



**City of Pittsburg
Zoning Administrator Agenda**

October 19, 2018

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

3:30 P.M.

CALL TO ORDER

DELETIONS, WITHDRAWALS OR CONTINUANCES

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

PUBLIC HEARING

- 1. Suzanne LaVere, LMFT (Licensed Marriage and Family Therapist), AP-18-1355 (ZA).**

This is a public hearing on an application by Suzanne LaVere requesting Zoning Administrator approval to operate a Medical Services Office (Counseling Services) from her single-family residence located at 146 Redondo Drive, in the RS-6 (Residential Single-Family, 6,000 Square Foot Minimum Lot Size) District. Assessor's Parcel No. 088-101-021.

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: October 19, 2018
TO: Zoning Administrator
FROM: Celina Palmer, Planning Technician
RE: **Suzanne LaVere, Licensed Marriage and Family Therapist, AP-18-1355 (ZA)**

ORIGINATED BY: Suzanne LaVere, 146 Redondo Drive, Pittsburg, CA 94565.

SUBJECT: This is a public hearing on a request for zoning administrator approval to operate a counseling and therapy office at the residence located at 146 Redondo Drive, in the RS-6 (Residential Single Family, 6,000 Square-Foot Minimum Lot Size) District, Assessor's Parcel No. 088-101-021.

RECOMMENDATION: Staff recommends the Zoning Administrator adopt Resolution No. 327, approving Home Occupation Permit Application No. 18-1355, subject to conditions.

BACKGROUND:

On August 1, 2018, Suzanne LaVere filed Application No. 18-1355, requesting Zoning Administrator approval to operate a counseling and therapy office at 146 Redondo Drive. Ms. LaVere is a Psychotherapist, licensed through the California Board of Behavioral Sciences (license #LMFT 34718) since November of 1998.

On August 21, 2018 a Notice of Intent to Conduct a Zoning Administrator Public Hearing was provided to the Planning Commission.

PROJECT DESCRIPTION:

Existing Conditions: The project site is a 9,775 square-foot parcel with 1,915 square-foot of living area and an approximately 500 square foot detached garage within the Los Medanos Estates Subdivision, originally approved in 1950. It is surrounded by single-family homes on all sides. The home was originally constructed in 1951, and has been occupied by Ms. LaVere for the past 18 years.

The dwelling contains two bedrooms, one full size bathroom, living room, dining room, kitchen, laundry room, and office with half-bath. The site has driveways along both the

eastern and western sides of the property. Each driveway is able to fit two cars in tandem.

Proposed Project:

The proposal includes establishing a home office as a home occupation, which would allow clients to come to the home, and access to the home office via an entry point other than the main door. It should be noted that the primary use of the site would remain a single-family dwelling.

The applicant has proposed operation of a home office to provide counseling and therapy services with hours from 12:30 p.m. to 7:30 p.m., Monday through Wednesday. The applicant proposes seeing 10-15 clients per week, in individual sessions, to help with life challenges, including but not limited to, emotional issues, grief and loss, and parenting issues. Each session would last 45 minutes. The applicant's driveways would be made available for parking for clients. Because clients would be seen individually, there would be no more than one car, in addition to the applicant's vehicles, on site at any one time.

The proposed office area would be accessed by an exterior side door adjacent to the eastern driveway. Clients would be lead through the kitchen to a second door which provides access to the home office. The office space is approximately 15 feet by 10 feet and provides access to an approximately 15 square-foot half bath available for clients.

Please see Attachment 2 for floor plan.

GENERAL PLAN/ZONING COMPLIANCE:

General Plan: The General Plan land use designation for the site *is Low Density Residential*, which is mainly intended for detached single-family dwellings. The counseling and therapy use would be secondary to the property's primary use as a single-family residence, which aligns with the property's General Plan land use designation (General Plan page 2-17).

Zoning: The property is located in an RS-6 (Residential Single Family, 6,000 Square-Foot Minimum Lot Size) District. Pursuant to PMC section 18.50.400, a home occupation is permitted in an "R" district as an accessory use for a dwelling unit upon the issuance of a home occupation permit.

Pittsburg Municipal Code (PMC) section 18.50.405 contains standards for home occupation permits. Uses that generally comply with the standards set forth in PMC section 18.50.405 may be approved by staff ministerially over the counter. However, pursuant to PMC section 18.50.410, if an application for a home occupation permit does not comply with every condition listed in PMC 18.50.405, the application may be refused by staff, and the applicant may file an application for Zoning Administrator approval. PMC section 18.32.010, "Zoning Administrator", allows the zoning administrator to issue

a home occupation permit under certain provisions.

The proposed project would not comply with PMC sections 18.50.405(C)(2) and (8), as the primary function of the home occupation would necessitate providing services to customers or clients within or on the site of the dwelling unit, and access to that portion of the dwelling used for the home occupation would be through an entrance other than the main entrance to the dwelling unit. As such, Zoning Administrator Approval is required.

Parking: The proposed counseling and therapy use would be secondary to the use of the property as a single-family residence, and thus is considered a home occupation. However, pursuant to PMC section 18.78.040(F), for uses not listed within "Schedule A" of PMC section 18.78, the Zoning Administrator shall determine the parking and loading requirements as part of the zoning approval process.

Staff has determined that the use most closely resembles that of a medical services office. Per Schedule A, a medical services office has a minimum requirement of one off-street parking space per 250 square-feet of gross floor area. The proposed office space in the home would be approximately 150 square-feet, thus requiring one off-street parking space. Also per Schedule A, single-family residential uses require two off-street parking spaces per unit, including one covered. As such, the total off-street parking spaces for this site, if combining the two uses, would be three, including one covered.

A two-car garage is available on site providing two covered parking spaces. As previously mentioned, the property has two driveways on site which may fit up to two cars in tandem in each, for a total of six potential off-street parking spaces, which would make the site in compliance with PMC section 18.78.040.

Required Findings: Pursuant to PMC section 18.50.410, in order to approve the home occupation permit, the Zoning Administrator must find that:

1. The establishment, maintenance or conduct of the home occupation, or the conditions under which the use will be conducted in this particular case, will not be detrimental to the health, safety, morals, comfort, convenience or welfare of persons residing or working in, or adjacent to, the neighborhood of such use, and will not, in this particular case, be detrimental to the public welfare or injurious to property in such neighborhood;
2. The home occupation, in this case, will not be objectionable or undesirable because of potential noise, increased pedestrian or vehicular traffic, dust, smoke, odors, or any other condition which may interfere with the general welfare of the surrounding residential area; and
3. The establishment, maintenance, and conduct of the use generally complies with the intent of a home occupation as defined in this title.

Environmental: This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, 'Existing Facilities', of the State CEQA Guidelines, section 15301.

Public Noticing: On or prior to October 9, 2018, notice of the October 19, 2018, public hearing notice on this project (Attachment 3) was posted at City Hall, at the proposed project site, and on the "Public Notices" section of the City's website; 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 18.32.010 and Government Code section 65091.

STAFF ANALYSIS:

The proposed project will not be detrimental to the health, safety, morals, comfort, convenience or welfare of persons residing or working in, or adjacent to, the neighborhood where the use would take place, and would not be detrimental to the public welfare or injurious to property in such neighborhood. Rather, the proposed counseling and therapy services use would be beneficial to the health of persons in the neighborhood and the City in general, in that it would expand community access to a licensed psychotherapist providing mental health and family counselling services.

The home occupation would not be objectionable or undesirable because of potential noise, increased pedestrian or vehicular traffic, dust, smoke, odors, or any other condition which may interfere with the general welfare of the surrounding residential area, if the project is conditioned to: 1) allow only one client at a time; with 15-minute intervals between appointment times to allow for clients to leave; prior to the next client arriving 2) require that a parking space within the eastern driveway the driveway be designated for clients; and 3) that clients arriving early be prohibited from waiting outside of the home.

Staff believes that this use as a home occupation generally complies with the intent of a home occupation, in that clients would not be taking up any on-street parking spaces or generating an excessive amount of foot or vehicular traffic in the area if the business operates as conditioned.

REQUIRED ACTION:

Move to adopt Resolution No. 327, approving Home Occupation Permit Application No. 18-1355, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 327

Zoning Administrator Staff Report
Suzanne LaVere, LMFT, AP-18-1355 (ZA).
October 19, 2018

2. Project Plans, dated August 2, 2018
3. Public Hearing Notice/Vicinity Map
4. Public Comments Letter, dated October 15, 2018

PROPOSED
BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting Zoning Administrator)	
Approval to Operate a Counseling and)	
Therapy Office as a Home Occupation at)	Resolution No. 327
146 Redondo Drive for "Suzanne LaVere,)	
LMFT, AP-18-1355 (ZA)."))	

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On August 1, 2018, Suzanne LaVere filed Planning Application No. 18-1355, requesting approval to establish a counseling and therapy office within an existing single-family residence located at 146 Redondo Drive, in the RS-6 (Residential Single Family, 6,000 Square-Foot Minimum Lot Size) District. Assessor's Parcel No. 088-101-021.
- B. On August 21, 2018, a Notice of Intent to exercise staff delegated authority for this project was included on the Planning Commission agenda.
- C. This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, "Existing Facilities" of the State CEQA Guidelines, section 15301.
- D. On or prior to October 9, 2018, notice of the October 19, 2018, public hearing notice on this project (Attachment 3) was posted at City Hall, at the proposed project site, and on the "Public Notices" section of the City's website; 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 18.32.010 and Government Code section 65091.
- E. Pittsburg Municipal Code (PMC) section 18.32.010, states that Zoning Administrator approval is required before the issuance of a Home Occupation Permit, to ensure that each new or expanded use complies with PMC Title 18.
- F. PMC section 18.50.410, specifies required findings for Zoning Administrator approval of a home occupation that does not comply with every condition listed in PMC section 18.50.405. In accordance with PMC section 18.50.410(A), the Zoning Administrator must find that:

1. The establishment, maintenance or conduct of the home occupation, or the conditions under which the use will be conducted in this particular case, will not be detrimental to the health, safety, morals, comfort, convenience or welfare of persons residing or working in, or adjacent to, the neighborhood of such use, and will not, in this particular case, be detrimental to the public welfare or injurious to property in such neighborhood;
 2. The home occupation, in this case, will not be objectionable or undesirable because of potential noise, increased pedestrian or vehicular traffic, dust, smoke, odors, or any other condition which may interfere with the general welfare of the surrounding residential area; and
 3. The establishment, maintenance, and conduct of the use generally complies with the intent of a home occupation as defined in this title.
- G. On October 19, 2018, the Zoning Administrator held a public hearing on Planning Application No. 18-1355, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Zoning Administrator Staff Report entitled, "Suzanne LaVere, Licensed Marriage and Family Therapist, AP-18-1355 (ZA)," dated October 19, 2018, and based on all the information contained in the Planning Division files on the project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the meeting, the Zoning Administrator finds that:
1. All recitals above are true and correct and are incorporated herein by reference.
 2. The proposed project will not be detrimental to the health, safety, morals, comfort, convenience or welfare of persons residing or working in, or adjacent to, the neighborhood of such use, and will not, in this particular case, be detrimental to the public welfare or injurious to property in such neighborhood, in that the proposed counseling and therapy services use will expand community access to a licensed psychotherapist providing mental health and family counselling services, and would not cause excessive pedestrian or vehicular traffic in the area.
 3. The home occupation will not be objectionable or undesirable because of potential noise, increased pedestrian or vehicular traffic, dust, smoke, odors,

or any other condition which may interfere with the general welfare of the surrounding residential area, if conditions are added that: 1) allow only one client on site at a time; 2) require a 15-minute interval between appointment times to allow for clients to leave prior to the next client arriving; 3) require that one parking space within the eastern driveway be designated for clients; and 4) that clients arriving early be prohibited from waiting outside of the home.

4. The establishment, maintenance, and conduct of the use will generally comply with the intent of a home occupation as defined within PMC Title 18 if conditions are added that: 1) allow only one client on site at a time; 2) require a 15-minute interval between appointment times to allow for clients to leave prior to the next client arriving; 3) require that one parking space within the eastern driveway be designated for clients; and 4) that clients arriving early be prohibited from waiting outside of the home.

B. The staff report entitled, "Suzanne LaVere, Licensed Marriage and Family Therapist, AP-18-1355 (ZA)," dated October 19, 2018, is referenced hereto as additional support for findings.

Section 3. Decision

Based on the findings set forth above, the Zoning Administrator hereby approves Planning Application No. 18-1355, subject to the following conditions:

1. The approved use shall be operated substantially as presented to the Zoning Administrator in the staff report identified in Section 2 above, except as modified by the conditions below. Operation of the approved business in a manner inconsistent with this description and this zoning administrator approval shall be grounds for revocation of the zoning administrator approval.
2. Hours of operation shall be limited to 12:30 p.m. to 7:30 p.m., Monday through Wednesday.
3. No structure, addition, alteration or remodeling of the dwelling is permitted in connection with the home occupation.
4. No sign, nameplate, or any other form of advertising used in connection with the home occupation may be displayed on the site.
5. Only one client in connection with the home-based business shall be permitted on site at any given time.
6. The applicant shall designate an off-street parking space within the existing eastern driveway for client parking. The applicant shall prepare a parking

- information handout for clients identifying this space.
7. The applicant shall schedule a minimum interval of 15-minutes between client appointments to allow for one client to leave the site prior to another client's arrival.
 8. Clients shall be prohibited from waiting for appointments outside of the home.
 9. If operation of the use results in conflicts pertaining to parking, noise, traffic, or other factors, the Zoning Administrator reserves the right to hold a subsequent public hearing to modify or add conditions of approval to mitigate such conflicts.
 10. The applicant shall maintain an active license through the California Board of Behavioral Sciences.
 11. If any changes in the counseling and therapy use, or additional activities beyond that proposed are desired, prior City review and approval as required under PMC Title 18 shall be required. Requests for modification of the use permit shall be submitted to the Zoning Administrator. Requested changes may require a modification of the use permit or, upon determination of the Zoning Administrator, a new use permit may be required. Minor changes may be approved by the Zoning Administrator, provided that the Zoning Administrator determines the changes to be in substantial conformance with this use permit or a subsequent use permit, as applicable.
 12. 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 the Conditions in Resolution No. 8931 and the conditions stated herein, the conditions in this Resolution No. 327 shall apply.
 13. It shall be the responsibility of the applicant to maintain an updated business license containing an accurate description of the use at the site.
 14. 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 the project approval, subsequent project approval, or other action arising out of, or in connection with, or the project approvals. 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 attorneys' 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.

15. This approval will expire on October 19, 2019, unless the use has been legally established, and all applicable conditions of approval complied with prior to the expiration date, or a written request for an extension is filed with the Planning Department prior to the expiration date and is subsequently approved by the Zoning Administrator.

Section 4. Effective Date

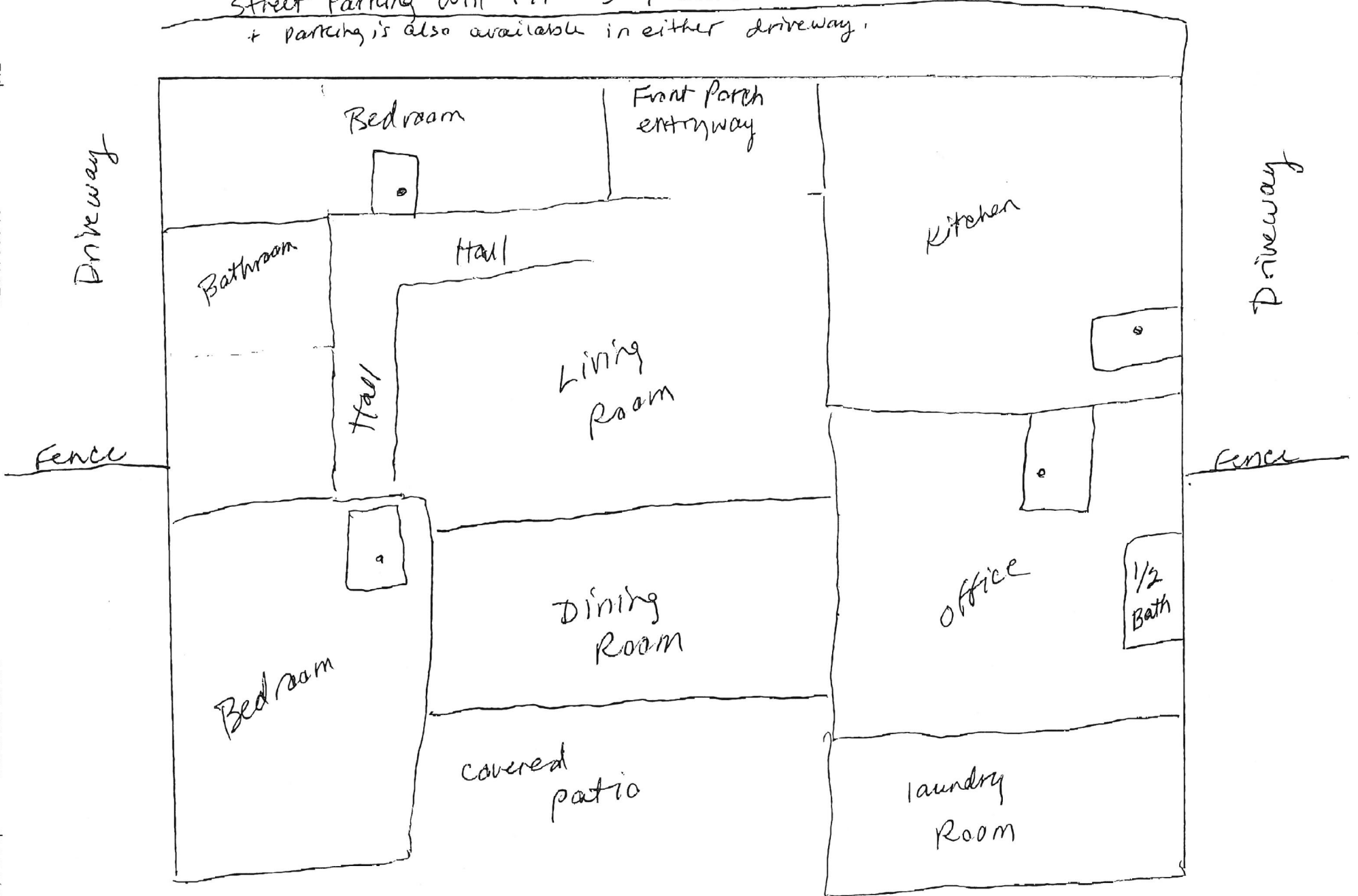
This resolution shall take effect immediately upon its adoption.

The foregoing resolution was passed and adopted the 19th day of October, 2018, by the Zoning Administrator of the City of Pittsburg, California.

KRISTIN POLLOT, AICP
ZONING ADMINISTRATOR

Suzanne Lavere
AP-18-1355 (ZA)

Street parking will fit 3-4 cars comfortably
+ parking is also available in either driveway.



my house is almost 2000 square ft



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: October 19, 2018
TIME: 3:30 p.m.
PLACE: First Floor, Conference Room 4B
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Suzanne LaVere, LMFT (Licensed Marriage and Family Therapist), AP-18-1355 (ZA).

This is an application by Suzanne LaVere requesting Zoning Administrator approval to operate a Medical Services Office (Counseling Services) from her single-family residence located at 146 Redondo Drive, in the RS-6 (Residential Single-Family, 6,000 Square Foot Minimum Lot Size) District. Assessor's Parcel No. 088-101-021.

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?

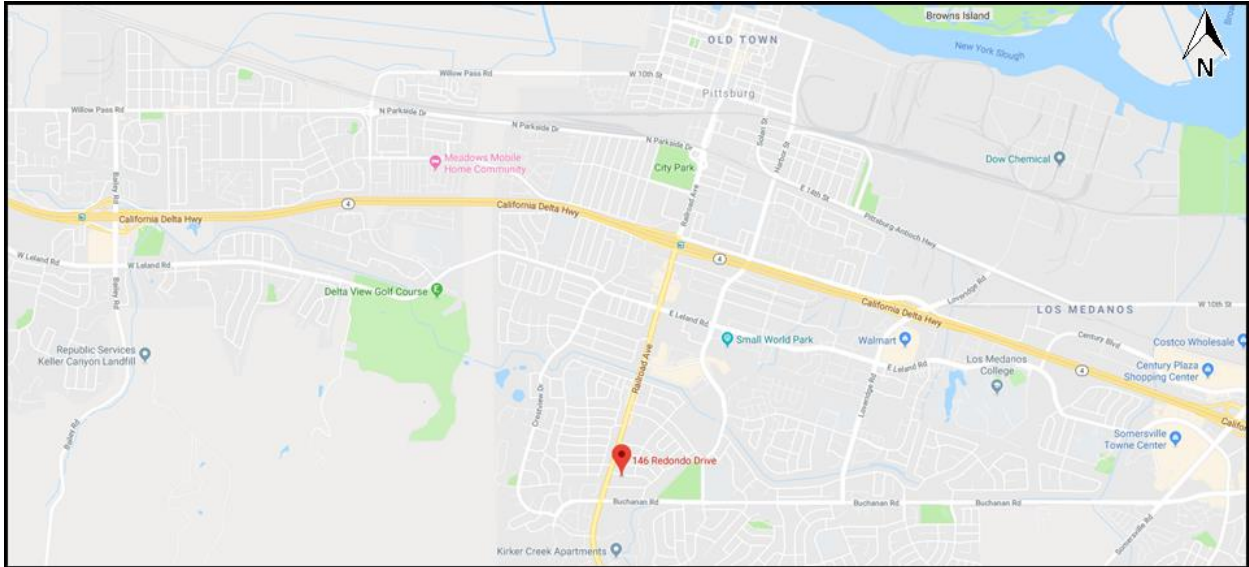
Comments or objections to the project can be made by writing or through oral testimony during the public hearing. Written comments citing the project name may be emailed to the project planner listed above, or may be mailed or delivered to: Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 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, ZONING ADMINISTRATOR
CITY OF PITTSBURG

Project Title: Suzanne LaVerre, LMFT (Licensed Marriage and Family Therapist), AP-18-1355 (ZA).
Location: 146 Redondo Drive, APN: 086-201-001



City of Pittsburg

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

NOTICE OF PUBLIC HEARING

Celina Palmer

From: Henry Martinez <martinezhj@msn.com>
Sent: Monday, October 15, 2018 9:12 AM
To: Celina Palmer
Subject: Zoning Administrator AP-18-1355 Application of Suzanne LaVere

Good morning Ms. Celina Palmer,

I am writing in responds to the "Notice of Public Hearing" letter I received about Suzanne LaVere, LMFT, AP-18-1355 application.

My family and I live on the corner of San Juan and Redondo St. (4180 San Juan Dr.) We have been here for ten years and have enjoyed the family oriented residential atmosphere of the "Los Medanos Estates".

My family and I are highly opposed to allow a business plant itself in the middle of a designated "residential area".

Allowing a "business" to plant itself in the middle of a residential area would be highly disruptive. Parking issues, foot traffic and the presence of people at different levels who are at Counseling Risk.

I am rather surprised that this application is even being considered due to the "obvious" facts that this area has been and continues to be zoned as "residential". There clearly needs to be a separation from business and residency.

There are plenty of empty business locations in Pittsburg that Ms. Suzanne LaVere could setup her business. There are an abundance of locations throughout the City of Pittsburg with proper parking/ zoning. Why destroy, change and disrupt one of Pittsburg's most beautiful and family sought-out neighborhoods?

I urge the Zoning Administrator to oppose any changes that will bring disruption to our beloved residency.

Please let us know the final decision on this matter.
Please also notify us if we need to be present for the Public Hearing.

Thank you,
Henry Martinez