

RESOLUTION NO. CUP21-012

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO LEGALIZE THE EXISTING 6-FOOT SOLID WOOD FENCE ALONG THE NORTH EAST PROPERTY LINE WHERE A 15-FOOT CORNER SIDE SETBACK IS REQUIRED AND ALLOW AN ANGLED RECESS MODIFICATION TO THE SOUTH EAST CORNER OF THE FENCE AT 1448 GLENBROOK DRIVE, SANTA ROSA, APN: 010-304-009

The Santa Rosa Zoning Administrator has completed the review of your application. Please be advised that your Minor Conditional Use Permit to legalize the six-foot solid wood fence within the required 15-foot setback and make an angled recess modification to the rear corner has been granted based on your project description and official approved Exhibit dated December 8, 2021. The Santa Rosa Zoning Administrator has based this action on the following findings:

Minor Conditional Use Permit Findings (Zoning Code Section: 20.52.050):

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. 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 in that the property is in an area designated for single-family residential uses and the proposed fence has been designed with vertical wood boards that are commonly used for residential fences; 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, but similar design, materials and placement to neighboring fences; and
4. The site is physically suited for the type, density, and intensity of the proposed fence, including access and the absence of physical constraints;
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, although unique in design, has been designed with vertical wood boards that are commonly used for residential fences; and
6. The proposed fence 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 it involves the construction of a fence which is considered a small structure.

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

- 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 because of the placement of the existing residence on the corner lot, the amount of usable private open space at the rear of the property is limited and smaller than the majority of the surrounding properties; and
- The proposed fence will not create a safety hazard to pedestrians or vehicular traffic in that it will be constructed outside of the vision triangle and the rear modifications will give the appropriate space from the Public Utility Easement and required neighboring driveway vision triangle requirements; and
- The appearance of the proposed fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood in that it's of unique, but similar design, materials and placement to neighboring fences; and
- The proposed fence avoids dominating the site in that the height is lower than the adjacent properties and the project has been conditioned to include planting and or architectural features along the 2-foot public facing area between the sidewalk and fence as well as the recessed area from the rear corner modification; and
- 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 will be constructed along a brief section of Heather Drive, where the street opens at the intersection of Glenbrook Drive, and the expanded yard provides private open space for the residential occupants and safety measures from neighboring areas; and
- The proposed fence will be of sound construction; and

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. Construction hours shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday and 9 a.m. to 5 p.m. Saturday. No construction is permitted on Sunday and holidays.
2. The 2-foot public facing areas between the fence and sidewalk, as well as the recessed rear corner, shall be maintained, including trash and debris removal, and include either a planting or decorative architectural component or both to break up the massing of the fence; for example:

- Non-invasive vines or shrubbery (not ground cover) like drought tolerant succulents, cactus and rocks or boulders etc. Any landscaping shall be maintained in good condition.
 - Artistic architectural feature, i.e. metal component, artificial hedge panels, decorative lighting, horizontal paneling etc.
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.
 5. Pursuant to Zoning Code Section 20-30.060 the height of the fence shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material.

This Minor Conditional Use Permit to legalize the six-foot solid wood fence along the North East property line and allow an angled recessed modification to the South East corner of the fence where a 15-foot corner side setback is required at 1448 Glenbrook Drive is hereby approved on this 6th day of January, 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

