



February 26, 2025

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

1:30 P.M.

CALL TO ORDER

DELETIONS, WITHDRAWALS OR CONTINUANCES

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

PUBLIC HEARING

1. Galloway Triplexes – Modification to Design Review Approval and Fence Height Exception (AP-24-0138, [ADR, FHE]).

This is an application by Rhonda Murray on behalf of J D Framing Inc., requesting Zoning Administrator approval to modify Design Review approval of architectural and site development plans for the Galloway Triplexes located at 172, 345, and 467 W. 10th Street within the M (Mixed Use) District. The modification also includes request for a Fence Height Exception to install a 6'7" (six-foot, seven inch) tall wrought-iron fence along the front property line of each parcel. The fence is proposed to include an automatic rolling gate at each driveway. The allowable fence height within this Zoning Designation is 4'5" (four-foot, five inches) pursuant to Pittsburg Municipal Code section 18.84.205 (B)(2). Assessor's Parcel Number: 085-226-014, 085-211-004, and 085-241-003.

This Fence Height Exception is delegated to the Zoning Administrator under PMC section 18.32.010(B)(C).

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: February 26, 2025
TO: Zoning Administrator
FROM: Ariana Ruiz, Assistant Planner
RE: **Galloway Triplexes – Modification to Design Review Approval and Fence Height Exception, AP-24-0138 (ADR, FHE)**

ORIGINATED BY: Rhonda Murray, 549 Bliss Avenue, Suite A, Pittsburg, CA 94565, (925)267-2053, rhonda@jdframingcorp.com

SUBJECT: This is a public hearing on an application by Rhonda Murray on behalf of J D Framing Inc., requesting Zoning Administrator approval to modify Design Review approval of architectural and site development plans for the Galloway Triplexes located at 172, 345, and 467 W. 10th Street within the M (Mixed Use) District. The modification also includes request for a Fence Height Exception to install a 6'7" tall wrought-iron fence along the front property line of each parcel. The fence is proposed to include an automatic rolling gate at each driveway. The allowable fence height within this Zoning Designation is four-and-one-half feet pursuant to Pittsburg Municipal Code section 18.84.205 (B)(2). Assessor's Parcel Number: 085-226-014, 085-211-004, and 085-241-003.

RECOMMENDATION: Staff recommends the Zoning Administrator adopt a Resolution (Attachment 1), approving the Fence Height Exception under Planning Application No. 24-0138, subject to conditions.

BACKGROUND:

On November 16, 2017, Gwen Bertolami of Bertolami Engineering, filed a request for design review approval of plans to construct four-unit apartment buildings at 172, 345, and 467 W. 10th Street. Bertolami Engineering included a request to reduce the off-street parking requirement from 1.5 spaces per unit to one space per unit.

On January 23, 2018, the Planning Commission reviewed the proposed projects and requested that they be redesigned as three-unit apartment buildings with the required off-street parking.

On April 24, 2018, the Planning Commission reviewed a three-unit conceptual design prepared by Bertolami Engineering. This design provided the required off-street parking

and divided the units into two separate buildings to reduce building volume and mass. The Planning Commission was supportive of the design.

On August 14, 2018, the Planning Commission approved Resolution No. 10084 granting Design Review approval of architectural and site development plans to construct three-unit apartment buildings at 172, 345, and 467 W. 10th Street.

In December of 2020, the property was purchased by J D Framing, Inc. The property is currently zoned M (Mixed Use) District. The allowable fence height within this Zoning Designation is four-and-one-half feet pursuant to Pittsburg Municipal Code section 18.84.205 (B)(2). The applicant constructed a 6' tall wooden fence along the side property lines, along with a 6' 7" wrought-iron fence at the front property line

The application for the Fence Height Exception was filed on behalf of J D Framing on December 10, 2024. The applicant is requesting approval to install a 6'7" wrought-iron fence, along with an automatic rolling gate across the driveway of each parcel. The Notice of Intent to Conduct a Zoning Administrator Public Hearing for this item was provided to the Planning Commission on February 25, 2025.

PROJECT DESCRIPTION:

Existing Conditions: The project sites are 600 feet apart and range between 5,994 and 6,250 square feet in size. The W. 10th Street corridor between Beacon Street and Black Diamond Street is mostly residential with a few neighborhood and service commercial uses. Approximately 30% of the residential uses along this corridor are multi-family. This includes three duplexes, six small multiplexes (3-6 units), and five large multiplexes (7 or more units). Attachment 2 provides a map of surrounding land uses.

Proposed Project: The proposed project includes installation of a wrought-iron fence with a total height of 6' 7" (six-feet, seven inches) from the adjacent grade along the front property line of each of the properties. The applicant has also proposed installation of an automatic rolling gate across each driveway.

The request for this fence height exception is because of concerns regarding security, theft, and vandalism of the property.

CODE COMPLIANCE:

The project sites are located within the 'M (Mixed Use) District'. Multi-family residential is permitted within the M District, subject to design review approval by the Planning Commission. Pittsburg Municipal Code (PMC) section 18.53.030(C) states that residential developments without commercial components shall be regulated by the property development regulations specified in the 'best-fit' zoning of either the RM-D or RH-D District, as determined by the Planning Commission. Staff has previously determined the RH-D property development regulations are most appropriate for the project sites.

The Pittsburg Municipal Code (PMC) section 18.84.205(B)(4) states that the maximum height of a fence within the required front yard is four- and one-half feet. The portion of the proposed fence would exceed the maximum allowable height by two feet and one inch. 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 February 14, 2025, notice of the February 26, 2025 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 proposed fence and gate would be constructed using wrought-iron fencing, allowing for openness at each of the project site locations.

The neighborhood’s appearance would also be improved in that the proposed fence would be consistent with fencing seen throughout the neighborhood. The proposed increase in fence height from four-and-one-half feet to six feet seven inches would not detract, impair or destroy the characteristics of the area, given the fencing materials would be high-quality with a modern design. Additionally, the purpose of the fence would be to provide residents with additional security, thereby improving the characteristics of the area.

The proposed increase in fence height from four-and-one-half feet to six 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 a Resolution approving the Fence Height Exception under Planning Application No. 24-0138, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution
2. Applicants' Plan
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 Six-Foot and Seven-Inch-Tall Wrought-Iron Fence Along the Front Property Line for the Galloway Properties Located at 172, 345, 467 W. 10th Street. Assessor Parcel Numbers: 085-226-014, 085-211-004, and 085-241-003.

Resolution No.

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On December 10, 2024, Rhonda Murray on behalf of J D Framing Inc., submitted an application requesting Zoning Administrator consideration to modify Design Review approval of architectural and site development plans for the Galloway Triplexes located at 172, 345, and 467 W. 10th Street within the M (Mixed Use) District. The modification included a request for a Fence Height Exception to install a 6'7" tall wrought-iron fence along the front property line of each parcel. The fence is proposed to include an automatic rolling gate at each driveway. The allowable fence height within this Zoning Designation is 4.5' pursuant to Pittsburgh Municipal Code section 18.84.205 (B)(2). Assessor's Parcel Number: 085-226-014, 085-211-004, and 085-241-003.
- B. On February 25, 2025, 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 18.32.010(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 February 14, 2025, notice of the February 26, 2025, 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 February 26, 2025, the Zoning Administrator held a public hearing on Fence Height Exception Application No. 24-0138, 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 and gate would be constructed using wrought-iron fencing, allowing for openness at each project site location.
3. The proposed fence does not detract, impair or destroy the characteristics of the established area, in that the fencing materials would be high-quality with a modern design and the purpose of the fence would be to provide residences with additional security, thereby improving the characteristics of the area.
4. The proposed fence 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 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. 24-0138, subject to the following conditions.

1. Site Plan. The existing fence shall remain substantially as presented in the

approved site and elevation plans dated January 3, 2024, except as may be modified by the conditions below.

2. Conformance. Existing six-foot wooden side yard fencing not in compliance with the standards set forth within PMC section 18.84.205 shall be brought in to conformance.
3. 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.
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.

City of Pittsburg Engineering Division

5. Encroachment Permit. The applicant shall obtain an Encroachment Permit on behalf of the City of Pittsburg Engineering Division with a sight-distance analysis within 30 days of this approval, if applicable.

Contra Costa County Fire Protection District:

6. The applicant/property owner shall provide the Contra Costa County Fire Protection District (CCCFPD) with the code to the lockbox.
7. The applicant/property owner shall inform the CCCFPD of any changes to the code.

Standard Conditions:

8. Construction. All site development shall comply with Title 15 (Building and Construction) of the Pittsburg Municipal Code.
9. 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.
10. 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.

11. 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.
12. Expiration. This approval will expire on February 26, 2026, 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 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 26th day of February, 2025, by the Zoning Administrator of the City of Pittsburg, California.

JOHN FUNDERBURG, M.S.,
ZONING ADMINISTRATOR