

RESOLUTION NO. ZA-2024-016

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A RESIDENTIAL FENCE MINOR CONDITIONAL USE PERMIT FOR THE FENCE EXTENSION TO ALLOW A 7 ½ FOOT TALL FENCE IN THE EXTERIOR SIDE SETBACK AT THE PROPERTY LOCATED AT 3963 SACRAMENTO AVENUE SANTA ROSA, APN: 014-411-013, FILE NO. CUP24-001

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 dated January 16, 2024, and planting plan received on April 3, 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 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 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 are often necessary 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, and landscaping will be planted along the fence facing Yulupa Avenue to break up the massing of the tall fence for pedestrians and screen the fence from vehicular traffic along Yulupa Avenue; 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 7 ½ foot-tall fence (6 feet of solid with 18 inches of lattice) within the required exterior side yard setback on 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 fence is not located within any required vision triangle and will not affect pedestrian or vehicular traffic; and

6. The project has been found in compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15303, the project is categorically exempt from CEQA because it involves the construction of a small 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 fence extension is to allow for full use of the property while maintaining privacy, providing safety and security, and protecting the occupants from noise and exhaust from high traffic volumes along Yulupa Avenue, a major arterial street.
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 fences of similar design and material located on neighboring properties, and the project is required to plant and maintain landscaping between the fence and sidewalk along Yulupa Avenue.
4. The proposed fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures in that the project has been conditioned to include landscaping between the wall and Yulupa Avenue 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 there is sufficient space between the fence and the sidewalk to allow for landscaping that will prevent the fence from dominating the view of the property from Yulupa Avenue. Additionally, the height of the proposed fence is consistent with similar fences 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 requires a Building Permit and 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.**

Conditions of Approval

1. Obtain building permits for the proposed project.
2. Landscaping shall be provided and continually maintained between the fence and Yulupa Avenue.
3. Vehicles shall only access the property using the driveway on Sacramento Avenue. If vehicles are to access the fenced side yard, a path of travel shall be provided from the driveway, and a paved area for access and parking.
4. 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.
5. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
6. 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 Residential Fence Minor Conditional Use Permit is hereby approved on May 2, 2024. 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: _____
KRISTINAE TOOMIANS, ZONING ADMINISTRATOR