RESOLUTION NO. ZA-2023-046

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A RESIDENTIAL FENCE MINOR CONDITIONAL USE PERMIT FOR THE DEL SECCO FENCE FOR THE PROPERTY LOCATED AT 1451 FULTON RD SANTA ROSA, APN: 157-010-032, FILE NO. CUP23-024

WHEREAS, a temporary 6-foot tall fence has been constructed at 1451 Fulton Road as an attempt to mitigate effects on privacy caused by the Fulton Road widening project; and

WHEREAS, the Santa Rosa Zoning Administrator has completed review of the Residential Fence Minor Conditional Use Permit application to allow the proposed use for the project described above; and

WHEREAS, the Residential Fence Minor Conditional Use Permit approval to allow the proposed use is based on the project description and official approved exhibit date stamp received April 7, 2023; and

WHEREAS, the matter has been properly noticed as required by Section 20-52.050.E.2.a and no request for a public hearing has been received;

NOW, THEREFORE, BE IT RESOLVED that in accordance with Section 20-52.050.F, the Zoning Administrator of the City of Santa Rosa finds and determines that:

1. The proposed fence is allowed within the applicable zoning district through the approval of a Minor Conditional Use Permit, and complies with all other applicable provisions of this Zoning Code and the City Code; and
2. The proposed fence is consistent with the General Plan in that the property is in an area designated as Very Low-Density Residential on the General Plan Land Use Diagram, which is intended for single-family residential uses where fences/sound walls are common to maintain safety and privacy; and
3. The design, location, size and operating characteristics of the proposed fence would be compatible with the existing and future land uses in the vicinity. Nearby properties can be seen with similar fences/sound walls constructed of concrete blocks, and landscaping is proposed along the fence facing the road to screen its visibility and provide a more pleasant appearance; and
4. 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 it is a 6-foot tall fence/sound wall on private residential property, which is allowed through the approval of a Minor Conditional Use Permit. City Staff's analysis has found that the fence will not cause any safety issues or restrict access to utilities; and
5. 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/sound wall is set back 10 feet from the sidewalk and is not located within the driveway vision triangle, and it will not affect pedestrian or vehicular traffic; and

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for a Class 3 exemption under CEQA Guidelines Section 15303 (e) in that the fence is the 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.**

Conditions of Approval

1. No building permit is required unless any electrical is proposed for gate/access automation.
2. Construction hours shall be limited to 8:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 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. Any gates or fencing that restricts access to the structure(s) shall comply with Fire Department KNOX access requirements.

This Residential Fence Minor Conditional Use Permit is hereby approved on September 7, 2023. If conditions have not been met or if work has not commenced within 24 months from the approval date, this approval shall automatically expire and be invalid unless an application for extension is filed prior to expiration. This approval is subject to appeal within ten calendar days from the date of approval.

APPROVED: _____
SHARI MEADS, ZONING ADMINISTRATOR