

MINUTES
PLANNING COMMISSION
155 W. Durian, Coalinga, CA 93210
TUESDAY October 9, 2018

CALL MEETING TO ORDER (6:00 PM)

Pledge of Allegiance

CHANGES TO THE AGENDA - None

ROLL CALL

Commissioners:

Chairman Sailer

Vice Chairman Gonzales – Excused Absence

Commissioner Jacobs

Commissioner Helmar

Commissioner Garza

Staff:

Sean Brewer, Community Development Director

Marissa Trejo, City Manager

Wanda Earls, City Clerk

**PUBLIC
COMMENTS**

INFORMATION/CONSENT CALENDAR

PUBLIC HEARINGS

1. **Review and Approve Resolution No. 018P-010 Recommending to the City Council, at Their Next Regularly Scheduled Meeting, Adoption of an Ordinance (City Initiated Zoning Text Amendment) Amending the Planning and Zoning Code to Permit the Use of Barbed Wire and Razor Wire in Various Commercial and Industrial Zoning Districts.**

Planning Commission review and approval of Resolution No. 018P-010 recommending to the City Council, at their next regularly scheduled meeting, to adopt an ordinance (zoning text amendment), removing the prohibition on the use of barbed wire and razor wire in various commercial and industrial zoning districts and continuing a prohibition on its use in and adjacent to all residential zoning districts.

Council received public comment at their last meeting on September 20, 2018 requesting the City Council allow businesses the ability to use barbed wire and razor wire as an enhanced security measure to protect their properties. At the conclusion of the meeting, after hearing public testimony and discussion, on September 20, 2018, the City Council directed staff to proceed with initiating a zoning text amendment that would remove the prohibition on the use of barbed wire and razor wire in the commercial and industrial zoning designations.

Under Planning and Zoning Law in order for language within the Development code to be amended, it requires a zoning text amendment in the form of an ordinance. This zoning text amendment is a City initiated application where staff has taken direction from the City Council as to the recommended changes and now bringing a draft ordinance to the Planning Commission where a recommendation may be made to the City Council for approval.

The Coalinga Planning and Zoning Code went through a comprehensive update in 2013 where several development regulations were updated to standards commonly used in the majority of local jurisdictions. There are two sections in the development code where barbed wire and razor wire are mentioned and in both instances, they are strictly prohibited from being installed. Below are the two sections from the development code:

Section 9-4.203(b)(3).....Fences and Free Standing Walls.....(3) Materials not permitted. Barbed wire, aluminum, fiberglass, metal siding and plywood shall not be used as fencing materials. The Community Development Director may grant the use of such material based on the need for the type of fence, design compatibility of the fence, and approval of the adjoining property owner if on an interior property line. Nonconforming status shall not be provided for fences constructed of these materials.

Section 9-4.208(2)(b).....Screening of Outdoor Storage.....(b.) Screening walls and fences shall be architecturally compatible with the main structure on the site and shall not have barbed wire or razor wire visible from any street or public access.

The two sections above identify a prohibition on the use of barbed wire and razor wire unless approved by the Community Development Director for instances where the barbed wire would be installed on an interior property line and not visible from any public street or public access.

The draft ordinance prepared for the Commission includes the recommended changes directed by the City Council in order to address the strict application of the code related to the use of barbed wire and razor wire. There are three (3) sections to the draft ordinance where it removes the prohibition on the use of barbed wire and razor wire however, further upholds the prohibition on the use in areas zoned and/or adjacent to mixed-use and residential.

When a zoning text amendment is brought before the Planning Commission and City Council the following standard findings must be made for each Zoning Ordinance amendment. Specific findings may also be required by the decision-making body on a case-by-case basis.

(1) The proposed Zoning Ordinance amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

During discussions at the City Council meeting on September 20, 2018, there were comments related to preserving and protecting the local businesses by use of physical deterrents such as razor wire and barbed wire. It is unclear as to whether permitting the use of razor wire and barbed wire would be to the detriment of the public interest, health safety, and welfare. Typically, barbed wire and razor wire is prohibited in conjunction with fencing and outdoor storage due to their unsightly and institutional appearance. This does not necessarily equate to being a detriment to the public interest, health, safety, convenience, or welfare of the City.

(2) The proposed Zoning Ordinance amendment is consistent and compatible with the goals, policies, and actions of the General Plan, and the other applicable provisions of the Zoning Ordinance.

The proposed zoning ordinance includes permitting the use of barbed wire and razor wire in various commercial and industrial zones and upholding the prohibition on its use with and/or adjacent to residential zoning districts including mixed-use commercial zones. This action would not be recognized as being inconsistent with the goals, policies, and actions of the General Plan. It would be used as a mechanism to possibly further enhance the security of local businesses.

(3) If applicable, the site is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses/developments.

The way the ordinance is drafted ensures that residential and mixed-use developments are not impacted by this action as it applies to all other commercial zones including industrial zoning designations. This will allow for compatibility with adjoining uses.

(4) The proposed Zoning Ordinance amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

Staff has determined that this action would be exempt from the California Environmental Quality act pursuant to Section 15061(b)(3), Review for Exemptions – General Rule, in that it can be seen that these actions will not have a significant effect on the environment.

Comments by Commissioners:

- 9-4.203b3 – Razor and Barbed Wire prohibited – Approval required
- Height of fence
- Chain-link fence can use privacy slats
- CUP's have discretion
- Security concerns
- Height and visual barrier

- Integrity of fencing – chain-link no visual barrier without slats
- 6' minimal height
- Solid wall better
- Prevent people from going over fence
- Razor/Barbed wire angled toward property
- Goal is to prevent crime
- On inside – can still climb fence
- They spread wire for little guy and he pitches out findings
- Concerned about visual perceptive
- Lots of barbed wire out there – schools
- Razor at Claremont

Chairman Sailer opened the public hearing.

Mr. Glenn Mitchell, Coalinga Foundation indicated they have concerns about theft and vandalism at the Thrift Shop. They seem to be the target of such things. It has been five years since ordinance was drafted. The 2013 vision or the reality is different now. There is lots of infill; vagrants and homeless people who feel the liberty of take what is not theirs. We want to stay in business and offer jobs. City Council offered persuasive argument to change ordinance. He met with Sean and the Chief to discuss the issues. They are both knowledgeable but concern is we deserve options to protect our investment. Resources are challenging and law enforcement is weakened. Need change in laws and policies from DA. Common sense dictates to do what is logical and assume risk to run our business and sustain the life of the City.

Discussion, location and height of fence to be determined. Razor wire along inside or outside, fence spikes, barbed wire or razor wire? Give us something to think about before we act. Message is “This property is not available to trespassers”.

Gary from Coalinga Hardware said there are more than a few using razor wire. Problem is climbing fence deterrent significant. Climbers need to hold on to something – chain-link offers this.

Mr. Mitchell said to give business owners the option to harden their properties; it affects the bottom line and jobs.

Chairman Sailer said unfortunately it is the sign of our times. AB109, 47 plus others affect us. Criminalization has grown tremendously. We need to give business an advantage.

Gary – Coalinga Hardware said people climb fence with barbed wire. We have cameras in our back area. Fence height should be 6 or 7 feet. Problems remain and we need regulations. Put in code not to use it or come up with alternatives. City can help owners by coming up with razor wire.

Comments:

- Pro-barrier
- People living in alleys

Police Chief Salvador said “No” misconceptions. He is easy to get hold of and willing to work with businesses. Prevention is key!

- Have you done a cost benefit analysis?
- Slippery slope when government involved
- Risk assumed by business owner
- Insurance premiums
- Prevailing in Court of Law
- Cost analysis “NO”

Mr. Mitchell said no cost analysis. Board hasn’t decided but wants freedom to assume risk.

Commissioner Helmar said it is another tool in the tool box.

Mr. Mitchell said that is a bigger tool box. Law enforcement has a smaller one.

Police Chief Salvador said it is like the broken window. It could soon look like a third world country and the visual of being under seize.

Mr. Mitchell said he shares concern but it is selective perception. It could be a window of opportunity.

Commissioner Helmar asked what about the people who live here with barbed wire and razor wire. They may ask, “Why am I living here?”

Mr. Mitchell said it is the vision of what the community should be like. You can take Monterey or Pacific Grove and their industrial area is separate from their residential area. We all want the City to be perceived as a beautiful place. Those looking for distractions can find them.

Commissioner Helmar asked what about home owners.

Ordinance is for businesses but residents could want to put up a fence.

Mr. Brewer said alternatives to Council. No resident can use razor wire.

Chairman Sailer said it is apples to oranges. Businesses get squeezed at every angle. It would be a small tool for business owners.

Gary from Ace Hardware said they put in security system and razor wire and incidents decreased.

Continued Comments:

- Businesses trying to survive and they need protection
- City can't provide service needs
- PD will try and be out front and roll the ball for business
- Businesses need: physical barrier, sight barrier, lighting and cameras
- Need long-term fixes
- Street lights
- Personal opinion of Commissioner Helmar is no razor wire
- Are there other ideas?
- Expensive ideas
- Level of security system
- Cat and Mouse – bad guys look for opportunity
- Thrift Shop willing to invest money for grants earmarked for theft, etc. with some going into operations – need to choose wisely
- PD wants to explore with board
- Recommend slats for hardware store, gate issues – locks can be opened
- Spikes – razor wire – spikes at some Cannibals sites
- There is premier fencing on market – anti-climb wrought iron with spikes

Gary from Ace Hardware said since they installed razor wire there have been no more thefts.

Agreement of Commission is to recommend 6' to 7' fence in industrial zone. Also, considered visual barrier and razor wire.

Commissioner Helmar agrees but research parts of ordinance.

Chairman Sailer said he can visualize someone putting up old sheeting for visual barrier.

PD Chief said all things will be taken into consideration.

- Keep it simple, allow or don't allow
- Mandated privacy
- Which way should wire lean? Inward or outward?
- Need regulations on wire.
- Encroaching if leaning outward
- Not to exceed public access (put in ordinance)

Recommend height for fence 6', 45 degree and no more than 8-0 inches above fence.

Chief Salvador said goal for 2019 is do a better job for business community. Hopefully, resources come from residents as they vote.

Mr. Mitchell extended his "thank you" to the Commission.

Chairman Sailer closed the public hearing.

*Motion by Jacobs, Second by Garza to Approve Resolution No. 018P-010 with Recommendations by Planning Commission and Recommending to the City Council, at Their Next Regularly Scheduled Meeting, Adoption of an Ordinance (City Initiated Zoning Text Amendment) Amending the Planning and Zoning Code to Permit the Use of Barbed Wire and Razor Wire in Various Commercial and Industrial Zoning Districts. Motion **Approved** by a 4/0 Majority Roll-call Vote. (Gonzales – excused absence)*

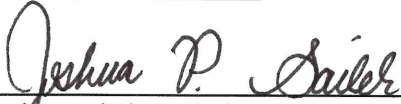
DISCUSSION AND/OR POTENTIAL ACTION ITEMS

DEPARTMENT REPORTS

COMMUNICATIONS

1. Staff Announcements – Vice Chairman Gonzales request an excused absence for this evening.
2. Commissioner Announcements - None
3. Chairman Announcements – None

ADJOURN 7:10 PM



Chairman/Vice Chairman



City Clerk/Deputy Clerk

11-13-18

Date