

## **RESOLUTION NO. CUP20-015**

### **RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT APPROVING A SIX-FOOT TALL FENCE WITH TWO-FEET LATTICE IN THE FRONT SETBACK FOR THE PROPERTY LOCATED AT 1925 PETERSON LANE, SANTA ROSA, APN: 152-192-001**

The Santa Rosa Zoning Administrator has completed the review of your application for a six (6) foot wood fence with a two (2) foot lattice located in the front setback. Please be advised that your Minor Conditional Use Permit has been granted based on your project description and official exhibit date stamped May 19, 2020, and pursuant to the fence conditions of approval as described below. The Santa Rosa Zoning Administrator has based this action on the following findings:

- The proposed fence is allowed within the applicable Planned Development Zoning District (PD-0018) 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;
- The proposed use is consistent with the General Plan and any applicable specific plan in that the subject site is located within an area designated by the General Plan land use diagram as Low Density Residential, intended to accommodate attached and detached single family dwellings;
- 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 fence is constructed of wood, consistent with fences in the neighborhood, and has been conditioned so that it will not impede visibility for pedestrians or vehicles;
- As conditioned, 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 the property is developed with a Single-Family Dwelling and the fence is located to protect occupants within the residence, and allow full use of the yard area;
- As conditioned, 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 is appropriately scaled and residential in nature and in line with the surrounding neighborhood, and will not create a visual hazard to pedestrians or motorists;
- 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 fence will help to increase both the privacy and security of the residence from pedestrian and vehicular traffic as the corner property would not contain a private, usable rear yard area typical of single-family development;

- The proposed fence will not create a safety hazard to pedestrians or vehicular traffic in that it is conditioned to be located outside of the vision triangle;
- 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 vertically-oriented wood fence is in keeping with fences on neighboring properties;
- As conditioned, the proposed fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures in that the style and scale of the fence is in keeping with surrounding properties and the fence profile that is oriented toward the street is limited to a height of six-foot with two-feet of lattice;
- 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 follow the angle of the side property line and is conditioned be outside the site distance triangle and does not encroach into the front setback to avoid dominance and visual obstruction;
- The proposed fence will be of sound construction; and
- 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 project consists of an accessory structure.

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. The wood fence shall be located outside the vision triangle as required in Zoning Code Section 20-30.060(C), Table 3-1.
2. Comply with Engineering Development Services Exhibit “A” dated July 27, 2020.
3. Construction hours shall be limited to 7 a.m. to 7 p.m. Monday through Friday and 8 a.m. to 6 p.m. on Saturdays. No construction is permitted on Sundays and holidays.
4. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.

This Minor Conditional Use Permit for a six-foot wood fence with two-feet of lattice in the front yard setback is hereby approved on this 15<sup>st</sup> day of October, 2020, 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: \_\_\_\_\_  
ANDY GUSTAVSON, ZONING ADMINISTRATOR