



**City of Pittsburgh
Zoning Administrator Agenda**

October 15, 2019

**City Hall
First Floor Conference Room 4B
65 Civic Avenue, Pittsburgh, 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. Mosaic Apartments Fence Height Exception, AP-19-1449 (FHE).

This is an application by Eric Mitchell on behalf of Mosaic Apartments, requesting Zoning Administrator approval of a fence height exception to allow an eight-foot-tall wooden fence along the western property line, where a six-foot maximum height is permitted. The Mosaic Apartments are located at 1128 E. Leland Road in the RH (High Density Residential) District. Assessor's Parcel No. 088-230-020.

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: October 15, 2019
TO: Zoning Administrator
FROM: Celina Palmer, Assistant Planner
RE: Mosaic Apartments Fence Height Exception, AP-19-1449 (FHE)

ORIGINATED BY: Eric Mitchell, 6056 Rutland Drive, Carmichael, CA 95608

SUBJECT: This is a public hearing on a request for a fence height exception to allow installation of a new eight-foot-tall wood fence along the western boundary of the Mosaic Apartment complex located at 1128 E. Leland Road in the RH (High Density Residential) District. Assessor's Parcel No. 088-230-020.

RECOMMENDATION: Staff recommends the Zoning Administrator adopt Resolution No. 345, approving Fence Height Exception Application No. 19-1449, subject to conditions.

BACKGROUND:

This application was filed on July 24, 2019. The Notice of Intent to Conduct a Zoning Administrator Public Hearing for this item was provided to the Planning Commission on August 13, 2019.

PROJECT DESCRIPTION:

Existing Conditions: The subject site is located south of E. Leland Road, west of Loveridge Road, east of Lynbrook Drive, and north of the Delta de Anza Trail. The property is an 8.72-acre parcel developed with a 207-unit apartment complex. The Ventana, Portofino, and Stoneman apartment complexes are located to the north, east, and south, with single-family homes to the west.

Proposed Project: There is an existing six-foot-tall chain-link fence located along most of the western property boundary. The applicant is requesting approval of a fence height exception to allow replacement of the fence with a new eight-foot-tall wood fence (see Attachment 2, Site Plan). The new fence would provide the apartment complex with additional security and privacy.

CODE COMPLIANCE:

The subject site is in the RH (High Density Residential) District. 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 proposed fence would be in the required side yard setback and would exceed the maximum allowable fence height by two feet. PMC section 18.84.205(F) allows for the maximum allowable fence height to be increased through the issuance of a fence height exception approved by the Zoning Administrator.

Required Findings: In order to approve a fence height exception, the Zoning Administrator must make findings pursuant to PMC section 18.84.205 (F)(2) that the proposed fence:

- A. will not infringe upon the light, air circulation, or visual openness of surrounding properties;
- B. will not detract, impair, or destroy the characteristics of the established area; and,
- C. will not be detrimental to the health, safety or welfare of persons residing or working in or adjacent to the area or neighborhood of such structure.

Environmental: This item is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 3, "New Construction or Conversion of Small Structures" of the State CEQA Guidelines, section 15303.

Public Noticing: On or prior to October 5, 2019, notice of the October 15, 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 it would be set back at least 25 feet from the rear yards of homes along Lynbrook Drive. The neighborhood's appearance would also be improved, in that the existing chain-link fence would be replaced with a higher-quality wood fence. The proposed fence would be installed at least 13 feet away from E. Leland Road to provide clear sight lines for driver safety.

Zoning Administrator Staff Report
Mosaic Apartments Fence Height Exception, AP-19-1449 (FHE)
October 15, 2019

REQUIRED ACTION:

Move to adopt Resolution No. 345, approving Fence Height Exception Application No. 19-1449, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 345
2. Project Plans and Site Photos, dated July 24, 2019 and September 24, 2019
3. Public Hearing Notice/Vicinity Map

PROPOSED
BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving a Fence Height)	
Exception for an Eight-Foot-Tall Wooden)	
Fence, for "Mosaic Apartments Fence)	
<u>Height Exception, AP-19-1449 (FHE)."</u>)	Resolution No. 345

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On July 24, 2019, Eric Mitchell, on behalf of Mosaic Apartments, filed Fence Height Exception Application No. 19-1449, requesting approval to replace an existing six-foot tall chain link fence with an eight-foot-tall wooden fence, where the maximum fence height permitted is six feet, located along the western property line of the Mosaic Apartments, located at 1128 E. Leland Road in the RH (High Density Residential) District. Assessor's Parcel No. 088-230-020.
- B. On August 13, 2019, the Zoning Administrator submitted to the Planning Commission a Notice of Intent to exercise delegated authority for the subject application pursuant to Pittsburgh Municipal Code (PMC) section 18.84.205(F)(2).
- C. The fence height exception request is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 3, "New Construction or Conversion of Small Structures" of the State CEQA Guidelines, section 15303.
- D. On or prior to October 5, 2019, notice of the October 15, 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 Pittsburgh 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 Pittsburgh 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 October 15, 2019, the Zoning Administrator held a public hearing on Fence Height Exception Application No. 19-1449, 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 on a portion of the property where it is least visible, along the side property line, adjacent to the apartments' carports and a drainage ditch area.
 3. The proposed fence does not detract, impair or destroy the characteristics of the established area, in that it is constructed in a sound and workmanlike fashion using new materials, consistent with other fences in the neighborhood.
 4. The 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 placement of the fence (approximately 13 feet back from the front property line) leaves clear sight lines for driver safety and helps to secure the site for residents of the Mosaic Apartments.

Section 3. Decision

- A. Based on the findings set forth above, the Zoning Administrator hereby approves Fence Height Exception Application No. 19-1449, 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 July 24, 2019 and September 24, 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.

Standard Conditions:

4. Construction. All site development shall comply with Title 15 (Building and Construction) of the Pittsburg Municipal Code.
5. 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.
6. 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.
7. 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.
8. Expiration. This approval will expire on October 15, 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 15th day of October, 2019, by the Zoning Administrator of the City of Pittsburg, California.

KRISTIN POLLOT, AICP
ZONING ADMINISTRATOR

Mosaic Apartments Fence Height Exception
AP-19-1449
1128 E. Leland Road
Pittsburg, CA 94565



Scope of Work

1. Remove approximately 650 feet of chain link fence at perimeter drainage canal 5' high
2. Install new wood privacy fence, 8' high approximately 650', indicated on map
(New wood fence (privacy) picture included in package)

Distance from Front Property Line:



Material:







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 15, 2019
TIME: 1:30 p.m.
PLACE: First Floor, Conference Room 4B
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Mosaic Apartments Fence Height Exception, AP-19-1449 (FHE).

This is an application by Eric Mitchell on behalf of Mosaic Apartments, requesting Zoning Administrator approval of a fence height exception to allow an eight-foot-tall wooden fence along the western property line, where a six-foot maximum height is permitted. The Mosaic Apartments are located at 1128 E. Leland Road in the RH (High Density Residential) District. Assessor's Parcel No. 088-230-020.

PROJECT PLANNER: Celina Palmer, (925) 252-4029 or cpalmer@ci.pittsburg.ca.us

Why am I receiving this notice? You are receiving this notice because you have either previously requested notifications from the Planning Division, or a project has been proposed in your neighborhood and all property owners within a minimum 300-foot radius of the project site are required to be notified under the Pittsburg Municipal Code.

Where can I get more information about this project?

The complete file for this project is available for public inspection at the Planning Division, weekdays during the hours of 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM. You can also find out more about the project by contacting the project planner listed above.

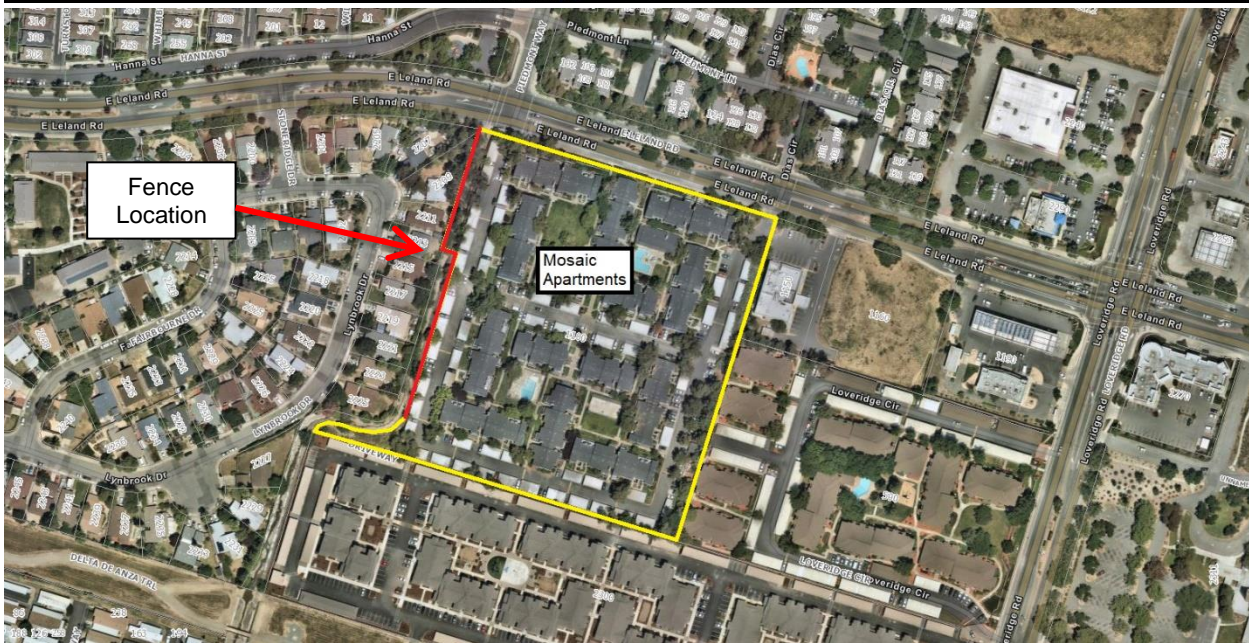
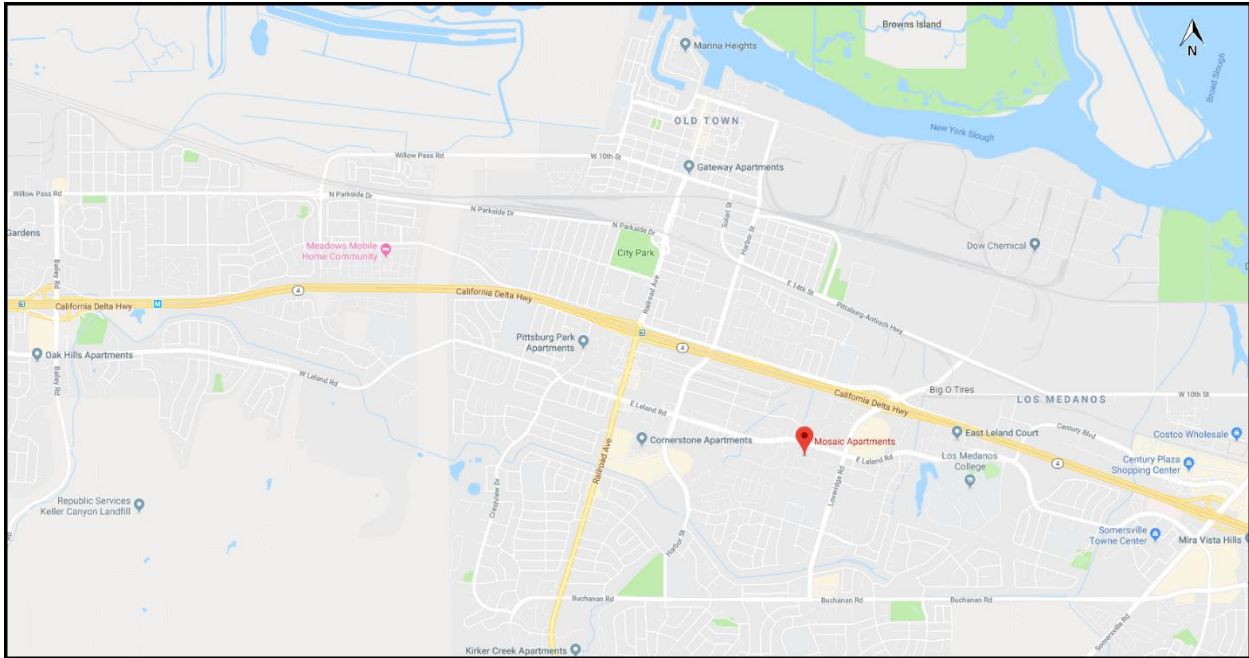
What can I do if I have comments on the project?

Comments or objections to the project can be made by writing or through oral testimony during the public hearing. Written comments citing the project name may be emailed to the project planner listed above, or may be mailed or delivered to: Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. You may also register your comments or objections by attending the public hearing on the date and time listed above.

Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public hearing. Any written correspondence delivered to the Planning Division before the hearing body's action on the matter will become a part of the administrative record.

KRISTIN POLLOT, AICP
ZONING ADMINISTRATOR

Project Title: Mosaic Apartments Fence Height Exception, AP-19-1449 (FHE).
Location: 1128 E. Leland Road, APN: 088-230-020



City of Pittsburg

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

NOTICE OF PUBLIC HEARING