



PLANNING COMMISSION HEARING DATE: SEPTEMBER 1, 2022 AGENDA ITEM NO.: 5

PROPOSED PROJECT

<b>Case Number</b>	<b>PR-2022-001346</b> (Zoning Code Amendment)
<b>Request</b>	Proposal to amend Title 19 (Zoning) of the Riverside Municipal Code, Chapter 19.550 (Fences, Walls and Landscape Materials) to allow electrified security fence systems in: 1) Industrial Zones by right; and 2) Commercial, Mixed-Use, and Other zones subject to a Minor Conditional Use Permit.
<b>Applicant</b>	Keith Kaneko of Amarak, LLC
<b>Project Location</b>	Citywide
<b>Ward</b>	All Wards
<b>Zoning Designation</b>	Industrial, Commercial, Mixed-Use, and Other zones
<b>Staff Planner</b>	Regine Osorio, Associate Planner 951-826-5712 <a href="mailto:rosorio@riversideca.gov">rosorio@riversideca.gov</a>

RECOMMENDATIONS

Staff recommends that the Planning Commission:

- RECOMMEND that the City Council DETERMINE** that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061.b.3 (Common Sense Exemption) of the CEQA Guidelines, as the project will not have a significant effect on the environment; and
- RECOMMEND that the City Council DENY** Planning Case PR-2021-001346 (Zoning Code Amendment) based on the analysis and findings outlined in the staff report.
- RECOMMEND that the City Council APPROVE** Staff's proposed alternative to Planning Case PR-2021-001346 (Zoning Code Amendment) based on the analysis and findings outlined in the staff report.

## BACKGROUND

The electrified security fence systems installed by Amarak, LLC (Applicant), a nationwide electrified security fence system provider, serve as an additional deterrent and an alert surveillance system for businesses, and consist of the following components:

1. **Physical Barrier:** The electric fence is a 10-foot high, solar-powered barrier with clear warning signs that read "Warning – Electric Fence" posted at intervals of not more than 30 linear feet. The electric fence is installed 4-8 inches behind a minimum 5-foot-high non-electrified perimeter fence/wall.
2. **Shock:** If a breach occurs, the electric fence delivers a 7,000-volt shock to the trespasser, which is considered medically safe.
3. **Alarms and Lights:** Any attempt to scale or touch the fence triggers an alarm and bright LED lights.

Electrified security fence systems are constructed and operated in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76, current edition (Exhibit 1).

Per [Chapter 19.550.020](#) of the Riverside Municipal Code (Title 19 – Zoning), electrified fences or walls containing electrified wire are prohibited unless a variance is granted pursuant to [Chapter 19.720](#) (Variance).

The Applicant has obtained variance approvals on several sites in the City of Riverside. These sites are typically outdoor storage/equipment rental uses and are primarily located in industrial zones. These uses tend to be more susceptible to trespassing and criminal activity due to storage of high-value materials and equipment outdoors.

Because of the number of additional variances being sought by the Applicant for this use, Planning staff informed them that the pattern of variance requests suggested that an amendment to Title 19 is the more appropriate route. Multiple variance requests demonstrate that this is not a unique situation and staff would therefore not be able to make the required findings to justify the granting of a variance.

## PROPOSAL

### ***Applicant Proposed Zoning Code Text Amendment***

The Applicant is requesting approval of a Zoning Code Text Amendment (Amendment) to allow electrified security fence systems in:

1. **Industrial Zones** as a use **permitted by right**; and
2. **Commercial, Mixed-Use, and Other zones** subject to a **Minor Conditional Use Permit**.

The following summarizes the changes to Title 19 proposed by the Applicant (Exhibit 2):

- 1) [19.150.020B – Incidental Uses Table](#): Revise the Incidental Use Table to allow electrified security fence systems as follows:
  - o Permitted by right in the BMP, I, AI and AIR Industrial Zoning Districts
  - o Permitted with a Minor Conditional Use Permit in the Commercial zones (O, CR, CG, CRC), Mixed-Use zones (MU-V and MU-U), and Other zones (PF, RWY, NC Overlay).

- 2) Article VIII, Chapter 19.550 - Fences, Walls and Landscape Materials: Add Section 19.550.025 - Monitored Electrified Security Fence System to establish development standards including but not limited to:
  - o Maximum height of 10 feet or two feet higher than the perimeter barrier, whichever is **higher**;
  - o Permitted locations
    - Per the updated Incidental Use Table.
    - Specific uses such as vehicle and outdoor storage, parking lots, golf courses and other uses.
  - o Allow with a **Conditional Use Permit in any Specific Plan district** where specified type uses are permitted by the current zoning designation.
  - o Compliance with International Electrotechnical Commission (IEC) Standard No. 60335-2-76.
  - o Minimum distance and location behind non-electrified perimeter fences and walls.
  - o Monitored Electrified Security Fence Systems adjacent to residential or residentially zoned properties shall be located behind a minimum 6-foot-tall block wall.
- 3) Article X, Chapter 19.910 - Definitions: Add a definition for *Monitored Electrified Security Fence System*.

**Staff Proposed Alternative**

Staff is not able to support the Amendment as proposed by the applicant because of the potential impacts on the character of the commercial and mixed-use zones of the City. In addition, allowing the fencing by right in any industrial district could also negatively impact the character of the City without consideration of the aesthetic and character impacts of each proposed fence.

Staff is recommending an alternative (Exhibit 3) to the Applicant's proposed Title 19 changes including:

- 1) 19.150.020B – Incidental Uses Table: Revise the Incidental Use Table to allow electrified security fence systems as follows:
  - o Allow with a **Minor Conditional Use Permit** in the BMP, I, AI and AIR Industrial Zoning Districts.
- 2) Article VIII, Chapter 19.550 - Fences, Walls and Landscape Materials: Add Section 19.550.025 - Monitored Electrified Security Fence System as proposed by the Applicant, except for the following changes:
  - o Monitored Electrified Security Fence Systems shall have a height of 10 feet or two feet higher than the perimeter barrier, whichever is **lower**.
  - o Permitted Locations.
    - Prohibit in any **Residential, Mixed-use, Commercial, and Other** zoning districts.
    - Prohibit **adjacent to any park**.
  - o Allow with a **Conditional Use Permit In any Specific Plan district** where specified industrial-type uses are permitted by the current zoning designation. Staff recommendation simplifies the language for the uses allowed as proposed by the applicant. Both Applicant and Staff recommended proposals include a provision

that allow the Community & Economic Development Department Director to determine if a use is similar and no more detrimental than a listed permitted use.

- 3) Article X, Chapter 19.910 - Definitions: Add the **definition as proposed by the Applicant**.

## PROJECT ANALYSIS

The electrified security fence system provides an additional security and surveillance alternative for businesses in the City's Industrial zones that are susceptible to trespassing and theft. The electric fences would be located four to eight inches behind existing walls or fences and are not readily visible to the surrounding view (as shown in Exhibit 1). Warning signs that read "Warning – Electric Fence" are posted on the fence at intervals of not more than 30 linear feet. The electric fences are regulated by an international standard, and the shock voltage that is administered when a breach occurs is considered medically safe.

However, Staff is not able to support the Amendment as proposed by the Applicant for the reasons listed below and proposes an alternative recommendation to minimize the impacts to surrounding uses.

- 1) Table 19.150.020B – Incidental Uses Table: The Applicant-proposed Amendment would allow electrified security fence systems on properties with specific uses in the Commercial (O, CR, CG, and CRC), Mixed-Use (MU-V and MU-U), and Other (PF, RWY, NC Overlay) zones with a Minor Conditional Use Permit. The intent of the Commercial and Mixed-Use zones is to create a pedestrian friendly environment that is inviting to the public, attract visitors, and provide place-making amenities to the community. Staff is concerned that allowing electric fences in these zones would create a negative perception or "Broken Windows" view of the area, which would deter visitors and decrease commercial activity that is intended for these zones. As such, Staff recommends that electrified security fences systems be prohibited in the Commercial and Mixed-Use zones.

The Applicant proposes that electric fences be permitted by right in the Industrial zones in the City. Staff recommends that electric fences be allowed in the Industrial zones subject to a Minor Conditional Use Permit so that each site can be analyzed for compatibility with surrounding properties. Where necessary, Conditions of Approval can be applied for additional design elements such as landscaping or a screen barrier to reduce aesthetic and safety impacts to the neighborhood.

- 2) Chapter 19.550 - Fences, Walls and Landscape Materials: The Applicant proposes that electric fences be limited to a height of 10 feet or two feet higher than the perimeter barrier, whichever is higher. Staff is concerned with electric fences higher than 10 feet due to the aesthetic impacts it may have on the site and surrounding sites. Staff recommends that the maximum allowable height of the electric fences be 10 feet.

The City's Parks, Recreation and Community Services Department (PRCSD) expressed their concern of electric fences near parks due to safety and aesthetic impacts to the community. PRCSD staff recommends that electric fences be prohibited on properties adjacent to a park.

- 3) Chapter 19.910 - Definitions: Staff concurs with the definition of 'Electrified Security Fence System' as proposed by the Applicant.

## FINDINGS SUMMARY

### **Zoning Code Text Amendment (Applicant Proposed)**

Zoning Code Amendment Findings pursuant to Chapter 19.810.040:

- 1) The proposed Zoning Code Amendment is not generally consistent with the goals, policies, and objectives of the General Plan;
- 2) The proposed staff recommended Zoning Code Amendment will adversely affect surrounding properties; and
- 3) The proposed staff recommended Zoning Code Amendment will not promote public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

### **Zoning Code Text Amendment (Staff Proposed Alternative)**

Zoning Code Amendment Findings pursuant to Chapter 19.810.040:

- 1) The proposed staff alternative to the Zoning Code Amendment is generally consistent with the goals, policies, and objectives of the General Plan;
- 2) The proposed staff alternative to the Zoning Code Amendment will not adversely affect surrounding properties; and
- 3) The proposed staff alternative to the Zoning Code Amendment will promote public health, safety, and general welfare and serves the goals and purposes of the Zoning Code.

## **ENVIRONMENTAL REVIEW**

The proposed project is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 15061.b.3 (Common Sense) of the CEQA Guidelines, as it can be seen with certainty that the proposed project will not have a significant effect on the environment.

## **PUBLIC NOTICE AND COMMENTS**

Public hearing notices were mailed to the Applicant. In addition, a one-eighth page ad was published in the *Riverside Press-Enterprise* in accordance with Zoning Code requirements for Zoning Code Text Amendments. As of the writing of this report no responses have been received.

## **STRATEGIC PLAN ALIGNMENT**

This project contributes to the Envision Riverside 2025 City Council Strategic Priority 6 Infrastructure, Mobility & Connectivity (Goal 6.2 – Maintain, protect and improve assets and infrastructure within the City's built environment to ensure and enhance reliability, resiliency, sustainability, and facilitate connectivity).

This item aligns with each of the five Cross-Cutting Threads, as follows:

1. *Community Trust* – The City's transparent entitlement process encourages public participation.
2. *Equity* – The proposed Zoning Code Amendment (staff proposed alternative) applies to multiple neighborhoods within the City. Staff will review future electrified security fence systems for compatibility with surrounding properties through a Minor Conditional Use Permit to ensure that it does not have impacts to the neighborhood. Staff may also condition for additional design standards such as adequate landscaping and/or screen barrier for added aesthetic and safety measures. Electrified fences adjacent to residential or residentially zoned properties shall be located behind a minimum 6-foot-tall block wall.
3. *Fiscal Responsibility* – All costs for the proposed project are borne by the Project Applicant.

4. *Innovation* – The proposed Zoning Code Amendment (staff proposed alternative) will provide a safe and efficient added security measure to protect businesses within the City of Riverside.
5. *Sustainability and Resiliency* – Future electrified security fence systems proposed in the City will need to obtain proper entitlements and permits from the City to ensure compliance with applicable code and regulations.

## APPEAL INFORMATION

Actions by the City Planning Commission, including any environmental finding, may be appealed to the City Council within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Department Public Information Section, 3rd Floor, City Hall.

## EXHIBITS LIST

1. Photos of Similar Electrified Security Fence System by Amarok, LLC
2. Zoning Code Text Amendment (Applicant Proposed)
3. Zoning Code Text Amendment (Staff Proposed Alternative)

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Reviewed by: Brian Norton, Senior Planner

Approved by: Mary Kopaskie-Brown, Acting Deputy Director and City Planner