

## **RESOLUTION NO. CUP21-057**

### **RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A RESIDENTIAL FENCE CONDITIONAL USE PERMIT FOR AN 8-FOOT FENCE WITHIN THE 15-FOOT CORNER SIDE SETBACK FOR THE PROPERTY LOCATED AT 3557 SOUTHRIDGE DRIVE, SANTA ROSA, APN: 173-580-009**

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), to allow an 8-foot fence to be placed 9 feet from back of the sidewalk within the required 15-foot corner side setback been granted based on your project plan dated June 8, 2021. The Santa Rosa Zoning Administrator has based this action on the following findings:

- A. The proposed fence is allowed within the PD 72-001V-RC (Planned Development-Resilient City) 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;
- B. The proposed fence is consistent with the General Plan and any applicable specific plans;
- C. 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 and is has a unique style with horizontal boards that create some transparency;
- D. The site is physically suited for the type, density, and intensity of proposed fence, including access, utilities, and the absence of physical constraints;
- E. 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 proposed 8-foot fence will add privacy and additional space;
- F. The proposed fence will not create a safety hazard to pedestrians or vehicular traffic in that the fence will be constructed well outside the vision triangle;
- G. The appearance of the proposed fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood;
- H. The proposed fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures in that the fence is placed 9 feet behind the sidewalk and is lower than the street elevation. Additionally, the unique design and landscaping in front of it has created a nice look within the neighborhood;
- I. The orientation and location of the proposed fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood;
- J. The proposed fence will be of sound construction;
- K. 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; and

- L. 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. Obtain a Building Permit for fencing higher than 7 feet.
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.
5. The fence shall be placed outside of the public utility easement.
6. The fence shall be placed outside of the required vision triangle (Section 20-30.110).

This Minor Conditional Use Permit is hereby approved on this 5<sup>th</sup> day of August 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