



**City of Pittsburg  
Zoning Administrator Agenda**

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**December 17, 2019**

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

**1:30 P.M.**

**CALL TO ORDER**

**DELETIONS, WITHDRAWALS OR CONTINUANCES**

**COMMENTS FROM THE AUDIENCE** (For items not listed on the agenda.)

**PUBLIC HEARING**

**1. 1718 Bridgeview Street Fence Height Exception, AP-19-1460 (FHE)**

This is an application by David Radcliffe, requesting Zoning Administrator approval of a fence height exception to allow a seven-foot-tall wooden fence, where only six feet is allowed, located along both side yards at 1718 Bridgeview Street in the PD (Planned Development, Ord. 1204) District. Assessor's Parcel No. 093-263-015.

**ADJOURNMENT**

## **NOTICE TO PUBLIC**

### **GENERAL INFORMATION**

A decision by the Zoning Administrator is not final until the appeal period expires 10 calendar days after the date the decision occurred. The applicant, City Council member(s), City Manager, or any affected person may appeal either the denial, approval or any condition of approval of an item within the 10-day appeal period. A completed appeal form and the applicable filing fee must be filed with the City Planner, 65 Civic Avenue, Pittsburg. The appeal form must include the name and address of the appellant and state the reasons for the appeal. The appeal will be set for Planning Commission consideration and public notice given.

The Zoning Administrator requests that you refrain from disruptive conduct during the meeting and that you observe the order and decorum of the meeting. Please turn off or set to vibrate all cellular phones and pagers, and refrain from making personal, impertinent or slanderous remarks. Boisterous or disruptive behavior during the meeting, and the display of signs in a manner that violates the rights of others or prevents others from watching or fully participating in the meeting is a violation of Municipal Code, and the Zoning Administrator can direct any person who engages in such conduct to leave the meeting.

### **NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED**

In compliance with the Americans with Disabilities Act, the city of Pittsburg will provide special assistance for disabled citizens. Upon request, an agenda for the meeting will be made available in appropriate alternative formats. If you need special assistance to participate in this meeting, or wish to request a specially formatted agenda, please contact the City Planner at 925-252-4920. Notification at least 24 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format. (28 CFR 35.102-35.104 ADA Title II)



# City of Pittsburg

Community Development Department – Planning Division

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

## Memorandum

**MEMO:** December 17, 2019  
**TO:** Zoning Administrator  
**FROM:** John Dacey, AICP, Assistant Planner  
**RE:** **1718 Bridgeview Street Fence Height Exception, AP-19-1460 (FHE)**

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ORIGINATED BY: David Radcliffe, 1718 Bridgeview Street, Pittsburg, CA 94565

SUBJECT: This is an application by David Radcliffe, requesting Zoning Administrator approval of a fence height exception to allow a seven-foot-tall wooden fence located along the side yards at 1718 Bridgeview Street in the PD (Planned Development, Ord. 1204) District. Assessor's Parcel No. 093-263-015.

RECOMMENDATION: Staff recommends the Zoning Administrator adopt Resolution No. 348, approving Fence Height Exception Application No. 19-1460, subject to conditions.

BACKGROUND:

This application was filed on September 25, 2019. The Notice of Intent to Conduct a Zoning Administrator Public Hearing for this item was provided to the Planning Commission on October 22, 2019.

PROJECT DESCRIPTION:

Existing Conditions: The subject site is located on the south side of Bridgeview Street, between Alderbrook Way and Southwood Drive, in the Oak Hills Subdivision. It consists of a 5,940-square-foot interior lot developed with a 2,026-square-foot single-family dwelling built in 1991. Similar single-family homes are located to the north, east, south and west.

Proposed Project: There is an existing six-foot-tall wooden fence located along the side and rear yards of the site. The applicant is requesting approval of a fence height exception to allow the replacement of the fence with a new wooden fence, which would rise to seven feet in height in portions of the side yard (see Attachment 2, Site Plan). All other sections of the fence would remain six feet in height, including the rear yard. The seven foot fence would consist of solid wood on the lower six feet, while the top foot would be lattice, allowing light and air into the adjacent yards. The new fence would

provide the residence with additional security and privacy, while also improving aesthetics.

CODE COMPLIANCE:

The subject site is in the PD (Planned Development, Ordinance No. 1204) District. The ordinance states that all development shall comply with the Property Development Standards of the RS District (PMC Section 18.50.015). The maximum height of a fence within the required side yard setback in a residential zoning district is six feet [(PMC section 18.84.205(B)(1)]. The portion of the proposed fence that would exceed the maximum allowable fence height by one foot would be in the required side yard setback. 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 December 7, 2019, notice of the December 17, 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 the required findings to approve the fence height exception as requested. The proposed fence would not infringe upon the light, air circulation, or visual openness of surrounding properties, in that in the portions of fencing exceeding the height limit would be made up of lattice, allowing light and air to circulate. The neighborhood's appearance would also be improved, in that the

Zoning Administrator Staff Report  
1718 Bridgeview Street Fence Height Exception, AP-19-1460 (FHE)  
December 17, 2019

existing worn wooden fence would be replaced with a new wooden fence. As the fence is being located on an interior lot, the new fencing would not affect sight lines for driver safety.

REQUIRED ACTION:

Move to adopt Resolution No. 348, approving Fence Height Exception Application No. 19-1460, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 348
2. Project Plans and Site Photos, dated September 25, 2019
3. Public Hearing Notice/Vicinity Map



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 December 17, 2019, the Zoning Administrator held a public hearing on Fence Height Exception Application No. 19-1460, 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 proposed fence does not infringe upon the light, air circulation, or visual openness of surrounding properties, in that it is located along the side property lines, and in the portions exceeding six feet in height would be lattice, allowing light and air to permeate.
3. The proposed fence does not detract, impair or destroy the characteristics of the established area, in that it will be constructed in a sound and workmanlike fashion using new materials, consistent with other fences in the neighborhood.
4. The proposed 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 new fencing would improve aesthetics over the existing worn fence; allow for increased privacy and security for both the applicant and adjoining neighbors; and not affect sight lines for driver safety with its location in the side yards of an interior lot.

## Section 3. Decision

A. Based on the findings set forth above, the Zoning Administrator hereby approves Fence Height Exception Application No. 19-1460, 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 September 25, 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. 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. Fence Design. The portions of the fence exceeding six feet in height shall maintain a lattice design. The lattice shall not exceed one-foot in height.

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 December 17, 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.

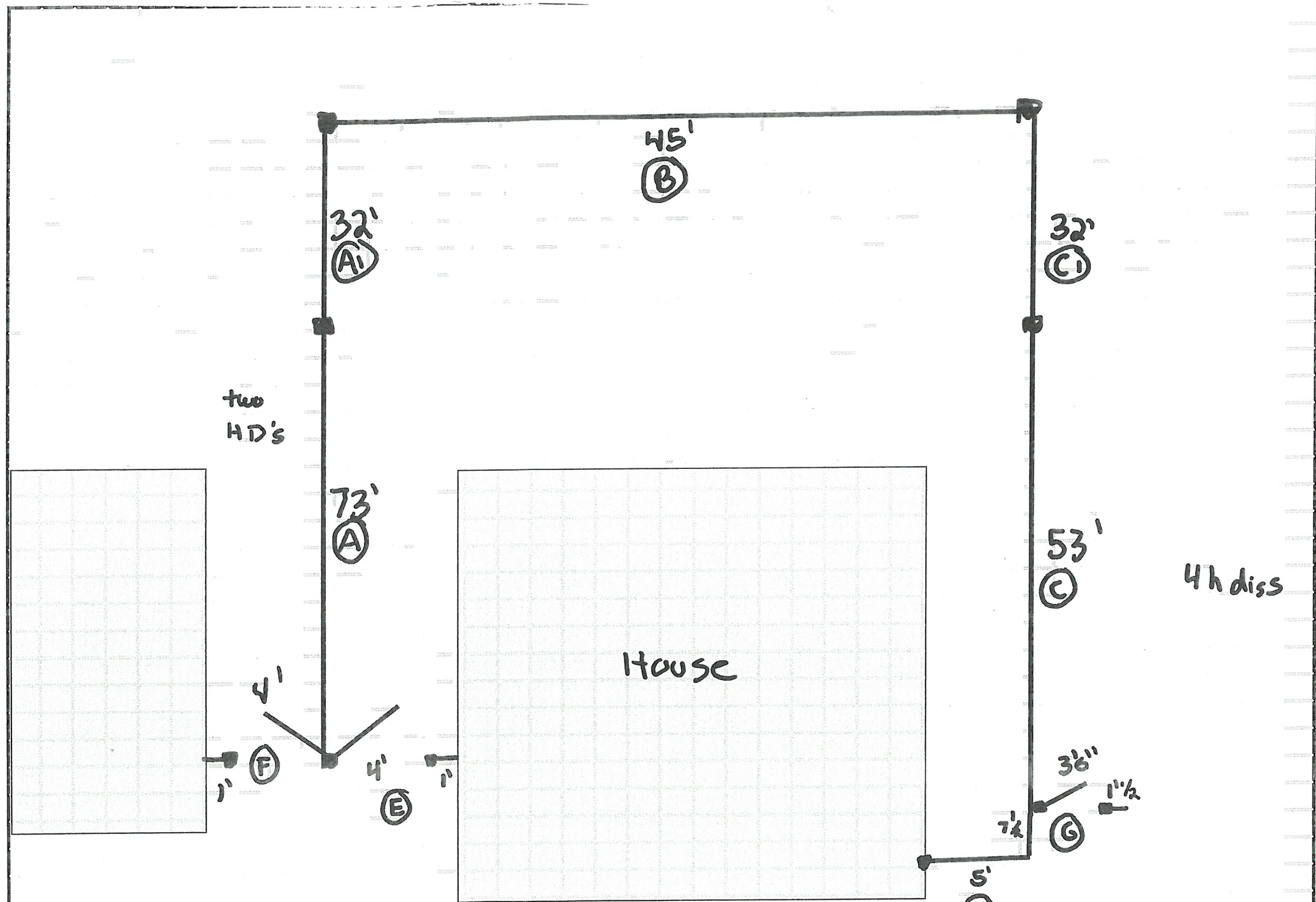
Section 4. Effective Date

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

The foregoing resolution was passed and adopted the 17<sup>th</sup> day of December, 2019, by the Zoning Administrator of the City of Pittsburg, California.

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KRISTIN POLLOT, AICP  
ZONING ADMINISTRATOR



4h diss

House

two HD's

RECEIVED  
SEP 25 2019

PLANNING DIVISION

Line	(A)	(A)	(B)	(C)	(C)	(D)	(E)	(F)	(G)
6' Solid	\$3,870	\$1,728	\$2,250	\$2,925	\$1,728	\$220	\$530	\$530	\$530
7' Piano	\$5,257	—	—	\$3,932	—	\$315	\$625	\$625	\$625



RECEIVED  
SEP 25 2019  
PLANNING DIVISION







RECEIVED

SEP 25 2019

PLANNING DIVISION





# City of Pittsburg

Community Development Department – Planning Division

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

## NOTICE OF PUBLIC HEARING

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

**DATE:** December 17, 2019  
**TIME:** 1:30 p.m.  
**PLACE:** First Floor, Conference Room 4B  
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

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### 1718 Bridgeview Street, AP-19-1460 (FHE).

This is an application by David Radcliffe, requesting Zoning Administrator approval of a fence height exception to allow a seven-foot-tall wooden fence, where only six feet is allowed, located along both side yards at 1718 Bridgeview Street in the PD (Planned Development, Ord. 1204) District. Assessor's Parcel No. 093-263-015.

**PROJECT PLANNER:** John Dacey, (925) 252-4824 or [jdacey@ci.pittsburg.ca.us](mailto:jdacey@ci.pittsburg.ca.us)

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**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.

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KRISTIN POLLOT, AICP  
ZONING ADMINISTRATOR

**Project Title:** 1718 Bridgeview Street Fence Height Exception, AP-19-1460 (FHE).

**Location:** 1718 Bridgeview Street, APN: 093-263-015

