



# CITY OF NEWARK PLANNING COMMISSION

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City Administration Building  
7:30 p.m.  
City Council Chambers

## MINUTES Tuesday, November 12, 2019

### A. ROLL CALL

Chair Fitts, Planning Commissioners Bridges, Aguilar, and Becker were present. Commissioner Otterstetter was noted absent.

Chair Fitts lead the Pledge of Allegiance.

### B. MINUTES

#### B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, October 22, 2019. MOTION APPROVED

Commissioner Bridges moved, Chair Fitts seconded to approve the minutes. The motion passed, 4 AYES, 1 ABSENT.

### C. WRITTEN COMMUNICATIONS

Deputy Community Development Director Interiano stated that there were no written communications.

### D. ORAL COMMUNICATIONS

No one came forward to speak.

### E. PUBLIC HEARINGS

#### E.1 Hearing to consider U-19-8, to allow a 10-foot tall electrical fence around the perimeter of 6565 Smith Avenue. (APN: 092A-2300-021).

Deputy Community Development Director Interiano stated that Electric Guard Dog, LLC requested permission to install a 10-foot tall electric, perimeter fence at 6565 Smith Avenue. The property is zoned General Industrial (GI) and is surrounded by general industrial properties. Equipment Share, a construction equipment rental company, requested the fence for the security of their equipment.

Deputy Community Development Director Interiano stated that the applicant did not meet the findings required in the Zoning Code to approve the application. He further stated that Staff did not support the application because: the request does not comply with the intent of the Zoning

Code for aesthetically pleasing fencing material, the fence height is above 6 feet, the request did not meet the definition of allowed exception, approval would set a precedent, and the Police Department was concerned for the safety of first responders.

Chair Fitts opened the public hearing.

Keith Kaneko Electric Guard Dog, LLC, representing the applicant, gave a presentation in support of the application (on file with the Community Development Department). Equipment Share stores their rental equipment both indoors and outdoors. The requested fence will be within the perimeter of the property. He stated that warning signs would be placed every 30 linear feet. The fence pulses every 1.3 seconds and if touched will shock for a millisecond. It is a monitored alarm system, if the fence detects that it has been touched the property manager will be notified. First responders would be provided a key for emergency shut off. He stated that the fence is safe, transparent, and at 10 feet in height, it would prevent people from hopping over. The fence would be 6 to 12 inches behind the existing 6 foot tall chain link fence.

In response to Commissioner questions, Mr. Kaneko stated that the shock stings and causes the person to let go of the fence, security guards were cost prohibitive for the site size, fence malfunctions would trigger an alarm mode and the electrification would be turned off, lowering the fence height would reduce the effectiveness.

Carlos Torres of Equipment Share stated that they would have to dig trenches and run electricity throughout the property for lights, cameras, and motion detectors which, in his opinion, were cost prohibitive and not effective.

Public Hearing closed.

Chair Fitts stated he would like to see an example fence in person and suggested a possible continuation of the item.

Commissioner Becker stated that he was unable to make two of the findings required in the Zoning Code relating to fencing materials and fence height.

Commissioner Aguilar added that the Police Department concerns were an issue too.

Commission Bridges stated that staff and the applicant should work together towards a solution. She also suggested that staff work with the City Council and consider changing the Zoning Code.

The Commissioners discussed a possible continuance and a site visit to see an example fence in person. They concurred to vote on the item and requested that the applicant work with staff to see what alternatives might work within the existing code.

Commissioner Aguilar moved to deny U-19-8, a Minor Use Permit to allow a 10-foot tall electrical Fence at 6565 Smith Avenue, Commissioner Becker seconded with an amendment to the resolution, page 2 Required Findings Section A(1)(a)(ii)1. *Comment: The proposed fees would NOT impair* (add the word not). The Commissioners concurred with the amendment to the Motion. The motion passed 4 AYES, 1 ABSENT.

## **F. STAFF REPORTS**

Community Development Director Turner stated that the Sanctuary West Project would be on the November 14, 2019 City Council agenda and the public was invited to attend.

Deputy Community Development Director Interiano stated the December 10, 2019 Planning Commission meeting agenda will include an update of the three year entitlement list.

## **G. COMMISSION MATTERS**

### **G.1 Report on City Council actions.**

Deputy Community Development Director Interiano stated the Joint City Council Planning Commission Work Session for the Historic Newark Specific Plan is scheduled for December 12 at 5:30 p.m.

Deputy Community Development Director Interiano stated that there was an Economic Development Conference in Santa Cruz. He requested that Planning Commissioners contact him if they were interested in attending.

## **H. ADJOURNMENT**

Chair Fitts adjourned the meeting at 8:35 p.m.



STEVEN TURNER  
Community Development Director