



PLANNING COMMISSION HEARING DATE: FEBRUARY 15, 2024
AGENDA ITEM NO.: 7

PROPOSED PROJECT

Table with 2 columns: Field Name and Value. Fields include Case Number (PR-2023-001570), Request, Applicant, Project Location, APN, Project Area, Ward, Neighborhood, General Plan Designation, Specific Plan, Zoning Designation, and Staff Planner. Includes a map of the project location at the intersection of Iowa Ave and Palmyrita Ave.

## RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **DETERMINE** that the project is exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities), Section 15303 (New Construction or Conversion of Small Structures), and Section 15311 (Accessory Structures) of the CEQA Guidelines, as the project will not have a significant effect on the environment.
2. **APPROVE** Planning Case PR-2023-001570 (Conditional Use Permit) based on the findings outlined in the staff report and summarized in the attached findings and subject to the recommended conditions (Exhibits 1 & 2).

## SITE BACKGROUND AND PROPOSAL

The 2.9-acre project site is currently developed with a an 11,000-square-foot warehouse building (SRS Distribution/Roofline Supply & Delivery) and ancillary outdoor storage. Surrounding land uses include railroads to the north and west, and warehouses to the south and east (across Iowa Avenue) (Exhibit 3 & 4).

The applicant is requesting approval of a Conditional Use Permit to facilitate the installation of a ten-foot-tall monitored electric security fence. The proposed electric security fence is proposed to be constructed behind an existing six-foot-tall chain link fence, primarily along the west and portions of the south property lines.

The proposed monitored electric security fence will be installed 4-8 inches behind the existing six-foot-tall chain link fence. It will be powered by a 12-volt DC battery, charged by a solar panel attached to the electrical panels located on the driveway entrance along Iowa Avenue. Warning signs denoting the fence is electrified will be placed at each entrance of the property and along the perimeter at intervals of 30 feet.

SRS Distribution/Roofline Supply & Delivery operates from 6:00 a.m. to 4:00 p.m. seven days a week. The proposed security fence will be electrified during non-business hours.

Access to the site will remain via a two-way driveway from Iowa Avenue.

## PROJECT ANALYSIS

### *Authorization and Compliance Summary*

	Consistent	Inconsistent
<p><b>General Plan 2025</b></p> <p>The proposed project is consistent with the underlying General Plan 2025 Land Use designation of B/OP – Business/Office Park (Exhibit 5), and furthers the Objectives and Policies of the General Plan 2025, specifically:</p> <p><u>Objective LU-55</u>: Make Hunter Industrial Park into a major employment center by creating a high-quality business park environment that will attract private sector investment and encourage partnerships with regional educational institutions.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Policy LU-55.1: Recognize different development standards for technology park development, emphasizing high-tech infrastructure and the potential for flexible reuse of the building.		
<p><b>Hunter Business Park Specific Plan</b></p> <p>The project site is located within Hunter Business Park Specific Plan (Exhibit 6), specifically within the Garden Industrial District. The existing warehouse and outdoor storage are permitted uses. The proposed monitored electrified security fence system is consistent with the applicable development standards set forth in Hunter Business Park Specific Plan.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>Zoning Code Land Use Consistency (Title 19)</b></p> <p>The project site is zoned BMP-SP – Business and Manufacturing Park and Specific Plan (Hunter Business Park) Overlay Zones (Exhibit 7), consistent with the General Plan land use designation B/OP – Business/Office Park. Section 19.550.025 of Title 19 (Zoning Code) allows for the construction and use of a monitored electrified security fence system within a specific plan district where the primary use of the site is permitted or is legal non-conforming subject to the approval of a Conditional Use Permit and compliance with the Site Location, Operation and Development Standards of the Zoning Code. The proposed project is consistent with the applicable development standards set forth in Zoning Code.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS**

<b>Zoning Code Section 19.550.025 – MONITORED ELECTRIFIED SECURITY FENCE SYSTEM</b>				
<b>Standard</b>		<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Permitted Location</b>	Use is permitted or is legal non-conforming	The site is permitted for warehouse and outdoor storage uses	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Warning Signs</b>	Intervals of 30 feet	Intervals of 30 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Height</b>	10 feet maximum	10 feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Location</b>	4 to 8 inches behind a minimum 5-foot non-electrified perimeter fence	4 to 8 inches behind 6-foot-tall non-electrified fence	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Zoning Code Section 19.550.025 – MONITORED ELECTRIFIED SECURITY FENCE SYSTEM</b>				
<b>Standard</b>		<b>Proposed</b>	<b>Consistent</b>	<b>Inconsistent</b>
<b>Electrical Supply</b>	Driven by a commercial storage battery not to exceed 12 DC volts primarily solar	Energizer meets commercial storage battery requirements	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## FINDINGS SUMMARY

### Conditional Use Permit

The proposed electric security fence will help provide an additional barrier of security to protect company assets. Enhancing both security and aesthetics, the proposed electrified fence will be discreetly installed behind the existing barrier, effectively deterring crime without compromising public safety or visibility. The proposed electric security fence is compatible and consistent with security measures implemented by businesses within the surrounding area, including walls, fences, alarms and other electrified fences. The proposed electric security fence will not be detrimental to the health, safety, and general welfare of the public and is consistent with the purpose of the Zoning Code and the Hunter Business Park Specific Plan.

## STRATEGIC PLAN

This project contributes to the Envision Riverside 2025 City Council Strategic Priority 2 – Community Well-Being (Goal 2.5 – Foster relationships between community members, partner organizations, and public safety professionals to define, prioritize, and address community safety and social service needs) and Strategic Priority 3 – Economic Opportunity (Goal 3.3 - Cultivate a business climate that welcomes innovation, entrepreneurship, and investment).

This item aligns with the following Cross-Cutting Threads:

1. Community Trust: The proposed project will be reviewed at a public meeting held by the City Planning Commission and the public is able to provide comments.
2. Equity: The proposed project may help reduce calls for law enforcement service by providing an additional level of security.
3. Fiscal Responsibility: All project costs are borne by the applicant.
4. Innovation: The proposed project has been designed to be compatible with surrounding industrial, manufacturing, and commercial development.
5. Sustainability and Resiliency: All new construction will meet the most up-to-date Building Codes.

## ENVIRONMENTAL REVIEW

This proposal is exempt from the California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities), Section 15303 (New Construction or Conversion of Small Structures), and Section 15311 (Accessory Structures) of the CEQA Guidelines, as the project will not have a significant effect on the environment.

## **PUBLIC NOTICE AND COMMENTS**

Public hearing notices were mailed to property owners within 300 feet of the site. As of the writing of this report, no responses have been received by Planning Staff.

## **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. Staff Recommended Findings
2. Staff Recommended Conditions of Approval
3. Existing Site Photos
4. Location Map
5. General Plan Map
6. Zoning Map
7. Hunter Business Park Specific Plan Map
8. Project Plans (Site Plan, Elevations, Business Operations Plan)

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Reviewed by: Regine Kennedy, Senior Planner and Brian Norton, Principal Planner

Approved by: Maribeth Tinio, City Planner



*EXHIBIT 1 – FINDINGS*

**PLANNING CASE:** PR-2023-001570 (Conditional Use Permit)

**Conditional Use Permit Findings pursuant to Chapter 19.760.040:**

1. The proposed project is substantially compatible with other existing and proposed uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts.
2. The proposed project will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area; and
3. The proposed project will be consistent with the purpose of the Zoning Code and the application of any required development standards in the furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.



*EXHIBIT 2 – CONDITIONS OF APPROVAL*

**PLANNING CASE:** PR-2023-001570 (Conditional Use Permit)

**Case Specific**

**PLANNING**

1. Plans shall conform to the exhibits attached to this report. Proposed modifications to the approved design shall be submitted to the Planning Division and shall include revised exhibits and a narrative description of the proposed modifications. The applicant is advised that an additional application and fee may be required.
2. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the project plans on file with this case except for any specific modifications that may be required by these conditions of approval.
3. The monitored electrified security fence shall be constructed and operated in conformance with the specifications set forth in International Electrotechnical Commission (IEC) Standard No. 60335-2-76 current edition.
4. The use of barbed or razor wire shall be strictly prohibited pursuant to Section 19.550.020 of the Riverside Municipal Code.
5. *Advisory:* Prior to operation a building permit and alarm users permit from the Riverside Police Department shall be obtained.

*During Construction Activities:*

6. During all project site construction, the Construction Contractor shall limit all construction-related activities that would result in a noise disturbance to between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or federal holidays.
7. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
  - a. The generation of dust shall be controlled as required by the AQMD;
  - b. Trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer;
  - c. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards;
  - d. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads;
  - e. Trucks and other equipment leaving the site shall be washed off;
  - f. Disturbed/loose Soils shall be kept moist at all times.
8. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to the site to eliminate the need for diesel-powered electric generators or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.

*Site Operation Standards:*

9. The subject property shall be developed and/or operated substantially as described in the text of this report and as shown on the plot plan on file with this case except for any specific modifications that may be required by these conditions of approval.
10. All operations shall comply with Title 7 (Noise Control) of the Riverside Municipal Code.
11. The Applicant is advised that the business or use for which this Conditional Use Permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division.
12. A copy of the Conditional Use Permit and the final Conditions of Approval shall be available at the site and presented to City staff, including the Police Department and Code Enforcement, upon request. Failure to have the latest approved conditions available upon request will be grounds for revocation.
13. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which they have control.
14. The owner and/or occupant shall be liable for the cost of excessive police service or response in accordance with Chapter 9.60 of the Riverside Municipal Code.

*Standard Conditions:*

15. There shall be a one-year time limit in which to commence construction of the project beginning the day following approval by the Planning Commission unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
16. The Conditional Use Permit may be granted time extensions by the Community & Economic Development Director, or their designee, up to a total of five years beyond the original approval expiration date prior to issuance of any building permits. At the exhaustion of Community & Economic Development Director approved extensions, the original Approving or Appeal Authority may grant one final permit extension of up to two years following a public hearing noticed pursuant to Section 19.670.030 (Notice of Hearing for Discretionary Actions Requiring a Public Hearing). A public hearing notification fee is required of the applicant in such case in addition to a time extension fee. Once a building permit has been issued, the development will be considered vested and time extensions are no longer needed.

**Please be advised that the applicant will not be notified by the Planning Division about the pending expiration of the subject entitlement.**

17. Within 30 days of approval of this case by the City, the developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim, action or proceeding and the City will cooperate in the defense of the proceeding.
18. The Conditional Use Permit may be modified or revoked by the City Planning Commission, or the City Council should they determine that the proposed use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially



injurious to public safety, property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

19. This project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised, and which may become effective and applicable thereafter, and in accordance with the terms contained within the staff report and all testimony regarding this case. Failure to do so will be grounds for Code Enforcement action, revocation, or further legal action.
20. The applicant shall comply with all federal, state, and local laws and shall cooperate with the Riverside Police Department (RPD) in the enforcement of all laws relating to this permit. Material violation, as determined by the City Planning Commission, of any laws in connection with this use or failure to cooperate with RPD will be cause for revocation of this permit.
21. This permit is issued based upon the plans and information submitted by the applicant, which has been used as the basis for evaluation of the proposed use in this staff report and for the conditions of approval herein. Permittee shall notify Community Development Department, Planning Division, of any change in operations and such change may require a revision to this permit. Failure to notify the city of any change in operations is material grounds for revocation of this Conditional Use Permit.
22. The Applicant of the business subject to this Conditional Use Permit acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with the full awareness of the provisions of Title 19 of the Riverside Municipal Code. The Applicant shall inform all its employees and future operators of the business subject to this permit of the restrictions and conditions of this permit as they apply to the business operations.
23. Failure to abide by all conditions of this Conditional Use Permit shall be cause for revocation.
24. Enumeration of the conditions herein shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.

## **FIRE DEPARTMENT**

### *Prior to Building Permit issuance*

25. For Fire Department access, provide a "Knox" key switch for existing 6' electric gate and an infrared Automatic Gate System shall be maintained operational. Contact the Fire Department for applications and details. For manual gates, a "Knox" padlock shall be required.
26. Shut off signage to the main Solar power source shall be placed on the front of the main enclosure – 'B' FENCE CONTROLLER ENCLOSURE – SILVERBOX.
27. Electrified fence signage – for emergency responder signage shall be placed at the main gate for emergency shutoff of the electrified fence. To read as follows:
  - When entering the property:
  - Knox Switch will be turned to the OFF position to turn the security fence off.
  - Disconnect Switch is installed at the silver box at control center.
  - Disconnect Switch is labeled – DISCONNECT SWITCH
  - Turn the Disconnect Switch to OFF position to de-energize security fence.
  - When leaving the property:
  - Turn Disconnect Switch back to ON position to re-energize security fences.
  - Turn Knox Switch back to ON position to turn the security fence ON.

28. Construction plans shall be submitted and permitted prior to construction.
29. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.