



City of Pittsburg

Community Development Department – Planning Division

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

Memorandum

MEMO: July 11, 2019
TO: Zoning Administrator
FROM: Celina Palmer, Assistant Planner
RE: **Pittsburg Seventh-Day Adventist Church Fence Height Exception, AP-19-1399 (FHE)**

ORIGINATED BY: Garrett Anderson, 900 Los Medanos Street, Pittsburg, CA 94565.

SUBJECT: This is a public hearing on a request for zoning administrator approval to legalize a seven-foot-tall wrought iron fence, located along the property line at 900 Los Medanos Street and 925 Cumberland Street in the RH-D (Downtown High Density Residential) District. Assessor's Parcel Nos. 085-196-003 and 085-196-004.

RECOMMENDATION: Staff recommends the Zoning Administrator adopt Resolution No. 341, approving Fence Height Exception Application No. 19-1399, subject to conditions.

BACKGROUND:

This application was filed on January 9, 2019. The Notice of Intent to Conduct a Zoning Administrator Public Hearing for this item was provided to the Planning Commission on January 23, 2019.

PROJECT DESCRIPTION:

Existing Conditions: The project site is located at 900 Los Medanos Avenue and 925 Cumberland Street. The two parcels are 13,100 square feet and 50,704 square feet, respectfully, totaling 63,804 square feet. The 900 Los Medanos site has been developed with an existing 3,178 square-foot church, and the 925 Cumberland Street site is undeveloped.

The project site is surrounded by East 9th Street to the north, Los Medanos Street to the east, East 10th Street to the south, and Cumberland Street to the west. Beyond the surrounding streets, the site is surrounded by residential uses to the north and south, commercial uses to the east including La Hacienda restaurant and La Marina Laundromat, and office uses to the west including the City of Pittsburg Housing Authority and the Chamber of Commerce.

Proposed Project: The applicant is requesting approval to legalize an existing seven-foot-tall wrought iron fence located on the property line, within the front and corner side yard setbacks; and includes vehicle gates on the north and south, located adjacent to existing driveways (see Attachment 2, Site Plan).

CODE COMPLIANCE:

The property is located in the RH-D (Downtown High Density Residential) District. Pittsburg Municipal Code (PMC) section 18.84.205(B) states that the maximum height of a fence in a residential zoning district is 1) within the required front yard, four and one-half feet; provided, that the portion above three feet in height must have generally uniformly spaced interstices to allow 66 and two-thirds percent open area between the fence material, 2) within the required corner side yard, six feet, except for the portion of the lot within three feet of the back edge of the sidewalk. In this portion of the lot, the maximum fence height is four-and-one-half feet. However, the portion of the fence located above three feet in height must have uniformly spaced interstices to allow 66 and two-thirds percent open area between the fence material, and 3) in the side and rear six feet.

The existing fence in question is located along the front, rear, and corner side property lines. PMC section 18.84.205(F) allows for the maximum allowable fence height to be increased through the issuance of a fence height exception approved by the Zoning Administrator.

Required Findings: In order to approve a fence height exception, the Zoning Administrator must make findings pursuant to PMC section 18.84.205 (F)(2) that the proposed fence:

- A. will not infringe upon the light, air circulation, or visual openness of surrounding properties;
- B. will not detract, impair, or destroy the characteristics of the established area; and,
- C. will not be detrimental to the health, safety or welfare of persons residing or working in or adjacent to the area or neighborhood of such structure.

Environmental: This item is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 3, "New Construction or Conversion of Small Structures" of the State CEQA Guidelines, section 15303.

Public Noticing: On or prior to July 1, 2019, notice of the July 11, 2019 public hearing was posted at City Hall, near the subject 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 project site, and to individuals who had previously filed

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July 11, 2019

written request for such notice, in accordance with Pittsburg Municipal Code (PMC) section 18.14.010 and Government Code section 65091.

STAFF ANALYSIS:

Staff believes the Zoning Administrator can make all the findings necessary in order to approve the requested fence height exception.

The existing fence does not infringe upon the light, air circulation, or visual openness of the subject property or surrounding properties, since there are no properties immediately adjacent to the project site, and the proposed wrought iron fence material allows light and air to pass through and provides visual openness between the business and the street. The fence is not detrimental to the health, safety, or welfare of persons residing or working in or adjacent to the area or neighborhood of such structure, in that its transparency provides natural surveillance of the property from all surrounding streets. Therefore, staff supports the applicant's request for a fence height exception, subject to the conditions.

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REQUIRED ACTION:

Move to adopt Resolution No. 341, approving Fence Height Exception Application No. 19-1399, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 341
2. Project Plans and Site Photos, dated January 9, 2019 and July 2, 2019
3. Public Hearing Notice/Vicinity Map

PROPOSED
BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving a Fence Height)	
Exception for an Existing Seven-Foot-Tall)	Resolution No. 341
Fence, for "Pittsburg Seventh-Day)	
Adventist Church Fence Height)	
Exception, AP-19-1399 (FHE)." <hr/>)	

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On January 9, 2019, Garrett Anderson, filed Fence Height Exception Application No. 19-1399, requesting approval to legalize an existing seven-foot-tall wrought iron fence, located along the property line at 900 Los Medanos Street and 925 Cumberland Street in the RH-D (Downtown High Density Residential) District. Assessor's Parcel Nos. 085-196-003 and 085-196-004.
- B. On January 23, 2019, the Zoning Administrator submitted to the Planning Commission a Notice of Intent to exercise delegated authority for the subject application pursuant to Pittsburg Municipal Code (PMC) section 18.84.205(F)(2).
- C. The fence height exception request is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 3, "New Construction or Conversion of Small Structures" of the State CEQA Guidelines, section 15303.
- D. On or prior to July 1, 2019, notice of the July 11, 2019 public hearing was posted at City Hall, near the subject 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 project site, and to individuals who had previously filed written request for such notice, in accordance with Pittsburg Municipal Code (PMC) section 18.14.010 and Government Code section 65091.
- E. PMC section 18.84.205(F), *Exceptions to Fence Height Regulations*, allows for the maximum allowable fence height to be increased through the issuance of a fence height exception approved by the Zoning Administrator. In order to approve a fence height exception, the Zoning Administrator must make findings (PMC section 18.84.205.F.2) that the proposed fence structures:
 - 1. will not infringe upon the light, air circulation, or visual openness of surrounding properties;

2. will not detract, impair or destroy the characteristics of the established area; and,
 3. will not be detrimental to the health, safety or welfare of persons residing or working in or adjacent to the area or neighborhood of such structure.
- F. On July 11, 2019, the Zoning Administrator held a public hearing on Fence Height Exception Application No. 19-1399, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on all the information contained in the Planning Division files on this project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all oral and written testimony presented at the public hearing, the Zoning Administrator finds that:
1. All recitals above are true and correct and are incorporated herein by reference.
 2. The existing fence does not infringe upon the light, air circulation, or visual openness of the subject property or surrounding properties, in that the fence structure is comprised of seven-foot tall visually permeable panels with matching vehicle gates. The spacing of the pickets within the fence panels and gates allow light and air to pass through, and provide visual openness between the site and the surrounding streets and properties.
 3. The existing fence does not detract, impair or destroy the characteristics of the established area, in that it is constructed in a sound and workmanlike fashion using new materials.
 4. The existing fence is not detrimental to the health, safety, or welfare of persons residing or working in or adjacent to the area or neighborhood, in that the height of the fence deters trespassers from entering the property and engaging in illegal activity. The visually open style of the fence structure also deters graffiti, as it cannot easily be applied to open surfaces. In addition, the open design of the fence facilitates natural surveillance thereby promoting the health, safety and welfare of those members of the church on site, as well as persons in the general vicinity.

Section 3. Decision

- A. Based on the findings set forth above, the Zoning Administrator hereby approves Fence Height Exception Application No. 19-1399, subject to the following conditions.

1. Site Plan. The existing fence shall remain substantially as presented in the approved site plan and photos date-stamped January 9, 2019 and July 2, 2019, except as may be modified by the conditions below.
2. Fence Maintenance. The fence shall be maintained erect and in a state of good repair. A dilapidated, dangerous, or unsightly fence shall be repaired, replaced, or removed, as the situation may warrant.
3. Property Maintenance. The entire site including paved, unpaved, and landscaped areas must be kept in a neat and orderly manner, free of weeds loose trash, debris, and other litter.
4. Property Maintenance. The applicant shall ensure that no landscaping or debris encroaches from the property onto the public right-of-way.
5. Landscaping. All site landscaping shall be maintained so as to remain thriving and free of weeds. Any dead plants shall be replaced with the same or similar species.
6. Existing Fencing. The applicant shall remove all existing chain-link fencing and barbed wire from the site.
7. Signage. The applicant shall remove any and all unpermitted signs from the property; or, apply for a Sign Review Permit to legalize existing signage.

Standard Conditions:

8. Construction. All site development shall comply with Title 15 (Building and Construction) of the Pittsburg Municipal Code.
9. Other Agency Requirements. The applicant shall comply with all requirements of the Pittsburg Building and Engineering Divisions, the Contra Costa County Fire Protection District, 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.
10. Standard Conditions. 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 this resolution and the Standard Conditions of Development, this Zoning Administrator resolution shall govern.
11. Indemnification. Applicant 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. Applicant may select its own legal counsel to represent applicant's interests at applicant's sole cost and expense. Applicant 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 attorney's 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.

12. Expiration. This approval will expire on July 11, 2020, unless an encroachment permit has been issued or a written request for extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Zoning Administrator. The approval shall be valid for no more than six months from the date of permit issuance, unless work is commenced and diligently pursued prior to the expiration of the permit.

Section 4. Effective Date

This resolution shall take effect immediately upon adoption of this resolution.

The foregoing resolution was passed and adopted the 11th day of July, 2019, by the Zoning Administrator of the City of Pittsburg, California.

KRISTIN POLLOT, AICP
ZONING ADMINISTRATOR

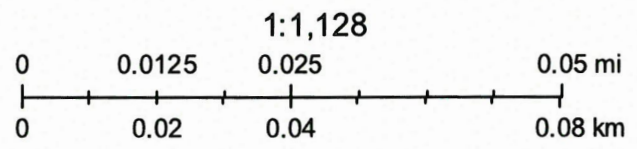
Fence Plan



1/9/2019, 4:52:34 PM

- Parcel
- ⊠ City Limits
- ⊞ CCC Housing Authority
- ▬ Caltrans ROW
- ▬ Railroads

— 7'-0" WROUGHT IRON FENCE
++ VEHICLE GATE



Disclaimer: All reasonable effort has been made to assure the accuracy of the maps for its intended purpose. However, the GIS data may or may not be an exact depiction of the existence, location, depth, size, material or type of facilities shown herein.





Community Service
PITTSBURG S.D.A. CHURCH
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From 432-7223
MUST HAVE IDENTIFICATION
1. SOCIAL SECURITY CARD
2. PICTURED CALIFORNIA ID
NO EXCEPTIONS





City of Pittsburg

Community Development Department – Planning Division

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NOTICE OF PUBLIC HEARING

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

DATE: July 11, 2019
TIME: 2:00 p.m.
PLACE: First Floor, Conference Room 4B
 65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Pittsburg Seventh-Day Adventist Church Fence Height Exception, AP-19-1398 (ZA).

This is an application by Garrett Anderson, on behalf of Pittsburg Seventh-Day Adventist Church, requesting Zoning Administrator approval of a fence height exception, where the maximum fence height permitted is three feet, in order to legalize a seven-foot-tall wrought fence, located at 900 Los Medanos Street and 925 Cumberland Street in the RH-D (Downtown High Density Residential) District. APNs: 085-196-003 and 085-196-004.

PROJECT PLANNER: Celina Palmer, (925) 252-4029 or cpalmer@ci.pittsburg.ca.us

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


Where can I get more information about this project?

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

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

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

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


 KRISTIN POLLOT, AICP
 ZONING ADMINISTRATOR

Project Title: Pittsburg Seventh-Day Adventist Church Fence Height Exception, AP-19-1398 (FHE).
Location: 900 Los Medanos Street and 925 Cumberland Street, APNs: 085-196-003, 085-196-004

