

**RESOLUTION NO. ZA-2022-058**

**RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A RESIDENTIAL FENCE MINOR CONDITIONAL USE PERMIT TO LEGALIZE A 62 ¾" FENCE, BUILT WITHOUT THE BENEFIT OF PERMIT, FOR THE PROPERTY LOCATED AT 2021 ILLINOIS AVE SANTA ROSA, APN: 180-270-033, FILE NO. CUP21-032**

WHEREAS, the fence has been constructed without the benefit of permit, as demonstrated in Code Enforcement File No. CE19-1008;

WHEREAS, a Minor Conditional Use Permit application was submitted to Planning and Economic Development on March 23, 2021, for the subject fence;

WHEREAS, the Santa Rosa Zoning Administrator has completed review of the Residential Fence Minor Conditional Use Permit application to allow the proposed use for the project described above; 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 March 17, 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 through the approval of a Minor Conditional Use Permit, and complies with all other applicable provisions of this Zoning Code and the City Code. Pursuant to Zoning Code section 20-30.060, a fence over three feet is permitted up to the property line through the approval of a Minor Conditional Use Permit.
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 safety and privacy.
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. The fence is located at the property line which is allowed through the approval of a Minor Conditional Use Permit; it is a common design found in residential neighborhoods; and it has been designed with transparency above three feet in order to avoid dominating the pedestrian path.

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 it is a residential fence proposed on a residential property, which is allowed through the approval of a Minor Conditional Use Permit. City Staff's analysis has found that the fence will not cause any safety issues or restrict access to utilities.
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. As conditioned, the driveway vision triangle will have visibility above three feet and will give a clear view of incoming pedestrians.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 3 exemption under CEQA Guidelines Section 15303 (e) in that in that the fence is construction of 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 purpose of the fence is to provide security for the applicant's children and pets.
2. The proposed fence will not create a safety hazard to pedestrians or vehicular traffic in that there is clear pedestrian visibility above three feet. As conditioned, the solid panel in the vision triangle will be replaced to match the hog wire panel.
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 this fence design is common in residential areas.
4. The proposed fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures in that the hog wire above three feet provides clear visibility of the home and front yard.
5. The orientation and location of the proposed fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood. While the fence is built right up to the property line, the top of the fence is transparent, minimizing any safety concerns. Zoning code section 20-30.060 allows solid fencing up to three feet up to the property line, and any additional height through the approval of a Minor Conditional Use Permit.
6. The proposed fence will be of sound construction.

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. 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.
2. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
3. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
4. Notify Code Enforcement Officer Lizzette Marquez of permit approval to have the Code Enforcement case closed.
5. The section of the fence labeled “A” shall be replaced to be a 36-inch solid fence with 26 3/4 inches of hog wire lattice on top for transparency.
6. The wooden stake labeled “B” shall be removed.
7. The wooden stake labeled “C” shall be shortened to match the height of the fence.

This Residential Fence Minor Conditional Use Permit is hereby approved on October 6, 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: \_\_\_\_\_  
SHARI MEADS, ZONING ADMINISTRATOR

**ATTACHMENTS:**

1. Google Maps Diagram



2021