

**RESOLUTION NO. ZA-2023-057**

**RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING MINOR CONDITIONAL USE PERMIT FOR A 6-FOOT-TALL WOOD FENCE LOCATED IN THE 15-FOOT SIDE-CORNER SETBACK, LOCATED AT 4740 BADGER ROAD, SANTA ROSA, APN: 183-070-062, FILE NO. CUP23-042**

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 plans dated received July 12, 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 exterior changes are consistent with applicable zoning standards in that the project proposal complies with Zoning Code Section 20-30.060, which states that fences may be constructed to a height in excess of the limits stated in Subsection C with Minor Conditional Use Permit approval; and
2. The proposed fence is consistent with the General Plan and any applicable specific plans in that the property is zoned R-1-6 and the General Plan Land Use Designation is Low Density Residential, which is intended for single-family residential uses where fences at residential properties are common; 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 design does not create a closed-off or imposing appearance. The fence placement is similar to existing fences that are placed on neighboring properties with frontages along Badger Road; and
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 6-foot-tall residential fence proposed on a residential property, which is allowed through the approval of a Minor Conditional Use Permit. Planning staff's analysis has found that the fence will not cause any safety issues or restrict access to utilities; 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 this property is located on a corner-lot and the fence will serve as the

property's backyard fence, creating safe containment and privacy for those enjoying the backyard; and

6. The project has been found in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 3 exemption under CEQA Guidelines Section 15303 (e) in that the proposed fence 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 purpose of the fence is to provide security and privacy of the backyard space for this corner-lot property; and
2. The proposed fence will not create a safety hazard to pedestrians or vehicular traffic in that the fence is located outside of the vision triangle and is setback 4 feet, measured from the rear of the sidewalk along Badger Road; and
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 fence design is common in residential areas; and
4. The proposed fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures in that the top portion of the 6-foot-tall wood fence will be transparent and there will be landscaping placed directly in front of the fence; and
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 outside of the vision triangle and it will not affect pedestrian traffic. The shape of the lot and the orientation of the residential dwelling is unique and not allowing the fence to encroach into the side-corner setback would deny the property owner privileges enjoyed by other property owners in the vicinity; and
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. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.

2. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
3. The proposed landscaping shall comply with Zoning Code Section 20-34, Landscaping Standards, and shall be properly maintained at all times.

This Residential Fence Minor Conditional Use Permit is hereby approved on December 7, 2023. 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