



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: OCTOBER 25, 2022**

FROM: COMMUNITY & ECONOMIC DEVELOPMENT **WARDS: ALL**
DEPARTMENT

SUBJECT: PLANNING CASE PR-2022-001346 ZONING CODE AMENDMENT – PROPOSAL
BY KEITH KANEKO OF AMAROK, LLC RELATED TO ELECTRIFIED SECURITY
FENCE SYSTEMS - CITYWIDE

ISSUE:

A request by Keith Kaneko of Amarok, LLC 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.

RECOMMENDATIONS:

That the City Council:

1. Determine that the project is exempt from further California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15311 (Accessory Structures) of the CEQA Guidelines;
2. Deny Planning Case PR-2022-001346 (Zoning Code Amendment) based on the analysis and findings outlined in the staff report;
3. Approve Staff's proposed alternative to Planning Case PR-2022-001346 (Zoning Code Amendment) based on the analysis and findings outlined in the staff report; and
4. Introduce and Subsequently Adopt the attached Ordinance amending Title 19 (Zoning Code) 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, Railway and Neighborhood Commercial Overlay zones subject to a Minor Conditional Use Permit and prohibit them in Mixed-Use and the Public Facilities zones and adjacent to any park.

CITY PLANNING COMMISSION RECOMMENDATION:

On September 1, 2022, the City Planning Commission recommended approval of the applicant's proposed Zoning Code Amendment (Planning Case PR-2022-001346) by a vote of 7 ayes, 0 noes

and 0 abstentions (Attachments 2 and 3).

BACKGROUND:

Electrified security fence systems installed by Amarok, LLC (Applicant), a nationwide electrified security fence system provider, serve as an additional deterrent and an alert surveillance system for businesses. 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 previously obtained variance approvals to install electrified security fence systems on several sites in the City of Riverside. These sites are typically outdoor storage/equipment rental uses and are primarily located in industrial zones (Attachments 4 and 5). These uses can 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 was 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 additional variances.

For additional background, please refer to the September 1, 2022, City Planning Commission staff report, recommended conditions of approval and minutes (Attachments 2 and 3).

DISCUSSION:

Applicant Proposal

The Applicant is requesting approval of a Title 19 - Zoning Code Text Amendment (Amendment) to allow electrified security fences. The following summarizes the Applicant's proposal as presented and recommended by the Planning Commission:

- 1) 19.150.020B – Incidental Uses Table: Revise the Incidental Use Table to allow electrified security fence systems as follows:
 - A. Zones permitted by right:
 - i. Business and Manufacturing Park (BMP)
 - ii. Industrial (I)
 - iii. Airport Industrial (AI)
 - iv. Airport (AIR)
 - B. Zones permitted with a Minor Conditional Use Permit:
 - i. Office (O)
 - ii. Commercial Retail (CR)
 - iii. Commercial General (CG)
 - iv. Commercial Regional Center (CRC)
 - v. Mixed Use Village (MU-V)

- vi. Mixed Use Urban (MU-U)
- vii. Public Facilities (PF)
- viii. Railway (RWY)
- ix. Neighborhood Commercial (NC) Overlay

2) Article VIII, Chapter 19.550 - Fences, Walls and Landscape Materials: Add Section 19.550.025 (Monitored Electrified Security Fence Systems):

- A. Limit height of 10 feet or two feet higher than the perimeter barrier, whichever is higher.
- B. Allow in the Commercial, Mixed-Use, and Other zones only when associated with specific listed uses that require enhanced outdoor security (e.g., outdoor storage, vehicle and large equipment rental, parking lots, etc.).
- C. Allow with a Conditional Use Permit in any Specific Plan district when associated with specific listed uses that require enhanced outdoor security (e.g., outdoor storage, vehicle and large equipment rental, parking lots, etc.).
- D. Require compliance with International Electrotechnical Commission (IEC) Standard No. 60335-2-76.
- E. Establish minimum distance and location behind non-electrified perimeter fences and walls.
- F. Require that when adjacent to residential or residentially zoned properties, system must be 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 Recommendation

At the September 1, 2022, Planning Commission hearing, staff recommended an alternative to the applicant's proposal with the most significant differences being the zones in which electrified security fence systems are allowed and the approval process required. Following the Planning Commission meeting, staff revised their recommendation, generally agreeing with the applicant's proposal, with the following modifications:

- 1) Prohibit Electrified Security Fence Systems in the Mixed-Use and Public Facilities zones;
- 2) Prohibit Electrified Security Fence Systems adjacent to any park; and
- 3) Limit height of 10 feet or two feet higher than the perimeter barrier, whichever is lower.

The Mixed-Use and Public Facilities Zones generally include uses that encourage interaction amongst residents and visitors because they provide key amenities for the community. Allowing electrified security fence systems in Mixed-Use and Public Facilities zones could have negative impacts to the aesthetic, character, and quality of life to individuals who live and recreate in those neighborhoods. Staff recommendation would prohibit electrified fences in the Mixed-Use and Public Facilities zones and adjacent to any parks.

In general, businesses that are interested in installing electrified fences are located in Industrial and Commercial zones. These industrial uses tend to be more susceptible to theft because of the hours of operation and the need to store valuable materials outdoors. Staff's recommendation allows electrified fences in Industrial zones by right, and permits them in Commercial, Railway and Neighborhood Commercial Overlay zones subject to a Minor Conditional Use Permit when associated with specified listed uses only (e.g., outdoor storage, vehicle and large equipment rental, parking lots, etc.).

Staff's recommendation recognizes the need for electrified fences for security and protects the character of mixed-use neighborhoods.

Environmental Review

The proposed Amendment is exempt from further California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), and 15311 (Accessory Structures) of the CEQA Guidelines.

STRATEGIC PLAN ALIGNMENT

Staff's recommendation aligns with **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).**

Staff's revised alternative aligns with each of the five Cross-Cutting Threads, as follows:

1. **Community Trust** – The proposed Amendment process has been transparent to encourage public participation.
2. **Equity** – The proposed Amendment applies to multiple neighborhoods within the City. Staff will review future electrified security fence systems for compatibility to ensure impacts to mixed-use neighborhoods are minimized.
3. **Fiscal Responsibility** – All cost for the proposed Amendment have been borne by the Project Applicant.
4. **Innovation** – The proposed Amendment will provide a safe and efficient added security measure to protect businesses within the City of Riverside.
5. **Sustainability and Resiliency** – The proposed Amendment will require permitting for electrified security fence systems to ensure compliance with applicable code and regulations.

FISCAL IMPACT:

There is no fiscal impact since all costs are borne by the applicant.

Prepared by: Chris Christopoulos, Acting Director, Community & Economic Development Department

Certified as to availability of funds: Edward Enriquez, Interim Assistant City Manager/Chief Financial Officer/City Treasurer

Approved by: Rafael Guzman, Assistant City Manager/City Manager Pro Tempore

Approved as to form: Phaedra A. Norton, City Attorney

Attachments:

1. Ordinance –Title 19 Amendments
2. City Planning Commission Report – September 1, 2022
3. City Planning Commission Minutes – September 1, 2022
4. Photos of Other Electrified Security Fence Systems
5. Location of Recently Approved Electric Fence Variances in the City
6. Presentation