RESOLUTION NO. INSERT ZA RESO NO.

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A SIX FOOT FENCE (FIVE FEET SOLID WITH 12 INCHES OPEN WOOD DECORATIVE DESIGN) WITHIN THE CORNER-SIDE SETBACK FOR THE PROPERTY LOCATED AT 2115 SLATER STREET, SANTA ROSA, APN: 180-330-008, FILE NO. CUP24-054

WHEREAS, a Minor Conditional Use Permit application was submitted to the Planning and Economic Development Department on October 4, 2024; and

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

WHEREAS, the Minor Conditional Use Permit approval to allow the proposed use is based on the project description and approved plans dated October 4, 2024; 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 Planned Development (PD 0226) zoning district and the project proposal complies with Zoning Code Section 20-30.060, which states that fences may be constructed to a height in excess of the limits stated in Subsection C with Minor Conditional Use Permit approval; and
2. The proposed fence is consistent with the General Plan and any applicable specific plans in that the property is designated on the General Plan Land Use Diagram for Low Density Residential, which is intended for single-family residential uses where fences are a common feature; and
3. The design, location, size and operating characteristics of the proposed use would be compatible with the existing and future land uses in the vicinity in that the fence placement is similar to existing fences that are placed on neighboring corner-lot properties; and
4. The site is physically suited for the type, density, and intensity of the proposed use including access, utilities, and the absence of physical constraints. Planning staff's analysis has determined that the six-foot fence will not cause any safety issues or restrict access to utilities and will be placed outside of the vision triangle; 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 project plans have been reviewed by the Fire Department, Building Division, Engineering Development Services, and Planning, and conditioned appropriately; and

6. The project has been found 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 proposed fence is 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 orientation of the residential dwelling is unique and not allowing the fence to encroach into the corner-side setback would deny the property owner privileges enjoyed by other property owners in the vicinity; and
2. The fence will not create a safety hazard to pedestrians or vehicular traffic in that the fence is outside of the vision triangle and is setback at least 4-feet from the corner-side property line, which is measured from the rear of the sidewalk along Lewrosa Way; and
3. The appearance of the fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood. The proposed fence will replace a chain-link fence with a wood fence, which is more consistent with other fences in the neighborhood, and there are neighboring corner-lot properties with similar fence placements; and
4. The fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures in that the solid wood fence will be 5-feet-tall with an open 12-inch decorative trim. The fence is setback at least 4-feet from the public sidewalk and there will be landscaping placed directly in front of the fence; and
5. The orientation and location of the fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood in that the fence will be located outside of the vision triangle, and it will not affect pedestrian traffic; and
6. The fence will be of sound construction.

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.**

<u>Conditions of Approval</u>

1. Landscaping materials in the area between the fence and sidewalk shall be maintained in good condition at all times.

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.

4. Construction hours shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. Saturdays. No construction is permitted on Sundays and holidays.

5. The proposed landscaping shall be maintained in good condition at all times.

This Minor Conditional Use Permit is hereby approved on April 3, 2025, for the duration of the use provided that conditions are complied with and that the use has commenced within 24 months from the approval date. The approval is subject to appeal within ten calendar days from the date of approval.

APPROVED: _____

CONOR MCKAY, ZONING ADMINISTRATOR