

## **RESOLUTION NO. CUP21-035**

### **RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW A RESIDENTIAL 10-FOOT FENCE ALONG THE REAR PROPERTY LINE FOR THE PROPERTY LOCATED AT 2008 EAGLE COURT, SANTA ROSA, APN: 173-610-003**

The Santa Rosa Zoning Administrator has completed the review of your application. Please be advised that your Minor Conditional Use Permit, as required by Section 20-30.060(D), for a fence that has a height of 10-foot in some portions has been granted based on your project description and official approved Exhibit dated April 7, 2021. 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;
- The design, location, and size of the proposed fence would be compatible with the existing and future land uses in the vicinity in that the proposed fence is similar in design and placement to other residential fences in the neighborhood but the different grade level results in the fence being taller in some areas;
- The site is physically suited for the type and intensity of proposed fence, including the absence of physical constraints in that the property is developed with an existing single family dwelling and the fence is located in the rear yard and the fence is appropriately scaled and residential in nature;
- 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;
- 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 there is a difference in the property grade and the increased height of the fence would maintain rear yard privacy;
- The proposed fence would not create a safety hazard to pedestrians or vehicular traffic in that the fence is located in the backyard with no adjacent street or parking;
- The appearance of the proposed fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood in that there are fences in the neighborhood that have similar elevations and are placed on retaining walls;

- The proposed fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures in that it is proposed along the rear property line only;
- 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 fence will be of sound construction; and
- 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 (e) in that the fence is construction 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.**

1. A building permit is required for a fence over seven feet in height.
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. 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.

This Minor Conditional Use Permit is hereby approved on this 20<sup>th</sup> day of May 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