

RESOLUTION NO. ZA-2024-029

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A RESIDENTIAL FENCE MINOR CONDITIONAL USE PERMIT FOR AN EIGHT-FOOT, WOOD FENCE WITH AN ALTERNATIVE DESIGN, FOR THE PROPERTY LOCATED AT 2003 BRACKEN COURT, SANTA ROSA, APN: 173-590-008, FILE NO. CUP23-081

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 Fence Plan dated December 2023; 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 in that the proposal complies with Zoning Code Section 20-30.060, which allows an eight-foot fence on the interior side yard and rear yard if constructed using six feet of solid board and two feet of lattice. An alternative design may be permitted with a minor Conditional Use Permit. The same section of the Zoning Code allows additional height on exterior side and front yards, with the approval of a minor Conditional Use Permit;
2. The proposed fence is consistent with the General Plan and any applicable specific plans in that the General Plan Land Use designation is Low Density Residential, which is intended for single-family residential development where fences are typical for privacy and enjoyment of occupants. The property is not within a specific plan area;
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 property is located along Fountaingrove Parkway, an arterial street, and the fence provides a buffer against traffic-related sound and light. Additionally, the fence design is similar to the other fences in the vicinity and is located outside the vision triangle;
4. The site is physically suited for the type, density, and intensity of proposed fence, including access, utilities, and the absence of physical constraints. The property is located at the top of a hill along Fountaingrove Parkway, where impacts from vehicle headlights and increased noise related to vehicle acceleration are present. The alternative design and additional height are similar to fences on nearby properties, which have been

installed for the same protections. Additionally, requisite city staff have reviewed the plans and conditioned the project appropriately to ensure public safety;

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 eight-foot fence constructed of wood is common and appropriate for a residential neighborhood, and the project plans have been reviewed by the requisite departments, no issues were raised, and conditioned appropriately;
6. The project has been found in compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15303(e), the project is categorically exempt from CEQA because it involves 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. The property is located at entry of the Southridge at Fountaingrove subdivision, atop a large retaining wall, where it is more susceptible to the increased noise levels from traffic and headlight glare from vehicles traveling eastbound on Fountaingrove Parkway, an arterial street;
2. The proposed fence will not create a safety hazard to pedestrians or vehicular traffic in that the fence set back from the both streets, is not within the vision triangle, and it does not impede sight distance requirements;
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 similar to other wood fences commonly seen along and around Fountaingrove Parkway;
4. The proposed fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures. There is minimal foot traffic along the Southridge Drive frontage given its proximity to Fountaingrove Parkway. The parcel adjacent to Fountaingrove Parkway, Assessor's Parcel Number 173-590-040, owned by Fountaingrove Ranch Master Association, provides shrubbery on top of the retain wall and breaks up the massing of the proposed fence.
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 located along the property line and there are several similarly tall wood fences in the area;
6. The proposed fence was installed without benefit of permits. The project has been conditioned to require a building permit with inspections to ensure 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. Obtain building permits for the fence.
2. Construction hours shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturday. No construction is permitted on Sunday or 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 August 1, 2024. 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: _____
KRISTINAE TOOMIANS, ZONING ADMINISTRATOR