



# City of Pittsburg Zoning Administrator Agenda

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June 29, 2023

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 HEARINGS

1. **3468 Pittsburg-Antioch Highway – Fence Height Exception, AP-23-0072 (FHE).**

This is an application by Chris Koenig requesting Zoning Administrator approval of a permit for a Fence Height Exception to construct a 13-foot metal security fence along the perimeter of the property located at 3468 Pittsburg-Antioch Highway in the CS (Service Commercial) Zoning District. Assessor's Parcel No. 074-100-018.

The property is the future location of the Pittsburg Solar RV & Boat Storage facility approved by the Planning Commission on June 14, 2022, under Resolution No. 10191 (AP-21-1588 (UP)). The maximum fence height approved for the facility is currently 10 feet. Due to security concerns, the applicant is requesting authorization to increase the maximum fence height to 13 feet.

This project is delegated to the Zoning Administrator under PMC section 18.32.010(B)(3).

2. **255 Sierra Drive - Tree Removal Permit, AP-23- 0049 (TRP).**

This is an application by Efen Lares requesting Zoning Administrator approval of a permit to remove one protected tree, as defined by Pittsburg Municipal Code (PMC) section 18.84.830(F). For replacement tree, the Applicant is proposing to replace the tree with one "Honey Locust" and one "Jacarandas" tree, planted within the front yard area. The project is located at 255 Sierra Drive, Pittsburg, CA 94565, in the RS-6 (Single Family Residential, 6,000 Square Foot Lot Size Minimum) District. Assessor's Parcel No. 088-095-021.

This project is delegated to the Zoning Administrator under PMC section 18.84.850(C).

**This agenda was posted at City Hall on June 19, 2023.**

3. **3291 William Way - Fence Height Exception, AP-23-0061 (FHE).**

This is a request for Zoning Administrator approval of a fence height exception to construct an 8' wooden fence along the rear property line of the parcel located at 3291 William Way in the RS-5 (Single Family Residential, 5,000 Square Foot Lot Size Minimum) Zoning District. The allowable fence height within this Zoning Designation is 6', pursuant to Pittsburg Municipal Code (PMC) Section 18.84.205 (B)(1). The request has been filed due to safety concerns. Assessor's Parcel No. 087-041-004.

This project is delegated to the Zoning Administrator under PMC section 18.32.010(B)(3).

**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)



## Memorandum

**MEMO:** June 29, 2023  
**TO:** Zoning Administrator  
**FROM:** Alison Hodgkin, Associate Planner  
**RE:** **3468 Pittsburg-Antioch Hwy Fence Height Exception  
AP-23-0072 (FHE)**

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ORIGINATED BY: Chris Koenig, 925-984-5683, [chris@pacificprop.net](mailto:chris@pacificprop.net)

SUBJECT: This is a public hearing on a request for Zoning Administrator approval of a permit for a Fence Height Exception to construct a 13-foot-tall metal security fence along the perimeter of the property located at 3468 Pittsburg-Antioch Highway in the CS (Service Commercial) Zoning District. Assessor's Parcel No. 074-100-018.

The project site is the future location of the Pittsburg Solar RV & Boat Storage facility approved by the Planning Commission on June 14, 2022, under Resolution No. 10191 (AP-21-1588 (UP)). The maximum fence height approved for the facility is currently 10 feet. Due to security concerns, the applicant is requesting Zoning Administrator approval to increase the maximum fence height to 13 feet.

RECOMMENDATION: Staff recommends the Zoning Administrator adopt a Resolution (Attachment 1) approving Fence Height Exception Application No. 23-0072, subject to conditions.

BACKGROUND:

This application was filed on May 16, 2023. The Notice of Intent to Conduct a Zoning Administrator Public Hearing for this item was provided to the Planning Commission on June 27, 2023.

PROJECT DESCRIPTION:

Existing Conditions: The project site is a predominantly flat, undeveloped parcel surrounded by industrial and commercial uses. The site is vacant and covered by weedy vegetation and includes no trees.

Proposed Project: The project site is the future location of the Pittsburg Solar RV & Boat Storage facility approved by the Planning Commission on June 14, 2022, under

Resolution No. 10191 (AP-21-1588 (UP, DR)). The maximum fence height approved by the Planning Commission for the facility is currently 10 feet. Due to security concerns, the applicant is requesting authorization to increase the maximum fence height to 13 feet.

CODE COMPLIANCE:

The project site is located in the Service Commercial (CS) Zoning District. The purpose of the CS District is to provide opportunities for retail and service businesses on transitional sites between commercial and industrial areas, including businesses not allowed in other commercial districts because they have industrial characteristics, require heavy vehicle or truck traffic, or have certain other adverse impacts.

Pittsburg Municipal Code (PMC) section 18.84.205(C)(1) states that the maximum height of a fence within all C Districts is eight feet. However, the Use Permit and Design Review approvals for the project (AP-21-1588 UP, DR) adopted under Resolution No. 10191, allowed for a 10-foot tall, stone-accented metal fence as shown on the project plans dated October 7, 2021.

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 June 19, 2023, notice of the June 29, 2023 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 proposed increase in fence height from 10 feet to 13 feet would not infringe upon the light, air circulation, or visual openness of the subject property or surrounding properties, given the project site is over 12 acres in size and the fence would be located along the

Zoning Administrator Staff Report  
3468 Pittsburg-Antioch Highway Fence Height Exception, AP-23-0072 (FHE).  
June 29, 2023

perimeter of the property in a commercial district adjacent to many industrial uses and the Union Pacific Railroad (rear property line). Adequate light, air and openness would continue to exist between adjacent properties.

The proposed increase in fence height from 10 feet to 13 feet would not detract, impair or destroy the characteristics of the area, given surrounding properties are industrial and commercial in nature and the proposed fence would be constructed in a sound and workmanlike fashion using newer, high-quality materials.

The proposed increase in fence height from 10 feet to 13 feet would not be detrimental to the health, safety, or welfare of persons residing or working in or adjacent to the area or neighborhood, rather, the increased fence height will deter crime in the area and increase both privacy and safety which is a benefit to the general public welfare.

Therefore, staff supports the applicant's request for a fence height exception, subject to the conditions.

REQUIRED ACTION:

Move to adopt Resolution No. 401, approving Fence Height Exception Application No. AP-23-0072, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 401
2. Project Plans, dated April 18, 2023
3. Public Hearing Notice/Vicinity Map

BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving a Fence Height	)	
Exception for a 13-Foot-Tall Security	)	Resolution No. 401
Fence Along Perimeter of Property	)	
located at "3468 Pittsburg-Antioch Hwy	)	
Fence Height Exception. AP-23-0072	)	
(FHE)"	)	

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The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On June 14, 2022, the Planning Commission provided Use Permit and Design Review approval for AP-21-1588 (UP, DR) under Resolution No. 10191 to establish a boat and recreational vehicle storage facility at 3468 Pittsburg-Antioch Highway in the CS (Service Commercial) Zoning District. Assessor’s Parcel No. 074-100-018.
- B. On May 16, 2023, Chris Koenig, of Pittsburg Solar RV & Boat Storage, filed Fence Height Exception Application No. 23-0072, requesting Zoning Administrator approval to increase the height of the fence from 10-feet to 13-feet tall due to security concerns.
- C. On June 27, 2023, 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 18.32.010(B)(3).
- D. 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.
- E. On or prior to June 19, 2023, notice of the June 29, 2023, 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.
- F. 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.
- G. On June 29, 2023, the Zoning Administrator held a public hearing on Fence Height Exception Application No. 23-0072, 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 would not infringe upon the light, air circulation, or visual openness of the subject property or surrounding properties, in that it will be located along the perimeter of the property which includes Pittsburg-Antioch Highway to the north, Union Pacific Railroad to the south and a 100-foot-wide drainage ditch to the east.
  3. The proposed fence does not detract, impair or destroy the characteristics of the established area, in that surrounding properties are industrial and commercial in nature and the proposed fence would be constructed in a sound and workmanlike fashion using newer, high-quality materials.
  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, rather, the increased fence height will actually deter crime in the area and increase both privacy and safety which is a benefit to the general public welfare.

### Section 3. Decision

- A. Based on the findings set forth above, the Zoning Administrator hereby approves Fence Height Exception Application No. 23-0072, 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 April 18, 2023, 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 June 29, 2024, 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 29<sup>th</sup> day of June, 2023, by the Zoning Administrator of the City of Pittsburg, California.

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JOHN FUNDERBURG III  
ZONING ADMINISTRATOR











# City of Pittsburg

Community and Economic 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:** June 29, 2023  
**TIME:** 1:30 p.m.  
**PLACE:** First Floor, Conference Room 4B  
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

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### **Pittsburg Solar RV & Boat Storage Fence Height Exception, AP-23-0072 (FHE)**

This is an application by Chris Koenig of Pittsburg Solar RV & Boat Storage requesting Zoning Administrator approval of a fence height exception, where the maximum fence height authorized is 10 feet, but due to security concerns, the applicant is requesting to increase the maximum fence height to 13 feet. The property is located at 3468 Pittsburg-Antioch Highway in the CS (Service Commercial) Zoning District. Assessor's Parcel No. 074-100-018.

This project is delegated to the Zoning Administrator under PMC section 18.32.010(B)(3).

**PROJECT PLANNER:** Alison Hodgkin, (925) 252-6987 or [ahodgkin@pittsburgca.gov](mailto:ahodgkin@pittsburgca.gov)

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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?**

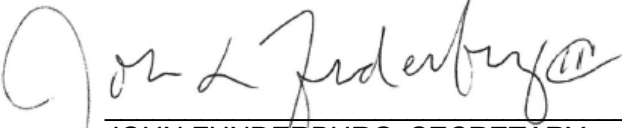
The complete file for this project is available for public inspection; please contact the project planner listed above to make necessary arrangements.

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

Comments or objections to the project can be made by writing or through e-mailed testimony prior to and oral testimony during the meeting. 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.

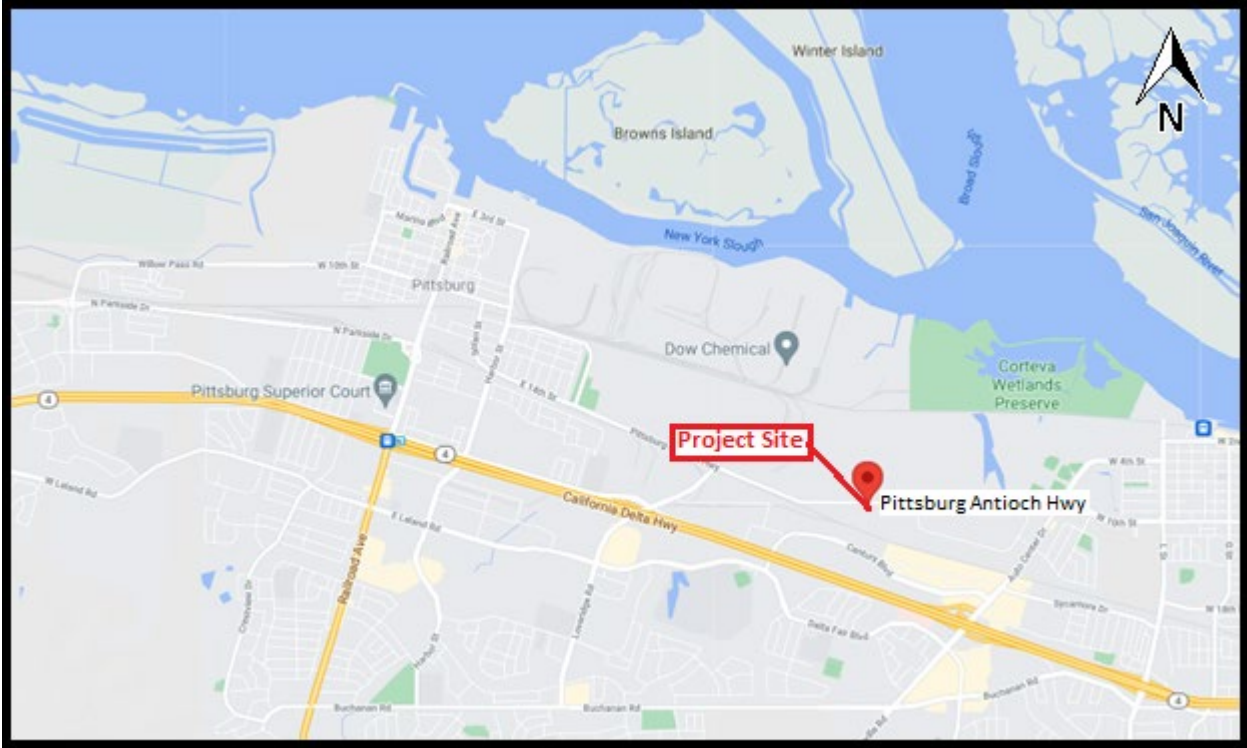
Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public 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.

*Para información en  
español:  
(925) 252-4920*

  
JOHN FUNDERBURG, SECRETARY  
PITTSBURG PLANNING COMMISSION



**Project Title:** Pittsburg Solar RV & Boat Storage – Fence Height Exception, AP-23-0072 (FHE)  
**Location:** 3468 Pittsburg-Antioch Highway, APN: 074-100-018



City of Pittsburg

Community and Economic Development Dept. - Planning Division  
65 Civic Avenue  
Pittsburg, CA 94565



**NOTICE OF PUBLIC HEARING**



# City of Pittsburg

Community and Economic Development Department – Planning Division  
65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814

## Memorandum

**MEMO:** June 29, 2023  
**TO:** Zoning Administrator  
**FROM:** Ariana Ruiz, Assistant Planner  
**RE:** **255 Sierra Drive, Tree Removal Permit, AP-23-0049 (TRP)**

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ORIGINATED BY: Efren Lares, 255 Sierra Drive, Pittsburg, CA, 94565.

SUBJECT: This is a public hearing on an application by Efren Lares, requesting Zoning Administrator approval to remove one protected tree, as defined by Pittsburg Municipal Code (PMC) section 18.84.830(F). The arborist has recommended to replace the tree with two (2) California native trees, planted within the front yard area. The project is located at 255 Pittsburg Drive, in the RS-6 (Single-Family Residential, 6,000 Square Foot Lot Size Minimum) Zoning District. Assessor's Parcel Number: 088-095-021.

RECOMMENDATION: Staff recommends the Zoning Administrator adopt Resolution No. 402 approving Tree Removal Permit Application No. AP-23-0049, subject to Conditions.

### BACKGROUND

The project site is within a Residential Zoning District and is developed with a single-family residential dwelling unit.

Efren Lares, as the property owner of 255 Sierra Drive, hired an International Society of Arboriculture (ISA) Certified Arborist from "Atlas Tree Service, Inc." in April of 2023 to inspect the Hollywood Juniper Tree located within the front yard area of 255 Sierra Drive. The property owner has applied for the building permit to construct a 210 square-foot addition to the first floor and a 982 square-foot addition to the second floor. The tree was brought into question during the plan check review due to its proximity to the proposed addition. The property owner consulted with an arborist who recommended removal of the tree as the tree's root system is impeding and damaging the hardscape to the property. The tree is located less than a foot from the house, and the canopy shows signs of drought stress and is sparse. See photos on Attachment 3.

Existing Conditions: The project site is an approximate 9,000 square-foot lot, consisting of relatively flat land and is developed with one single-family residential dwelling unit And detached garage. The project site is bordered to the east, south, and west by single-family

residential dwelling units within the RS-6 Zoning District. Properties located to the north are located within the RS-5 Zoning District.

Proposed Project: The applicant is requesting Zoning Administrator approval to remove one protected tree, as defined by Pittsburg Municipal Code (PMC) section 18.84.830(F), generally located in the front yard of the subject site. The protected tree proposed for removal is a California-native species and is greater than 50” in circumference measured at four and one-half feet above grade.

The tree is located less than a foot from the existing residence. It is the Certified Arborist’s conclusion that the tree’s roots are also uplifting causing damage to the hardscape and has concluded the tree be removed due to its poor location and condition.

The Arborist’s Report is included as Attachment 2 to this Memorandum.

GENERAL PLAN/ZONING COMPLIANCE:

General Plan Policy 9-P-19 requires that, as part of the City’s Zoning Ordinance, the City establish regulations for the preservation of mature trees and include measures for the replacement of all mature trees removed. The proposed tree replacement plan of the one mature tree proposed for removal is a two-to-one replacement ratio; the Valley Oak Tree to be removed will be replaced with two, California-native, 15-gallon tree plantings.

PMC section 18.84.845(A) states a protected tree may only be removed, including a cut-down, destruction, removal or relocation of any protected tree growing on property other than city-owned property or other public right-of-way within the city limits, upon approval of a Tree Removal Permit issued by the Zoning Administrator, Planning Commission, or City Council, as applicable. PMC section 18.84.850(C), “Tree Removal Permit Procedure and Requirements,” allows for the removal of protected native and non-native trees through the issuance of a Tree Removal Permit approved by the Zoning Administrator.

Required Findings: Pursuant to PMC section 18.84.850(E)(1), in order to approve the removal of a protected tree, the Zoning Administrator must find that either:

- A. the condition of the tree or trees with respect to disease, danger of falling and the potential for endangering other nearby trees warrants removal and such condition represents a risk to public health and safety and cannot be reasonably remedied through less drastic measure; or
- B. the burden to the applicant in preserving the tree or trees greatly outweighs the tree or trees benefit to the public or environment; or
- C. if part of a development plan, subdivision or other discretionary project, preservation of the tree or trees would severely reduce the scale or feasibility of the development.

Public Noticing: On or prior to June 19, 2023, notice of the June 29, 2023, Public Hearing Notice on this project (Attachment 3) was posted at City Hall; was delivered to the Pittsburg Library; and mailed via first class or electronic mail to the property owner, the applicant, to all owners of property within 300 feet of the project site, and to all interested parties and individuals and organizations that requested such notice, in accordance with PMC section 18.14.010.

Environmental: The proposed tree removal is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Article 19, Categorical Exemptions, Class 4, Section 15304, "Minor Alterations to Land", in that the proposed tree for removal was reviewed by an ISA Certified Arborist and was recommended for removal based on the existing location and condition of the tree. The proposed tree will be replaced upon its removal by two California-native trees, 15-gallon minimum plantings.

STAFF ANALYSIS:

Staff believes the Zoning Administrator can make the findings necessary in order to approve this Tree Removal Permit Application.

The ISA Certified Arborist advises the existing tree, was planted too close to the primary dwelling unit on site and has damaged hardscape of the residence on site. The tree's canopy also shows signs of drought stress and is sparse. Images of the tree proposed for removal are included in this Memorandum as Attachment 3.

The proposed tree replacement plan of the one mature tree proposed for removal is a two-to-one replacement ratio; the Hollywood Juniper Tree to be removed will be replaced with two, California-native, 15-gallon tree plantings.

As such, staff supports the request for approval of a Tree Removal Permit to remove one protected tree, subject to the Conditions of Approval in the Resolution, included as Attachment 1 to this Memorandum.

REQUIRED ACTION:

Move to adopt Resolution No. 402 approving Tree Removal Permit Application No. AP-23-0049, subject to conditions.

ATTACHMENTS:

1. Resolution No. 402
2. Arborist Report dated April 28, 2023
3. Images of the Existing Tree
4. Public Hearing Notice/Vicinity Map

BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving the Removal of One ) Resolution No. 402  
Tree at 255 Sierra Drive, AP-23-0049. )  
Assessor's Parcel No. 088-095-021. )

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On April 6, 2023, Efren Lares filed Tree Removal Permit Application No. AP-23-004, requesting Zoning Administrator approval of a permit to remove one protected tree, as defined by Pittsburg Municipal Code (PMC) section 18.84.830(F). The project site is located at 255 Sierra Drive, Pittsburg, CA, 94565. Assessor's Parcel No. 088-095-021.
- B. On June 27, 2023, 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 18.84.850(C).
- C. The proposed tree removal is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Article 19, Categorical Exemptions, Class 4, Section 15304, "Minor Alterations to Land", in that the proposed tree for removal was reviewed by an ISA Certified Arborist and was recommended for removal based on the existing location and condition of the tree. The proposed tree will be replaced upon its removal by two California-native trees, 15-gallon minimum plantings.
- D. On or prior to June 19, 2023, notice of the June 29, 2023, Public Hearing Notice on this project was posted at City Hall; was delivered to the Pittsburg Library; and mailed via first class or electronic mail to the property owner, the applicant, to all owners of property within 300 feet of the project site, and to all interested parties and individuals and organizations that requested such notice, in accordance with PMC section 18.14.010.
- E. PMC section 18.84.850, "Tree Removal Permit Procedure and Requirements," allows for the removal of protected native and non-native trees through the issuance of a Tree Removal Permit approved by the Zoning Administrator. Pursuant to PMC section 18.84.854(E), in order to approve the removal of protected trees, the Zoning Administrator must find that either:
  - 1. the condition of the tree or trees with respect to disease, danger of falling and the potential for endangering other nearby trees warrants removal and such condition represents a risk to public health and safety and cannot be reasonably



remedied through less drastic measure; or

2. the burden to the applicant in preserving the tree or trees greatly outweighs the tree's or trees' benefit to the public or environment; or
3. part of a development plan, subdivision or other discretionary project, preservation of the tree or trees will severely reduce the scale or feasibility of the development.

F. On June 29, 2023, the Zoning Administrator held a Public Hearing on Tree Removal Permit Application No. AP-23-0049, 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 condition of the tree or trees with respect to disease, danger of falling and the potential for endangering other nearby trees warrants removal and such condition represents a risk to public health and safety and cannot be reasonably remedied through less drastic measure. The ISA Certified Arborist inspected the tree and concluded the tree was located too close to the primary dwelling unit and had caused damage to the hardscape. The tree's canopy also showed signs of drought stress and is sparse. The proposed tree replacement plan of the one mature tree proposed for removal is a two-to-one replacement ratio; the Hollywood Juniper tree to be removed will be replaced with two, California-native, 15-gallon tree plantings.

### Section 3. Decision

A. Based on the findings set forth above, the Zoning Administrator hereby approves Tree Removal Permit Application No. AP-23-0049, subject to the following Conditions of Approval:

1. The project shall install two California-native, 15-gallon plantings as replacement for the protected tree removed.
2. The applicant shall install the replacement trees within one year of the date of approval of the Tree Removal Permit.
3. If any replacement tree fails to survive for a period of one year from the date of

installation, then the applicant shall replace the tree at the applicant's sole expense.

4. If the removal of the Hollywood Juniper Tree includes sidewalk closure or any lane closures, an Encroachment Permit for traffic control set up is required. Contact the City of Pittsburg Engineering Division to satisfy this requirement via email [engfrontdesk@pittsburgca.gov](mailto:engfrontdesk@pittsburgca.gov) or by telephone at (925) 252-4930.
  - a. If all work proposed will be contained to the property boundaries and no sidewalks or lanes will be closed, then no Encroachment Permit is required.
5. 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.
6. 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.
7. This approval will expire on June 29, 2024, unless the applicant has complied with all Conditions of Approval described herein, or a written request for extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Zoning Administrator. In the event that the required replacement tree is not planted, and this approval expires, the property owner shall be considered in violation of the PMC and shall be subject to administrative citations and/or civil sanctions.

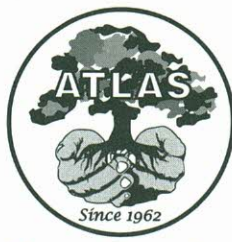
#### Section 4. Effective Date

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

The foregoing resolution was passed and adopted on the 29<sup>th</sup> day of June, 2023, by the Zoning Administrator of the City of Pittsburg, California.

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JOHN FUNDERBURG III, M.S., AICP  
ZONING ADMINISTRATOR



## Atlas Tree Service, Inc.

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April 28 2023

### Arborist Report

Prepared For: Efren Lares  
255 Sierra Drive  
Pittsburg, CA 94565

Location: 255 Sierra Drive Pittsburg, CA

This report is to assess the condition and need for removal of a Hollywood Juniper (*Juniperus chinensis*). This tree is located in the front yard of this property next to house.

#### Tree Specification

Species: Hollywood Juniper (*Juniperus chinensis*)

Diameter at 4 1/2': Multi; 12"

Height: 25'

Widespread: 22'

Condition: Fair-Poor

Location: Front yard on left side of house about 9" from the house and 15' from the street.

#### Observations:

This tree's root system is impeding and damaging the hardscape to this property. This tree is located less than a foot from the house, and is located in a very poor location. The canopy shows signs of drought stress and is also sparse.

#### Recommendations:

Since the tree's roots are uplifting causing damage to the hardscape and due to its very poor location, I recommend that this tree be removed.

If you have any questions, you can contact me at (925) 687-3631.

Respectfully Submitted,

Raul Padilla  
(Lead Estimator)

Jarred Juarez  
Certified Arborist  
WE-13341A  
Contractors Lic. #393973  
JJ:pj





76

248

25

255

267

(Tree to be removed)

























# City of Pittsburg

Community and Economic 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:** June 29, 2023  
**TIME:** 1:30 PM  
**PLACE:** First Floor, Conference Room  
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

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### 255 Sierra Drive Tree Removal – AP-23-0049 (TRP)

This is an application by Efren Lares requesting Zoning Administrator approval of a permit to remove one protected tree, as defined by Pittsburg Municipal Code (PMC) section 18.84.830(F). For replacement tree, the arborist has recommended to replace the tree with two (2) California native trees, planted within the front yard area. The project is located at 255 Sierra Drive, Pittsburg, CA 94565, in the RS-6 (Single Family Residential, 6,000 Square Foot Lot Size Minimum) District. Assessor's Parcel No. 088-095-021.

This project is delegated to the Zoning Administrator under PMC section 18.84.850(C).

**PROJECT PLANNER:** Ariana Ruiz, (925) 252-4029 or [aruiz@pittsburgca.gov](mailto:aruiz@pittsburgca.gov).

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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.

John Funderburg, M.S., AICP  
Zoning Administrator

**Project Title:** 255 Sierra Drive, AP-23-0049 (TRP)  
**Location:** 255 Sierra Drive, APN: 088-095-021



City of Pittsburg

Community and Economic Development Department - Planning  
Division  
65 Civic Avenue  
Pittsburg, CA 94565

Current Resident/Property Owner  
4021 PORT CHICAGO HWY  
CONCORD CA 94520 1122

## NOTICE OF PUBLIC HEARING



# Tree Removal Permit at 255 Sierra Drive (TRP) – Vicinity Map

AP-23-0049 Tree Removal Permit	255 Sierra Drive APN: 088-095-021
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## Memorandum

**MEMO:** June 29, 2023

**TO:** Zoning Administrator

**FROM:** Ariana Ruiz, Assistant Planner

**RE:** **3291 William Way, Fence Height Exception, AP-23-0061 (FHE)**

---

ORIGINATED BY: James Loesch, 3291 William Way, Pittsburg, CA 94565.

SUBJECT: This is a public hearing on an application by James Loesch, requesting Zoning Administrator approval of a fence height exception to construct an 8' wooden fence along the rear property line of the parcel located at 3291 William Way in the RS-5 (Single Family Residential, 5,000 Square Foot Minimum Lot Size) District. Assessor's Parcel No. 087-041-004.

RECOMMENDATION: Staff recommends the Zoning Administrator adopt Resolution No. 403, approving Fence Height Exception Application No. 23-0061, subject to conditions.

BACKGROUND:

This application was filed on April 25, 2023. The Notice of Intent to Conduct a Zoning Administrator Public Hearing for this item was provided to the Planning Commission on June 27, 2023.

PROJECT DESCRIPTION:

Existing Conditions: The subject site is approximately 6,000 square feet, consisting of a single-family dwelling and detached accessory structure. Properties located to the north, west, and south are also occupied by single-family residences. The site is bounded by a park area to the east of the site. This area is owned by the City. In May of 2019, the City of Pittsburg adopted Resolution Number 19-13624 accepting the grant and allocating funds for design and construction of a Class IV buffered bicycle lane along Railroad Avenue and California Avenue to East 17<sup>th</sup> Street. Project 2018-03, titled BART Pedestrian/Bicycle Connectivity Project was included as a City Initiated Project ST-2 in multi-year plan for construction. The project will provide connectivity from the Delta De Anza Trail to the Railroad Avenue BART Station area. A bike path will be constructed within this area. The project will also construct an 8' wall when additional funds are



granted for the wall.

Proposed Project: There is an existing wooden fence located along the side and rear property lines of the subject site. The applicant is requesting approval to construct a wooden fence with a total height of eight feet from the adjacent grade along the rear property line.

The existing fence located along the rear property line is dilapidated and is significantly leaning towards the property to the east (see Attachment 2). The property owner has also expressed safety concerns as they have experienced trespassers.

#### CODE COMPLIANCE:

The property is located in the RS-5 (Single Family Residential, 5,000 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 rear yard is six feet. The portion of the proposed fence that would exceed the maximum allowable height by two feet. PMC section 18.81.205 (F) allows for the maximum allowable 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; and
- 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 June 19, 2023, notice of the June 29, 2023 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, in that the fence is proposed

along the rear property line, where there are no other residences. The neighborhood's appearance would also be improved in that the existing dilapidated 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. Furthermore, the proposed wooden fence is consistent in material and appearance with other fences in the neighborhood. The proposed increase in fence height to construct an 8-foot wooden fence also would not be detrimental to the health, safety, or welfare of persons residing in the adjacent properties or the neighborhood, rather the increased fence height will increase both privacy and safety which is a benefit to the general public welfare.

Therefore, staff supports the applicant's request for a fence height exception, subject to conditions.

REQUIRED ACTION:

Move to adopt Resolution No. 403 approving Fence Height Exception Application No. 23-0061, subject to conditions.

ATTACHMENTS:

1. Resolution No. 403
2. Photos of Existing Fence
3. Public Hearing Notice and Vicinity Map



BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving a Fence Height	)	
Exception for an 8-Foot-Tall Security	)	Resolution No. 403
Fence Along Rear Property Line of	)	
Property located at "3291 William Way	)	
Fence Height Exception. AP-23-0061	)	
(FHE)" APN: 087-041-004.	)	

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On April 16, 2023, James Loesch, filed Fence Height Exception Application No. 23-0061, requesting Zoning Administrator approval to construct an 8' wooden fence along the rear property line due to security concerns.
- B. On June 27, 2023, 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 18.32.010(B)(3).
- 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 June 19, 2023, notice of the June 29, 2023, 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 June 29, 2023, the Zoning Administrator held a public hearing on Fence Height Exception Application No. 23-0061, 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 would not infringe upon the light, air circulation, or visual openness of the subject property or surrounding properties, in that the fence is proposed along the rear property line, where there are no other residences.
3. The proposed fence does not detract, impair or destroy the characteristics of the established area, as the wooden fence is consistent in material and appearance 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, rather, the increased fence height will actually deter crime in the area and increase both privacy and safety which is a benefit to the general public welfare.

## Section 3. Decision

A. Based on the findings set forth above, the Zoning Administrator hereby approves Fence Height Exception Application No. 23-0061, subject to the following conditions.

1. 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.
2. Location. The fence shall be installed on or inside of the property line. The owner shall accept full responsibility for maintenance of the fence.

## Standard Conditions:

3. Construction. All site development shall comply with Title 15 (Building and Construction) of the Pittsburg Municipal Code.
4. 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.
5. 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.
6. 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.
7. Expiration. This approval will expire on June 29, 2024, 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 on the 29<sup>th</sup> day of June, 2023, by the Zoning Administrator of the City of Pittsburg, California.

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JOHN FUNDERBURG III, M.S., AICP  
ZONING ADMINISTRATOR









# City of Pittsburg

Community and Economic 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:** June 29, 2023  
**TIME:** 1:30 p.m.  
**PLACE:** First Floor, Conference Room 4B  
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

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### 3291 William Way Fence Height Exception, AP-23-0061 (FHE)

This is an application by James Loesch requesting Zoning Administrator approval of a fence height exception to construct an 8' wooden fence along the rear property line of the parcel located at 3291 William Way in the RS-5 (Single Family Residential, 5,000 Square Foot Lot Size Minimum) Zoning District. The allowable fence height within this Zoning Designation is 6', pursuant to Pittsburg Municipal Code (PMC) Section 18.84.205 (B)(1). The request has been filed due to safety concerns. Assessor's Parcel No. 087-041-004.

This project is delegated to the Zoning Administrator under PMC section 18.32.010(B)(3).

**PROJECT PLANNER:** Ariana Ruiz, (925) 252-4029 or [aruiz@pittsburgca.gov](mailto:aruiz@pittsburgca.gov)

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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; please contact the project planner listed above to make necessary arrangements.

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

Comments or objections to the project can be made by writing or through e-mailed testimony prior to and oral testimony during the meeting. 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.

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.

*Para información en  
español:  
(925) 252-4920*

  
\_\_\_\_\_  
JOHN FUNDERBURG, SECRETARY  
PITTSBURG PLANNING COMMISSION

**Project Title:** 3291 William Way, Fence Height Exception, AP-23-0061 (FHE)  
**Location:** 3291 William Way, APN: 087-041-004



City of Pittsburg

Community and Economic Development Dept. - Planning Division  
65 Civic Avenue  
Pittsburg, CA 94565

Property Owner / Current Resident  
2222 RAILROAD AVE  
PITTSBURG CA 94565 3856

**NOTICE OF PUBLIC HEARING**



# William Way Fence Height Exception – Aerial Map

AP-23-0061	3291 William Way
Fence Height Exception	APN: 087-041-004





# William Way Fence Height Exception – Vicinity Map

AP-23-0061	3291 William Way
Fence Height Exception	APN: 087-041-004

