RESOLUTION NO. ZA-2024-022

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SANTA ROSA APPROVING A RESIDENTIAL FENCE MINOR CONDITIONAL USE PERMIT FOR THE 8 FOOT-TALL WOOD FENCE FOR THE PROPERTY LOCATED AT 2660 SILVER STONE, SANTA ROSA, APN: 035-760-031, FILE NO. CUP24-009

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 February 27, 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 and complies with all other applicable provisions of this Zoning Code and the City Code. The project 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.
2. The proposed fence is consistent with the General Plan in that the General Plan Land Use Designation is Low Density Residential, which is intended for single-family residential uses where fences with similar design and construction are common at residential properties.
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. The fence is located at the property line on the sides and rear of the home in the same location as the original, and it is of a common design found in residential neighborhoods including the surrounding subdivision. The location of the fence is similar to those on other properties in the vicinity. The project plans have been reviewed by City staff and no issues have been raised.
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 residential fence located on a residential property, which is allowed through the approval of a Minor Conditional Use Permit. Staff analysis has found that the fence will not cause any safety issues or restrict access to utilities.
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 does not affect pedestrian or vehicular traffic.

6. The project has been found in compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15303(e), the project is categorically exempt from CEQA because the fence is an accessory structure.

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

7. 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 additional fence height is to provide more privacy for this corner-lot property; and
8. The proposed fence will not create a safety hazard to pedestrians or vehicular traffic in that the fence is designed to minimize sight obstruction for vehicles, cyclists, and pedestrians; and
9. The appearance of the proposed fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood in that this fence design is common in residential areas; and
10. The proposed fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures in that the design, color, and total height of the fence are consistent with fences located at adjacent properties and around the nearby neighborhood; and
11. 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 located in the same location as the original fence and fences on other corner lots in the subdivision. Not allowing the fence to encroach into the side-corner setback would deny the property owner privileges anjoyed by other property owners in the vicinity and within the same zoning district; and
12. The proposed 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. Obtain building permits for the proposed project.
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.

This Residential Fence Minor Conditional Use Permit is hereby approved on June 6, 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