

RESOLUTION NO. CUP20-047

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A 6' RESIDENTIAL FENCE WITH 1' LATTICE LOCATED 8' FROM BACK OF SIDEWALK WHERE A 15' SIDE SETBACK IS REQUIRED AT THE PROPERTY LOCATED AT 4810 DEVONSHIRE PLACE, SANTA ROSA, APN: 147-215-003

The Santa Rosa Zoning Administrator has completed the review of your application. Please be advised that your Minor Conditional Use Permit to construct a residential fence within the front setback has been granted based on your project description and official approved exhibit dated September 28, 2020. The Santa Rosa Zoning Administrator has based this action on the following findings:

- 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. 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 fence is consistent with the General Plan and any applicable specific plans;
- 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 it would provide screening for privacy and security for residential gardening activities;
- The site is physically suited for the type, density, and intensity of proposed fence, including access, utilities, and the absence of physical constraints;
- 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 proposed fence has been designed to eliminate visual impacts to the adjacent neighbor's driveway and is not located within any vision triangle;
- 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 proposed fence will not create a safety hazard to pedestrians or vehicular traffic;
- The appearance of the proposed fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood;
- The proposed fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures;
- The orientation and location of the proposed fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood;

- The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 3 exemption under Section 15303 in that the project involves the construction of a small structure.

This entitlement would not be granted but for the applicability and validity of each 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. Construction hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. Saturdays. No construction is permitted on Sundays and holidays.
2. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
3. 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 Minor Conditional Use Permit is hereby approved on this 4th day of February, 2021, 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