

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. The property is also located along an arterial road, with high traffic volumes, 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.

ADDITIONAL FENCE HEIGHT FINDINGS (ZONING CODE SECTION 20-30.060.D)

1. 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 purpose of the six-foot sound wall is to provide more privacy and sound insulation from Fulton Road's high traffic volumes.
2. The proposed fence will not create a safety hazard to pedestrians or vehicular traffic in that the fence does not obstruct any driveway vision triangles and in no way affects the flow of traffic.
3. 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 sound walls of similar design and material located on neighboring properties.
4. The proposed fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures in that the proposed project has been conditioned to include landscaping between the wall and Fulton Road to screen the structure from view and maintain aesthetic quality of the property's street frontage.
5. 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 will be located 10 feet from the back edge of the sidewalk as to not dominate the view of the frontage and allow space for landscaping. Additionally, the height of the proposed fence is consistent with similar sound walls that currently exist in the surrounding area, and is an appropriately scaled structure in relation to the single-family residence located at the project site.
6. The proposed fence will be of sound construction in that it will be built of concrete, which is a material that is resistant to deterioration over time.

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. Landscaping shall be provided between the wall and Fulton Road.
4. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
5. Comply with the latest adopted ordinances, resolutions, policies, and fees adopted by the City Council at the time of building permit review and approval.
6. 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