SUPPLEMENT

AGENDA ITEM # 3.1
Distributed: 11/6/14

Suzanne Avila

From: Roger Spreen [redacted]
Sent: Tuesday, November 04, 2014 7:31 PM
To: Suzanne Avila; Nicole Horvitz
Subject: Illegal Spike-top Fence Proposal: 26520 Purissima Road

Hi, Suzanne & Nicole:

It has been brought to my attention that there is a proposal for a fence for the Vahdat property at 26520 Purissima Road, which is coming before the Planning Commission this Thursday.

I am a little surprised to see this fence proposal get this far into the process, as it appears to me to be quite obviously in opposition of the "spiked fence" prohibition that was enacted in 2009 by amending the fencing ordinance to prohibit anything that presents a dangerous top. Here's the citation:

> **Section 10-1.507. Fences, Walls, Gates, and Columns.**
>
> **d. Prohibited fences, walls, gates, columns types**
>
> **(3) Any fence, wall, and/or gate that may cause harm to people, pets, and/or wildlife due to points, spikes, or sharpened edges on the top or bottom part of the fence, wall structure, and/or gates.**

Perhaps there is some confusion because the exposed vertical bars on the top are not specifically sharpened into knife points: that is *not* required for a fence top to be prohibited: any spikes or simply bar ends make them harmful to people and wildlife. in fact, this broad definition of a dangerous fence top is explicitly called out in the ordinance as well: (10-1.507 part c):

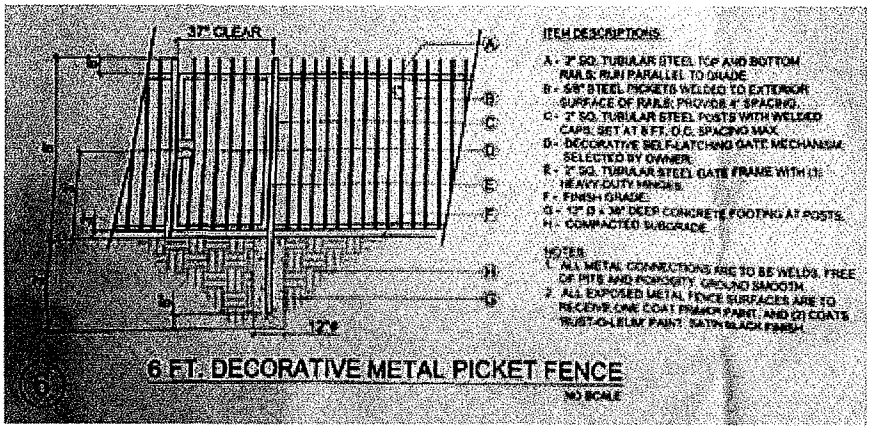
> **Points, spikes, and/or sharpened edges mean any end of a vertical bar that is capable of causing, or is likely to cause injury to people, pets, and/or wildlife.**

Basically, any exposed bar end that sticks up is prohibited. I'm including a diagram of the proposed fence below; clearly the exposed vertical bar ends on this fence match this definition.

If there is any question of the intent of the ordinance's wording, I can show you the presentation that I gave to council in July 2009 that created this ordinance change: it indicates the only smooth-rail-top fences should be used. One picture is very similar to the Vahdat's proposed fence, illustrating that that a thin metal ribbon needed to be superimposed along the top to make the fence conforming, i.e. to prevent the rod ends from acting as spikes.

I would hope that because it is a straight-up violation of the ordinance that this can be swiftly dealt with before spending the Planning Commission's time on it. But please let me know if there is anything else that would be helpful for me to do to communicate this in any additional way.

Cheers & thanks,
Roger



6 FT. DECORATIVE METAL PICKET FENCE

NO SCALE