



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: **3878 Alta Vista Circle Fence Height Exception, AP-19-1408 (FHE)**

ORIGINATED BY: Damon Preston, 2132 Abbott Avenue, Pittsburg, CA 94565.

SUBJECT: This is a public hearing on a request for zoning administrator approval to legalize a six to seven-and-a-half-foot-tall wooden fence, built on a slope, within the required corner side yard setback located at 3878 Alta Vista Circle in the RS-6 (Single Family Residential, 6,000 Square Foot Minimum Lot Size) District. Assessor's Parcel No. 087-423-010.

RECOMMENDATION: Staff recommends the Zoning Administrator adopt Resolution No. 338, approving Fence Height Exception Application No. 19-1408, subject to conditions.

BACKGROUND:

This application was filed on February 11, 2019. The Notice of Intent to Conduct a Zoning Administrator Public Hearing for this item was provided to the Planning Commission on March 12, 2019.

PROJECT DESCRIPTION:

Existing Conditions: The subject site is in the Woodland Hills Subdivision. It is a 6,750-square-foot corner lot with a 2,965-square-foot, single-family dwelling constructed in 1986. Similar single-family homes are located to the north, east, and south, with undeveloped land to the west.

Proposed Project: The applicant requests legalization of an existing six to seven-and-a-half-foot-tall wooden fence located in the corner side yard setback (see Attachment 2, Site Plan). The fence has been constructed on a slope, creating the range in height of the fence from six feet to seven-and-a-half feet.

CODE COMPLIANCE:

The property is located in the RS-6 (Single Family Residential, 6,000 Square Foot Minimum Lot Size) District. Pittsburg Municipal Code (PMC) section 18.84.205(B)(4) states that the maximum height of a fence within the required corner side yard setback in a residential zoning district is 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.

The existing fence in question is located two feet away from the back edge of the sidewalk along Alta Vista Circle. 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:

The existing fence in question would not infringe upon the light, air circulation, or visual openness of the subject property or surrounding properties, since there are no homes immediately adjacent to the project site, and the proposed wooden fence is consistent in material and appearance with other fences in the neighborhood. Further, the location of the proposed fence (40-feet from the front property line) would leave clear sight lines for

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driver safety. 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. 338, approving Fence Height Exception Application No. 19-1408, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 338
2. Project Plans and Site Photos, dated March 11, 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 Six to Seven-)	Resolution No. 338
and-a-Half-Foot-Tall Fence, for “3878)	
Alta Vista Circle Fence Height Exception,)	
AP-19-1408 (FHE).”)	

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On February 11, 2019, Damon Preston, filed Fence Height Exception Application No. 19-1408, requesting approval to legalize an existing six to seven-and-a-half-foot-tall wooden fence, built on a slope, located within the required corner side yard setback at 3878 Alta Vista Circle in the RS-6 (Single Family Residential, 6,000 Square Foot Minimum Lot Size) District. Assessor’s Parcel No. 087-423-010.
- B. On March 12, 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. 19-1408, 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 it is located in the back half of the property where it is least visible.
 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, consistent with other fences in the neighborhood.
 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 placement of the fence (approximately 40 feet back from the front property line) leaves clear sight lines for driver safety.

Section 3. Decision

- A. Based on the findings set forth above, the Zoning Administrator hereby approves Fence Height Exception Application No. 19-1408, 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 March 11, 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 or wall shall be repaired, replaced, or removed, as the situation may warrant.

3. Encroachment Permit. The applicant shall obtain approval and enter into a revocable encroachment agreement with the City of Pittsburg Engineering Division within 30 days of this approval.
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.

Standard Conditions:

5. Construction. All site development shall comply with Title 15 (Building and Construction) of the Pittsburg Municipal Code.
6. 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.
7. 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.
8. 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.
9. 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

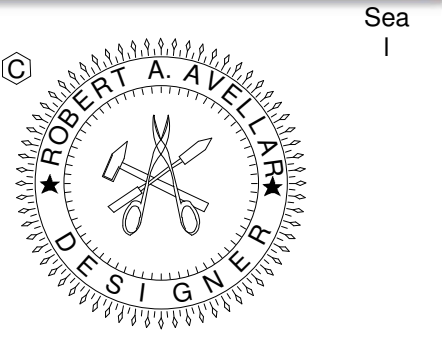
This resolution shall take effect immediately upon adoption of this resolution.

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

3878 ALTA VISTA CIR, PITTSBURG CA

RAA
RAA DESIGNER
 2415 SAN PABLO DAM ROAD 106 #
 158
 SAN PABLO, CALIFORNIA 94806



Consultants

- Client
- General Contractor
- Structural Engineer
- Mechanical/ Plumbing Engineer
- Electrical Engineer

Issues And Revisions:

No.	Description	Date

RAA Job No.: 20101204 Drawn By: Author

Project: Damon Preston

3878 Alta Vista Cir

Pittsburg, California 94565
 APN: 087423010

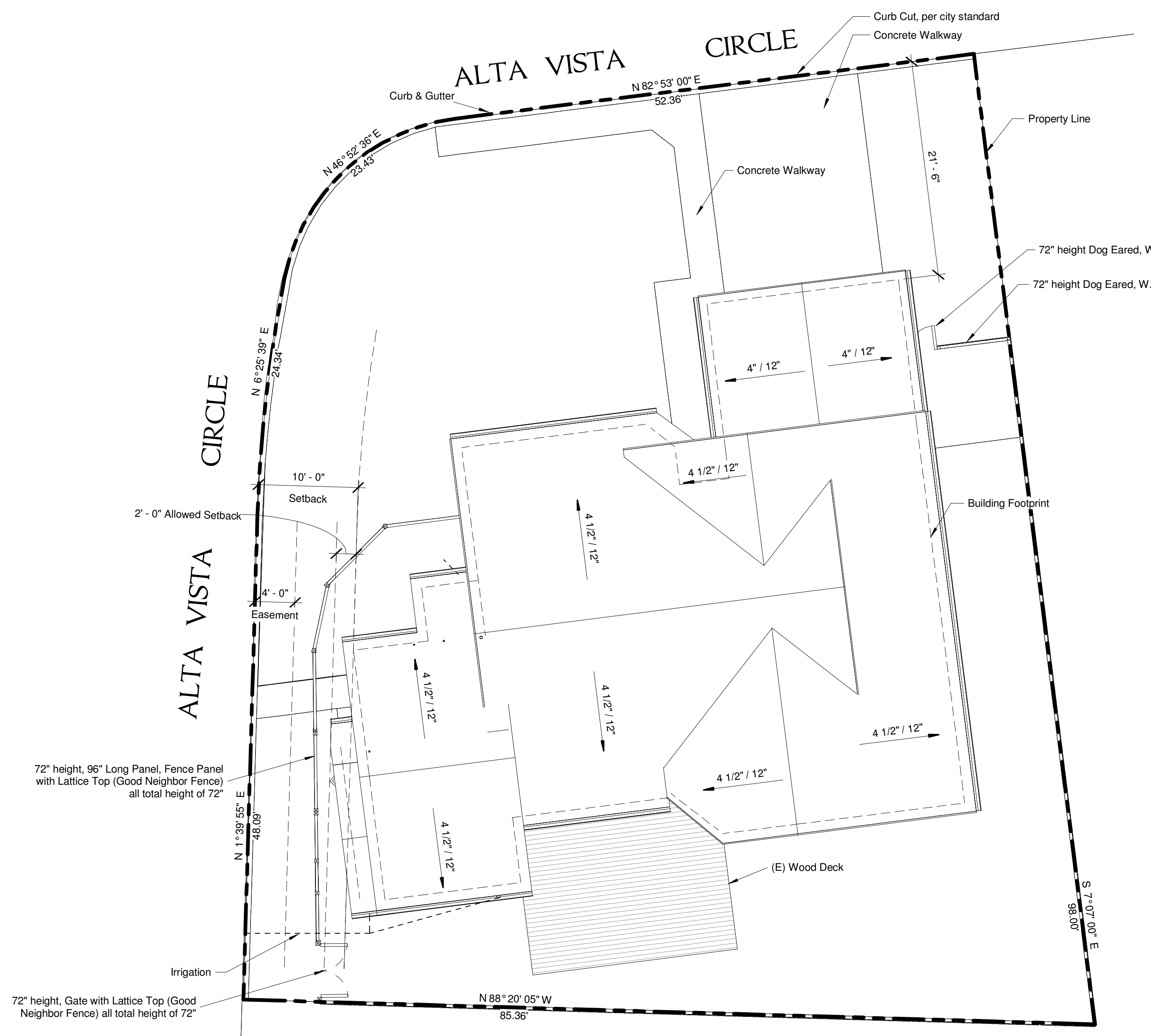
Sheet No. **A1**
 Site Plan,

Scale: As indicated

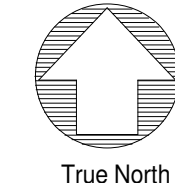
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Date: 3/10/2019 11:59:48 PM

Printed:



2 Site Plan
 1/8" = 1'-0"



This drawing is a 24" x 36" sheet. Reductions have modified the referenced scales.





City of Pittsburg

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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:

3878 Alta Vista Circle Fence Height Exception, AP-19-1408 (FHE).

This is an application by Damon Preston requesting Zoning Administrator approval of a fence height exception, where the maximum fence height permitted is three feet, in order to legalize a six-foot-tall wood fence constructed on a City easement, located at 3878 Alta Vista Circle in the RS-6 (Residential Single Family, 6,000 Square Foot Minimum Lot Size) District. Assessor's Parcel No. 087-423-010.

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: 3878 Alta Vista Circle Fence Height Exception, AP-19-1408 (FHE).
Location: 3878 Alta Vista Circle, APN: 087-423-010

