

**PLANNING COMMISSION MEETING MINUTES OF JANUARY 24, 2011**

**2010-7515: United Rentals, Inc.** [Applicant] **Lisa J. Sims** [Owner] - 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 at **940 W. Evelyn Avenue**. - MH (*Continued from December 13, 2010.*)

**Trudi Ryan**, Planning Officer, presented the staff report. She said staff recommends that that the Zoning Administrator Hearing Officer's decision stand and the appeal be denied.

**Comm. Hungerford** asked staff about the condition requiring the removal of the razor wire. Staff said the appellant's concern is regarding the condition requiring the height of the electrified fence to be reduced. Ms. Ryan explained that with an appeal the whole application is under consideration and not necessarily individual conditions.

**Comm. Sulser** discussed with staff a decision of the Zoning Administrator allowing the chain link side fences to remain. Staff said that after review of the chain link side fences, the Zoning Administrator's only concern was with the razor wire. Comm. Sulser confirmed with staff that the Commission could consider the side fences.

**Vice Chair Hendricks** asked staff about the Planning division history with this electrified fence, with Ms. Ryan saying that she does not think there was ever discussion with staff about an electrified fence prior to its installation.

**Comm. Dohadwala** asked staff if other electrified fences have been approved in Sunnyvale. Ms. Ryan said she is not sure as the historical records indicate fence and height. Ms. Ryan said the zoning code addresses electrified fences so under certain circumstances they may be allowed, but are not allowed adjacent to residential property. Comm. Dohadwala asked if an electrified fence located next to a wrought iron fence could possibly electrify the wrought iron fence. Ms. Ryan said that the fence contractor may be able to address this question.

**Vice Chair Hendricks opened the public hearing.**

The appellant's representative was not present at this time. **Vice Chair Hendricks closed the public hearing and tabled the item at 8:16 p.m.**, to be considered later in the meeting to allow time for the fence contractor to arrive.

**Vice Chair Hendricks reopened Agenda Item 2, project 2010-7515 at 10:05 p.m.**

**Ms. Ryan** said that the appellant's representative is not present and said the options include taking an action on the appeal, or continuing the item to the next Planning Commission meeting, commenting that this is an existing fence without permits. **Kathy Berry**, Senior

Assistant City Attorney, added that if the Commission decides to proceed tonight that there is evidence in the packet to aide in making a decision along with staff comments.

**Vice Chair Hendricks opened and closed the public hearing** as there were no members of the public wishing to speak.

**Comm. Dohadwala** expressed her concerns about the electrified fence and said she does not feel there is enough information tonight to make a decision. Ms. Ryan said that electrified fences are allowed by code and that there are some state regulations that describe how the fences must be constructed. Ms. Ryan said the applicant has described a unique situation for their security needs. She said staff is fine with the electrified fence to eight feet high, but not 10 feet as it has been installed. Staff said if the applicant was present there might be additional information available about the electrified fence.

**Comm. Susler made a motion to continue this item to the February 14, 2011 meeting. Comm. Dohadwala seconded the motion.**

**Comm. Sulser** said he thinks the applicant made some interesting points in their appeal and he would like to talk to the applicant before making a decision.

**Comm. Dohadwala** said she has a few questions for the applicant including how the security system works.

**Comm. Hungerford** said he would normally not support this motion, however there are two commissioners absent tonight and two commissioners not comfortable deciding yet. He said he would support the motion as it appears the Commission is not ready to vote.

**Comm. Larsson** said he has been persuaded to support the motion.

**Vice Chair Hendricks** said he would be supporting the motion, however he offered a **friendly amendment that the intention is that the Commission would make a decision at the next meeting even if the applicant is not present. The friendly amendment was acceptable to the maker and seconder of the motion.**

**ACTION: Comm. Sulser made a motion on 2010-7515 to continue this item to the February 14, 2011 Planning Commission meeting and that the intention is that the Commission would make a decision at the next meeting even if the applicant is not present. Comm. Dohadwala seconded. Motion carried 5-0, with Chair Travis and Comm. Chang absent.**

**APPEAL OPTIONS: This action serves as legal notification of the continuance of this item to the February 14, 2011 Planning Commission meeting.**