

## **RESOLUTION NO. ZA-2022-032**

### **RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT AND MINOR HILLSIDE DEVELOPMENT PERMIT TO ALLOW A NEW SWIMMING POOL, CABANA, RETAINING WALLS, AND AN ADU WITH STORAGE FOR THE PROPERTY LOCATED AT 3935 SKYFARM DRIVE SANTA ROSA, APN: 173-760-023, FILE NO. PRJ22-010 (HDP21-010 & CUP22-028)**

WHEREAS, the Santa Rosa Zoning Administrator has completed review of your Minor Conditional Use Permit and Minor Hillside Development application to allow the proposed accessory structures for the project described above; and

WHEREAS, the Minor Conditional Use Permit approval to allow the proposed use is based on the project description and official approved exhibit dated received April 18, 2022; 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 use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code in that the proposed accessory structures are for the existing single-family dwelling; and
2. The proposed use is consistent with the General Plan in that the single-family residence and accessory structures are allowed in a Very Low-Density Land Use; and
3. The design, location, size and operating characteristics of the proposed structures would be compatible with the existing and future land uses in the vicinity in that the swimming pool and cabana are similar to other accessory structures within the neighborhood. However, the structures would be placed in the front of the primary dwelling unit because the backyard has slopes greater than 25% and would not be able to support the proposed structures; and
4. The site is physically suited for the type, density, and intensity of the proposed structures including access, utilities, and the absence of physical constraints in that the site is already developed with a single-family dwelling unit; 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 proposed structures are for an existing single family that currently complies with the required building code; 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 project consist of construction of accessory structures.

WHEREAS, in accordance with Section 20-32.060.F, Hillside Development Permit findings, the Zoning Administrator of the City of Santa Rosa finds and determines that:

1. Site planning minimizes the visual prominence of the hillside development by taking advantage of existing site features for screening including tree clusters, depressions in topography, setback hillside plateau areas, and other natural features in that project utilize existing trees for screening the swimming pool and cabana from public viewing areas. Additionally, the proposed cabana would be similar to the existing detached garage, and retaining walls are designed to step down, taking advantage of the current site slopes. Furthermore, the retaining walls for the pool would have similar designs to the existing rock walls on the site; and
2. Site development minimizes alteration of topography, drainage patterns, and vegetation on land with slopes of 10 percent or more in that the proposed project takes advantage of the existing site topography and minimizing grading by incorporating a stepped design; and
3. Site development does not alter slopes of 25 percent or more except in compliance with Section 20-32.020.B (Applicability-Limitation on hillside development) in that the proposed swimming pool is placed on an area that mostly has slopes less than 10 percent and will not interrupt the view of the skyline from a major public viewpoint. Also, the swimming pool walls would be designed to match the existing rock walls on the site and blend with them. Additionally, the proposed cabana would not be higher than the existing garage and residence, and would not be located on a ridgeline where it would interrupt the view of the skyline from a major public viewpoint; and
4. Project grading respects natural features and visually blends with adjacent properties in that the project incorporates the design of the existing residence and rock walls so that it blends nicely with the property and does not affect the neighborhood significantly. The retaining walls would be stepping down and following the topography and would blend with the other structures on the site; and
5. Building pad location, design, and construction avoids large areas of flat pads, and building forms will be stepped to conform to site topography in that proposed accessory structures are for a site already disturbed by the primary residence. The project would be adding one flat pad for the swimming pool area, which was already in front of the existing dwelling and terraced off the existing flat pad. Also, the project proposes to incorporate planting areas to keep the terraced effect minimal and blend naturally with other structures on the site; and
6. The proposed project complies with the City's Design Guidelines in that the proposed structures and retaining walls are not placed on a ridgeline; and
7. The proposed project complies with the requirements of Chapter 20-32 and all other applicable provision of this Zoning Code in that the proposed project has

submitted a Minor Hillside Development Permit and Minor Conditional Use Permit application which complies with all applicable City regulations; and

8. The proposed project is consistent the General Plan in that the single-family residence and accessory structures are allowed in a Very Low-Density Land Use; and
9. The establishment, maintenance, or operation of the use will not under the circumstances of the particular case be detrimental to the public health, safety, or general welfare in that the proposed swimming pool, cabana, and retaining walls are for the existing residential use and will not create nor is it associated with an activity which will be detrimental to the public health, safety, or general welfare of the people living or working in the area; and
10. 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 project consist of construction of accessory structures.

NOW, THEREFORE, BE IT RESOLVED, the Zoning Administrator of the City of Santa Rosa does here by grant Minor Conditional Use Permit and Minor Hillside Development Permit for a new pool, cabana, and retaining walls. 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 intent 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. Obtain Building Permit for the proposed project.
2. Grading shall be limited to roadways, driveways, garage pads, and understructure areas including accessory structures such as swimming pools.
3. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturdays. No construction is permitted on Sundays and holidays.
4. All grading shall be designed to blend into the natural contours of the site. Slope grading and contour grading techniques shall be utilized. All disturbed areas shall be revegetated with native plants to the maximum extent possible.
5. Pursuant to City Code [Section 17-24.050](#), any tree removal required for development is subject to replacement. This requirement shall be fulfilled by planting replacement trees on-site **which shall be** shown on the landscape plans submitted for the Building Permit.
6. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
7. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.

8. Compliance with all conditions as specified by the attached Exhibit "A" dated May 4, 2022.
9. Consider providing landscaping along Skyfarm Drive for additional screening.

This Minor Conditional Use Permit and Minor Hillside Development Permit is hereby approved on June 2, 2022, for the duration of the use provided that conditions are complied with and that the use has commenced within 24 months from the approval date. The approval is subject to appeal within ten calendar days from the date of approval.

APPROVED: \_\_\_\_\_  
AMY NICHOLSON, ZONING ADMINISTRATOR

Attachment: Engineering Exhibit A dated May 4, 2022