

RESOLUTION NO. XXXXX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA APPROVING A RESIDENTIAL FENCE MINOR CONDITIONAL USE PERMIT TO ALLOW THE EIGHT (8) FOOT TALL DECORATIVE WROUGHT IRON SECURITY FENCE FOR THE PROPERTY LOCATED AT 400 GATE WAY, SANTA ROSA, APNs: 146-160-049, 146-160-050, 146-170-056, 146-170-057

WHEREAS, on July 16, 2019, the Planning & Economic Development Department of the City of Santa Rosa received an application for a Minor Conditional Use Permit pursuant to the provisions of Title 20 of the Santa Rosa City Code, to allow the construction of an 8-foot tall decorative wrought iron security fence along the southern property line of Woodgate Glen Condominiums, located at 400 Gate Way, also known as Accessor's Parcel Nos. 146-160-049, 146-160-050, 146-170-056, 146-170-057; and

WHEREAS, on July 9, 2020, the Planning Commission held a duly noticed public hearing regarding the proposed project, where it heard and considered evidence regarding the proposed Minor Conditional Use Permit and made findings in connection therewith; and

WHEREAS, the Planning Commission, after due consideration, investigation and study made by itself and in its behalf, and after due consideration of all evidence and reports offered at said meeting, does find and determine the following:

- A. The issuance of the permit is reasonably necessary to maintain reasonable levels of safety and security based upon the demonstrated number of calls related to crimes of opportunity occurring on the site and the stated number of undesirable activities non-residents occurring in recent years, and to insure the preservation of valuable property rights and full use and enjoyment of the properties therein;
- B. The fence will not create a safety hazard to pedestrians or vehicular traffic as it will comply with requirements of the California Building Code, including the Fire Code requirements therein;
- C. The appearance of the 8-foot tall decorative wrought iron fence is compatible with the design and appearance of other existing buildings and structures on-site and within the neighborhood;
- D. As proposed, the 8-foot tall decorative iron fence has been planned as an integral architectural feature for the site and will maintain views into the creek area without dominating the site or overwhelming the adjacent properties and structures;
- E. The orientation and location of the fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood because it is an open design, maintaining a full view of the creek, its placement on the creek bank will not cause the removal of trees, and it will allow continued use of the on-site improvements for pedestrians, bicyclists, and maintenance activities;
- F. The fence will be of sound construction due to the construction methods and compliance with the California Green Building Code;

- G. The proposed fence is allowed within the PD262 Zoning District and will comply with all other applicable provisions of this Zoning Code (with approval of the Zone Variance for the Creekside Setback) and the City Code;
- H. The proposed use is consistent with the General Plan policies because it insures reasonable levels of safety and security on-site, it maintains access and use of the pedestrian walkways and gravel road already on-site for use of the Woodgate Glen residents and for emergency vehicle use, it does not obstruct open views into the creek, and it implements the City's Bikeway and Creek Master Plans;
- I. The design, location, size, and operating characteristics of the proposed 8-foot tall decorative iron security fence would be compatible with the existing and future land uses in the vicinity;
- J. The site is physically suitable for the type, density, and intensity of the 8-foot tall decorative wrought iron security fence along the bank of Irwin Creek. Further, the project will: maintain access; not impacts utilities; and, not create additional physical constraints due to its height;
- K. The 8-foot tall decorative wrought iron fence 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; and,
- L. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and is exempt under California Code of Regulations from further environmental review as a Class 1 project pursuant to CEQA §15301, as a minor alteration to private structures and facilities involving negligible or no expansion of existing uses; and as a Class 3 project pursuant to CEQA §15303(e) as the construction and location of limited new structures including, but not limited to, accessory structures such as fences.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Santa Rosa does hereby approve the requested Minor Conditional Use Permit for the 8-foot high decorative wrought iron fence, located at 400 Gate Way, Assessor's Parcel Numbers 146-160-049, 146-160-050, 146-170-056, 146-170-057, subject to the following conditions:

- 1. A building permit is required for all on site construction of fencing over seven feet in height, and/or change of use.
- 2. 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.
- 3. Comply with all applicable federal, state, and local codes, including but not limited to:
 - a. The proposed project is required to dedicate a reciprocal emergency vehicle access (EVA) easement to overlay the existing water and sewer easements along Harvest lane and its connection to West 3rd Street and the public roadway portion of Harvest

b. Deferred Gate & Barricade submittal is required to be submitted for the design and construction of the proposed EVA gate, prior to its construction, in accordance with CFC 105.7.11.

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. Comply with all conditions of approval in Exhibit “A” from the Planning and Economic Development Services Department, Engineering Development Services Division, dated May 28, 2020.

ABSENT: ()

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