

RESOLUTION NO. ZA-2022-013

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A RESIDENTIAL FENCE CONDITIONAL USE PERMIT TO LEGALIZE A 10'3" FENCE, BUILT WITHOUT BENEFIT OF PERMITS, CONSTRUCTED ALONG THE WESTERN BOUNDARY OF THE PROPERTY LOCATED AT 1105 CREST DRIVE, -SANTA ROSA, APN: 180-160-014; FILE NO. CUP21-042

The Santa Rosa Zoning Administrator has completed the review of your application. Please be advised that your Minor Conditional Use Permit to legalize the fence constructed along the western property line that varies in height from nine-feet to 10-feet-three-inches, has been granted based on your project plans stamped received by the City on April 26, 2021. The Santa Rosa Zoning Administrator has based this action on the following findings:

Minor Conditional Use Permit findings pursuant to Zoning Code Sections: 20.52.050:

1. The proposed fence is allowed within the applicable zoning district through the approval of a Minor Conditional Use Permit, [Section 20-30.060.D](#), and complies with all other applicable provisions of this Zoning Code and the City Code. The matter has been properly noticed as required by Zoning Code Section 20-52.050.E.2.a and no request for a public hearing has been received; and
2. The proposed fence is consistent with the General Plan. The property is in an area designated as Low-Density Residential on the General Plan Land Use Diagram, which is intended for single-family residential uses where fences separating residential properties are common to maintain privacy; and
3. The design, location, size and operating characteristics of the proposed fence would be compatible with the existing and future land uses in the vicinity in that the proposed fence is of unique material, but similar design and placement to neighboring fences, and is constructed along the western property line where it is not a dominating feature to pedestrian traffic; and
4. The site is physically suited for the type, density, and intensity of proposed fence, including access, utilities, and the absence of physical constraints in that the two properties affected are developed with single-family dwellings in a sloped area. The additional height of the fence is necessary for privacy for both units, and the fence is located in the side yard where it does not impact other neighbors. Construction of the fence will not impact access to utilities or emergency access to either home; and
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located in that the fence will be placed between two properties and would require a building permit to ensure its proper construction; and

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 3 exemption under Section 15303 (e) in that the fence is construction of an accessory structure; and

Additional fence height with Minor Use Permit approval findings (Zoning Code Section: 20.30.060):

7. The issuance of the permit is reasonably necessary, by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable property rights or the full use and enjoyment of the property in that there is a difference in the property elevation between 1105 Crest Dr and 1055 Hyland Dr and the increased height of the fence on the west side would maintain privacy for both residences; and
8. The proposed fence will not create a safety hazard to pedestrians or vehicular traffic in that the fence is proposed between two residential properties and would be placed would be set back 18 feet the back of the sidewalk; and
9. The appearance of the proposed fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood. The proposed materials are consistent with fences typically found in residential neighborhoods; and
10. The design, location, size and operating characteristics of the proposed fence would be compatible with the existing and future land uses in the vicinity in that the proposed fence is unique in design and compatible with the design of other residential fences, but because it is placed between the two properties it would not be readily visible from the street, the only portion of the fence that is closer to the street would be visible from the public right-of-way;
11. The proposed fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures. The area in which the fence is proposed is 18 feet behind the sidewalk, where it will not affect pedestrian traffic. The fence is proposed between two properties with a significant difference in elevation and is necessary to protect the privacy of both properties; and
12. The orientation and location of the proposed fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood. The fence is located in a sloped area, between two existing homes and is stepped back 18 feet from the sidewalk where it will not impact other neighbors; and
13. The proposed fence will be of sound construction. As conditioned, the construction of the fence requires a building permit because it is taller than seven feet.

This entitlement would not be granted but for the applicability and validity of each and every one of the below conditions and that if any one or more of the below conditions is invalid, this entitlement would not have been granted without requiring other valid conditions for achieving the purposes and intents of such approval. The approval of the project is contingent upon compliance with all the conditions listed below. Use shall not commence until all conditions of approval have been complied with. Additional permits and fees are/may be required. **It is the responsibility of the applicant to pursue and demonstrate compliance.**

1. Obtain building permits for the proposed project.
2. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8 a.m. to 6 p.m. Saturdays. No construction is permitted on Sundays and holidays.
3. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
4. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.

This Minor Conditional Use Permit to legalize the fence constructed along the western property line that varies in height from nine feet to 10-feet-three-inches is hereby approved on this 3rd day of March 2022, for the duration of use provided conditions are complied with and use has commenced within two years from approval date. The approval is subject to appeal within ten calendar days from the date of approval.

APPROVED: _____
ANDREW TRIPPEL, ZONING ADMINISTRATOR