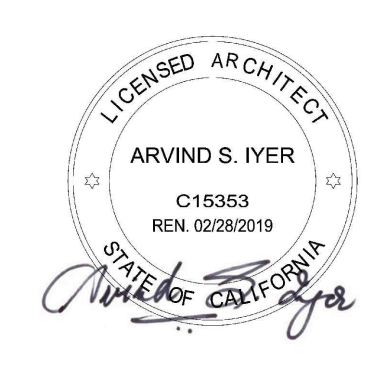
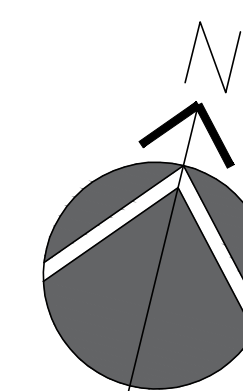
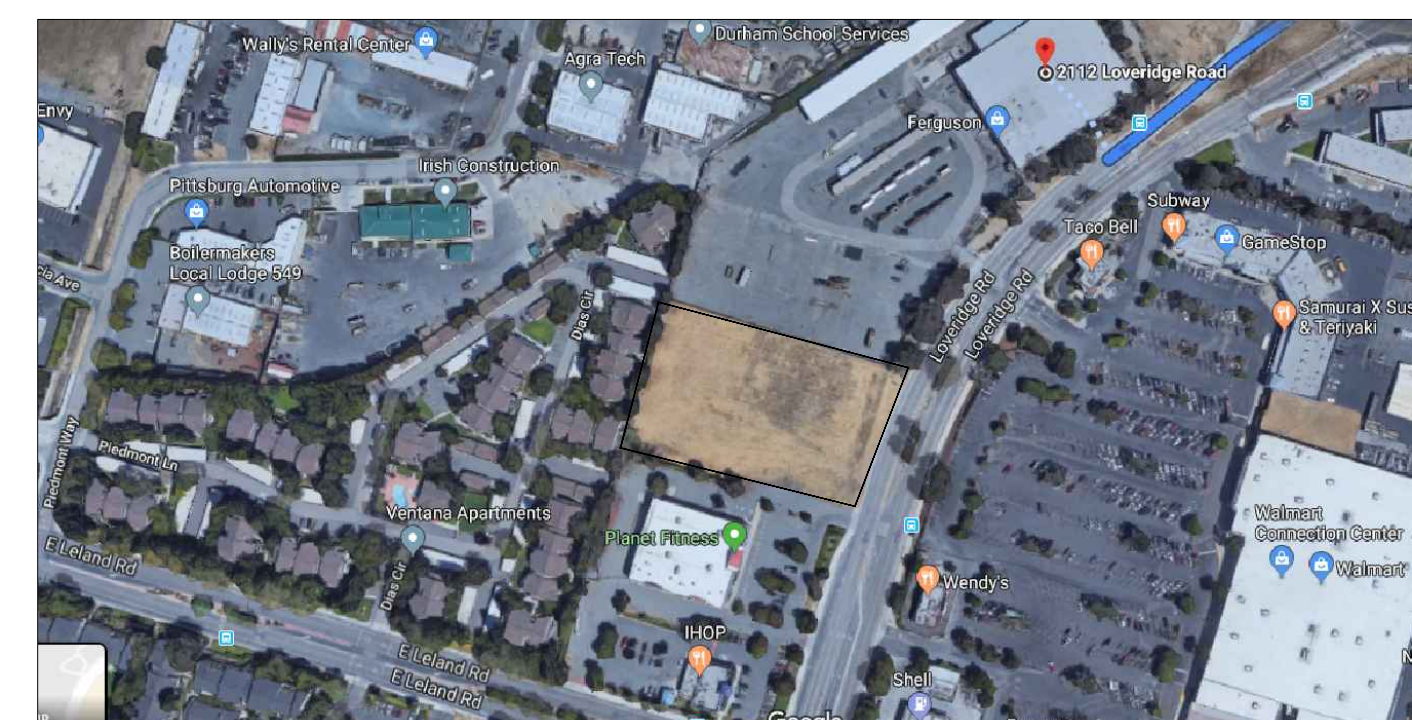


400 ft





1 PROPOSED SITE PLAN
SCALE: 1" = 20'0"



LA QUINTA
2112, LOVERIDGE ROAD,
PITTSBURG, CA

Sheet
SITE PLAN
LA QUINTA OPTION

Date	Issued for:
13.01.2020	PLANNING OPTIONS

Drawn by	ARD
Checked by	AMB
Scale:	AS NOTED
Project no.	Sheet no.
	A-1.0