

# City of Pittsburg Zoning Administrator Agenda

---

**September 27, 2023**

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

**2:30 P.M.**

## **CALL TO ORDER**

## **DELETIONS, WITHDRAWALS OR CONTINUANCES**

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

## **PUBLIC HEARING**

### **1. 298 Rose Ann Avenue Variance, AP-23-0058 (VA)**

This is a request for Zoning Administrator approval of a Variance Application to allow a one-foot, eight-inch (1'-8") side- and rear-yard setbacks, where four feet (4'-0") minimum is required, to legalize an existing unpermitted detached 731 square-foot Accessory Dwelling Unit (ADU) located at 298 Rose Ann Avenue in the RS-6 (Single-Family Residential, 6,000 Square Feet Minimum) District. Assessor's Parcel Number: 086-062-012.

This project is delegated to the Zoning Administrator under PMC Section 18.28.020(B).

### **2. Saddle Horn Fence Height Exception, AP-23-0117 (FHE)**

This is a request for Zoning Administrator approval of a Fence Height Exception to construct an 8' wooden fence along the sides and rear property lines of the parcel located at 381 Saddle Horn Drive in the RS6-O (Single Family Residential, 6,000 square foot lot size minimum) Zoning District. Pursuant to Pittsburg Municipal Code (PMC) Section 18.84.205 (B)(1) the allowable fence height within this Zoning Designation is 6'. The Fence Height Exception request has been filed to ensure privacy and security of the property. The existing 6' fence location is the same location as the proposed 8' fence. Assessor's Parcel No. 089-490-069.

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

**This agenda was posted at City Hall on September 22, 2023.**

**3. 3058 Delano Drive Storage Shed, AP-23-0011 (VA)**

This is a request for Zoning Administrator approval of a Variance Application to lawfully establish an existing shed at the property address 3058 Delano Drive that does not meet Municipal Code standards for setbacks. The property address is located within PD-1362 (Planned Development) zoning district. Pursuant to Pittsburg Municipal Code Section 18.84.015, unless specified in the adopted PD or specific plan for a PD district, an accessory structure must comply with the required regulations of the base district most similar to the related land use, as determined by the Zoning Administrator. The Zoning Administrator has determined the most similar land use district to be the RS-5 (Single Family Residential, 5,000 square foot lot minimum), which requires a 10-foot rear setback and 5-foot side setback. The applicant proposes a 196 square foot shed with a Variable rear setback of 3 feet 2 inches - 8 feet, and a side setback of 2 feet 4 inches. Assessor's Parcel No. 091-320-085.

This project is delegated to the Zoning Administrator under PMC Section 18.28.020(B).

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

## Memorandum

**MEMO:** September 27, 2023  
**TO:** Zoning Administrator  
**FROM:** Ariana Ruiz, Assistant Planner

**RE: Consideration of a Variance to reduce the required rear and side-yard setback from four-feet (4') to one-foot, eight-inches (1' 8") to permit construction of an Accessory Dwelling Unit at 298 Rose Ann Avenue, AP-23-0058 (VA)**

---

ORIGINATED BY: Rossanna Coronado, 298 Rose Ann Avenue, Pittsburg, CA 94565

SUBJECT: This is a public hearing on the Zoning Administrator's consideration of a Variance Application to allow a one-foot, eight-inch (1'-8") side- and rear-yard setbacks, where four feet (4'-0") minimum is required, to legalize an existing unpermitted detached 731 square-foot Accessory Dwelling Unit (ADU) located at 298 Rose Ann Avenue in the RS-5 (Single-Family Residential, 5,000 Square Feet Minimum) District. Assessor's Parcel Number: 086-062-012.

RECOMMENDATION: Staff recommends that the Zoning Administrator adopt a Resolution approving Planning Application No. AP-23-0058.

BACKGROUND:

On December 06, 2022, the Building Division issued a Stop Work order for construction without obtaining a Building Permit. A Notice to Comply was provided to the applicant on February 10, 2023, and was instructed to speak with the Planning Division to obtain permission for the location of the structure. The applicant spoke with the Planning Division on February 17, 2023, regarding the proposed structure.

The applicant informed the Planning Division of the construction of a detached ADU of 822 square foot containing three bedrooms, a bathroom, kitchen, and living room area. The ADU was proposed with a setback of zero feet from the western property line and southern property line at the main bedroom of the ADU. A setback of twenty-two inches (22") for the remainder of the ADU follows the southern property line with a twenty-two-inch (22") setback from the eastern property line.

Due to constraints of construction and permitting cost, the Applicant has revised the proposed plans to include a 731 square-foot ADU and increased setbacks to four feet (4') from the western property line and one-foot, eight-inches (1'8") from southern and eastern

property lines.

The applicant is requesting a Variance to allow for the encroachment into the required setback as the ADU is already partially constructed. Final compliance with the applicable side yard setback regulation would necessitate demolition of approximately 159 square feet of the 731 square-foot ADU, resulting in only a 572 square-foot ADU reducing the size of each proposed room.

The Variance application was filed on June 7, 2023. The Notice of Intent to Conduct a Zoning Administrator Public Hearing for this item was provided to the Planning Commission on September 26, 2023.

#### PROJECT DESCRIPTION:

Existing Conditions: The subject site is a 5,000 square-foot parcel located east of Rose Ann Avenue. The site was originally developed in 1955 and it contains a single-family dwelling.

Proposed Project: The applicant is requesting Zoning Administrator approval of a setback variance to legalize an existing, unpermitted detached ADU. The unpermitted addition encroaches into the required four-foot side-yard setback.

#### CODE COMPLIANCE:

The subject site is in the RS-5 (Single-Family Residential, 5,000 Square Foot Minimum) District. Pittsburg Municipal Code (PMC) section 18.50.315 allows for the establishment of ADUs in residentially zoned districts, subject to prescribed size, height, and setback standards. The unpermitted detached ADU meets the height and size requirements but fails to meet the four-foot minimum setback requirement. The applicant therefore is requesting a side and rear yard setback Variance to reduce the required four-foot setback to one foot and eight inches.

Required Findings: Pursuant to PMC section 18.16.050, the Zoning Administrator may grant a Variance from the required rear and side-yard setback if they can make the three required findings that:

- a. Because of special circumstances concerning the subject property including size, shape, topography, location or surroundings, the strict application of zoning regulations deprives the property of privileges enjoyed by other properties in the vicinity and in the same land use district;
- b. The Variance will not constitute a grant of special privilege which is not generally available to other property in the vicinity and in the same land use district; and

- c. The Variance substantially complies with the intent and purpose of the land use district to which the property is classified.

Environmental: This item is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, "Minor alterations to existing facilities" of the State CEQA Guidelines, section 15301.

Public Noticing: On or prior to September 15, 2023, notice of the September 27, 2023 public hearing was posted at City Hall, near the subject site, and on the 'Public Notices' section of the City's website; the notice 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. The notice was also posted on [www.nextdoor.com](http://www.nextdoor.com) (Nextdoor) and was sent directly to all subscribed residents in the "Woodland Hills" neighborhood.

#### STAFF ANALYSIS:

Staff believes that the Zoning Administrator can make all the required findings to approve the Variance request for the 731 square-foot ADU addition as explained below:

- a. Because of special circumstances concerning the subject property including size, shape, topography, location or surroundings, the strict application of zoning regulations deprives the property of privileges enjoyed by other properties in the vicinity and in the same land use district; and

**This finding can be made because the framing and foundation of the ADU is constructed and constrained to only occupy the rear one third of the lot. Thereby, a reduced side and rear setback would be needed to ensure the ADU could be constructed at the proposed 731 square-feet. Compliance with the applicable setback regulation would necessitate demolition of approximately 159 square feet of the modest 731 square-foot ADU, resulting in only a 572 square-foot ADU.**

- b. The Variance will not constitute a grant of special privilege which is not generally available to other property in the vicinity and in the same land use district; and

**This finding can be made neighboring parcels within the same zoning district are able to construct ADU's. Granting a variance will not be materially detrimental to other properties or set a significant land use precedent.**

- c. The Variance substantially complies with the intent and purpose of the land use district to which the property is classified.

**This finding can be made because ADUs are permitted uses in the RS-5 zone and essential in addressing the ongoing affordable housing crisis in California. In this regard, reducing the rear and side yard setback Variance to allow for the ADU substantially complies with the intent and purpose of the RS-5 land use district.**

**REQUIRED ACTION:**

Move to adopt Resolution 408, approving Variance Application No. AP-23-0058.

**ATTACHMENTS:**

1. Proposed Resolution
2. Project Plans
3. Site Photos
4. Property Development Regulations
5. Public Hearing Notice/Vicinity Map

BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving Variance to Allow a	)	
One-Foot-Eight-Inch (1'-8") Side-Yard	)	
Setback, where Four Feet (4'-0") Minimum	)	
is Required, to Legalize an Existing	)	
Unpermitted 731 Square-Foot Accessory	)	
Dwelling Unit (ADU) Detached to an	)	Resolution No.408
Existing Single-Family Dwelling Located at	)	
298 Rose Ann Avenue in the RS-6	)	
(Single-Family Residential, 5,000 Square	)	
Feet Minimum) District. Assessor's Parcel	)	
Number: 086-062-012.	)	

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On June 7, 2023, Rossanna Coronado filed Planning Application No. 23-0058, requesting Zoning Administrator approval of a variance to allow a one-foot a one-foot, eight-inch (1'-8") side- and rear-yard setbacks, where four feet (4'-0") minimum is required, to legalize an existing unpermitted detached 731 square-foot Accessory Dwelling Unit (ADU) located at 298 Rose Ann Avenue in the RS-5 (Single-Family Residential, 5,000 Square Feet Minimum) District. Assessor's Parcel Number: 086-062-012.
- B. The proposed project is governed by the policies and development standards in the Pittsburg General Plan and Pittsburg Municipal Code (PMC) Title 18 (Zoning).
- C. Pursuant to PMC section 18.10.050 and 18.28.020, the Zoning Administrator shall, after notice pursuant to PMC sections 18.14.020(E) and (F) and notice to the Planning Commission, hear and decide each application for a variance, unless the zoning administrator determines that, because of the probable controversial nature of the proposal or because of its significance to the City, the Planning Commission should hear and decide the application.
- D. On September 26, 2023, a Notice of Intent to conduct a Zoning Administrator public hearing pursuant to Pittsburg Municipal Code (PMC) section 18.10.050 regarding a request for approval of a variance was provided to the Planning Commission
- E. The proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, "Minor alterations to existing facilities" of the state CEQA Guidelines, sections 15301.
- F. On or prior to September 15, 2023, notice of the September 27, 2023 public hearing was posted at City Hall, near the subject site, and on the 'Public Notices' section of

the city's website; 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. The notice was also posted on www.nextdoor.com (Nextdoor) and was sent directly to all subscribed residents in the surrounding neighborhoods.

- G. On September 27, 2023 the Zoning Administrator held a public hearing to consider Planning Application No. 23-0058, at which time oral and/or written testimony was considered.

## Section 2. Findings

- A. Based on the Zoning Administrator Staff Report entitled, "Consideration of a Variance to reduce the required rear and side-yard setback from four-feet (4') feet to one-foot, eight-inches (1'8") to permit construction of an Accessory Dwelling Unit at 298 Rose Ann Avenue, AP-23-0058 (VA)," dated June 7, 2023, 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. There are unique topographical, size, and shape characteristics of the parcels, which create a special circumstance to support a variance for the encroachment of the single-family dwelling units and accessory dwelling units. This finding can be made because the framing and foundation of the ADU is constructed and constrained to only occupy the rear one third of the lot as it is. Thereby, a reduced side and rear setback would be needed to ensure the ADU could be constructed at 731 square-feet. Compliance with the applicable setback regulation at that location would necessitate demolition of approximately 159 square feet of the modest 731 square-foot ADU, resulting in only a 572 square-foot ADU.
  - 3. The variance will not constitute a grant of special privilege which is not generally available to other properties in the vicinity and in the same land use district, because neighboring parcels within the same zoning district are able to construct ADU's. Granting a variance will not be materially detrimental to other properties or set a significant land use precedent.
  - 4. The variance substantially complies with the intent and purpose of the land use district to which the property is classified, because ADUs are permitted uses in the RS-5 zone and essential in addressing the ongoing affordable housing crisis in California. In this regard, reducing the side yard setback Variance to allow for the ADU substantially complies with the intent and purpose of the RS-5 land use district.

## Section 3. Decision



Based on the findings set forth above, the Zoning Administrator hereby approves Planning Application No. 23-0058, subject to the following conditions:

1. Conformity with Project Plans. The project shall be developed in substantial conformity with the approved plans, date stamped June 12, 2023, and attached to this resolution as Attachment 2, except as hereinafter may be modified. The Zoning Administrator, in their sole discretion, may allow for minor modifications.
2. Location of Mechanical Equipment. AC units shall not be placed in any side yard less than 5 feet unless the location is approved by the City Engineer.
3. Easements. No trees or structures shall be located above the sewer main, water lines, or any other easements located on the property.
4. Runoff. The applicant shall not allow the roof runoff to flow onto adjacent properties. The applicant must install a gutter on the structure and keep the rain runoff on the project site.
5. Project Plans. Engineering and building plans shall be amended to show existing public utility easements, public access easements, and utility connections. Existing connections that are not directly connected to the City service lines shall be identified and permits shall be submitted to the Engineering Division to make those connections directly to City service lines. All utility connections to City service lines shall be completed prior to final inspection of the building/engineering permit to install the parking lot.
6. Location of Refuse Collection. Refuse bins for collection shall be placed in a location approved by Mt. Diablo Resource Recovery to ensure the company can access the bins.

Standard Conditions:

7. Other Agency Requirements. The applicant shall comply with all requirements of the City Development Services Department, the Contra Costa County Fire Protection District, Delta Diablo Sanitation District and all other applicable local, state and federal agencies. It is the responsibility of the applicant to contact each local, state, or federal agency for requirements that may pertain to this project.
8. Standard Conditions of Development. 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 Planning Commission Resolution No. 8931 and the conditions identified herein, the specific conditions of this resolution shall apply.
9. Indemnification. Applicant agrees to indemnify, defend, and hold harmless the City of Pittsburg, 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 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.

10. Expiration of Approval. This approval will expire on September 27, 2024, unless a building permit has been issued and the improvements noted herein are diligently pursued to completion, or unless a written request for extension is filed with the Planning Division prior to the expiration date and is subsequently approved by the Zoning Administrator. The approval shall be valid for no more than six months from the date of building or grading permit issuance, unless work is commenced and diligently pursued prior to the expiration of the applicable building permit.

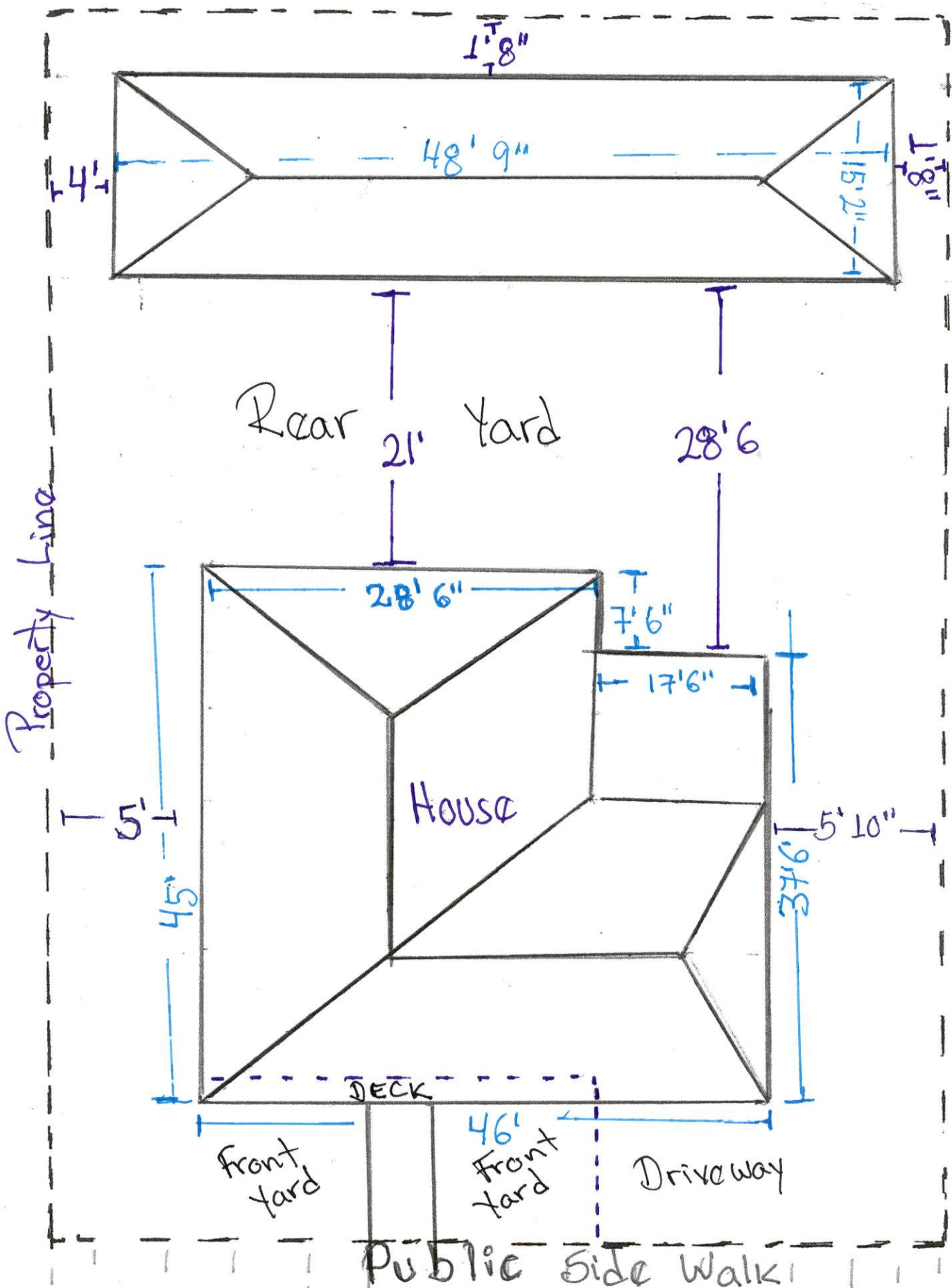
#### Section 4. Effective Date

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

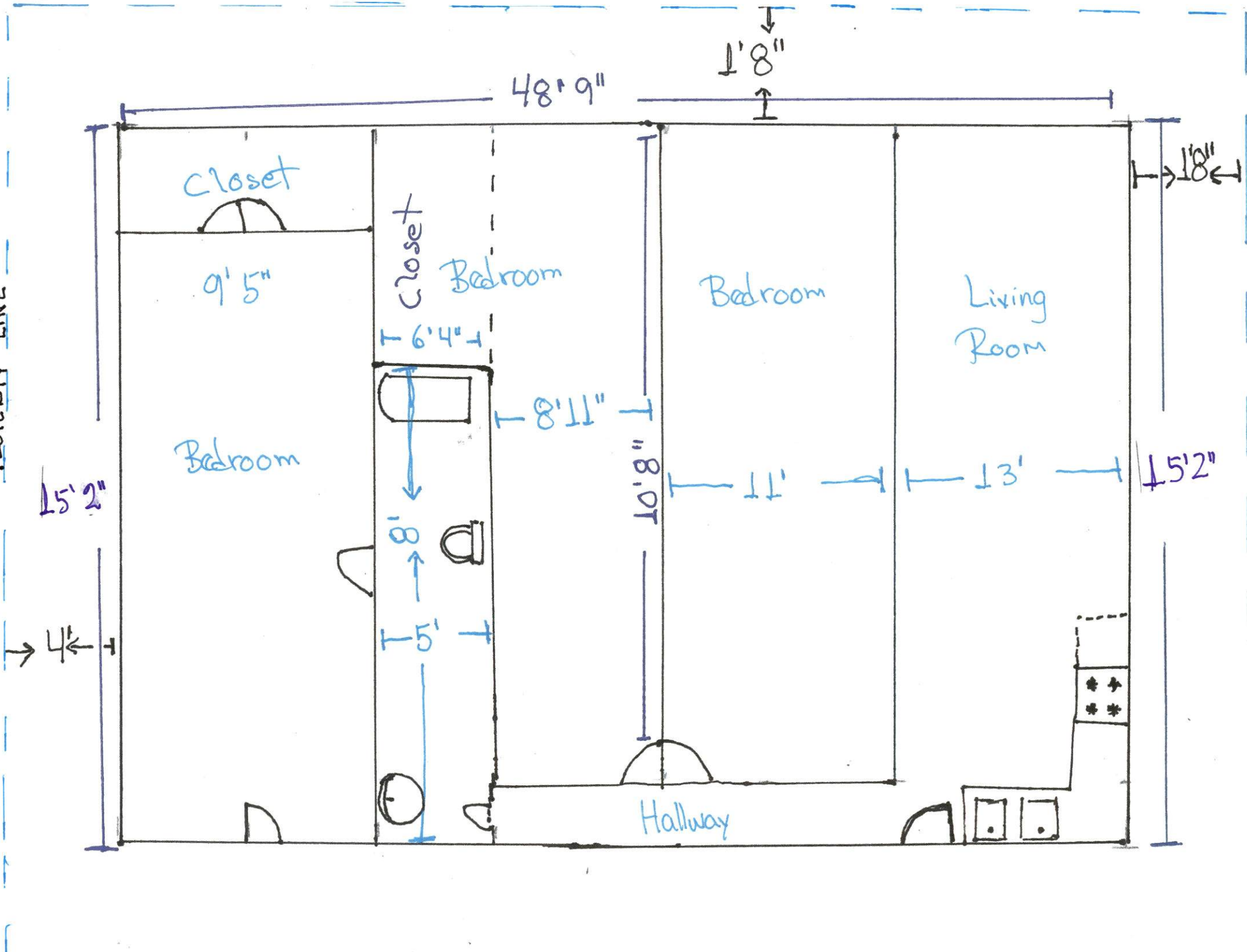
The foregoing resolution was passed and adopted on the 27<sup>th</sup> day of September 2023, by the Zoning Administrator of the City of Pittsburg, California.

---

JOHN FUNDERBURG, M.S.  
ZONING ADMINISTRATOR



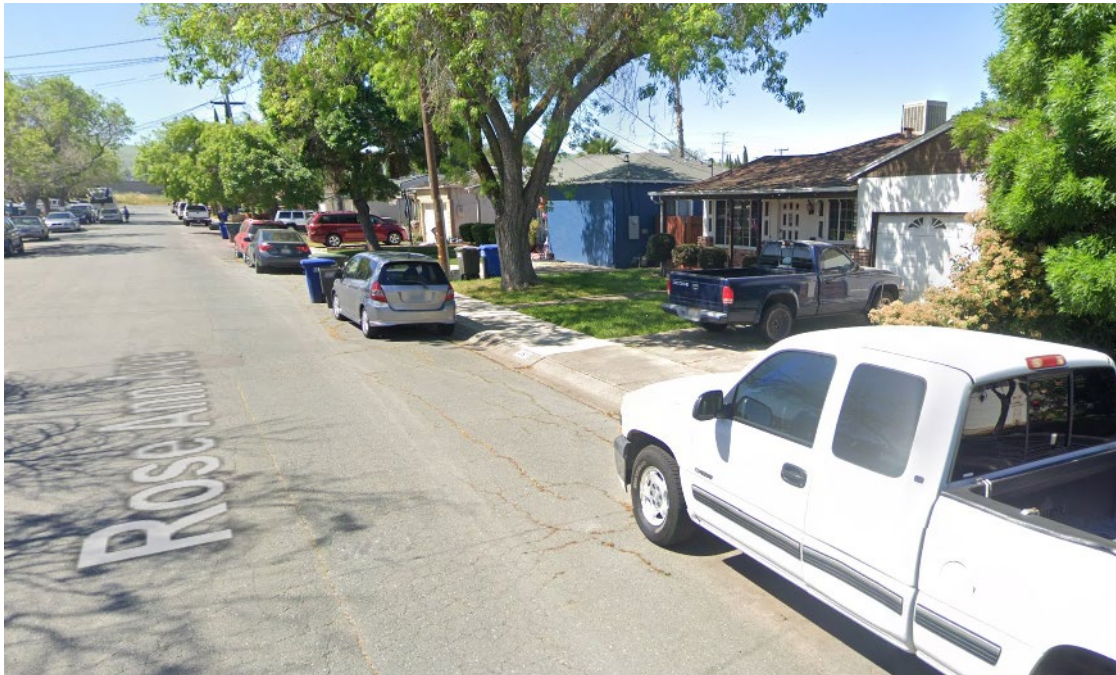
298 Rose Ann Ave Pittsburgh



Attachment 3 – Site Photos



Subject Site – 2114 Chestnut Drive



Site and adjacent neighbors

**Attachment 4**  
**Property Development Regulations Table**  
**298 Rose Ann Avenue, AP-23-0058 (VA)**

<b>Development Regulations:</b> <i>RS – 5 Zone</i>	<b>Required:</b>	<b>Proposed:</b>
Minimum lot area	5,000 SF	5,000 SF
Minimum lot width (ft)	50 ft	50 ft (Average)
Minimum Yards:		
Front:	20 ft	Approximately 20 ft.
Side:	5 feet Main House 4 feet ADU	Approximately 2'-3" (ADU) 5/18 ft. Main House
Rear:	10 Main House 4 feet ADU	Approximately 37 ft. 1 ft 8 inches from ADU
Maximum height of structures (ft):	28 ft	16 ft
Maximum Lot Coverage	40%	53.4%
Parking	2 spaces	2



# 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:** September 27, 2023  
**TIME:** 2:30 PM  
**PLACE:** First Floor, Conference Room 4B  
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

---

### 298 Rose Ann Avenue Setback Variance, AP-23-0058 (VA)

This is a Public Hearing Notice for the request of approval of a variance application to allow one-foot, eight-inch (1'-8") side- and rear-yard setbacks, where four feet (4'-0") minimum is required, to legalize an existing unpermitted detached 731 square-foot Accessory Dwelling Unit (ADU) located at 298 Rose Ann Avenue in the RS-5 (Single-Family Residential, 5,000 Square Feet Minimum) District. Assessor's Parcel No. 086-062-012.

This project is delegated to the Zoning Administrator under PMC Section 18.10.050 and 18.28.020(B).

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

---

### 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:** 298 Rose Ann Avenue, Setback Variance, AP-23-0058 (VA)  
**Location:** 298 Rose Ann Avenue, Pittsburg, CA 94565, APN: 086-062-012







## Memorandum

**MEMO:** September 27, 2023  
**TO:** Zoning Administrator  
**FROM:** Kelsey Gunter, Associate Planner  
**RE:** **381 Saddle Horn Drive, Fence Height Exception, AP-23-0117 (FHE)**

---

ORIGINATED BY: Jason Johnson, 381 Saddle Horn Drive, Pittsburg, CA 94565

SUBJECT: This is a public hearing on an application filed by Jason Johnson, requesting Zoning Administrator approval of a Fence Height Exception to construct an 8' wooden fence along the sides and rear property lines of the parcel located at 381 Saddle Horn Drive in the RS-6-O (Single Family Residential, 6,000 square foot lot size minimum, Limited Overlay) Zoning District. Assessor's Parcel No. 089-490-069.

RECOMMENDATION: Staff recommends the Zoning Administrator adopt the Resolution approving Fence Height Exception Application No. 23-0117, subject to conditions.

BACKGROUND:

This application was filed on August 16, 2023. The Notice of Intent to Conduct a Zoning Administrator Public Hearing for this item was provided to the Planning Commission on September 26, 2023.

PROJECT DESCRIPTION:

Existing Conditions: The subject site is approximately 6,800 square feet, consisting of a single-family dwelling. Properties located to the north, east, south, and west are also occupied by single-family residences. The project site is currently enclosed by a 6' wooden fence to the north, east, and south.

Proposed Project: The applicant is requesting approval to construct up to an 8' wooden fence in the same location as the existing 6' fence on site. The property owner has expressed safety concerns as they have experienced trespassers. See Attachment 5 for photos of the project site.

CODE COMPLIANCE:

The property is located in the RS-6-O (Single Family Residential, 6,000 Square Foot Minimum Lot Size, Limited Overlay) Zoning District. Pittsburg Municipal Code (PMC) section 18.84.205(B)(1) states that the allowable fence height within this zoning designation is 6'. 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;
- 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 September 15, 2023, notice of the September 27, 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 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 sides and rear property lines, where there is an existing fence in place. The 8' fence would improve the current fencing on all three sides of the property, benefiting the property owner and immediate adjacent neighbors. The neighborhood's appearance would also be improved in that the existing fence that needs repair would be replaced with a new wooden fence. The fence is proposed to be constructed on a corner lot, which has been reviewed by City Transportation Engineering Staff. It has been determined that the new fencing would not affect sight lines for driver safety. The fence is also located outside of the corner-side sight distance visibility triangle. Furthermore, the proposed wooden fence is consistent in material and appearance with other fences in the neighborhood. As such, Staff supports the applicant's request for a Fence Height Exception, subject to the proposed Conditions of Approval, as specified in the proposed Resolution, included as Attachment 1 to this Staff Report.

REQUIRED ACTION:

Move to adopt the proposed Resolution approving Fence Height Exception Application No. 23-0117, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution
2. Vicinity Map
3. Project Site Plan Showing Fencing Location
4. Proposed New Fence Design
5. Project Site Photos
6. 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 an 8-Foot-Tall Security	)	Proposed Resolution
Fence Along Side and Rear Property	)	
Lines of Property located at “381 Saddle	)	
Horn Drive AP-23-0117 (FHE)” APN:	)	
089-490-069.	)	

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On August 16, 2023, Jason Johnson filed Fence Height Exception Application No. 23-0117, requesting Zoning Administrator approval to construct an 8’ wooden fence along the side and rear property lines due to security concerns.
- B. On September 26, 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 September 15, 2023, notice of the September 27, 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 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 structure:
  - 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 September 27, 2023, the Zoning Administrator held a public hearing on Fence Height Exception Application No. 23-0117, 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 side and rear property lines, where there is an existing fence.
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 has the potential to 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. 23-0117, 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.
3. Permit Required. California Building Code requires a Building Permit for all fences greater than 7' in height. The applicant shall submit a Building Permit

Application with the Building Division of the City of Pittsburg prior to construction of a fence greater than 7' in height.

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 September 27, 2024, unless 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 Building Permit issuance, unless work is commenced and diligently pursued prior to the expiration of the Building Permit.

Section 4. Effective Date

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

The foregoing resolution was passed and adopted on the 27<sup>th</sup> day of September, 2023, by the Zoning Administrator of the City of Pittsburg, California.

---

JOHN L. 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:** September 27, 2023  
**TIME:** 2:30 PM  
**PLACE:** First Floor, Conference Room 4B  
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

---

### 381 Saddle Horn Fence Height Exception, AP-23-0117 (FHE)

This is a Public Hearing Notice for the request of approval of a fence height exception to construct an 8' wooden fence along the sides and rear property lines of the parcel located at 381 Saddle Horn Drive in the RS-6-O (Single Family Residential, 6,000 square foot lot size minimum) Zoning District. Pursuant to Pittsburg Municipal Code (PMC) Section 18.84.205 (B)(1) the allowable fence height within this Zoning Designation is 6'. The Fence Height Exception request has been filed to ensure security of the property. The current 6' fence location would be the same location as the proposed 8' fence (no change). Assessor's Parcel No. 089-490-069

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

**PROJECT PLANNER:** Kelsey Gunter, (925) 252-4824 or [kgunter@pittsburgca.gov](mailto:kgunter@pittsburgca.gov)

---

### 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?

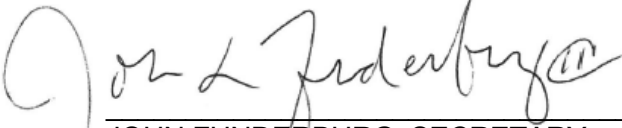
The complete file for this project is available for public inspection; please contact the project planner listed above to make necessary arrangements.

### 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

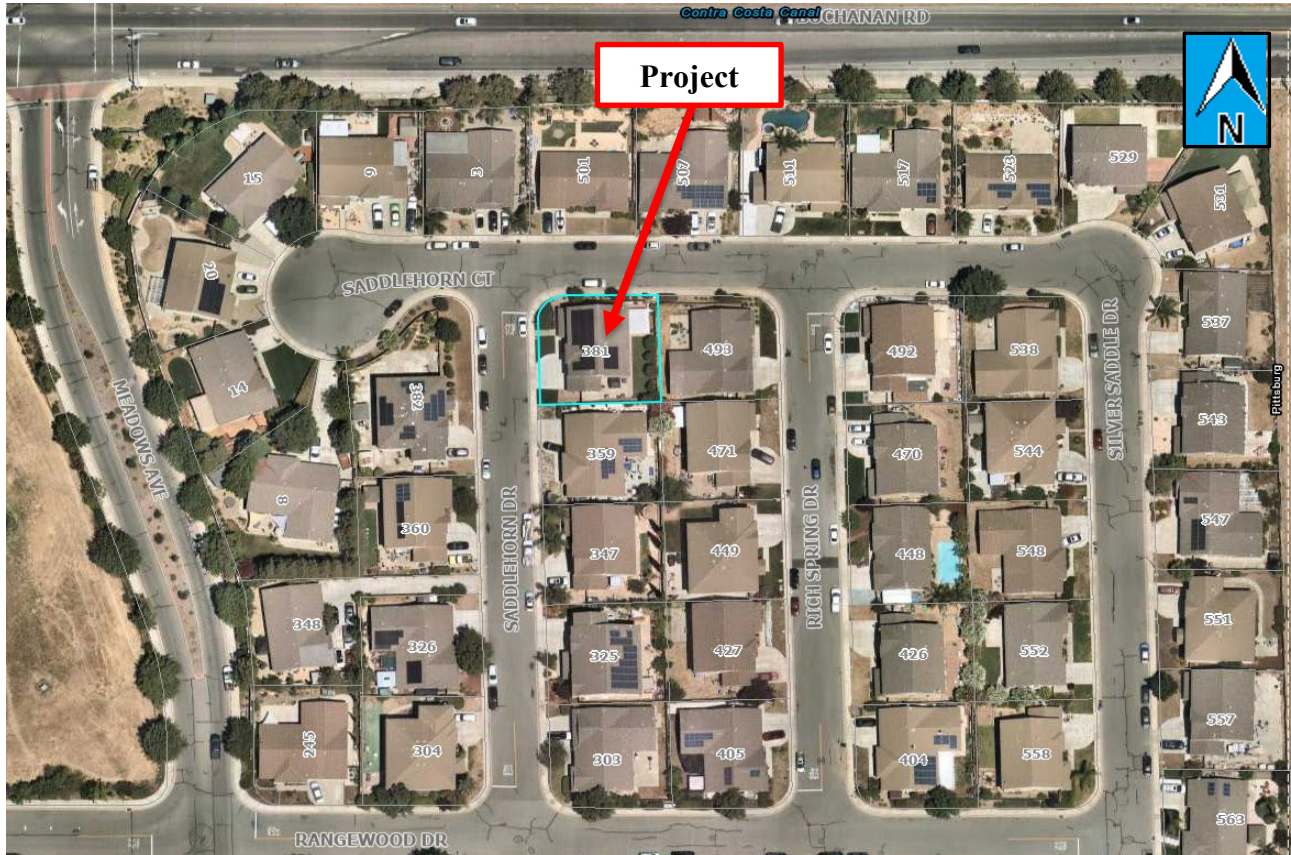


**Project Title:** 381 Saddle Horn Drive, Fence Height Exception, AP-23-0117 (FHE)  
**Location:** 381 Saddle Horn Drive, APN: 087-041-004



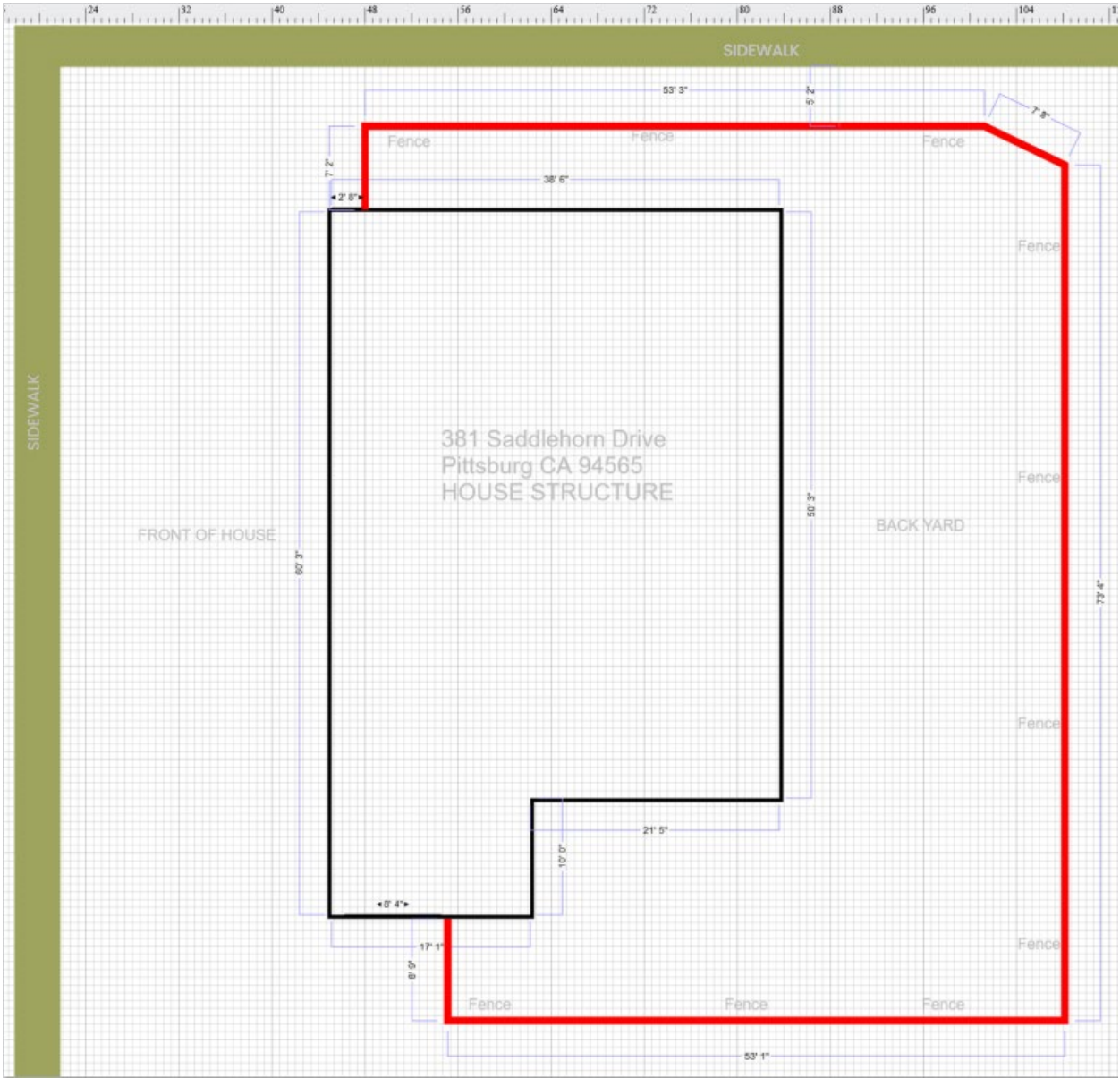
# Fence Height Exception at 381 Saddle Horn Drive (FHE) – Vicinity Map

AP-23-0117	381 Saddle Horn Drive
Fence Height Exception	APN: 089-490-069



# Project Site Plan

Red line indicates location of existing and proposed fencing (no change in location).  
Height increase request from 6' to 8'.



**Proposed new fence design:** The applicant would utilize premium redwood materials for the construction of the fence. The project would be executed by a licensed contractor to ensure quality and compliance with local regulations.



Project Site Photos





