**Agenda Item #** 2

**REPORT TO PLANNING COMMISSION**

**Hearing Date:** December 13, 2010
**File Number:** 2010-7515

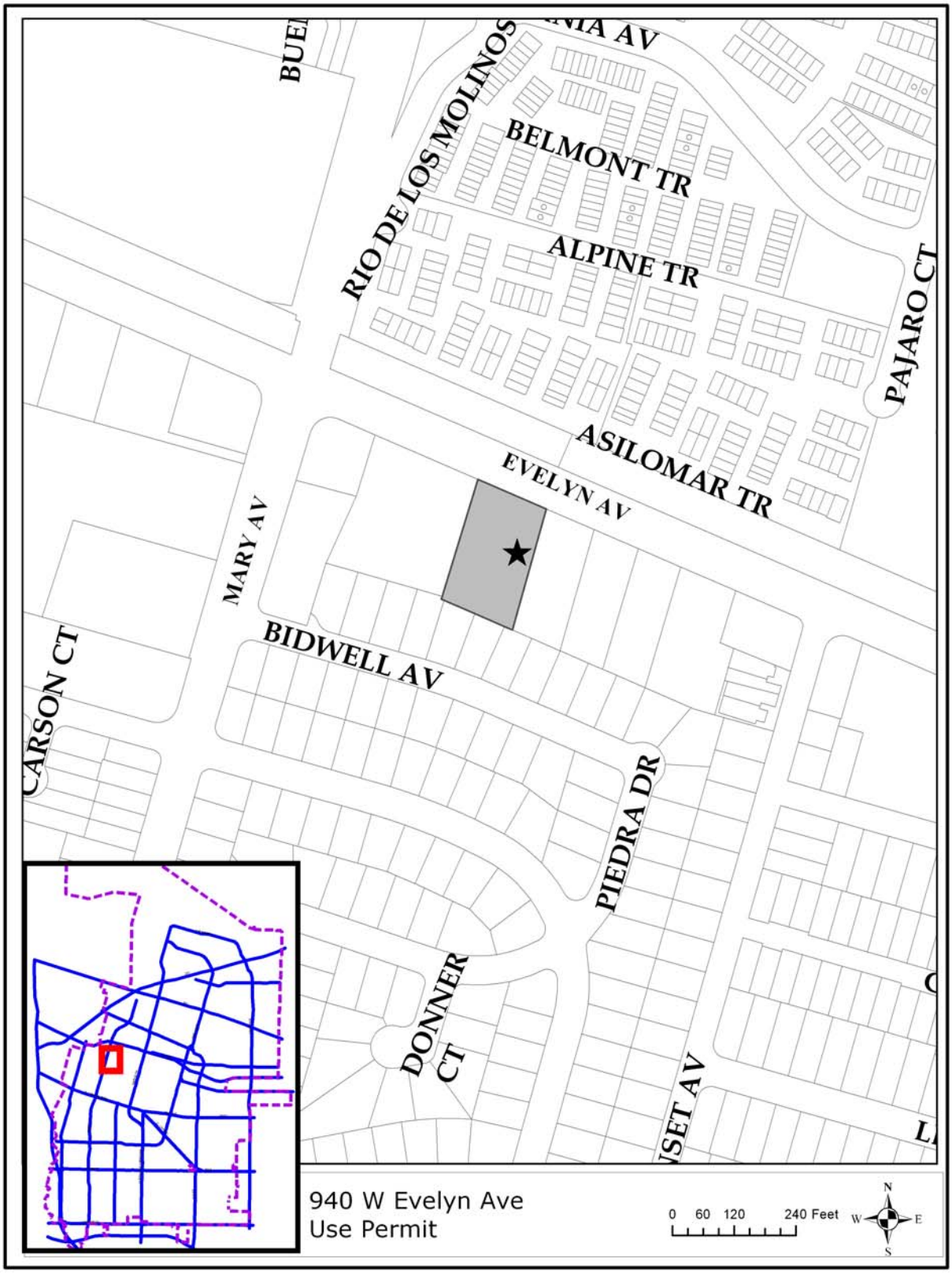
**SUBJECT:** **United Rentals, Inc. / Lisa J. Sims**: Application for a 0.86-acre property located at **940 W. Evelyn Ave.** in a C-4 Zoning District (APN: 165-20-018):

Motion **2010-7515:** Appeal by the applicant of the conditions imposed by the Zoning Administrator in approving a Use Permit to allow an existing unpermitted 10-foot tall electrified security fence along the front and side property lines.

**REPORT IN BRIEF:**

| | |
|---|---|
| **Existing Site Conditions** | Service commercial (equipment rental) |
| **Surrounding Land Uses** | |
| North | Multi-family residential (across W. Evelyn Ave.) |
| South | Single-family residential |
| East | Service commercial (auto repair) |
| West | Service commercial (storage) |
| **Issues** | Height, aesthetics, neighborhood compatibility, public safety |
| **Environmental Status** | A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. |
| **Zoning Administrator Action** | Approved the Use Permit with conditions including a requirement to reduce the height of the fence to 8 feet. |
| **Staff Recommendation** | Deny the appeal and uphold the decision of the Zoning Administrator to approve the Use Permit with the conditions in Attachment A. |

**VICINITY MAP**



**PROJECT DATA TABLE**

| | EXISTING | PROPOSED | REQUIRED/ PERMITTED |
|---|---|---|---|
| **General Plan** | Commercial General Business | Same | Commercial General Business |
| **Zoning District** | C-4 (Service Commercial) | Same | C-4 (Service Commercial) |
| **Lot Size (s.f.)** | 37,245 | Same | N/A |
| **Gross Floor Area (s.f.)** | 3,025 | Same | N/A |
| **Lot Coverage (%)** | 8.1% | Same | 35% max. |
| **Floor Area Ratio (FAR)** | 8.1% | Same | N/A |
| **Fence height** | 10' (unpermitted except along rear property line) | 10' | 6' max. front without UP, 8' max. sides and rear without UP |
| **Fence setback** | None | Same | N/A |

## BACKGROUND:

**Previous Planning Projects related to Subject Application**: A Use Permit was approved in June of 1993 (#7924) for a 10-foot masonry sound wall along the rear property line to provide noise attenuation for adjacent residences.

**Neighborhood Preservation Complaints**: The 10-foot electrified fence is existing on the site and there are no records of Planning or Building permits for this fence. (A Use Permit is required for fences exceeding six feet in height in the front yard and for fences exceeding eight feet in height in the side or rear yards.) The subject application was filed in response to a Neighborhood Preservation action. The fence was reported by the City's Fire Prevention Unit after a fire inspection.

## DISCUSSION:

**Fence Height and Design:** The subject fence extends along the front and side property lines, and consists of 10-foot tall vertical metal poles with horizontal electrified wires (see Attachment B – Site Plan and Elevations, and Attachment C – Photographs). The electrified fence is located within the site's previously installed non-electrified perimeter fences, separated by approximately three to six inches. The perimeter fence along the front property line is an approximately six-foot tall black wrought iron fence. Along the side property lines are six-foot tall chain link fences topped with razor wire for a total height of approximately eight feet. The electrified fence does not extend along the rear property line; Sunnyvale Municipal Code (SMC) section 19.48.020 prohibits electrified fences adjacent to residential uses.

**Security and Public Safety:** United Rentals offers construction equipment and vehicles for rent. There is a small enclosed building on the subject site used as an office, but rental equipment and vehicles are stored in an open equipment yard. The applicant states that the electrified fence was installed in 2007 in response to several burglaries on the site. Staff worked with the applicant to explore alternative security measures such as non-electrified fencing, security cameras, and/or construction of locked structures to hold smaller equipment which could be passed over a fence. The applicant stated that these alternatives are not feasible. Installation of sheds or other locked structures is not sufficient because theft of large construction vehicles, not smaller items, is their chief concern. These vehicles use standard master keys (rather than unique keys like a personal automobile) and are therefore an easy target for theft by anyone who has access to a standard key. The applicant stated that once someone enters the site it is difficult to stop them from removing items, therefore it is critical to prevent potential burglars from entering. The applicant does not believe non-electrified fencing can accomplish this purpose. The applicant also stated that the site already has security cameras and these cameras recorded previous burglaries and the perpetrators. However, this did not result in any arrests or recovery of their equipment. As a result, they concluded electrified fencing was the only feasible option to secure their site.

The City's Department of Public Safety (DPS) raised a potential safety issue that the fence could endanger Patrol or Fire officers who may not see the electrified wires behind the perimeter fences when responding to a call. DPS noted that adequate signage is needed to warn officers, and a Knox switch is needed to allow DPS to disable the fence for quick access to the site (see Attachment A, conditions of approval #5 and #6).

**Neighborhood Compatibility:** The site is located in a Service Commercial Zoning District along East Evelyn Avenue. Staff visited other sites in the same Zoning District, as well as industrial sites with open equipment storage in other Zoning Districts. Along East Evelyn Avenue, very few properties have front fences. Existing fences typically consist of chain link with vinyl slats, sometimes topped with barbed wire or razor wire, with total heights of approximately six to eight feet. Staff found that industrial properties with open equipment storage yards are more likely to have front fences. These fences also typically consist of chain link, sometimes topped with barbed wire, with total heights ranging from six feet to eight and a half feet. Staff did not identify other electrified fences, nor other 10-foot fences, for similar sites or uses in the City.

The height of the subject fence exceeds fence heights which have been permitted for other industrial and commercial uses in the City, and staff finds that the proposed height has the potential for a negative visual impact on the streetscape and surrounding uses. The applicant states the proposed height is required to achieve reasonable security for the site. However, based on available information provided by the applicant and the Department of Public Safety, staff concluded that an eight-foot tall electrified fence would be likely to

provide a similar level of security. A fence with reduced height would have a reduced visual impact on the streetscape and surrounding sites. As a result, staff recommends condition of approval #4.a requiring the height of the electrified fence to be reduced to no more than eight feet (Attachment A).

Although the site is in a Service Commercial Zoning District, it is also located directly adjacent to single-family residential uses on Bidwell Avenue. Staff found that the variety of fence materials and designs on the subject site creates a cluttered and unattractive appearance which has the potential to negatively impact the streetscape and surrounding sites and uses. As noted above, the applicant is not able to remove the perimeter fences per State requirements. However, the perimeter fences could be modified to reduce the number of materials. At the Zoning Administrator hearing on September 29, 2010, staff recommended condition of approval #4.b requiring replacement of the existing chain link and razor wire fences along the side property lines with six-foot tall wrought iron fencing matching the front gate (Attachment A). The Zoning Administrator approved the Use Permit with a modified condition allowing the existing perimeter fence materials to remain, except that the razor wire material shall be removed from the top of the side fences.

**Environmental Determination:** A Class 3 Categorical Exemption (accessory structures) relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Applicant's Appeal:** The applicant requests the electrified fence be permitted to remain at a height of 10 feet. The applicant states that if the electrified fence were reduced to eight feet in height, it would be possible for a burglar to stand on top of the perimeter fences and jump over the electrified fence. The applicant notes that the fence was installed several years ago and has provided effective security during that time. He also states that the fence is visually unobtrusive and there have been no complaints about the appearance of the fence (see Attachment F, Appeal Letter).

**Staff Discussion of Appeal:** Based on available information provided by the applicant and the Department of Public Safety, staff concluded that an eight-foot tall electrified fence would provide a similar level of security as a 10-foot tall fence. The scenario described by the applicant in which a burglar stands atop the wrought iron or chain link perimeter fence and is able to jump two feet over the electrified fence seems unlikely. While a taller fence may provide some added security, it would also have increased visual impacts on the streetscape and surrounding properties. Staff finds that an eight-foot tall electrified fence would minimize visual impacts while achieving a reasonable level of security.

## FISCAL IMPACT

No fiscal impacts other than normal fees and taxes are expected.

## PUBLIC CONTACT

| Notice of Public Hearing | Staff Report | Agenda |
|---|---|---|
| • Posted on the site<br>• 12 notices mailed to property owners and residents adjacent to the project site | • Posted on the City of Sunnyvale's Web site<br>• Provided at the Reference Section of the City of Sunnyvale's Public Library | • Posted on the City's official notice bulletin board<br>• Posted on the City of Sunnyvale's Web site |

Staff did not receive any public comments in response to the notices sent for the appeal hearing nor for the Zoning Administrator hearing. While making a site visit, staff was approached by an individual who stated that he worked at the adjacent site to the east. He inquired about the project and said that the various fences on the site make it look like a fortress. Staff informed him of the Zoning Administrator hearing date and his ability to provide written comment and/or attend the hearing. No members of the public were present at the hearing with the exception of the applicant's team.

## FINDINGS

In order to approve the Use Permit the following findings must be made:

1. *The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.*

   The following policies in the **Land Use and Transportation Element** relate to the proposed project:

   - N1.1. Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.
   - N1.13. Promote an attractive and functional commercial environment.

   The following policy in the **City-Wide Design Guidelines** relates to the proposed project:

   - E9. Security fences and gates shall be of an open type to allow maximum visibility of the secured area. Wrought iron and cast iron fences are recommended for security fences and gates for all uses.

   The height and design of the proposed fence have the potential for a negative aesthetic impact on the neighborhood and commercial environment. In addition, the number and variety of fencing materials used on the site creates a cluttered and fortress-like appearance. Condition of approval #4 requires the height of the electrified fence to be reduced to a maximum of eight feet, and requires removal of the razor wire material from the existing non-electrified side fences. These modifications would

bring the proposed project into conformance with the City-Wide Design Guidelines and General Plan policies. **Staff was able to make this finding for a revised project with the attached conditions.**

2. *The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair the orderly development of, or the existing uses being made of, adjacent properties.*

   The height and design of the proposed fence have the potential for a negative aesthetic impact on the streetscape and surrounding properties and uses. The variety of fencing materials used on the site also creates a cluttered and fortress-like appearance which detracts from neighborhood character. With the attached conditions, the height of the fence and the number of fencing materials on the site would be reduced, thereby reducing visual impacts. As conditioned, the project would not have a negative visual impact on surrounding properties or uses. **Staff was able to make this finding for a revised project with the attached conditions.**

## ALTERNATIVES

1. Deny the appeal and uphold the decision of the Zoning Administrator to approve the Use Permit with the conditions in Attachment A.
2. Grant the appeal and approve the Use Permit with modified conditions.
3. Deny the Use Permit.

## RECOMMENDATION

Alternative 1. Deny the appeal and uphold the decision of the Zoning Administrator to approve the Use Permit with the conditions in Attachment A.

Prepared by:

Mariya Hodge
Project Planner

Reviewed by:

Steve Lynch
Senior Planner

Reviewed by:

Trudi Ryan
Planning Officer

**Attachments:**
A. Conditions of Approval and Standard Requirements
B. Site Plans and Elevations
C. Site Photographs
D. Applicant's Letters and Project Justifications
E. Minutes of Zoning Administrator Hearing on September 29, 2010
F. Applicant's Appeal Letter

**RECOMMENDED**
**CONDITIONS OF APPROVAL AND**
**STANDARD DEVELOPMENT REQUIREMENTS**

**Planning Application** 2010-7515
**Use Permit** to allow an existing unpermitted 10-foot tall electrified security fence along the front and side property lines.

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with "Mitigation Measure" and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

**THE FOLLOWING GENERAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.**

1. CONFORMANCE WITH APPROVED PLANNING APPLICATION – All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

2. USE EXPIRATION – The approved Use Permit shall expire if the use is discontinued for a period of one year or more. [SDR] [PLANNING]

3. PERMIT EXPIRATION IF NOT EXERCISED (Ordinance 2895-09) – The Use Permit shall be valid for three (3) years from the date of approval by the final review authority (as adopted by City Council on April 21, 2009,

RTC 09-094). Extensions of time may be considered, for a maximum of two one year extensions, if applied for and approved prior to the expiration of the permit approval. If the approval is not exercised within this time frame, the permit is null and void. [SDR] [PLANNING]

4. REQUIRED DESIGN MODIFICATIONS – The plans shall be revised to incorporate the following design modifications [COA] [PLANNING]:
   a) The height of the electrified fence shall be reduced to a maximum of 8 feet.
   b) ~~The existing chain link and razor wire perimeter fences located along the side property lines shall be removed and replaced with 6 foot tall wrought iron fencing matching the existing front gate.~~ The existing razor wire material shall be removed from the perimeter fences located along the side property lines. *(Modified by the Zoning Administrator on September 29, 2010)*

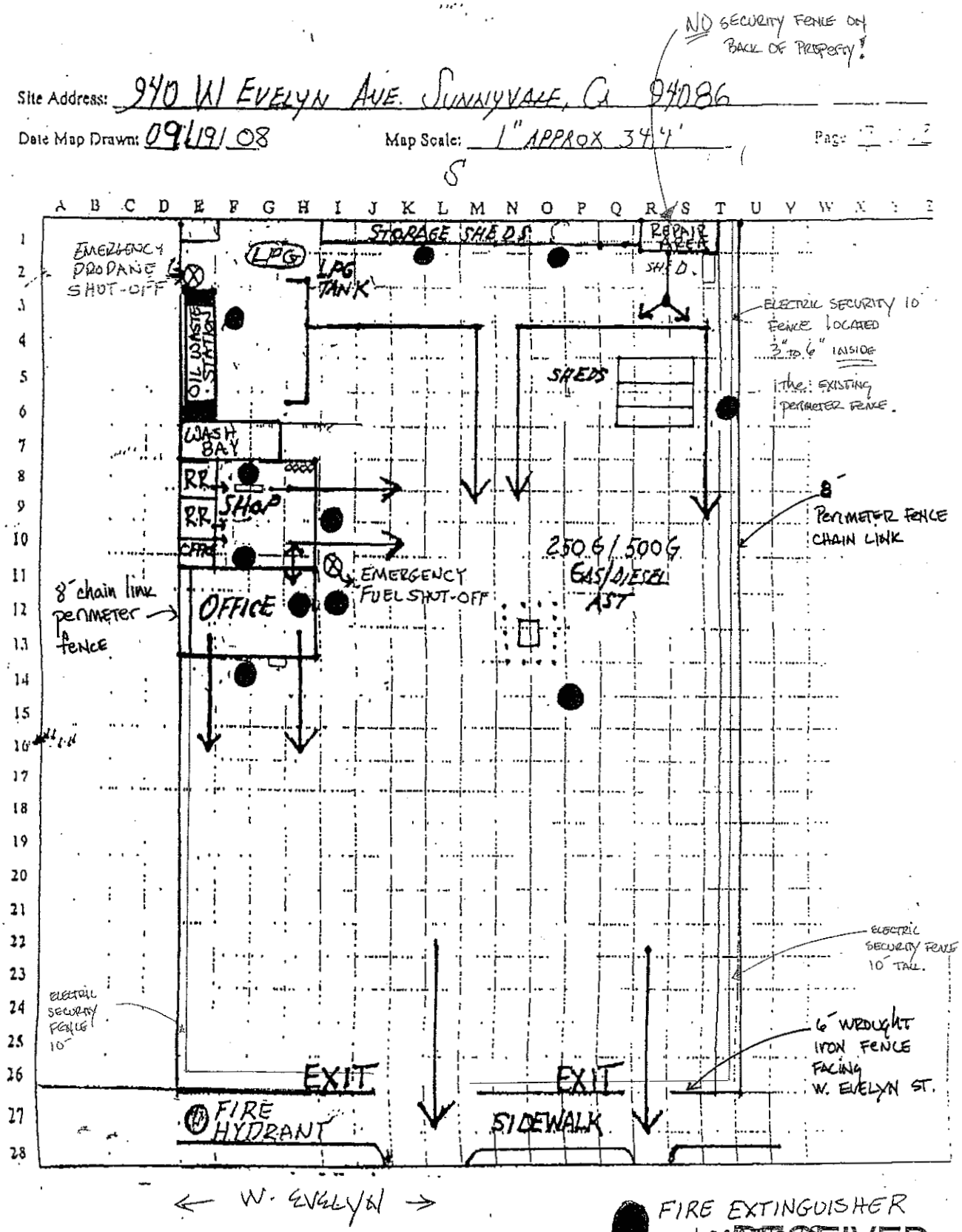
5. EMERGENCY SHUT-OFF – A Knox switch or similar emergency shut-off device shall be provided for use by the City's Department of Public Safety. Coordinate with Fire Prevention Services regarding approval and installation of the emergency shut-off device. [COA] [PUBLIC SAFETY]

6. SIGNAGE – Coordinate with Fire Prevention Services and Patrol to determine appropriate additional warning signage on the fence to ensure the safety of emergency personnel. Additional signs should be at eye level on the outside perimeter fence. Any additional signage shall comply with Zoning Code sign requirements. [COA] [PUBLIC SAFETY] [PLANNING]

7. BUILDING PERMIT AND COMPLIANCE DEADLINE – A building permit is required for all fences greater than 6 feet in height. Obtain a building permit within 30 days of the final approval action on the Use Permit. All modifications required as part of this approved planning application shall be completed within 60 days of the final approval action. [COA] [PLANNING]

Site Address: 940 W Evelyn Ave. Sunnyvale, Ca 94086

Date Map Drawn: 09/19/08 Map Scale: 1" APPROX 34'

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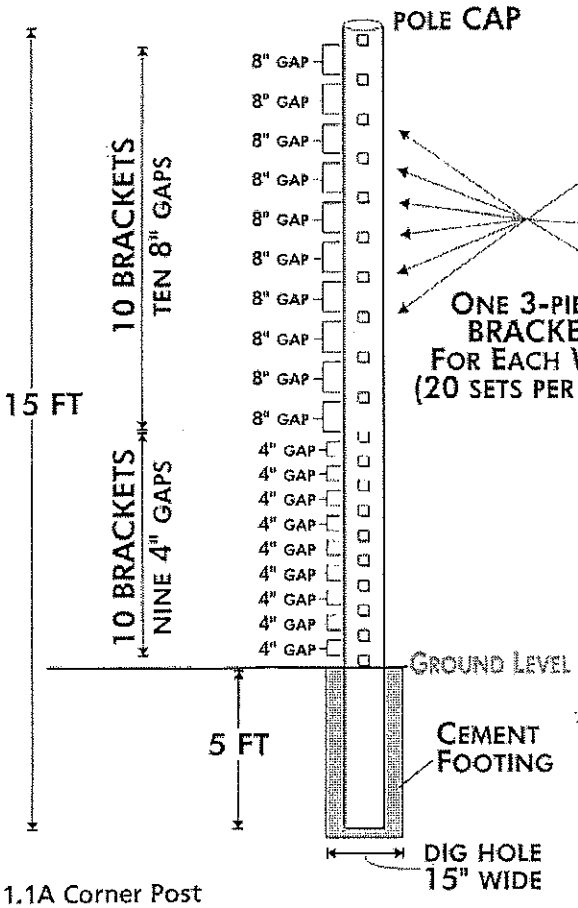
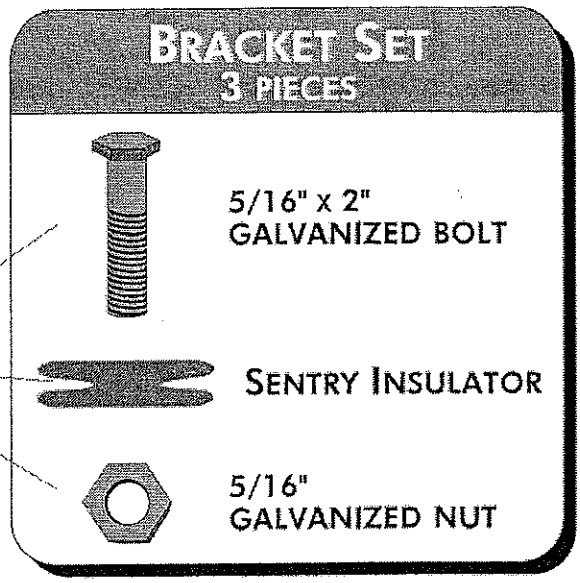
PLANNING DIVISION

# INSTALLING A STEEL POLE




ONE 3-PIECE BRACKET FOR EACH WIRE (20 SETS PER POLE)




- Install brackets FACING the direction of pull, except when used as an End Pole.
- Install END POLE brackets FACING the direction of chain link Gate Pole (6" maximum from Gate Pole).
- Install ROLL GATE brackets FACING the direction of pull.
- Install CORNER POLE EYES 0-8" from Chain Linke Pole at 90° diagonally.

INSTALLATION 1.1

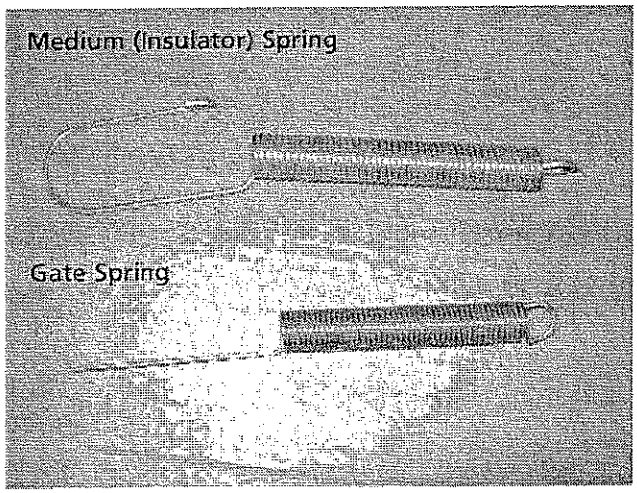
1.1A Corner Post
If the metal poles are scratched, paint them; especially in the front or by gates.

1.1B Corner Post
Bolts on bottom of insulators should be tight and insulators must be able to spin, freely acting as a pulley.

1.1C Corner Post
Install metal poles in MIDDLE of hole vs front or back of hole with concrete. Fill in hole with concrete to ground level.

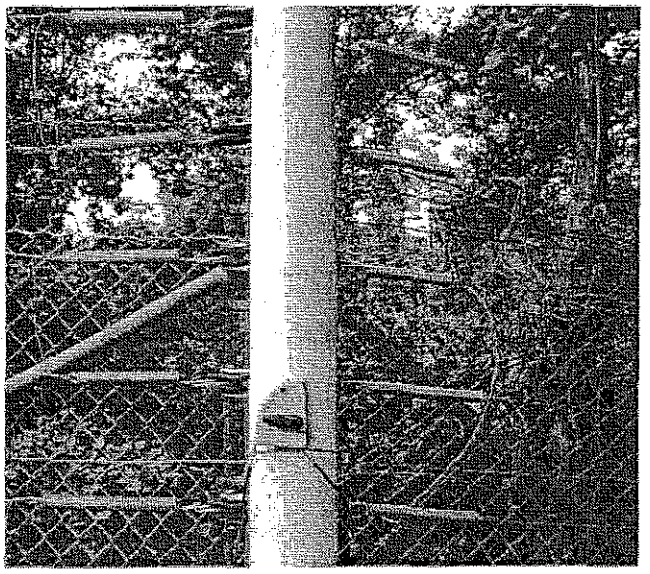
1.1D Corner Post
The #2 wire must be hot in every section. The #1 wire must be flat on the ground.

1.1E Corner Post
Medium springs are required on both ends of every section over 250 feet.



1.2B Steel poles
The steel pole has to be set in the correct place. There should be no more than 6 inches from the insulators on a steel pole beside the gate, and the fiberglass pole that is mounted on the gate. If the steel pole cannot be set close enough to the gate pole or against a building, due to concrete footers, etc., causing a potential breach of security, attach a fiberglass pole to the building or gate post to close any gaps.

1.2C Steel poles
Steel posts should be installed with a slight back lean, depending on the soil condition, so that after the fence settles and the concrete dries, the poles will not lean into the yard. Poles should be set 5 ft deep with a 15" hole minimum. Unstable soil conditions will require a better foundation.



1.2D Double Poles
Every site regardless of size must have break down points for troubleshooting. No section can be longer that 1,000 feet without a double bracket pole for a break down spot.

1.2E Double Poles Cut off switches- are installed on the double bracketed pole and to bypass or isolate a section of fence.

1.2F Short Sections
A section of fence line that start and stops with footage of less than 251'. This section will have jumpers on each side, such as a section between two gates or a gate and a building or a roof section under 250ft. Short sections require springs on one end unless there is a 90 degree turn, in that case add a set of gate springs to the other end.

# Fiberglass Poles Rapid Tighteners & Warning Signs

**RAPID TIGHTENERS**

Rapid Tighteners are installed in every section – between 6 inches and 3 feet from a fiberglass pole – toward the center of the pull.

The tighteners are alternated on opposite sides of the pole to prevent grounds from hitting hots.

Wire should be wrapped two or three times around each tightener.

***WARNING SIGNS***

Warning Signs must be installed every 60 feet, which is the MAXIMUM distance between Warning Signs.

The Externally Visible Language Should be alternated, so that every sign showing the English side is followed by one *showing the Spanish side to* people situated outside the fence.

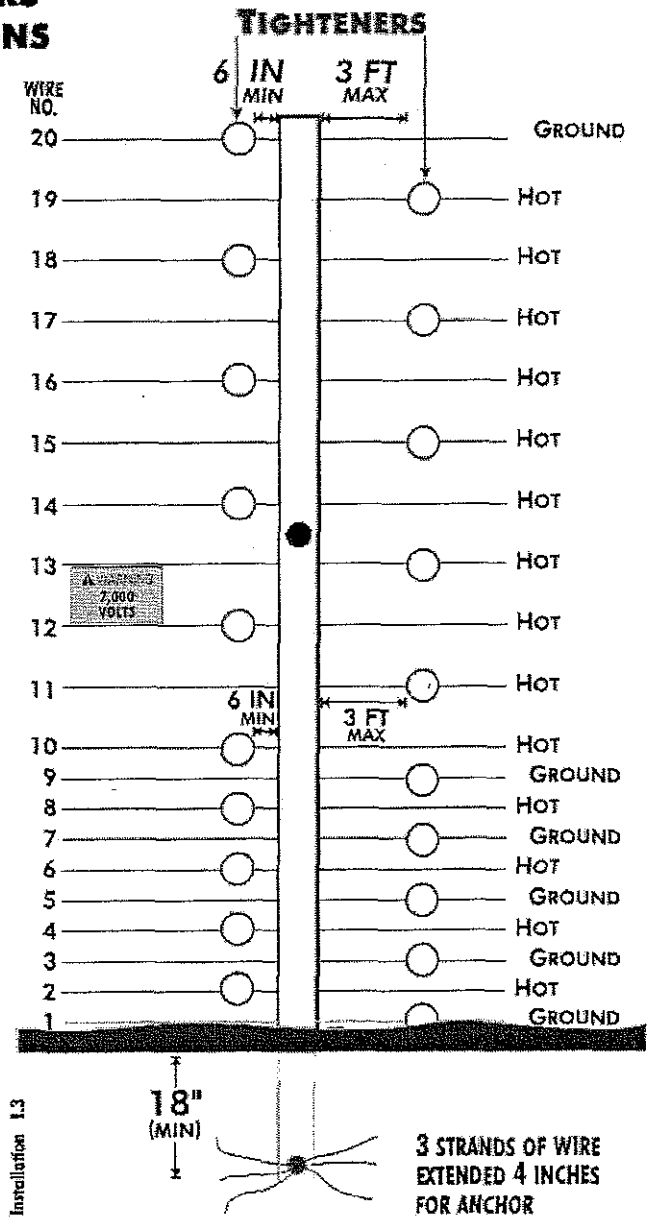
All Warning Signs should be mounted between Wires 12 & 13.

**FIBERGLASS POLES**

Fiberglass Poles are set at a MAXIMUM of 30-foot intervals.

They are always placed directly in front of a perimeter post *so they can be braced to the* perimeter post, if necessary.

The BOTTOM WIRE should be flat on the ground.



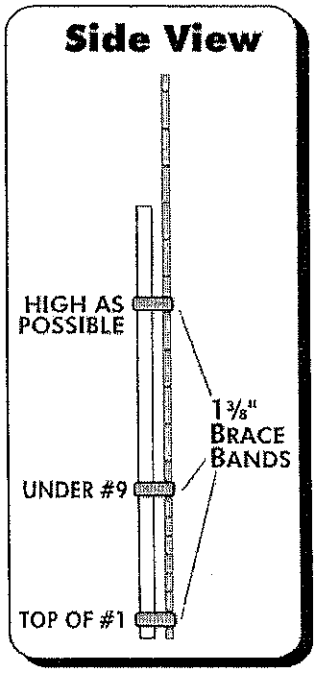

Installation 1.3

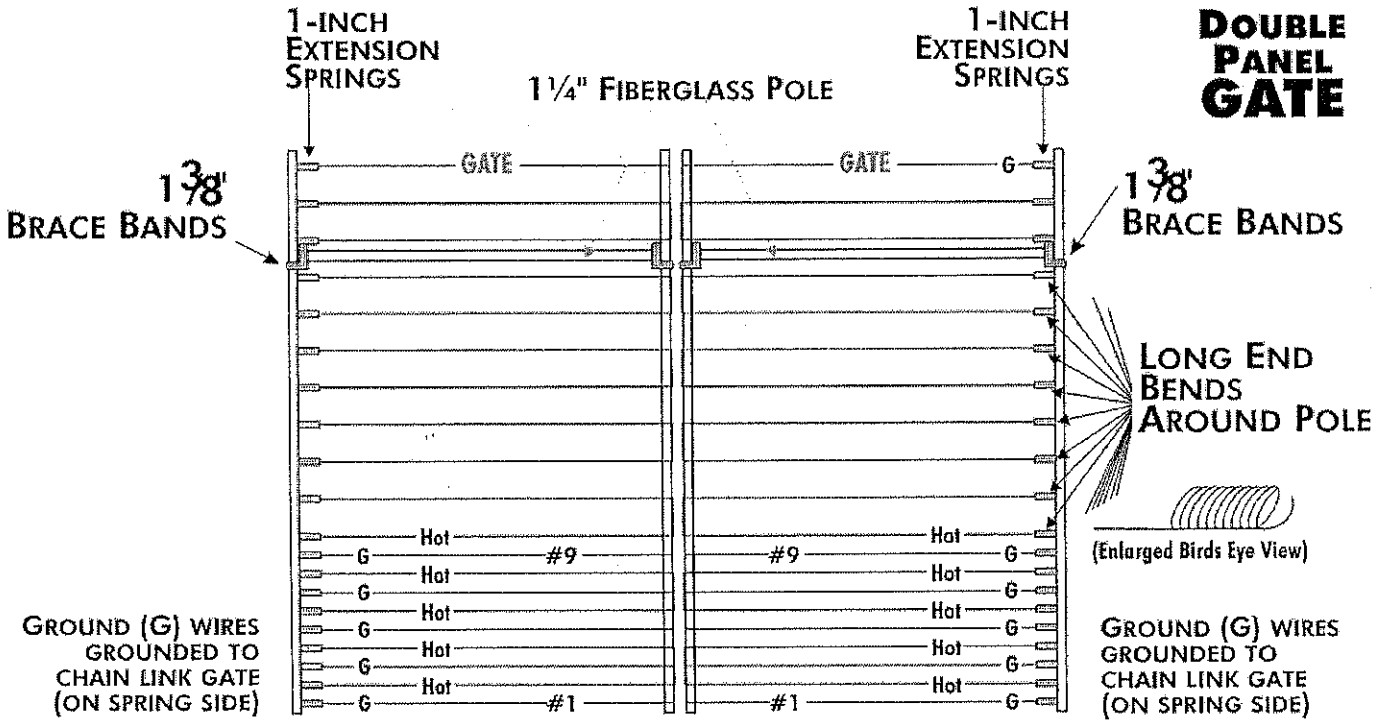
1.3A Fiberglass line post
Fiberglass straight line. Install metal poles, pull bottom wire, then install fiber right behind line so fiber are in a straight line.

1.3B Fiberglass line post
Install rapid tightners in a safe, flat easily accessable area.

1.3C Fiberglass line post
Pins installed in the fiberglass poles need to have the end facing into the yard, level with the ground.

# Double Panel Gate




1. Brace Bands are located on top of #1, under #9, and asd high on the chain linke as possible.
2. Springs are located on opposite side of lock.
3. All contacts must include spring.
4. All contacts must have bolt through fiberglass (no set screws).
5. All Brace Bands hooked to chain link must have set screw.
6. Every gate panel must have a sign.
7. All gate contacts must be secured in a manner that ensures contact when closed by a blind person.



ATTACHMENT B
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2.A Gates
Use splices on jumpers on gates, all other jumpers use joint clamps not splices.

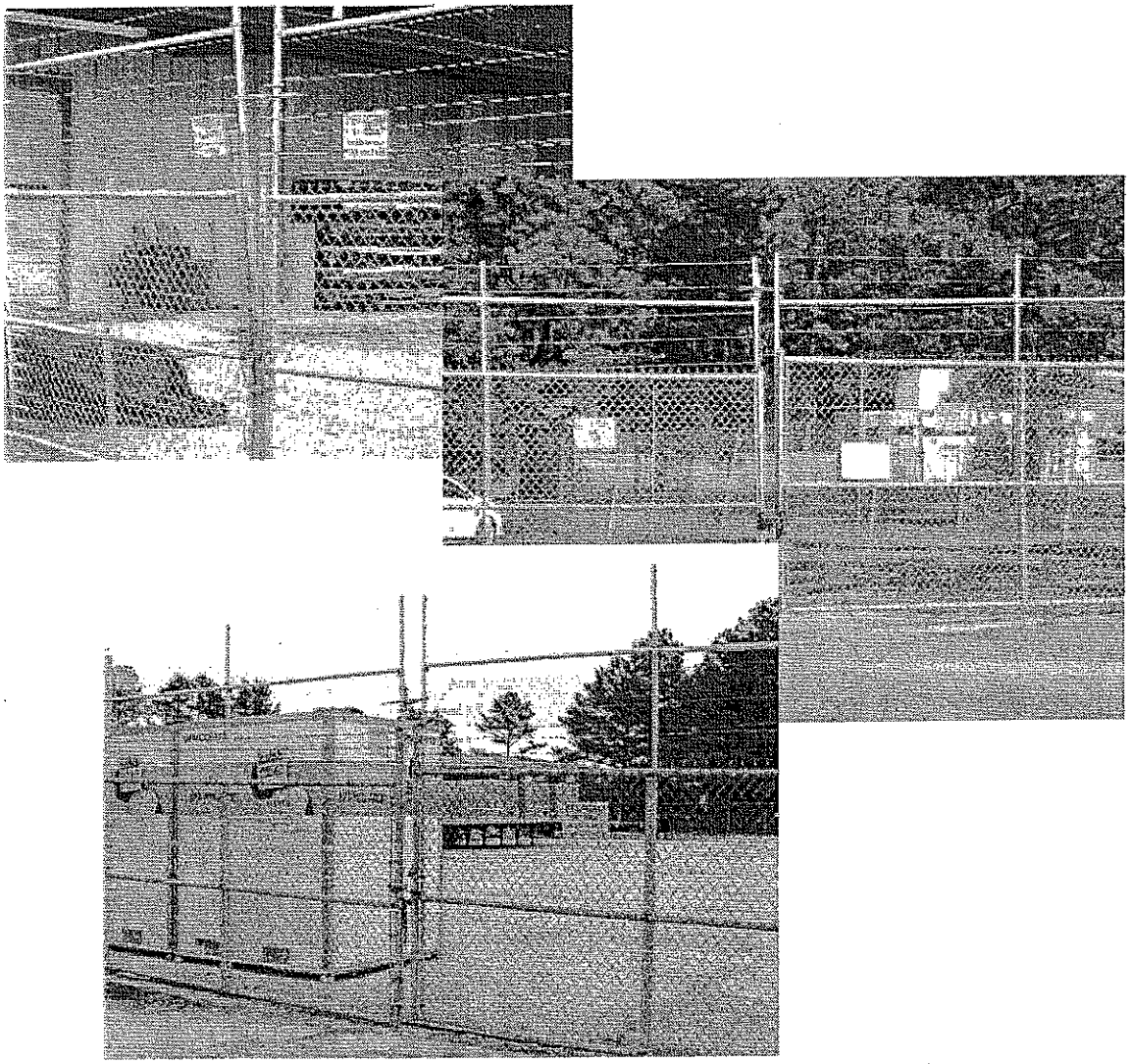
2.B Gates
Back side of roll gate must use steel pole not fiberglass pole. Gate must slide between electric and perimeter fence.

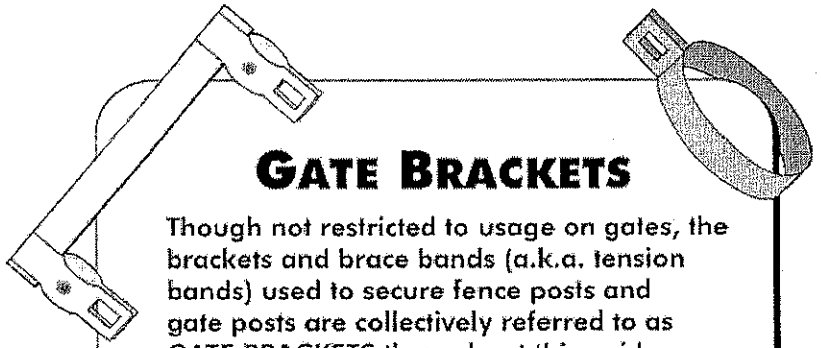
2.C Gates
Gates should close tightly without play. If customer closes his gate with a chain, ask to cut off any excess length, so chain only meets using last two links. This will avoid chain tail shorting out gate and close tight enough to avoid wind pushing it open and losing contact.

POOR GATE CONNECTIONS ARE A COMMON CAUSE OF FENCE ALARMS.

2.D Gates
Current travels only one way through the gate. If it returns, then trench under gate wire #19 to 19 with weather heads on each side.

2.2 Double Panel

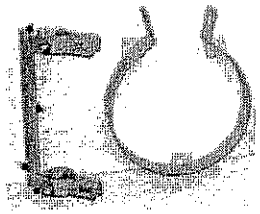




# GATE BRACKETS

Though not restricted to usage on gates, the brackets and brace bands (a.k.a. tension bands) used to secure fence posts and gate posts are collectively referred to as GATE BRACKETS throughout this guide.

Specifically, two types of brackets (in many sizes) are used with our fence (see adjacent photo).

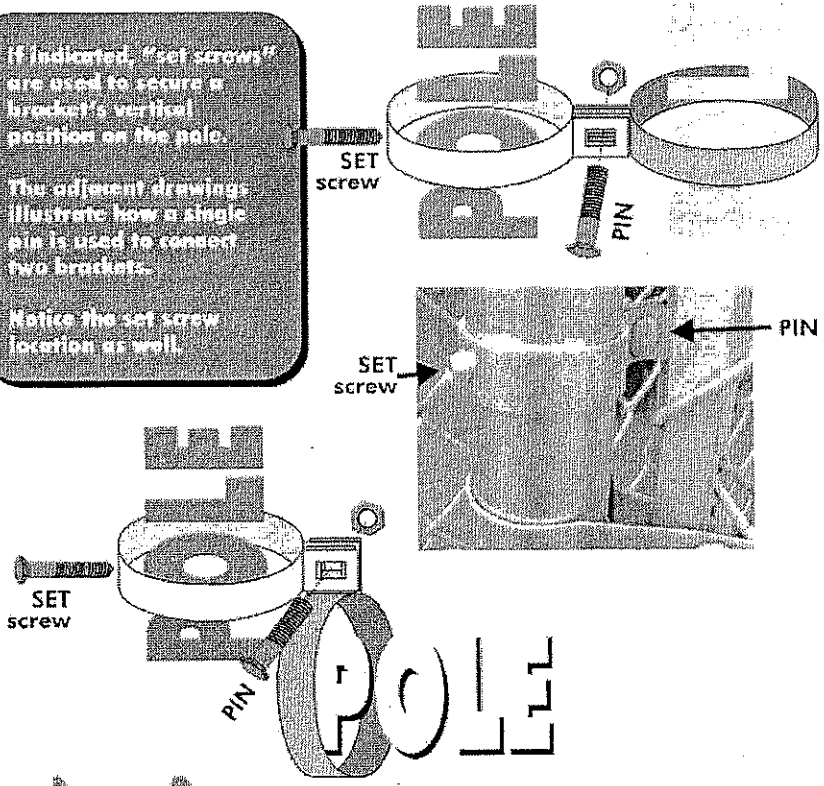


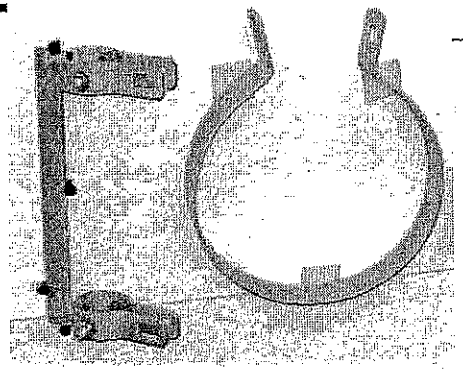
Both types of brackets should always be installed in a manner that ensures the pins (bolts) used in connecting these brackets are parallel to the ground, with the open end facing the fence interior.

If indicated, "set screws" are used to secure a bracket's vertical position on the pole.

The adjacent drawings illustrate how a single pin is used to connect two brackets.

Notice the set screw location as well.





ATTACHMENT D
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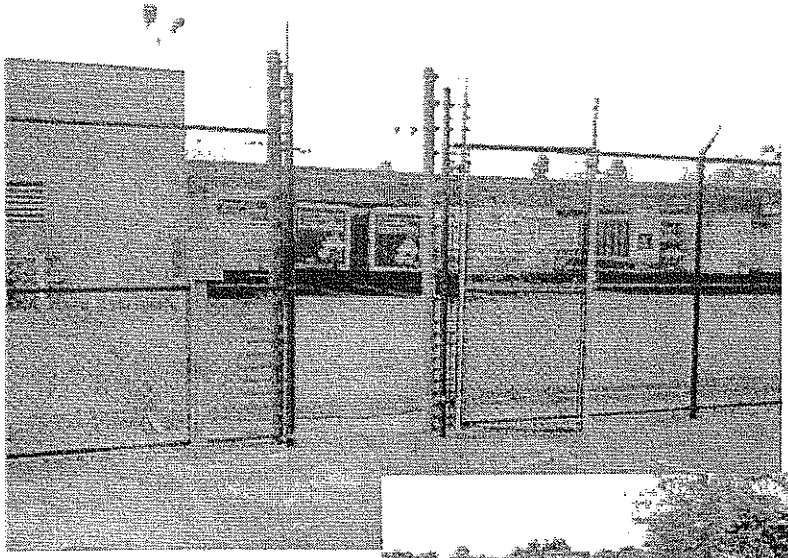
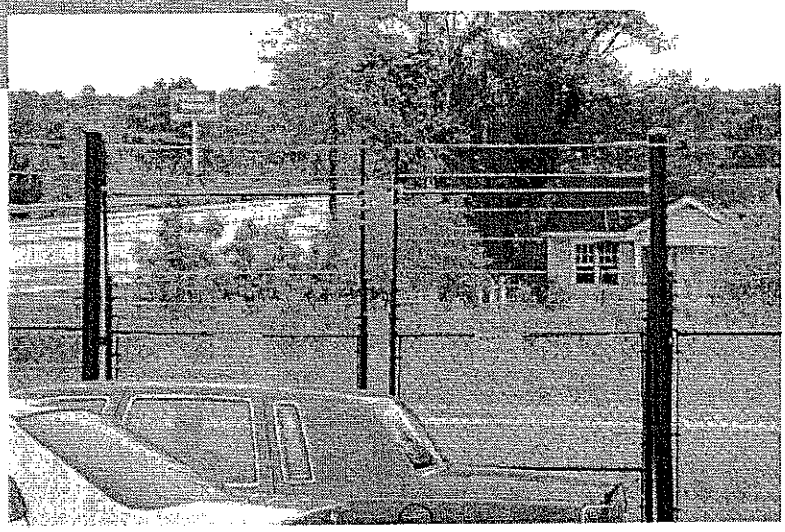
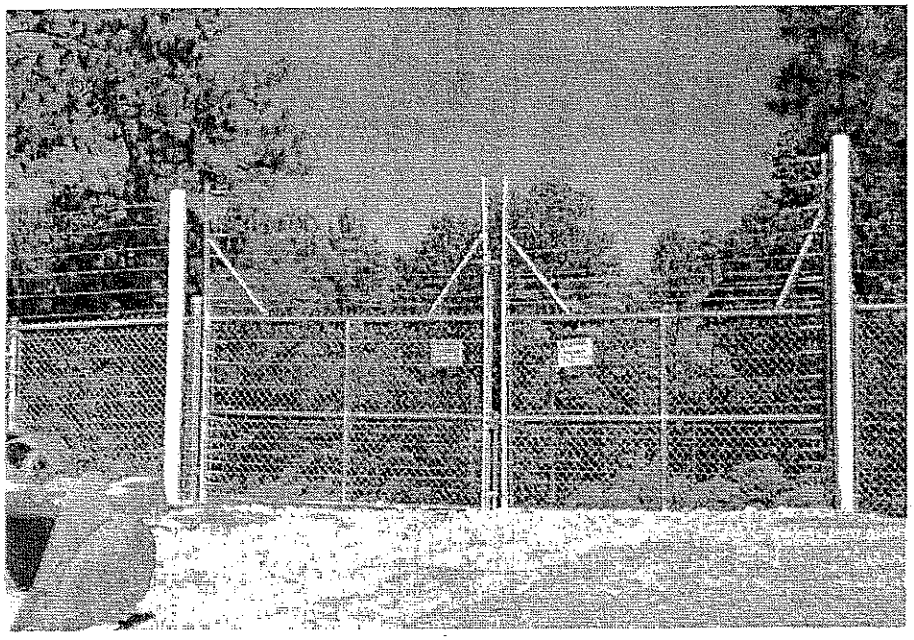
## 2.3 Bypass Gates

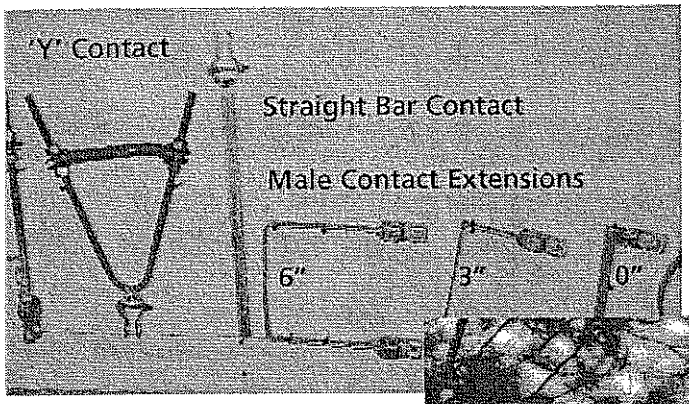


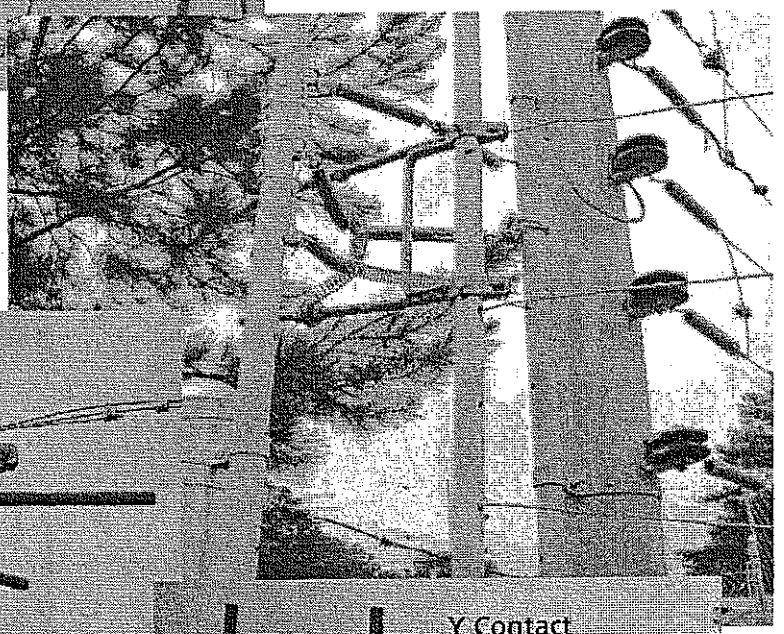




### 2.4A Contacts
All contacts must have a bolt through the contact and fiberglass pole. All contacts must have a spring on one side.

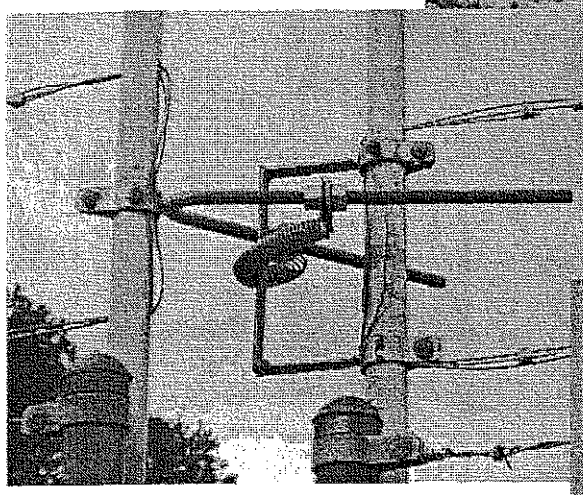
### 2.4B Contacts
Use a Y or straight bar contact at every gate connection. All contacts must involve a spring, no solid contacts. Spring should be extended no more than half distance of Y. Use a contact extension on every contact. Use the appropriate size extensions to close gaps at the gates.

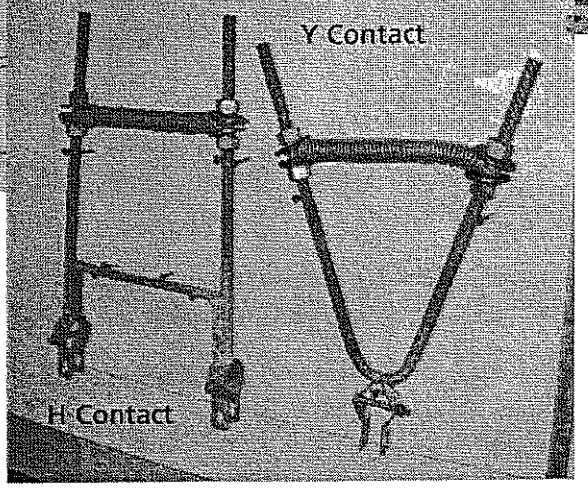


H Contact with 3"male contact

'Y' Contact with 3"male contact extension





Y Contact

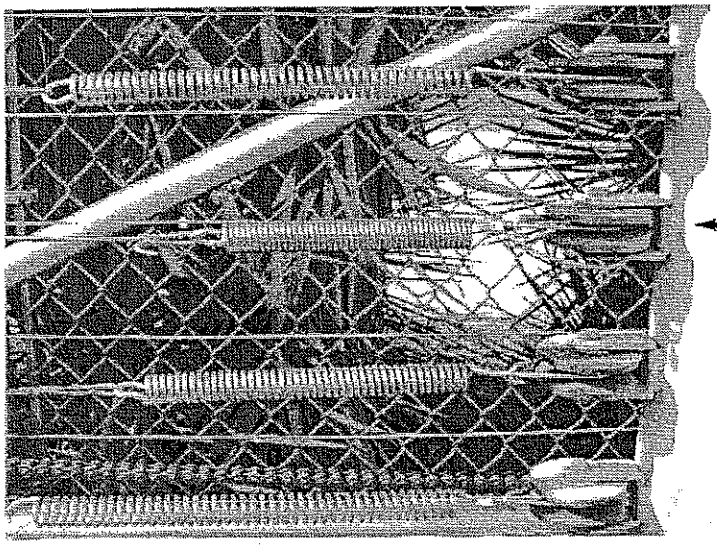
H Contact

## 2.5A Gate Springs

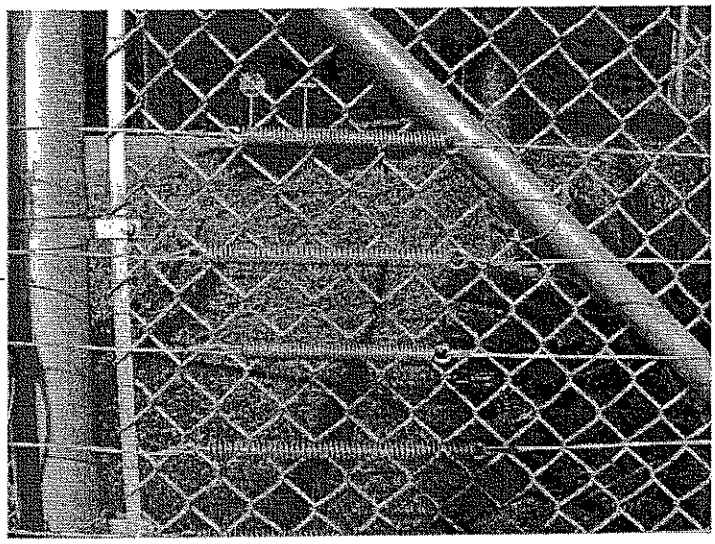
Gate springs are used on every gate and all sections under 250 feet. Gate springs are required on both ends if there is a bend in the section.

## 2.5B Gate Springs

"Air' gate springs. If gate loses tension, cut wire and re-pull.

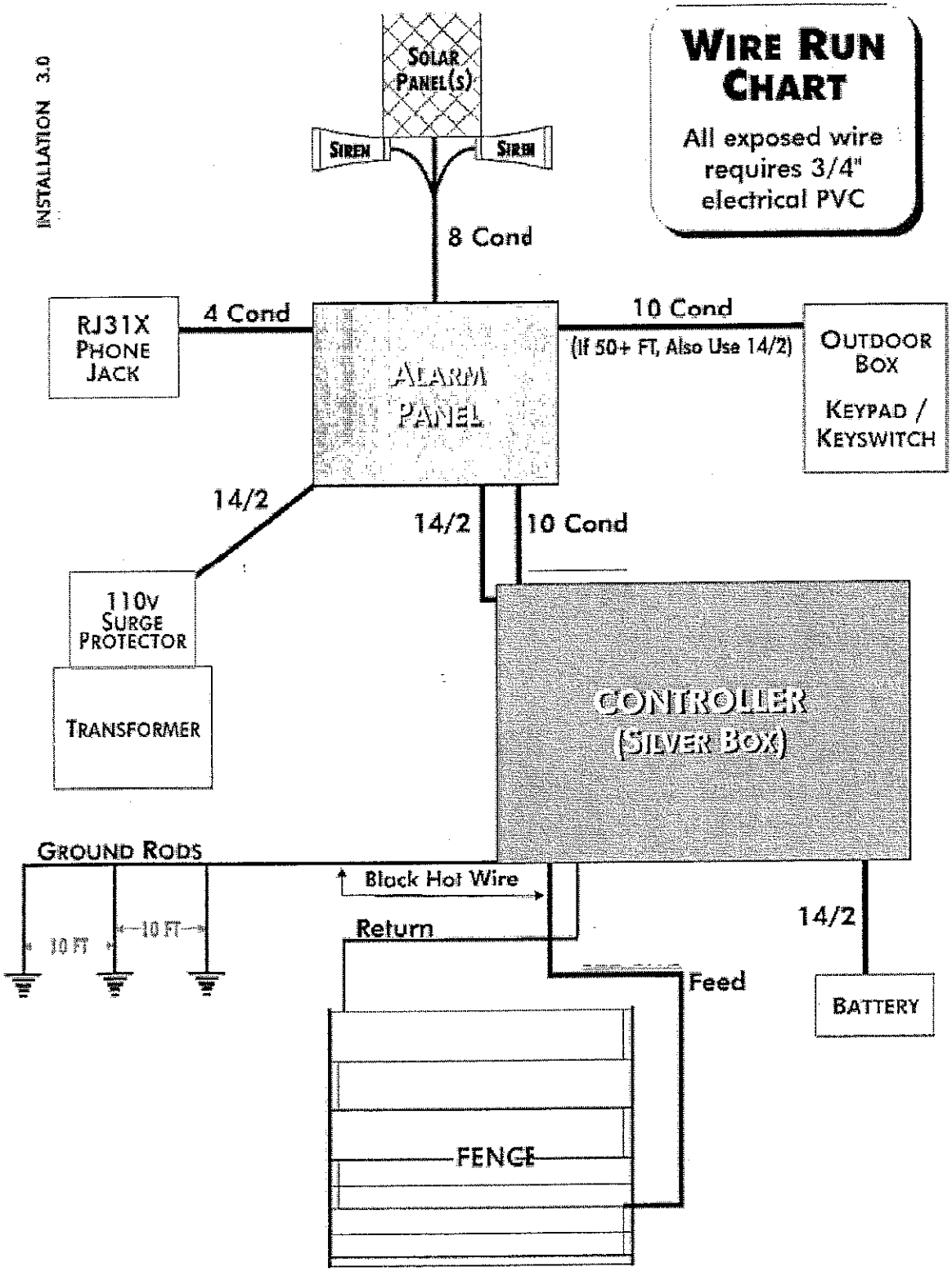


medium (insulator) spring not aired



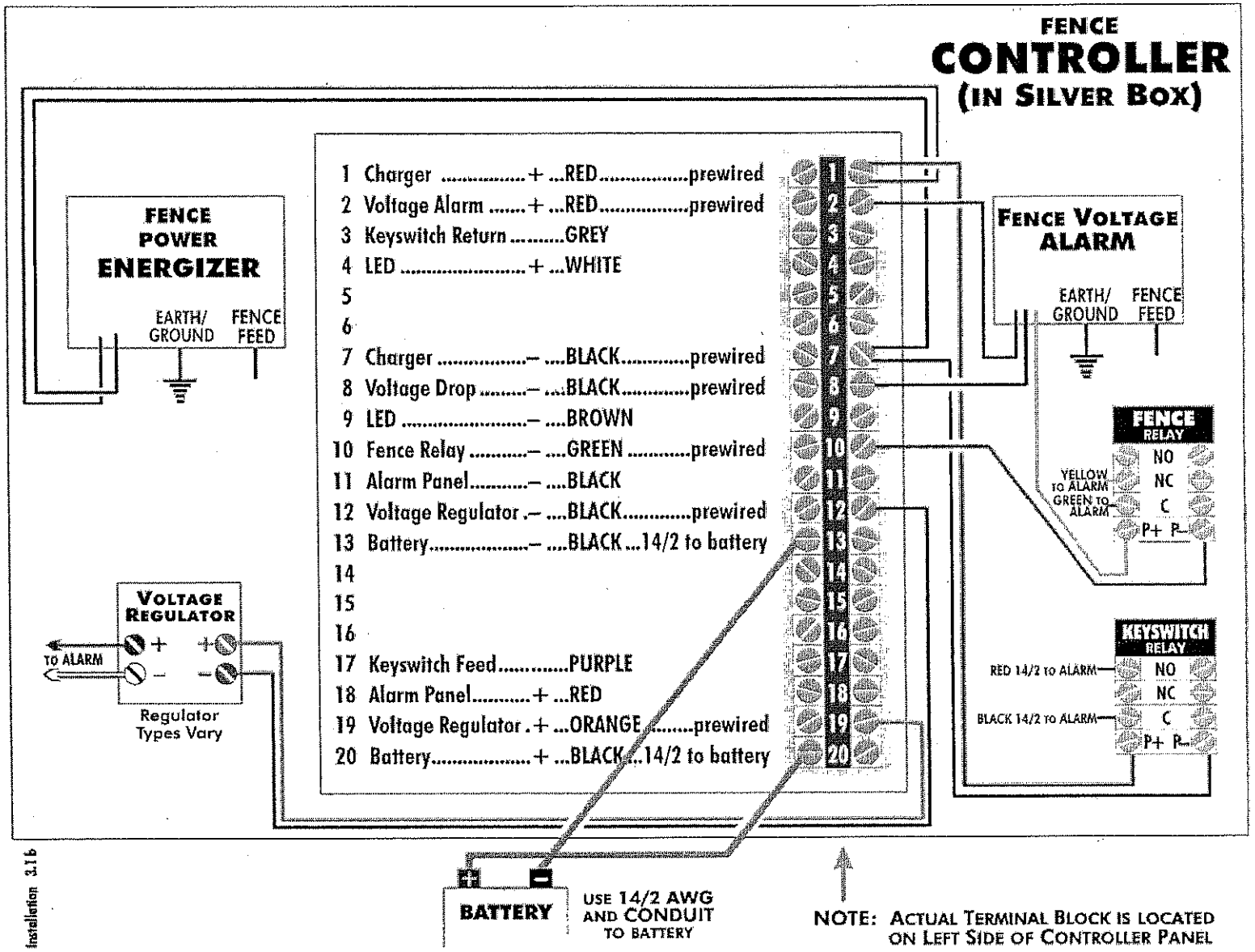
not aired

INSTALLATION 3.0



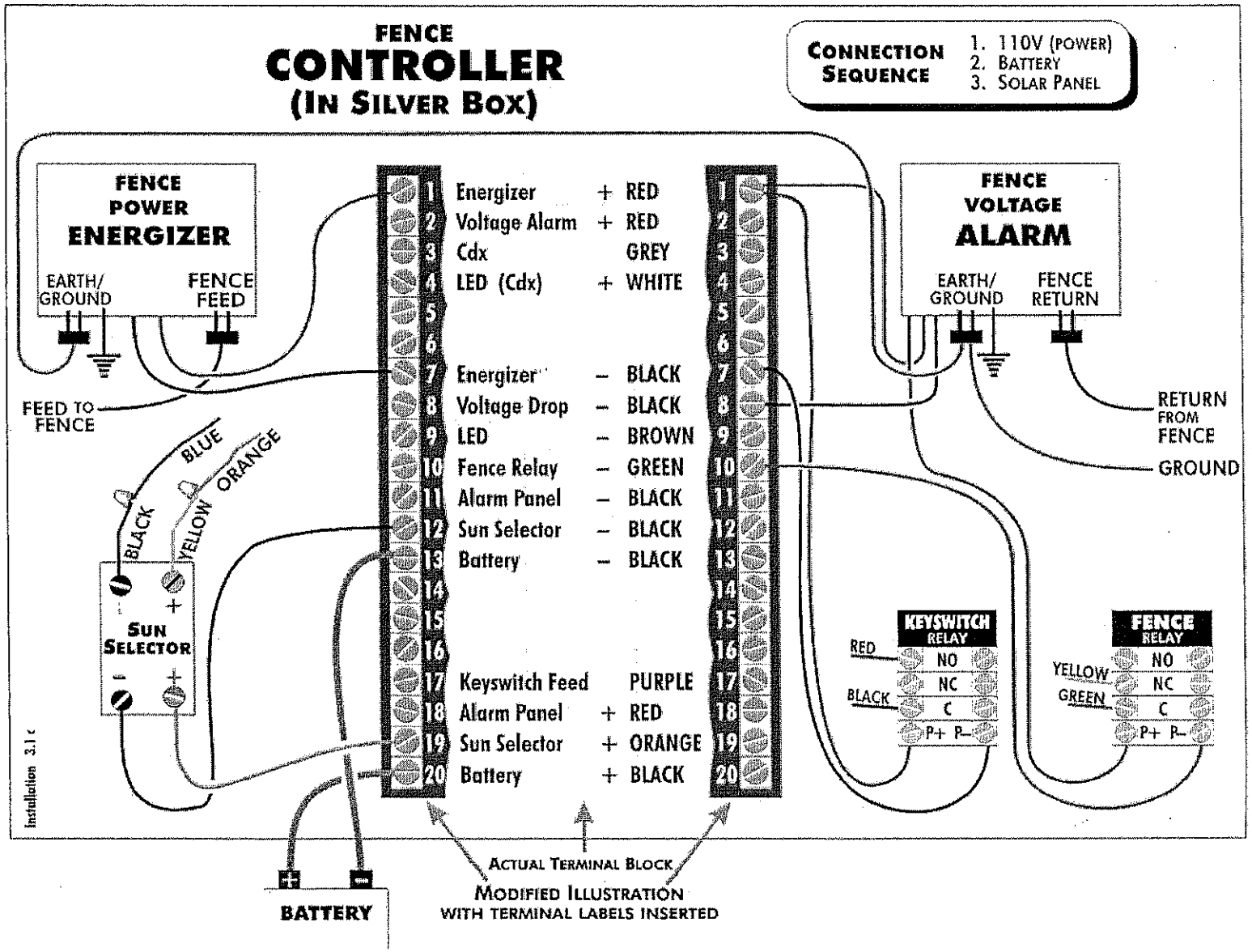

## Wire Run Chart

All exposed wire requires 3/4" electrical PVC

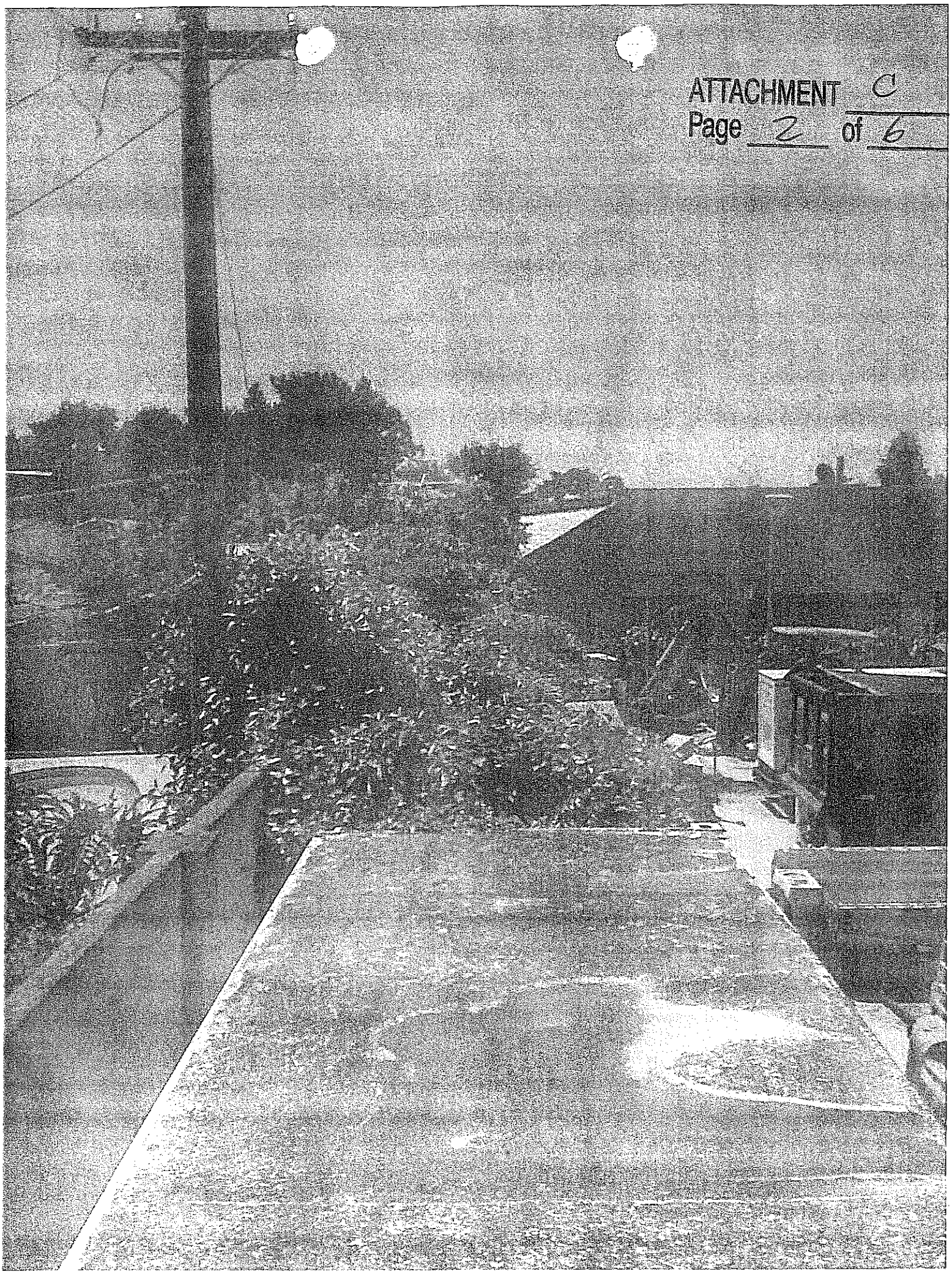


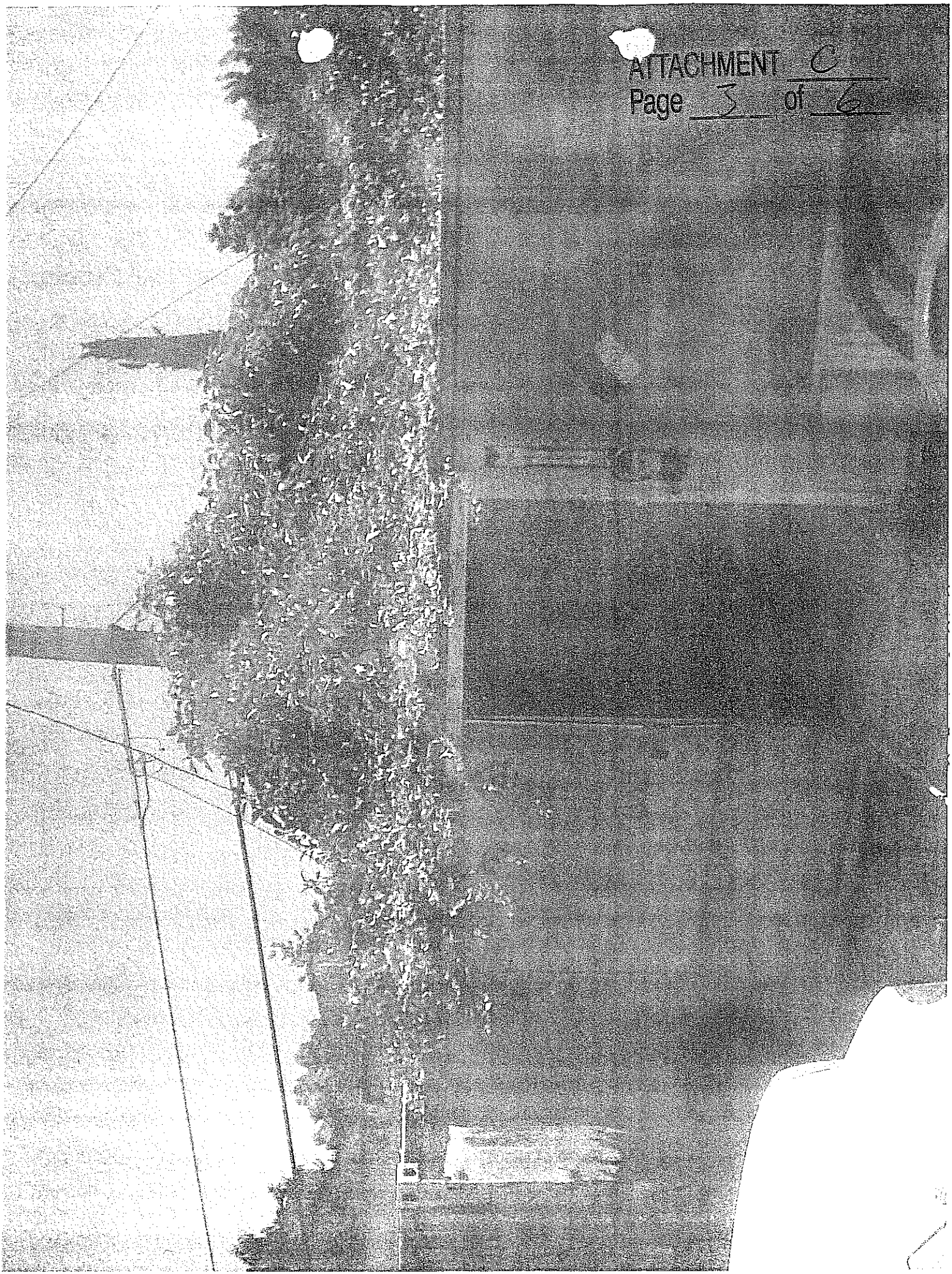


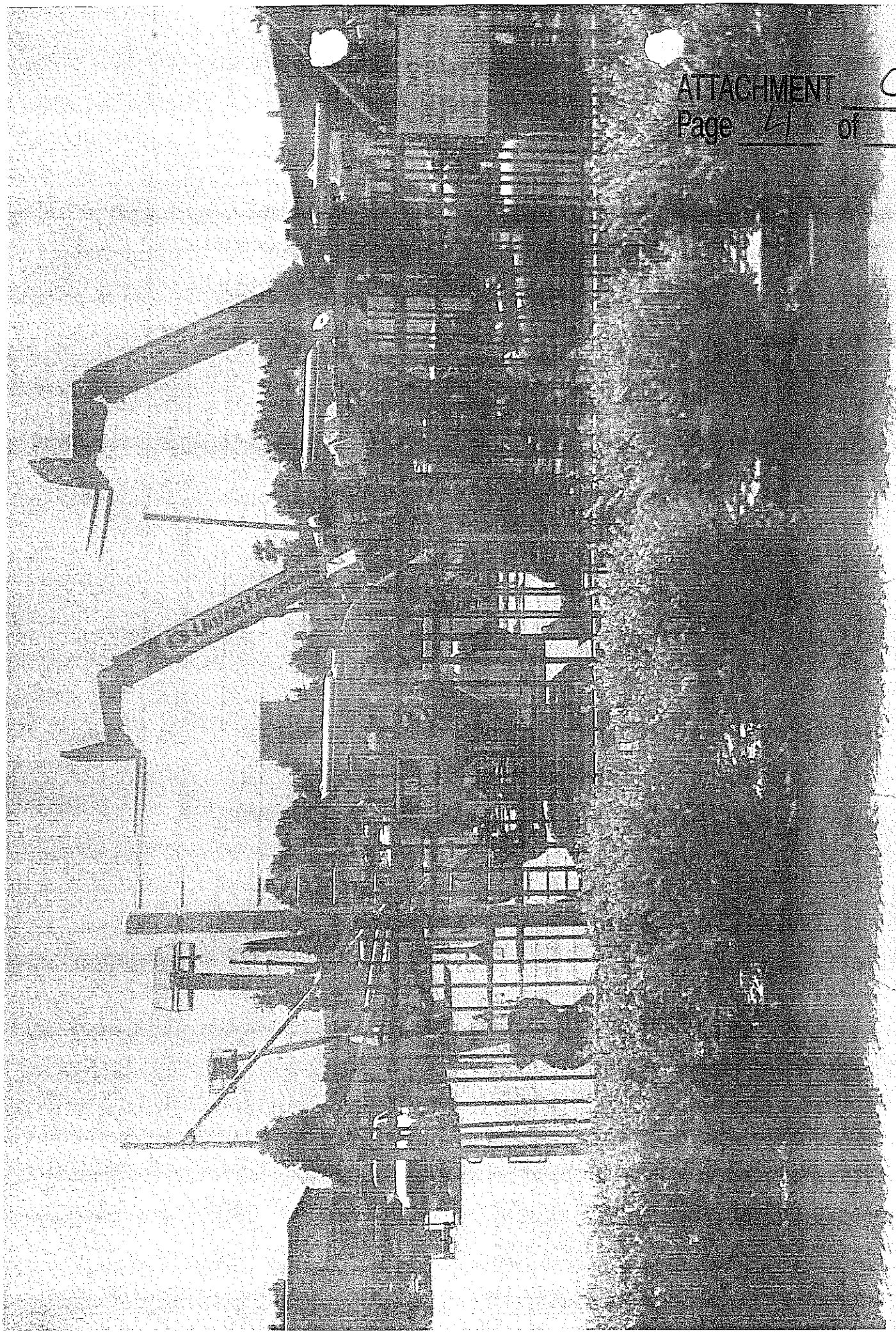

ATTACHMENT B
Page 12 of 13

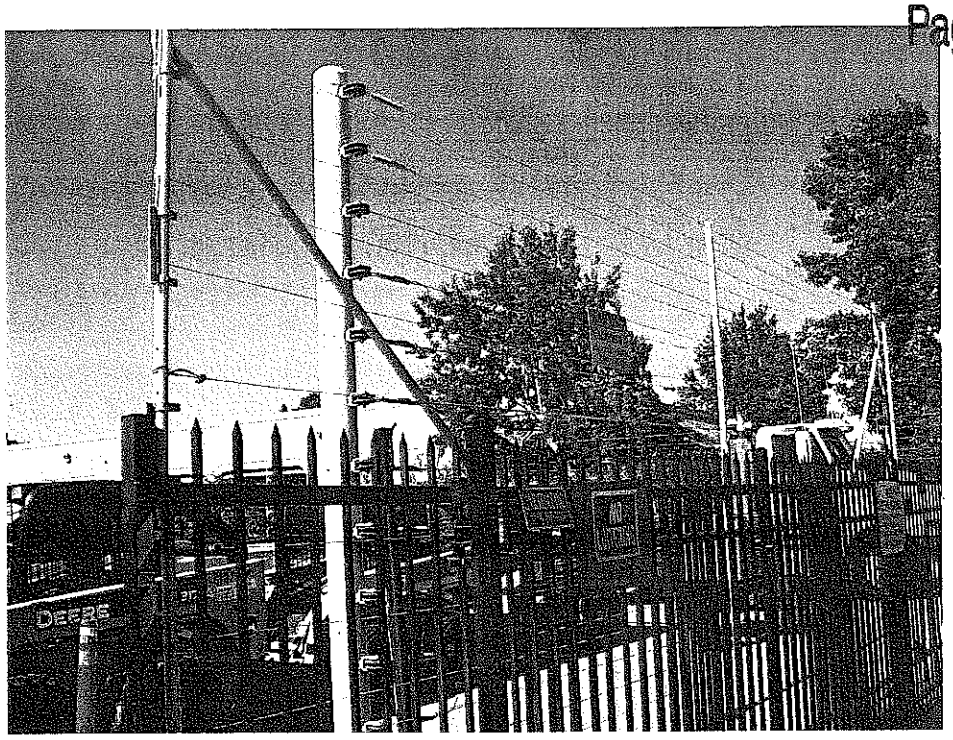

FENCE
CONTROLLER
(IN SILVER BOX)
CONNECTION SEQUENCE
1. 110V (POWER)
2. BATTERY
3. SOLAR PANEL
FENCE POWER ENERGIZER
EARTH/ GROUND
FENCE FEED
FEED TO FENCE
BLUE
ORANGE
BLACK
YELLOW
SUN SELECTOR
1 Energizer + RED
2 Voltage Alarm + RED
3 Cdx GREY
4 LED (Cdx) + WHITE
7 Energizer – BLACK
8 Voltage Drop – BLACK
9 LED – BROWN
10 Fence Relay – GREEN
11 Alarm Panel – BLACK
12 Sun Selector – BLACK
13 Battery – BLACK
17 Keyswitch Feed PURPLE
18 Alarm Panel + RED
19 Sun Selector + ORANGE
20 Battery + BLACK
FENCE VOLTAGE ALARM
EARTH/ GROUND
FENCE RETURN
RETURN FROM FENCE
GROUND
KEYSWITCH RELAY
RED
BLACK
NO
NC
C
P+ P–
FENCE RELAY
YELLOW
GREEN
NO
NC
C
P+ P–
BATTERY
ACTUAL TERMINAL BLOCK
MODIFIED ILLUSTRATION
WITH TERMINAL LABELS INSERTED
Installation 3.1c

United Rentals
Rentals · Sales · Service
STOP

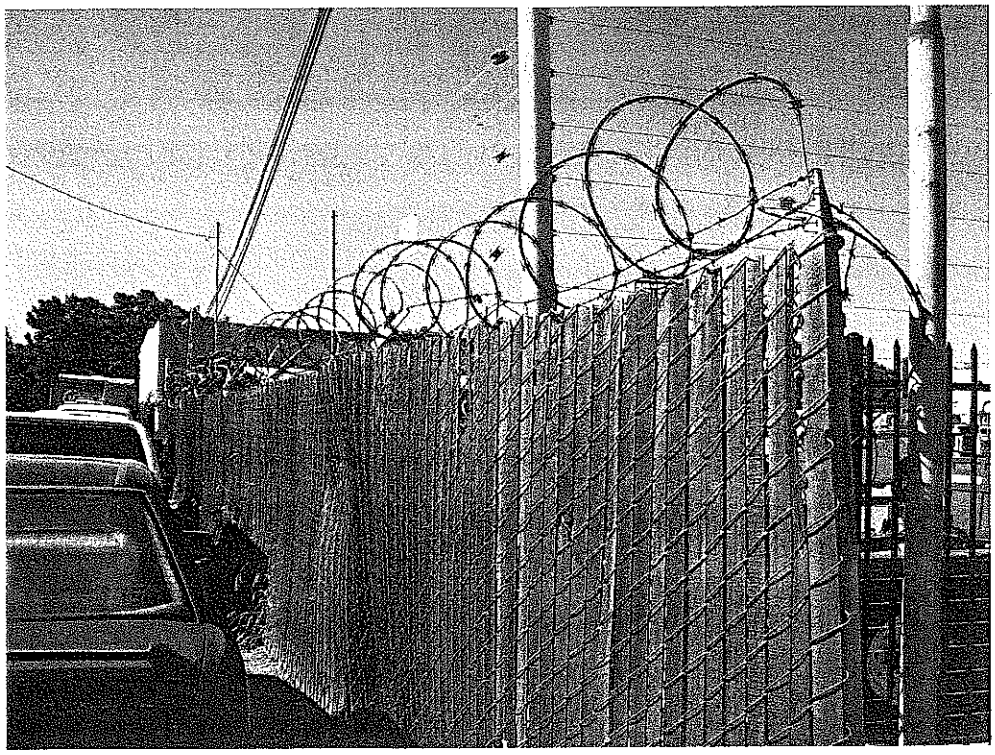




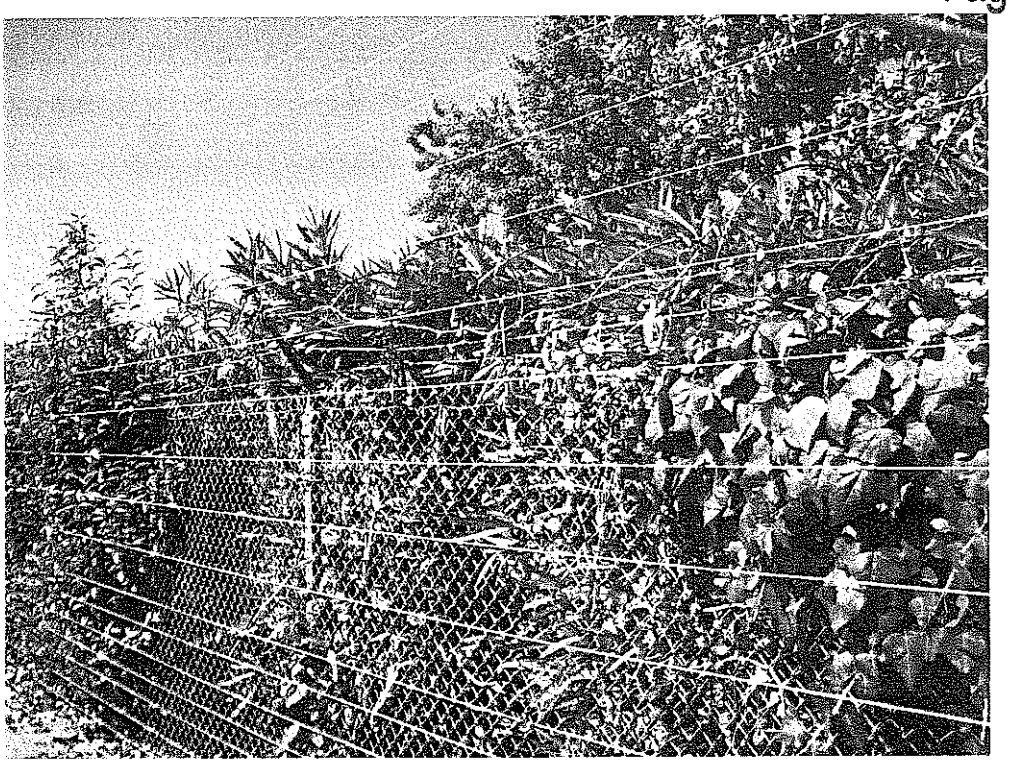




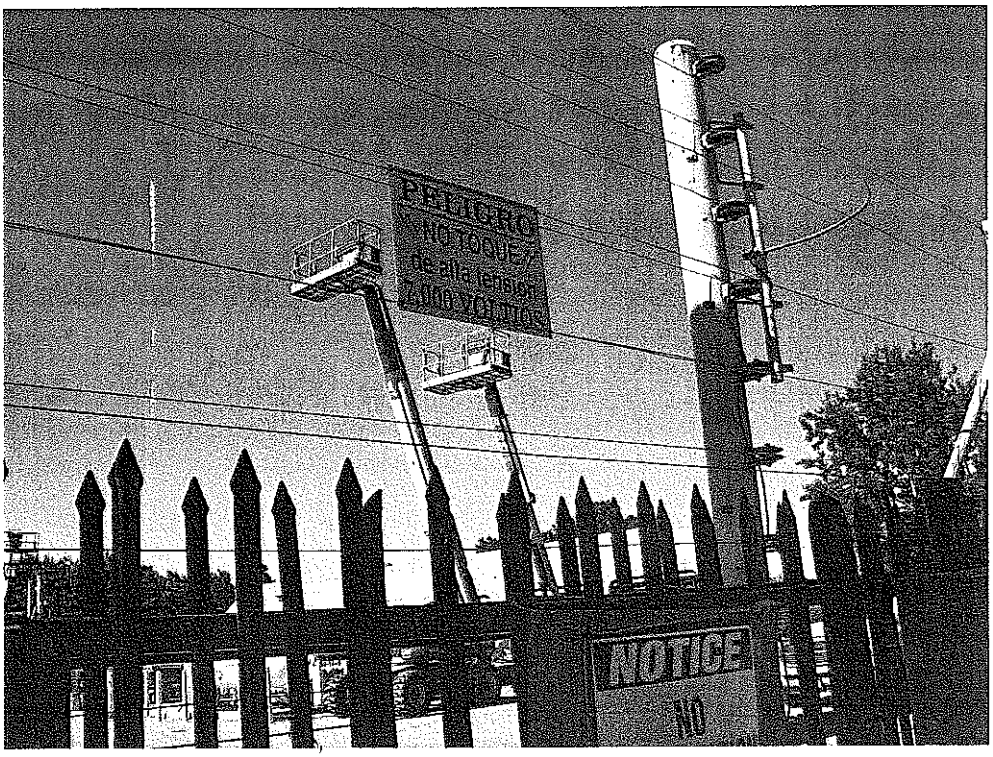

**Front gate area facing toward Evelyn Avenue**



**East side property line fence**



**West side property line fence**




**Existing signage on electrified fence**

United Rentals
940 W. Evelyn Ave.
Sunnyvale, CA 94086
Tel: 408 736-7560
Fax: 408 736-9174
www.unitedrentals.com

July 21, 2010

United Rentals is the current tenant @ 940 W. Evelyn Ave Sunnyvale, Ca.

The purposed use of this electronic fence is to protect the mentioned property from break in or vandalism.

Hours of operation are Monday – Friday 7AM to 5PM

We currently have 11 employees at our Sunnyvale facility.

Jeff Sanders
Branch Manager 547

# USE PERMIT/SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

ATTACHMENT D
Page 2 of 3

One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets **at least one** of the following criteria.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project ... complies with the general provisions of 19.48.020. Fence is not adjacent to residential property & can not cause injury & is not designed to do so. We simply request a variance for height to ensure the effectiveness of the security system.

**OR**

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as ... The proposed use only enhances the security of the property & those adjacent to the property. The appearance of the security fence does not impair the orderly developement or the existing use; more so, It enhances & secures the use of the property

If you need assistance in answering either of these justifications, contact the Planning Division staff at the One-Stop Permit Center.

United Rentals, Inc.
940 W. Evelyn Ave.
Sunnyvale, CA 94086
Tel: 408 736-7560
Fax: 408 736-9174
www.unitedrentals.com

United Rentals

City of Sunnyvale Planning Division

Attn: Mariya Hodge

To specifically address the concerns in the reply e-mail that was sent on August 24, 2010 please accept the following explanations and support.

1. The height of the apparatus needs to be higher than the perimeter fence to prevent a "hurdle or jump" over the top of the theft deterrent device. The height also forces the potential thieves to attack the perimeter fence from a less advantageous angle, ensuring the full effectiveness of the device. In short, lowering the height compromises the capability of the system and makes it less effective. The height is consistent with the CA code.
2. Wrought Iron is a "decorative fence" and its security elements are limited. Extending the fence actually makes the site less safe and the surrounding sites less safe. The electric theft deterrent device actually increases the security of the surrounding properties.
3. The second and third items mentioned in the correspondence are actually linked. The nature of the United Rentals business requires that highly valued equipment be stored in the yard, visible to passersby. Some of the inventory is large and cumbersome and space is needed on the yard too maneuver large trailers, trucks, and equipment, not only for the business but for the customers as they pick up and drop off inventory. Building "sheds and outbuildings" on this small lot would make it inherently more dangerous to the employees and customers coming in and out of the yard not to mention the expense and lack of actual security provided.

In the end the most cost effective and beneficial system to protect the United Rentals site in the Electric Guard Dog theft deterrent device. The EGD allows the PD to husband's critical resources as crime is actually prevented on this site and reduced on the area.

Jeff Sanders
Branch Manager
United Rentals/Sunnyvale

# CITY OF SUNNYVALE
# ZONING ADMINISTRATOR HEARING

## MINUTES
## Wednesday, September 29, 2010

**2010-7515**: **United Rentals** [Applicant] **Lisa J. Sims** [Owner] Use permit to allow an existing unpermitted 10'-tall electric security fence along the front and side property lines located at **940 W. Evelyn Avenue**. (APN: 165-20-018)MH

In attendance: Jeff Sanders, Applicant; Gerri Caruso, Zoning Administrator Hearing Officer; Mariya Hodge, Project Planner; Luis Uribe, Staff Office Assistant.

**Ms. Gerri Caruso**, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

**Mariya Hodge**, Project Planner, presented the subject item and had no additional information. Ms. Caruso noted that she drove to the site and took a look at all three sides of the property.

**Ms. Caruso opened the public hearing.**

**Jeff Sanders**, Applicant, received and reviewed a copy of the staff report. The applicant stated that he understands that the height of the fence is the problem and they are willing to remove the razor ribbon from the side fences. Mr. Sanders went through the conditions of approval and stated that if the fence is reduced to 8ft. that it would be easily jumpable. Mr. Sanders stated that there is a reason for them requesting that the fence be installed with a height of 10 feet. He also mentioned that since the fence has been constructed, the amount of break-ins have gone down. Mr. Sanders stated that you cannot see the fence from a distance.

Ms. Caruso had some clarifying questions regarding the conditions of approval.

**Ms. Caruso closed the public hearing.**

Ms. Caruso approved the project subject to the findings and conditions of approval located in the report with changes to the conditions of approval. Ms. Caruso changed the size of the fence to be reduced to 8 feet and removal of the razor wiring.

**Ms. Caruso stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.**

The meeting was adjourned at 2:18 p.m.

Minutes approved by:

Gerri Caruso, Principal Planner

**Mariya Hodge - RE: Appeal of EGD**

**From:** Michael Pate
**To:** Mariya Hodge
**Date:** 11/12/2010 12:09 PM
**Subject:** RE: Appeal of EGD
**CC:**

Mariya,

Please consider this correspondence the appeal letter which is required by the city of Sunnyvale. United Rentals and the Electric Guard Dog disagree with the finding of the Zoning Administrator the EGD security apparatus needs to have the height reduced to 8 feet.

The EGD security apparatus has been on the site for over 3 years and has provide security and safety to the employees and the business over this time. Break-ins were a common occurrence until the EGD was installed and there have been no break-ins since the installation of the apparatus. There have been NO complaints from surrounding neighbors or businesses over this time and the apparatus is virtually invisible.

The 10 foot height is essential to the continued security success on the property as a criminal can simply "step over" an 8 foot application if he is standing on the perimeter fence. By the way, a 10 foot block wall is on the back of the property. In addition the EGD is not a fence and does not serve the purpose of a fence, the EGD does not delineate a property line, the wires are spring loaded and cannot support any weight, and the system is monitored 24/7/365 by a central station. In effect a burglar alarm.

It simply comes down to the ability of a property and business owner to protect themselves.

Regards,

**Michael Pate**
Director of Business Development
Sentry Security Systems, LLC
Electric Guard Dog
mpate@electricguarddog.com
Phone: 803-404-6204