



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: **Savage Services Fence Height Exception, AP-17-1244 (FHE)**

ORIGINATED BY: Jon D. Simmons, 1501 Loveridge Road #14, Pittsburg, CA 94565.

SUBJECT: This is a public hearing on a request for zoning administrator approval to legalize a six-foot-tall chain-link fence with barbed wire within the required front yard setback located at 1501 Loveridge Road in the IG (General Industrial) District. Assessor's Parcel No. 073-230-033.

RECOMMENDATION: Staff recommends the Zoning Administrator adopt Resolution No. 342, approving Fence Height Exception Application No. 17-1244, subject to conditions.

BACKGROUND:

In May 2016, Savage Services filed Administrative Design Review Application No. 16-1162 requesting approval to place an office trailer and two small storage containers at their 1501 Loveridge Road truck terminal. The application was approved by the Zoning Administrator in August 2016. Per Condition No. 2 of Resolution No. 285, Savage Services is required to relocate an existing fence located along Loveridge Road or apply for a fence height exception to keep it in its current location. The company opted to apply for a fence height exception, submitting their application in May 2017. The Notice of Intent to Conduct a Zoning Administrator Public Hearing for this item was provided to the Planning Commission on July 25, 2017.

PROJECT DESCRIPTION:

Existing Conditions: The project site covers 2.17 acres of a larger 4.5-acre parcel located at the northeastern corner of Loveridge Road and Pittsburg-Antioch Highway. The site is used as a truck terminal and is surrounded by other industrial uses including ISCO Industries Inc., a wholesaling and storage use; Joel Hewatt Co. Inc., a contractor use; Concord Iron Works, a limited manufacturing use; and Shaker Cabinet Co., a limited manufacturing use.

Proposed Project: Savage Services is requesting legalization of an existing six-foot-tall chain-link fence with barbed wire, located in the front yard setback of the property (see Attachment 2, Project Plans and Site Photos).

CODE COMPLIANCE:

The property is located in the IG (General Industrial) District. Pittsburg Municipal Code (PMC) section 18.84.205(C)(3) states that the maximum height of a fence within the required front yard setback in an industrial zoning district is three feet. 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 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, in that it consists of chain-link material. The material allows light and air to pass through and provides visual openness between the business and the street.

The site is located in an industrial area that contains several other six-foot-tall chain-link fences with barbed wire. As such, the existing fence does not detract, impair, or destroy

Zoning Administrator Staff Report
Savage Services Fence Height Exception, AP-17-1244 (FHE).
July 11, 2019

the characteristics of the established area; rather, it is consistent with the industrial character of the area. Further, by allowing the fence to remain within the required front yard setback, the existing fence line to the north would be continued, creating a consistent aesthetic.

Lastly, 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 of such structure, in that the open surface of the fence would deter graffiti, the height of the fence would deter trespassers, and the transparency of the fence provides natural surveillance of the property from Loveridge Road.

REQUIRED ACTION:

Move to adopt Resolution No. 342, approving Fence Height Exception Application No. 17-1244, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 342
2. Project Plans and Site Photos, dated May 9, 2017 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 Six-Foot-Tall)	Resolution No. 342
Fence with Barbed Wire, for "Savage)	
Services Fence Height Exception, AP-17-)	
1244 (FHE).")	

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On May 9, 2017, Jon D. Simmons, on behalf of Savage Services, filed Fence Height Exception Application No. 17-1244, requesting approval to legalize an existing six-foot-tall chain-link fence with barbed wire located within the required front yard setback at 1501 Loveridge Road in the IG (General Industrial) District. Assessor's Parcel No. 073-230-033.
- B. On July 25, 2017, 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. 17-1244, 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 chain-link material allows light and air to pass through and provides visual openness between the site and the street.
 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 good materials, and is consistent with other fences in the vicinity.
 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 and placement of the fence deters trespassers from entering the property, the visually open style of the fence deters graffiti, and the transparency of the fence provides natural surveillance of the property thereby promoting the health, safety and welfare of pedestrians 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. 17-1244, subject to the following conditions.
1. Site Plan. The existing fence shall remain substantially as presented in the approved site plan date-stamped May 9, 2017, except as may be modified by the conditions below.

2. Razor Wire. Razor wire shall be located on top of the chain-link fencing, at a minimum of six-feet above the adjacent grade, but in no event shall the total fence height (including razor wire) exceed twelve-feet.
3. Fence Maintenance. The fence shall be maintained erect and in a state of good repair. A dilapidated, dangerous, or unsightly fence or wall must be repaired, replaced, or removed, as the situation may warrant.
4. 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.
5. Property Maintenance. The property owner shall ensure that rubbish or other unsightly material that accumulates on either side of the fence and gates is removed within 72 hours of its accumulation, and that the fence and gates are maintained in a neat, clean, and orderly fashion and in good repair at all times.
6. 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.

Standard Conditions:

7. Construction. All site development shall comply with Title 15 (Building and Construction) of the Pittsburg Municipal Code.
8. 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.
9. 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.
10. 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.

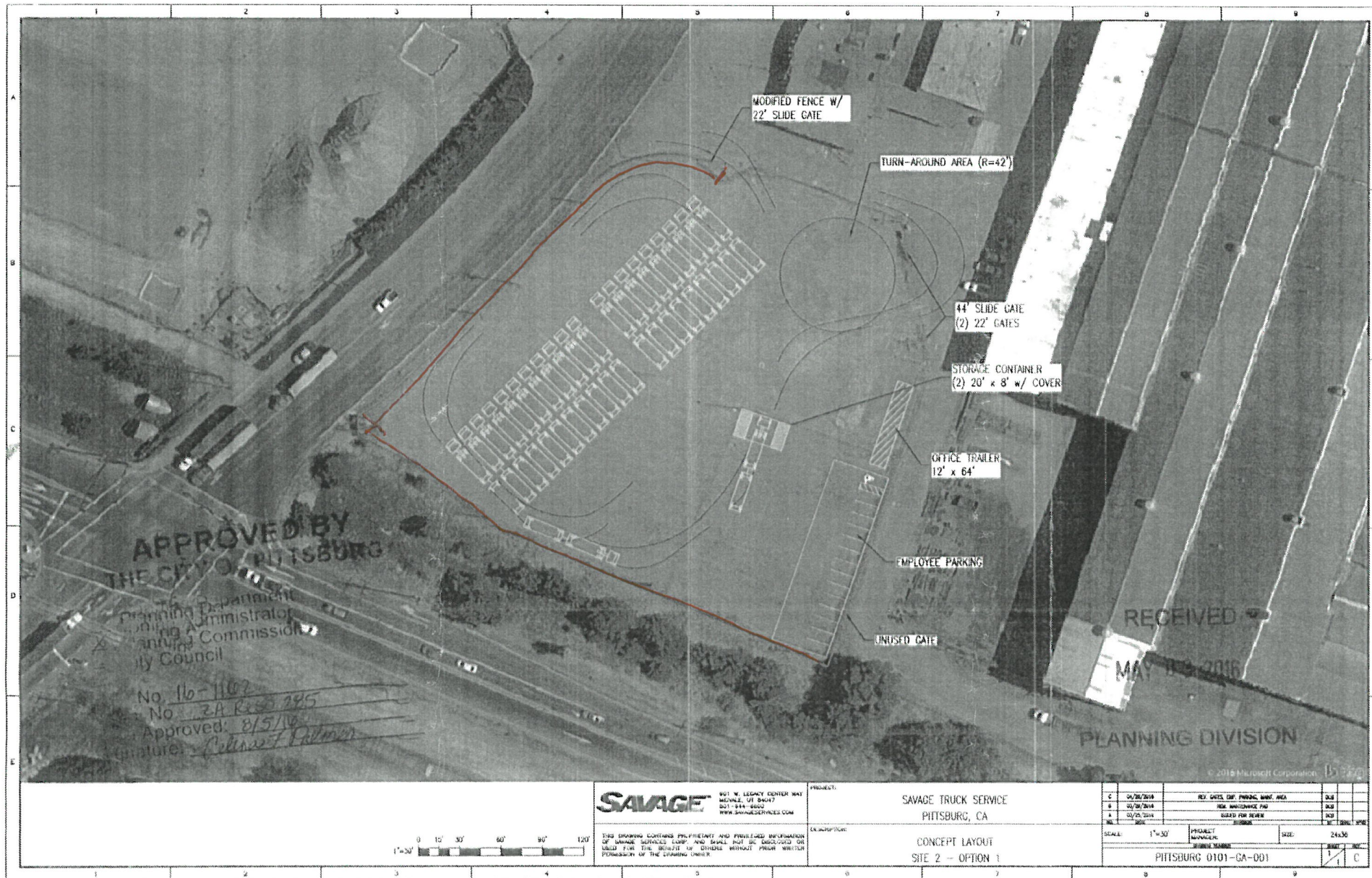
11. Expiration. This approval will expire on July 11, 2020, unless an encroachment permit has been issued or a written request for extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Zoning Administrator. The approval shall be valid for no more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



APPROVED BY
THE CITY OF PITTSBURG

Planning Department
Planning Administrator
Planning Commission
City Council

No. 16-1102
No. 2A RESO 285
Approved: 8/5/16
Signature: *Colin F. Palmer*

RECEIVED
MAY 11 2016
PLANNING DIVISION

Savage 901 W. LEGACY CENTER WAY
MONTICELLO, UT 84407
801-844-6600
WWW.SAVAGE-SERVICES.COM

PROJECT:
SAVAGE TRUCK SERVICE
PITTSBURG, CA

DESCRIPTION:
CONCEPT LAYOUT
SITE 2 - OPTION 1

REV.	DATE	DESCRIPTION	BY
C	04/28/2016	REV. GATES, EMP. PARKING, WARE AREA	DJB
B	03/20/2016	REV. WAREHOUSE FWD	DJB
A	03/20/2016	GATES FOR BEARER	DJB
01	03/04/2016	ISSUE	DJB

SCALE: 1"=30'
PROJECT NUMBER: 0101-CA-001
DATE: 2/4/16
SHEET: 1 OF 1



1501 Loveridge Landscape 168,507 SF

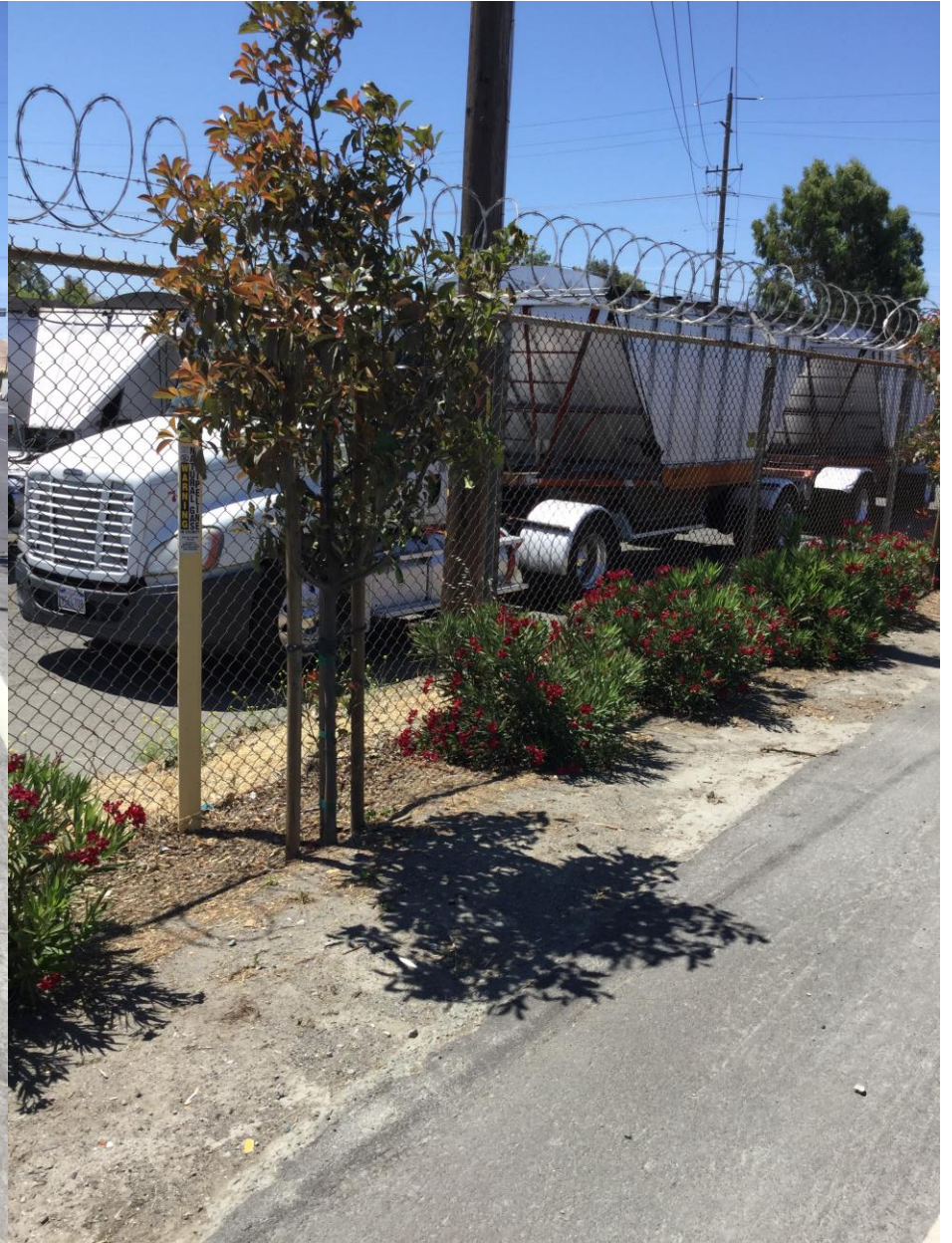
Legend



Google Earth

© 2018 Google

900 ft





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:

Savage Services Fence Height Exception, AP-17-1244 (FHE).

This is an application by Jon D. Simmons, of Savage Services, requesting Zoning Administrator approval of a fence height exception for the front and corner side yard of the property, where the maximum fence height permitted is three feet, in order to legalize a six-foot-tall chain link fence with barbed wire for Savage Services Truck Terminal, located at 1501 Loveridge Road in the IG (General Industrial) District. APN: 073-230-033.

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: Salvage Services Fence Height Exception, AP-17-1244 (FHE).
Location: 1501 Loveridge Road, APN: 073-230-033

