

## **RESOLUTION NO. CUP21-019**

### **RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW THE PLACEMENT OF A SIX-FOOT FENCE LOCATED 11 FEET AND FOUR INCHES FROM THE BACK OF SIDEWALK, WITHIN THE REQUIRED 15-FOOT EXTERIOR SIDE SETBACK, FOR THE PROPERTY LOCATED AT 1369 PETERSON LN, SANTA ROSA, APN: 036-760-028; FILE NO. CUP21-019**

The Santa Rosa Zoning Administrator has completed the review of your application. Please be advised that your Minor Conditional Use Permit has been granted based on your project description and official approved exhibit dated February 18, 2021. The Santa Rosa Zoning Administrator has based this action on the following findings:

- A. 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;
- 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 is compatible with the existing and future land uses in the vicinity in that it provides privacy for the reasonable use of a private residential outdoor space;
- D. 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 project site is small and developed in a fashion that provides very small outdoor areas, and the proposed fence would provide privacy for the use of the available outdoor space;
- E. The proposed fence will not create a safety hazard to pedestrians or vehicular traffic in that the location of the fence is outside of the driveway vision triangle which provides visibility to pedestrians and motorists entering and exiting the site;
- F. 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 conceptual architectural design of the fence is compatible with nearby residential uses in that the materials and overall design of the fence are consistent with fences in the surrounding residential area;
- G. 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 proposed to be located 11 feet and four ” from the back of sidewalk which will allow for separation from the fence for pedestrians travelling on the sidewalk;
- H. 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

is proposed to be located 11 feet and 4 inches from the back of sidewalk which reduces the visual prominence of the structure from the public right of way and shared private driveway;

- I. The proposed fence will be of sound construction in that a building permit will be required prior to any construction activities which will verify the quality of materials and overall construction of the fence; and
- J. The proposed fence has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 3 exemption under Section 18.36.050 in that the project consists of the construction of a small 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. 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.
- 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 7<sup>th</sup> day of October 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