

RESOLUTION NO. ZA-2022-015

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A RESIDENTIAL FENCE MINOR CONDITIONAL USE PERMIT FOR THE HERNANDEZ FENCE LOCATED AT 2335 COPPERFIELD DRIVE, SANTA ROSA, APN: 036-342-013, FILE NO. CUP21-010

WHEREAS, the Santa Rosa Zoning Administrator has completed review of your Residential Fence Minor Conditional Use Permit application to allow the proposed construction of a six-foot residential fence with two feet of lattice located five feet from the back of sidewalk where a 15-foot front setback would otherwise be required; and

WHEREAS, the Residential Fence Minor Conditional Use Permit approval to allow the proposed use is based on the project description and official approved exhibit dated received October 14, 2021; and

WHEREAS, the matter has been properly noticed as required by Section 20-52.050.E.2.a and no request for a public hearing has been received;

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 20-52.050.F, the Zoning Administrator of the City of Santa Rosa finds and determines that:

1. The proposed fence is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code;
2. The proposed fence is consistent with the General Plan and any applicable specific plans in that the construction of a residential accessory structure to enhance the residential experience at the subject property is consistent with the Low Density Residential General Plan Land Use designation, which designates areas for residential development and associated construction of accessory structures, including fences;
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 fence is proposed to be located outside of all vision triangles and provides a five-foot setback from the back of sidewalk adjacent to the Copperfield Drive right of way;
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 proposal has been reviewed by the City's Engineering Development Services (EDS) Division and determined to avoid all easements in the area, and the construction of the fence would not impair site access for the Fire Department nor residents of the area, and would not require any new utility connections or impede any existing utility connections;
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 proposal has been modified to provide unimpeded sight distance at

each driveway vision triangle, and the proposed fence would be located five feet from the back of sidewalk which maintains a comfortable pedestrian experience on Copperfield Drive, and the proposed fencing height is consistent with of the surrounding area; 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 in that the proposal consists of the construction of a fence, which is an accessory structure.

ADDITIONAL FENCE HEIGHT FINDINGS (ZONING CODE SECTION 20-30.060.D)

1. 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 the existing available private open space for the subject property is greatly reduced due to the configuration of the site and its structures;
2. The proposed fence will not create a safety hazard to pedestrians or vehicular traffic in that driveway vision triangles are maintained to achieve maximum safety for vehicles entering and exiting the shared driveway, in addition to allowing pedestrians clear site distance of the driveway which allows for visibility from the sidewalk into the driveway area;
3. The appearance of the proposed fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood in that the proposed material would match existing fencing located at the property and in the surrounding area;
4. The proposed fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures in that the proposed fence height is consistent with the surrounding neighborhood and is appropriately scaled to similar structures in the area;
5. The orientation and location of the proposed fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood in that the fence is proposed to be located five feet from the back of sidewalk along Copperfield Drive and the proposed fence height would not disrupt neighbors' ability to reasonably enjoy their properties;
6. The proposed fence will be of sound construction in that a building permit will be required which will confirm specific construction details that would result in a high-quality construction project.

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.**

Conditions of Approval

1. A building permit is required for all on site construction of fencing over six feet in height, and/or change of use.
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 Residential Fence Minor Conditional Use Permit is hereby approved on April 7, 2022. If conditions have not been met or if work has not commenced within 24 months from the approval date, this approval shall automatically expire and be invalid unless an application for extension is filed prior to expiration. This approval is subject to appeal within ten calendar days from the date of approval.

APPROVED: _____
AMY NICHOLSON, ZONING ADMINISTRATOR