

City of Sacramento  
**Planning and Design Commission Report**  
915 I Street Sacramento, CA 95814  
www.cityofsacramento.org

---

**File ID:** 2023-00147

3/23/2023

**Public Hearing Item 3.**

---

**Florin Road Electric Fence (DR22-127) (Noticed 03/07/2023)**

File ID: 2023-00147

**Location:** 3801 and 3803 Florin Road, 7041 Luther Drive and 0 Luther Drive (Council District 5, Represented by Councilmember Maple)

**Recommendation:** Conduct a public hearing and upon conclusion pass a **Motion** to deny the project, thereby denying the appeal: **Item A.** Environmental Exemption (Per CEQA Guidelines Section 15270(a) - Projects Which Are Disapproved); **Item B.** Site Plan and Design Review to install approximately 2,753 lineal feet of 12-volt electric fencing around the perimeter of four parcels in the General Commercial (C-2) zone, with a deviation to allow electric fencing within the front and street side property lines and within the front-yard and street side-yard setback areas, and within six-feet of the ground.

**Contact:** Deja Harris, Assistant Planner, 916-808-5853, DNHarris@cityofsacramento.org; Matthew Sites, Senior Architect, 916-808-7646, MSites@cityofsacramento.org, Community Development Department.

**Presenter:** Deja Harris, Assistant Planner, 916-808-5853, Community Development Department

**Applicant:** Jennifer Keller, Amarok LLC, 550 Assembly Street, 5<sup>th</sup> Floor, Columbia, SC 29201

**Property Owner:** VMZ Development, 4499 Niobe Circle, Rancho Cordova, CA 95742

**Attachments:**

- 1-Description/Analysis
- 2-Background
- 3-Findings of Fact and Conditions of Approval
- 4-Appeal Form
- 5-Vicinity Map
- 6- Project Plans

**Issue Detail:** The subject property is located at 3801 Florin Road, at the northeast corner of Florin Road and Luther Drive, consisting of four parcels (APN: 041-0112-016-0000, 041-0120-013-0000, 041-0112-021-0000, & 041-0112-024-0000). The site is currently developed with auto sale uses. The applicant is proposing the installation of 2,753 lineal feet of 10-foot high, 12-volt electric fencing along the perimeter of the four parcels to address theft and other criminal activity on the property during

non-business hours. The electric fencing would be located within the front setback along Florin Road and within the street side-yard setback along Luther Drive.

Existing fencing onsite varies between wrought iron fencing along Florin Road and the south end of Luther Drive and chain link fence with razor wire on the northmost frontage of Luther Drive. The electric fence is proposed to be located one foot behind the existing fencing, with the addition of a woven wire mesh between the existing fencing and the electric fence, to prevent someone from reaching through the existing fencing and touching the electric fence. Woven wire fencing is a prohibited fencing material in the C-2 zone within the front and street side-yard setbacks and would not be allowed as proposed.

Pursuant to Sacramento City Code 17.620.120.C, fencing with materials capable of inflicting significant physical injury (i.e., barbed wire, concertina wire, etc.) are prohibited along the front and street-side property lines and within the front yard and street side yard setback areas in the C-1 and C-2 zone unless the decision maker approves a deviation and finds that the proposed fencing is reasonably necessary to protect persons or property and will not constitute a safety hazard. Accordingly, the applicant is requesting a deviation to allow the otherwise prohibited fencing materials in these areas within the C-2 zone.

On January 05, 2023, the Design Director heard the project at a public hearing and approved staff's recommendation to deny the deviation request.

On January 12, 2023, the applicant appealed the Design Director's decision. The concerns noted in the appeal focus on a need for the proposed electric fencing and the consistency with the required findings in the Planning and Development Code.

Per City Code Section 17.812.060 (Appeals), the appeal hearing before the Planning and Design Commission is considered "de novo," meaning the hearing is not a review of the hearing previously held, but a completely new hearing on the project.

**Appeal Detail:** An appeal of the Design Director's decision was submitted on January 12, 2023, by Jennifer Keller, the applicant. The appellant disagrees with the findings of fact provided in the Design Director staff report and asserts the following:

1. The proposed electric fence is consistent with the General Plan.
2. The proposed electric fence will not negatively affect the vitality of the commercial district.
3. The proposed electric fence would not be dangerous to the general public.
4. The proposed electric fence is necessary to protect persons and property.

**Staff Response:** In considering whether to grant a deviation from a development standard, the Commission is asked to determine whether the deviation meets the purpose and intent of the development standard. In addition, with respect to fencing materials that are capable of inflicting significant physical injury, the Commission must find that the proposed fencing is reasonably necessary to protect persons or property and will not constitute a safety hazard to members of the public conducting themselves in a lawful manner.

The purpose and intent of the general fence regulations in the Planning and Development Code is to

provide security to private property, while balancing this private need with the public good. Standard fence height, setback, landscaping, and materials provide a predictable aesthetic along a commercial corridor, making space for landscaping adjacent to the public realm, visibility to storefronts, and promoting the safety and wellbeing of people using the sidewalk, including reducing conflict with vehicles and other pedestrians. The City Code and applicable Design Guidelines recognize that particular types of fencing have the ability to be harmful to the public realm either physically, by being capable of inflicting harm, or aesthetically, by placing such fencing materials along the street and in view of the public traveling through the area.

The electric fence, as proposed, would be hazardous to the public because the woven wire mesh, proposed to be located between the existing fencing and the proposed electric fence, located one-foot behind it, is a prohibited fencing material. Without a sufficient barrier between the existing fence along the public street and the electrified fence, the electrified fence constitutes a safety hazard to members of the public conducting themselves in a lawful manner. The electrified fencing material is located from the ground up to a height of 10-feet.

Staff does not find that the deviation request to construct an electric fence within the front and street side-yard of the subject property and within six-feet of the ground is consistent with the Site Plan and Design Review findings and the purpose and intent of the fencing development standards. Staff believes that this hodge-podge look of multiple layers of different fencing types does not contribute to a sustainable future for its constituents, in that it isn't providing a healthy visual environment or permeability. Allowing a patchwork fix for one property over others within the corridor is not enhancing the area in a positive direction. Furthermore, if allowed to be installed, this will pave the way for propagation of both wrought iron and electric fencing along Florin Road which becomes counterproductive to renewing this area as one of the City's major commercial corridors. As explained below, the electric fencing is inconsistent with several City policies, goals, and design guidelines meant to establish the protection and enhancement of the value, appearance, and economic development and vitality of public and private property; the maintenance of a high level of community development; and the achievement of orderly, harmonious, and integrated development in specific areas within the city.

Staff analysis of the project in relation to the General Plan and other guiding policy documents is discussed in the policy section of this report.

Staff does not find that the proposed fencing is consistent with the General Plan, the Florin Road Corridor Design Guidelines and other guiding policy or is reasonably necessary, and believe it may constitute a safety hazard.

**Public/Neighborhood Outreach and Comments:** Notice of the Planning and Design

Commission hearing was sent to all property owners within 500 feet of the project site and three community groups (Florin Road Partnership, Woodbine Neighborhood Association, and Preservation Sacramento) within the 500-foot radius. Staff also posted a hearing notice on the project site 10 days prior to the hearing. At the time of the writing of this report, staff did not receive any comments of expressed opposition or support to the proposed project.

**Policy Considerations:**

## 2035 General Plan

The subject site is designated Urban Center Low (UCNTLOW) in the General Plan Land Use and Urban Form Diagram. This designation provides for smaller urban areas throughout the city. Each center includes employment-intensive uses, a mix of housing, and a wide variety of retail uses. Urban Center Low is located around light rail stations, along local arterials, and in other key areas of the city.

The proposed project is inconsistent with the following General Plan policies:

**Goal PHS 1.1 Crime and Law Enforcement.** Work cooperatively with the community, regional law enforcement agencies, local government and other entities to provide quality police service that protects the long-term health, safety, and well-being of our city, reduce current and future criminal activity, and incorporate design strategies into new development.

**Policy PHS 1.1.7 Development Review.** The City shall continue to include the Police Department in the review of development proposals to ensure that projects adequately address crime and safety, and promote the implementation of Crime Prevention through Environmental Design principles.

*The proposed electric fence is not consistent with the 2035 General Plan's desired use of Crime Prevention Through Environmental Design (CPTED) strategies. Per the City's CPTED Sargeant (Sacramento Police Department), CPTED principles take into account security of the location, but that is only one factor considered. A CPTED analysis also considers how the proposed security measures impact the desired development of the neighborhood or corridor, how they may impact adjacent properties, and the visual messaging to the public. If a proposed security measure detracts from these other factors, then the security measure may be counterproductive to the goals of CPTED and alternative security solutions should be considered. The appellant has not investigated or shown other less visually impactful alternatives, such as hostile vegetation to layer upon existing fencing or using 24-hour analytical cameras with a certified license security service. Per the City's CPTED Sargeant, the implementation of the alternate techniques such as these should provide adequate security/protection and would be reasonable to protect persons or property. The proposed electric fence does not adequately employ "Crime Prevention through Environmental Design" strategies.*

**Goal LU 2.1 City of Neighborhoods.** Maintain a city of diverse, distinct, and well-structured neighborhoods that meet the community's needs for complete, sustainable, and high-quality living environments, from the historic downtown core to well-integrated new growth areas.

**Policy LU 2.1.3 Complete and Well-Structured Neighborhoods.** The City shall promote the design of complete and well-structured neighborhoods whose physical layout and land use mix promote walking to services, biking, and transit use; foster community pride; enhance neighborhood identity; ensure public safety; are family-friendly and address the needs of all ages and abilities.

*Staff does not believe that the installation of a 10-foot high electric fence along the Florin Road Commercial Corridor will enhance the neighborhood identity, promote the walkability of the street, or foster community pride. While it is understandable that commercial businesses along the corridor have an interest in promoting public safety and the viability of businesses along the corridor is important, electric fencing is not an appropriate response in this context.*

#### South Area Community Plan

The project site is within the South Area Community Plan of the 2035 General Plan. The General Plan identifies the Community Plan Area as a complete community with safe neighborhoods, distinctive local-gathering places within mixed-use districts and corridors, and strong employment centers. The various parts of the community will be connected, and the community itself will be linked to the rest of Sacramento and the region, by bus rapid transit, light rail, pedestrian friendly streets, and regional freeways.

Staff finds that the project is inconsistent with the following South Area Community Plan policies:

**Policy SA.LU.1.14. Connections to Luther Burbank High School.** The City shall strengthen connections between Luther Burbank High School and the surrounding area, including both the Florin Light Rail Station and adjacent uses. Connections should be both physical, such as improved pedestrian routes, and programmatic, such as after-school recreational, educational, and employment opportunities.

*The South Sacramento Community Plan identifies that within the Florin Road Subregional Center, existing development patterns present an inconsistent and uninviting face along Florin Road. (Page 3 -SA-29) The placement of a visible electric fence along Florin Road worsens the quality of pedestrian routes rather than creating a more walkable environment in an area within walking distance of the Florin Road light rail station and across the street from Luther Burbank High School.*

#### Florin Road Transit Village Plan

The Florin Transit Village Plan Area is envisioned as a mixed-use community with range of housing types as well as retail services, facilities, and parks and greenways that serve residents as well as surrounding neighborhoods. Staff finds the project is inconsistent with the following policy:

**Policy SA.FTV.1.10 Connections.** The City shall ensure clear, safe and convenient access to and from the station area including connections to the surrounding neighborhoods, Luther Burbank High School and eventual connections to residential and commercial areas east of the light rail tracks.

*The subject site is adjacent to Luther Burbank High School and multiple bus stops. Given the increased volume of pedestrian activity, the proposed electric fence has the potential to cause a greater risk of safety hazards to pedestrians on the sidewalk who may accidentally come in contact with the electric fence when active. The electric fence is not consistent with the goal of revitalizing the corridor nor ensuring a safe connection to the surrounding neighborhood.*

#### Florin Road Corridor Design Guidelines

The major principles of the Florin Road Corridor Design Guidelines are to create a comfortable and

welcoming pedestrian environment, enhance the vitality of the commercial district, and to create a distinctive character and sense of place for commercial streets. The *Fence, Walls, and Gates* chapter of the Design Guidelines discusses that fences, walls and gates should be made of high-quality materials that are consistent with the style of the building onsite to enhance the overall character of the site and contribute to the positive appearance of the corridor.

Staff finds the project is inconsistent with the following Design Guidelines:

**Design Guideline 21-5.** Fencing should be of decorative design compatible with the building architecture and with the wall element, if provided.

**Design Guideline 21-6.** Alternative fencing designs and materials, (for example wrought iron with brick columns eight foot on center, or hedges combined with shortened walls) are encouraged. *Woven wire (chain link) fencing, or razor/barbed/concertina wire is highly undesirable or in some cases not permitted and should be avoided. (Emphasis added.)*

**Design Guideline 21-7.** Wrought iron fencing of the stock black tubular variety is encouraged to be accented with plants, brick or stone pilasters, or other features. Long uninterrupted lines of tubular black fencing are discouraged.

**Design Guideline 21-8.** Fencing should be screened to the greatest extent possible with landscaping to soften the appearance.

*Florin Road Corridor Design Guidelines seek to ensure that fences, walls, and gates are made of high-quality materials that are consistent with the style of the buildings onsite, will enhance the overall character of the site, and contribute to the positive appearance of the corridor. Staff does not believe that electric fencing, including secondary woven wire fencing, in this location, meets the intent of the Design Guidelines. Staff believes that a decision to allow the installation of electric fencing along the Florin Road Commercial Corridor will set an undesirable precedent and may lead to other businesses requesting the same. The installation of electric fencing between the public street and sidewalk along commercial corridors is contrary to the visual well-being and pedestrian activity that takes place in these locations.*

*The subject property currently has an existing wrought iron fence fronting Florin Road and a chain link fence with razor wire along Luther Drive. The proposed 10-foot high electric fence is a type that is capable of inflicting injury and is therefore considered to be “highly undesirable” by Design Guideline 21-6. The proposed project does not include any landscaping, screening, and is not visually appealing. The proposed fence does not enhance the character of the business corridor.*

**Environmental Considerations:** The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that CEQA does not apply to projects which a public agency rejects or disapproves.

**Rationale for Recommendation:** Staff recommends the Commission deny the requested Site Plan and Design Review entitlement and deviation to install approximately 2,753 lineal feet of 12-volt electric fencing around the perimeter of the subject site. The proposed electric fence is inconsistent with the goals and policies of the 2035 General Plan, Planning and Development Code, and Florin

Road Corridor Design Guidelines. Electrified fencing along commercial corridors detracts from the public realm and does not encourage walkability nor enhance the overall character and positive appearance of the corridor. The requested deviation from fencing development standards is not consistent with the purpose and intent of the requirement.

## Background

The subject property is located along the heavily trafficked Florin Road Commercial Corridor. The site is across the street from Luther Burbank High School, near a large mobile home park and other residential uses, about ¼ mile east of the Florin Road Light Rail Station, and near a variety of commercial services. There are several adjacent auto sales uses along the Florin Road corridor.

Table 1: Site and Project Information	
<b>General Plan Designation:</b>	Urban Center Low (UCNTLOW)
<b>Existing Zoning of Site:</b>	General Commercial (C-2)
<b>Existing Use of Site:</b>	Auto Sales
<b>Parking District:</b>	Urban
<b>Total Parcel Area:</b>	6.52 acres
<b>Design Review District:</b>	Florin Road Corridor

Table 2: Surrounding Zoning and Uses		
<b>Direction:</b>	<b>Zoning:</b>	<b>Use:</b>
<b>North</b>	Light Industrial (M-1S)	Industrial
<b>South</b>	Single-Unit Dwelling (R-1)	Luther Burbank High School
<b>East</b>	General Commercial (C-2)	Auto Sales
<b>West</b>	General Commercial (C-2), Residential Mixed Use (RMX)	Auto Sales, Residential

### *Chapter 17.620 Wall, Fence and Gate Regulations*

The Sacramento City Code under 17.620.120.C.1-2 states that unless in conflict with a court order, concertina wire, serpentine wire, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury are permitted on properties developed with nonresidential uses, subject to the following requirements:

1. These materials may be used only at heights of six feet or more, except that one strand may be installed inside a fence near its base.
2. In C-1 and C-2 zones, these materials are prohibited along the front and street side property lines and within the front-yard and street side-yard setback areas.

The City Code allows consideration of a Site Plan and Design Review deviation to allow use of these fencing materials contrary to the requirements above, if the decision maker finds that the proposed fencing is, *“reasonably necessary to protect persons or property and will not constitute a safety hazard to members of the public conducting themselves*



*in a lawful manner.”* In no case are these fencing materials allowed to protrude into or over the public right-of-way.

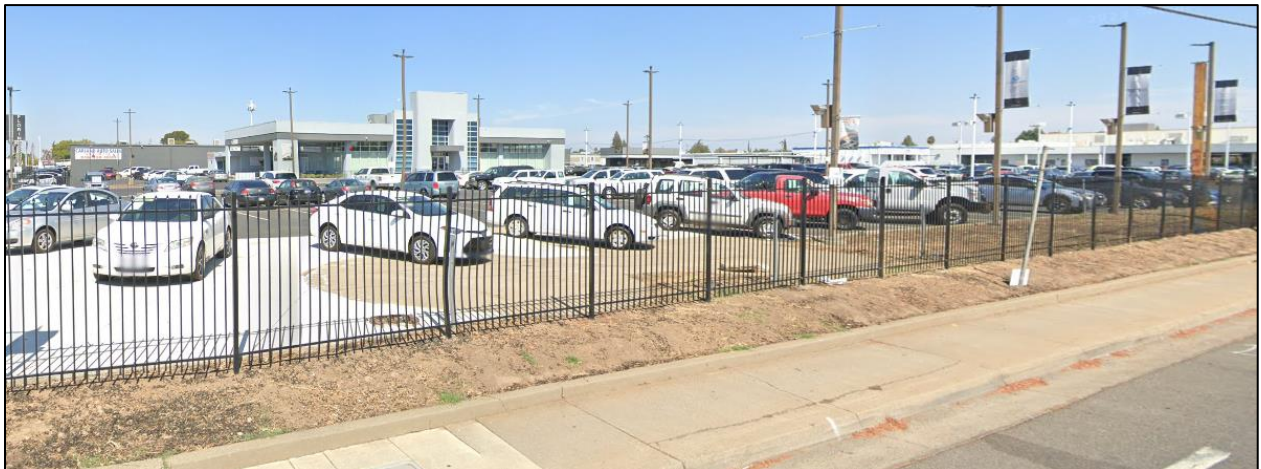
There is no prohibition of these materials along an interior property line (not adjacent to a street), if at heights of six feet or more, except that one strand may be installed inside a fence near its base.

Woven wire fencing is prohibited by the City Code along front and street side property lines and within the front-yard and street side-yard setback areas.

### *Project Description*

The subject property is located at the northeast corner of Florin Road and Luther Drive, along the Florin Road Commercial Corridor. The site is developed with several buildings with auto sale uses. There is an existing wrought iron fence fronting Florin Road/Luther Drive and a portion of the Luther Drive frontage has chain link fencing and razor wire. The wrought iron fence was introduced sometime between 2020 and 2021.

The applicant is requesting to install 2,753 lineal feet of 10-foot high, 12-volt electric fencing along the perimeter of four parcels. The electric fence is proposed one foot behind the existing six-foot high wrought iron fence and will include a woven wire fence between the existing fence and the proposed electric fence. The electric fencing is proposed along the front property line along Florin Road, the street-side property line along Luther Drive, the rear property line of two parcels, and the interior property line of three parcels.



*Figure 1: Existing fence, Google Street View, Florin Road, 2022.*

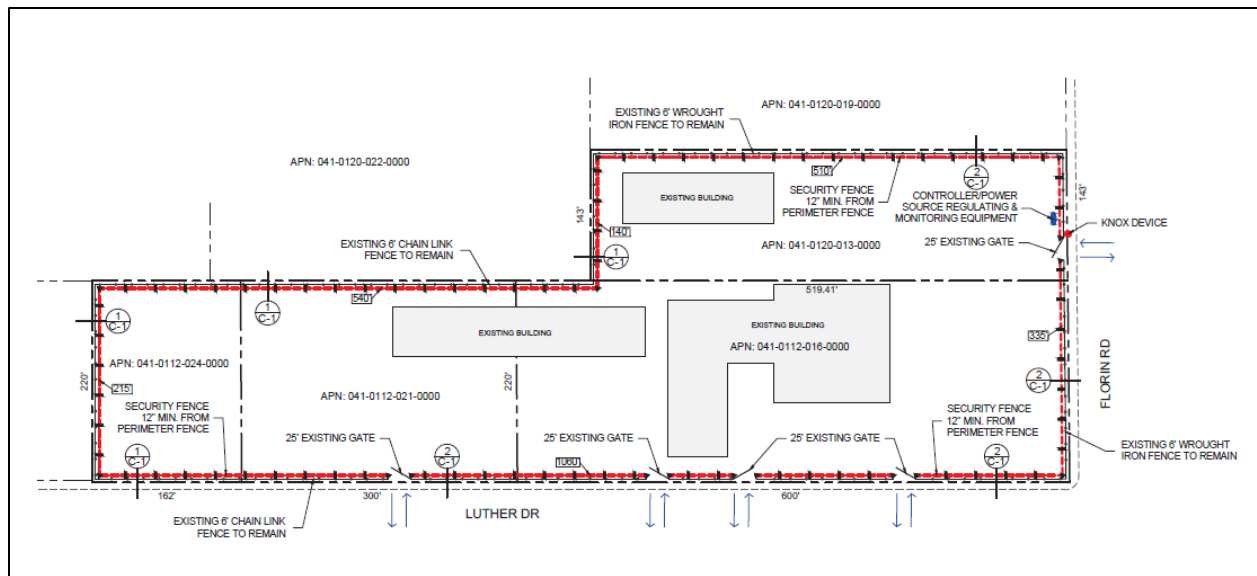


Figure 2: Site Plan

### Surrounding Land Uses and Condition

Non-auto use adjacent to the subject property include a school, warehouses, and a large mobile home park. Luther Burbank High School, south of the subject site, is screened with chain-link fencing and employs the use of 24-hour surveillance security cameras. The warehouses north of the project site do not have any fencing around the properties while the mobile home park has a sound wall 25 feet from the property line along Luther Drive, screened with landscaping.

### Design Director Hearing

The application was reviewed by staff in accordance with City Code section 17.808. During the review, the applicant provided information to staff as to how the electric fence would provide greater security for the subject site. At a public hearing on January 5, 2023, the Design Director denied the request for an electric fence around the perimeter of the subject site, consistent with staff's recommendation. An appeal was submitted by the applicant to the Planning Division within ten days of the approval date.

### Fence Deviation Request

The applicant is requesting a Site Plan and Design Review deviation to allow the installation of 12-volt electric fencing, a prohibited fencing material, along the front and street side property lines and within the front-yard and street side-yard setback areas, and within six-feet of the ground.

The proposed electric fence also includes woven wire mesh between the existing fence and the proposed electric fence. Woven wire is a prohibited fencing material in the C-1 and C-2 Zone along the front and street side property lines and within the front-yard and street side-yard setback areas and is not the subject of this deviation request.

In order to approve the project, the Planning and Design Commission must find that the installation of electric fencing meets the required findings of fact and that the requested deviation is consistent with the purpose and intent of the fencing development standards.

### *Purpose and Intent*

The purpose and intent of the general fence regulations in the Planning and Development Code is to provide security to private property, while balancing this private need with the public good. Standard fence height, setback, landscaping, and materials provide a predictable aesthetic along a commercial corridor, making space for landscaping adjacent to the public realm, visibility to storefronts, and promoting the safety and wellbeing of people using the sidewalk, including reducing conflict with vehicles and other pedestrians. The City Code and applicable Design Guidelines recognize that particular types of fencing have the ability to be harmful to the public realm either physically, by being capable of inflicting harm, or aesthetically, by placing such fencing materials along the street and in view of the public traveling through the area. Staff finds the safety and aesthetic concerns posed by this fencing material adjacent to the public street and along a commercial corridor is not consistent with the purpose and intent of the development standards.

### **Required Findings for Approval**

In order to approve the project, the Commission must, in addition to the standard Site Plan and Design Review findings, find that:

- 1) The proposed fencing is reasonably necessary to protect persons or property, and
- 2) Will not constitute a safety hazard to members of the public conducting themselves in a lawful manner.

### *Reasonably Necessary*

Staff does not believe that the proposed electrified fencing is reasonably necessary to provide the desired security for the site, given the high level of inconsistency with current city policies and design guidelines. Consultation with Sacramento Police Department staff indicated that other options should be explored that will be more compatible with a commercial corridor. Wrought iron fencing is an appropriate fencing material for auto uses along Florin Road when combined with landscaping. Being that several of the surrounding sites have the same use as the subject site and are not developed with any electric fencing, the addition of electric fencing along Florin Road is not reasonably necessary to protect persons or property, and visually incompatible with the neighborhood.

### *Safety Hazard*

The electric fence, as proposed, would be hazardous to the public because the woven wire mesh, proposed to be located between the existing fencing and the proposed electric

fence, located one-foot behind it, is a prohibited fencing material. The electrified part of the fence is also located below six-feet in height. Without a sufficient barrier between the existing fence along the public street and the electrified fence, the electrified fence constitutes a safety hazard to members of the public conducting themselves in a lawful manner. The appellant has installed fencing at industrial locations as shown in Figure 3 below.



*Figure 3: Existing fence, Google Street View, 24<sup>th</sup> Avenue, 2022.*

Figure 3, shows a six-foot tall chain link slatted fence with barbed wire above and the same proposed ten-foot-tall electric fence behind. The electric fence appears unkempt and more suited for industrial locations that do not abut commercial or residential uses requiring a more refined level of appearance and transparency. While there is transparency to the proposal this can only be perceived from a distance, such as across the street, see Figure 1 above. This is experienced more as an optical illusion that the human eye "fills in the gaps" through the existing fence and becomes more of a "fuzzy" image. From a pedestrian's experience walking adjacent to the fence, this is a different matter. The pedestrian can see through the existing wrought iron fence, but will need to "look through, past, or around" a second-tier mesh fence attached to the back of the existing fence and then the tertiary-tier electric fence. Staff believes that this hodge-podge look of multiple layers of different fencing types does not contribute to a sustainable future, in that it isn't providing a healthy visual environment through a patchwork fix for one property over others within the corridor. Factors including economic vitality, positive overall character of the corridor by making it a more attractive, safe, and inviting place to work, shop, and live, are eroded by this application. This type of visible security effectively implies it is less safe, invites additional blight, and further denigrates the area. Ultimately, this fencing is unbecoming of what should be a vibrant, welcoming commercial retail

environment. Furthermore, if allowed to be installed, this will pave the way for propagation of both wrought iron and electric fencing along Florin which becomes counterproductive to renewing this as one of the City's major commercial corridors.

## **Conclusion**

Staff does not believe the deviation to allow prohibited fencing material is consistent with City's policies, guidelines, and objectives concerning commercial corridor revitalization. Alternative methods of deterring criminal activity should be pursued. Staff recommends the Planning and Design Commission deny the project.

**Attachment 3  
City Planning and Design Commission  
Findings of Fact  
Florin Road Electric Fence (DR22-127)**

**3801 Florin Road and 3803 Florin Road, 7041 Luther Drive and 0 Luther Drive  
Sacramento, CA 95823**

**APN: 041-0112-016-0000, 041-0120-013-0000, 041-0112-021-0000 & 041-0112-024-0000**

**FINDINGS OF FACT**

**A. Environmental Determination: Environmental Exemption (Per CEQA Guidelines Section 15270(a) – (Projects Which Are Disapproved))**

Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning and Design Commission finds that the Project is exempt from review under **Section 15270(a) (Projects Which Are Disapproved)** of the CEQA Guidelines based on the following findings:

1. CEQA does not apply to projects which a public agency rejects or disapproves.

**B. Site Plan and Design Review** to install approximately 2,753 lineal feet of 12-volt electric fencing around the perimeter of four parcels in the General Commercial (C-2) zone, with a deviation to allow electric fencing within the front and street side property lines and within the front-yard and street side-yard setback areas, and within six-feet of the ground is **denied** based on the following findings:

1. The design, layout, and physical characteristics of the proposed development are **not** consistent with the general plan and any applicable specific plan or transit village plan, in that the proposal does not meet applicable standards of the General Plan Policy PHS 1.1.7 Development Review, South Area Community Plan Area 1.14-1.16 and the Florin Transit Village Plan, SA.FTV.1.10. The proposal is **not** consistent with the standard of strengthening connections between Luther Burbank High School and the surrounding area and ensuring clear, safe, and convenient access to and from the station area, the surrounding neighborhoods, and Luther Burbank High School. The proposal is **not** consistent with the policy of implementing Crime Prevention Through Environmental Design (CPTED) techniques.
2. The design, layout, and physical characteristics of proposed development are **not** consistent with all applicable design guidelines and with all applicable development standards of the Florin Road Corridor Design Guidelines in that it does not create a comfortable and welcoming pedestrian environment, enhance the vitality of the commercial district, and it erodes the distinctive character and sense of place for commercial streets. Furthermore, the proposed development is **not** consistent with the Florin Road Corridor in that the fencing is not of a decorative design compatible with the building architecture and with the wall element, is not screened to the greatest extent

possible with landscaping to soften the appearance, and the existing wrought iron fencing includes long uninterrupted lines of tubular black fencing without plants, brick or stone pilasters, or other features.

3. The design, layout, and physical characteristics of the proposed development are **not** visually and functionally compatible with the surrounding neighborhood in that the subject property currently has an existing wrought iron fence fronting Florin Road and a chain link fence along Luther Drive similar to other auto uses within the Florin Road Corridor. Being that several of the surrounding sites have the same use as the subject site and are not developed with any electric fencing, the addition of electric fencing along Florin Road is unnecessary and visually incompatible with the neighborhood. In addition, the existing fencing was not designed to meet required development standards and along with the proposed electric fence, the fencing further erodes the visual compatibility with the neighborhood and does not enhance the value of commercial property.
4. The design, layout, and physical characteristics of the proposed development **are** detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and may result in the creation of an attractive nuisance in that the placement of an electric fence along the Florin Road Corridor, directly across the street from a high school, is a safety concern that could impact the public health and safety for those who are walking along Florin Road and Luther Drive who may inadvertently touch the fencing when active and is in opposition of the intent of commercial zones: to provide access to goods and services. In addition, the fence contributes to the degradation of the physical character of the area.
5. The proposed fencing is not reasonably necessary to protect persons or property and could be a safety hazard to members of the public conducting themselves in a lawful manner. Wrought iron fencing is an appropriate fencing material for auto uses along Florin Road when combined with landscaping like several of the surrounding auto use sites. There are other options that should be explored that will be more compatible with a commercial corridor. The woven wire mesh, proposed to be located between the existing fencing and the proposed electric fence, located one-foot behind it, is a prohibited fencing material. Without a sufficient barrier between the existing fence along the public street and the electrified fence, the electrified fence constitutes a safety hazard to members of the public conducting themselves in a lawful manner.



**Appeal Decision**  
**City of Sacramento Design Director**

Date: 1/12/2023

To the Planning Director:

I do hereby make application to appeal the decision of the City Design Director on  
1/5/2022, for project number DR: 22-127  
(hearing date)

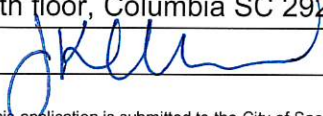
           Granted by the City Design Director  
x            Denied by the City Design Director

Property Location: 3801 Florin Road

Grounds For Appeal: (explain in detail, you may attach additional pages)

Appellant: Jennifer Keller for Amarok Daytime Phone: (803) 687-7298  
(please print)

Address: 550 Assembly st, 5th floor, Columbia SC 29201

Appellant's Signature: 

Please note that once this application is submitted to the City of Sacramento, your information may be subject to public record.  
However, please note that the City will not sell your data or information for any purposes.

**THIS BOX FOR OFFICE USE ONLY**

**Paid January 12, 2023**

Filing Fee Received: Applicant (\$4,000)

Third Party (\$298)

Received By: Deja Harris, Assistant Planner

Date: January 12, 2023

Distribute Copies to: Planning Director

Greg Sandlund

Project Planner Original

Deja Harris

Design Director Bruce Monighan

**RECEIVED**

*By Deja Harris at 2:22 pm, Jan 12, 2023*



City of Sacramento

RE: Appeal Decision: DR22-127  
3801 Florin Road

### Justification for Appeal of Director Hearing Denial

AMAROK, LLC (AMAROK) on behalf of S&A Commercial Properties seeks to install a low voltage, battery powered (12V DC) 10' tall perimeter security fence (i.e. electrified security fence) per CA Civil Code Section 835, which will be safely located on the interior of the property and behind an existing 6'-0" perimeter fence, to secure the property during non-business hours. The AMAROK system consists of the aforementioned security system and has proven to be the most effective theft and crime deterrent for businesses across the country such as S&A Commercial Properties. Even in cases where businesses were experiencing frequent theft and loss, the installation of this security system immediately results in the prevention of any further attempted break-ins and theft by criminals.

Please see below responses to findings on DR22-127

### Findings of Fact for Denial:

1. The design, layout, and physical characteristics of the proposed development are not consistent with the general plan and any applicable specific plan or transit village plan in that the proposal does not meet applicable standards of the South Area Community Plan Area 1.14-1.16 and the Florin Transit Village Plan, SA.FTV.1.10. The proposal is not consistent with the standard of strengthening connections between Luther Burbank High School and the surrounding area and ensuring clear, safe, and convenient access to and from the station area, the surrounding neighborhoods, and Luther Burbank High School.

### RESPONSE:

- The proposed security system is consistent with the goals of the General Plan and enhancement of the community as a whole through crime prevention. Furthermore, the proposed development is specifically to improve public safety by enhancing workplace security and employee safety. Supporting Sacramento General Plan reference is as follows:
  - **Sacramento General Plan:** *"GOAL PHS 1.1 Crime and Law Enforcement. Work cooperatively with the community, regional law enforcement agencies, local government, and other entities to provide quality police service that protects the*

*long-term health, safety, and well-being of our city, reduce current and future criminal activity, and incorporate design strategies into new development”*

- The proposed security technology has been widely accepted and permitted in Sacramento and each is registered under an alarm permit through local law enforcement. This security technology supports Sacramento PD’s initiative to prevent criminal activity through prevention.
- The security system is a crime prevention tool that secures local businesses from random and targeted criminal activity. This enables limited law enforcement resources to redirect their time and energy toward more serious crime or community needs. Granting this appeal will promote the best long-term interests of the nearby community by deterring criminal activity at S&A Commercial Properties and, most importantly, enhancing the livability and vitality of surrounding properties through crime prevention.
- The proposed perimeter security system does not impede public traffic/access because it is installed entirely on the interior of the property and behind the property’s existing non-electrified perimeter fence. Furthermore, it is only operated during non-business hours. Therefore, the security system is not exposed to the public. To make contact with the security system, a criminal would have to make an intentional and concerted effort to trespass by first breaching through or scaling over the existing perimeter fence.

Practically speaking, criminals “window shop” during the daytime, and then return during non-business hours to conduct their actual business (theft). The deterrent nature of this perimeter security system will effectively remove S&A Commercial Properties as a burglary target, and surrounding properties will benefit due to the absence of the criminal element “visiting” the area. Most thefts are crimes of opportunity, so removing a criminal’s “opportunity” (target) also benefits the surrounding properties from being secondary targets and/or utilized as gateway entry points.

1. The design, layout, and physical characteristics of proposed development are not consistent with all applicable design guidelines and with all applicable development standards of the Florin Road Corridor Design Guidelines in that it does not create a comfortable and welcoming pedestrian environment, enhance the vitality of the commercial district, and it erodes the distinctive character and sense of place for commercial streets; and

**RESPONSE:**

- Nothing is more uncomfortable and unwelcoming than the actual incidence of ongoing criminal activity in a neighborhood area. Masking the presence of crime (denying the proposed security system) does not enhance the vitality of this commercial district and

thereby erodes the character of this area due to the pervasive criminal trespass, vandalism, and theft at the subject property.

- The proposed perimeter security system is visually transparent to the law-abiding passerby (see sample photo below)
- There are areas where this business currently has barbed/razor wire that would no longer be necessary and could be conditioned to be removed upon installation of the proposed security system.



3. The design, layout, and physical characteristics of the proposed development are not visually and functionally compatible with the surrounding neighborhood in that the subject property currently has an existing wrought iron fence fronting Florin Road and a chain link fence along Luther Drive similar to other auto uses within the Florin Road Corridor. Being that several of the surrounding sites have the same use as the subject site and are not developed with any electric fencing, the addition of electric fencing along Florin Road is unnecessary and visually incompatible with the neighborhood.

#### RESPONSE:

- As stated above, our system is visually transparent and will not be easily noticed by someone just passing by. I have included photos below for reference. The absence of electric fencing on surrounding sites is not indicative of the lack of need for this technology. S&A Commercial Properties is the first local business in this area that has requested this security technology to address their immediate and ongoing hardships associated with criminal trespass and theft. Escalation of alternative security measures employed over time has proven to be ineffective, so they are now requesting electrified security fencing to solve their ongoing criminal trespass issue.





4. The design, layout, and physical characteristics of the proposed development are detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and may result in the creation of an attractive nuisance in that the placement of an electric fence along the Florin Road Corridor is a safety concern that could impact the public health and safety for those who are walking along Florin Road and Luther Drive who may inadvertently touch the fencing when active and is in

opposition of the intent of commercial zones: to provide access to goods and services. In addition, the fence contributes to the degradation of the physical character of the area.

RESPONSE:

- Granting this appeal will not be detrimental to the public health, safety convenience or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood. The proposed perimeter security system cannot be “inadvertently touch(ed)” because it is installed entirely on the interior of the property and behind the property’s existing non-electrified perimeter fence. Furthermore, it is only operated during non-business hours (late evening / early morning hours). Therefore, the security system is not exposed to the public. To make contact with the security system, a criminal would have to make an intentional and concerted effort to trespass by ignoring the clear warning signage and then breaching through or scaling over the existing perimeter fence.
  - As stated, and exemplified in #3 above, the installation of the proposed security system will not be an attractive nuisance, nor cause degradation of the physical character of the area. The security fence is visually transparent to the law-abiding passerby.
5. The proposed fencing is not reasonably necessary to protect persons or property and could be a safety hazard to members of the public conducting themselves in a lawful manner.
- The proposed fencing is absolutely necessary to S&A Commercial Properties’ persons and property. They have evidenced and expressed a demonstrated need for the proposed security technology.
  - As stated in #4 above, members of the public conducting themselves in a lawful manner will not come in contact with the electrified security fence. The security fence would be installed entirely on the interior of the property and behind a non-electrified perimeter barrier. To come in contact with the security fence, a criminal would have to brazenly ignore the prominent warning signage and then make an intentional and concerted act to trespass by cutting through or climbing over the non-electrified perimeter fence.
  - *South Area community plan notes ““Safety. The City shall support public safety efforts of the Florin Road Partnership and continue to promote close coordination between the City Police Department and County Sheriffs and the California Highway Patrol to maintain a safe environment for businesses and residents. (SO)”* Our product in partnership with law enforcement will reduce crime and provide a safer environment for business owners, students, employees and residents. The installation of our fence will increase the security of the surrounding area and deter potential criminal activity.

In summary, we are asking that you approve the installation of a monitored, 10 ft tall, electrified security fence for S&A Commercial. As we stated at the hearing, this is a dire need for the business owner. Their reputation and responsibility for providing a safe workplace and serving the community depends on their ability to install the proposed perimeter security technology.

If there are any questions regarding this appeal, please contact me.

Sincerely,



**Jennifer Keller**  
Compliance Manager

**AMAROK, LLC**

Cell: (803) 687-7298

[jkeller@amarok.com](mailto:jkeller@amarok.com)

[www.AMAROK.com](http://www.AMAROK.com)

AMAROK formerly known as Electric Guard Dog

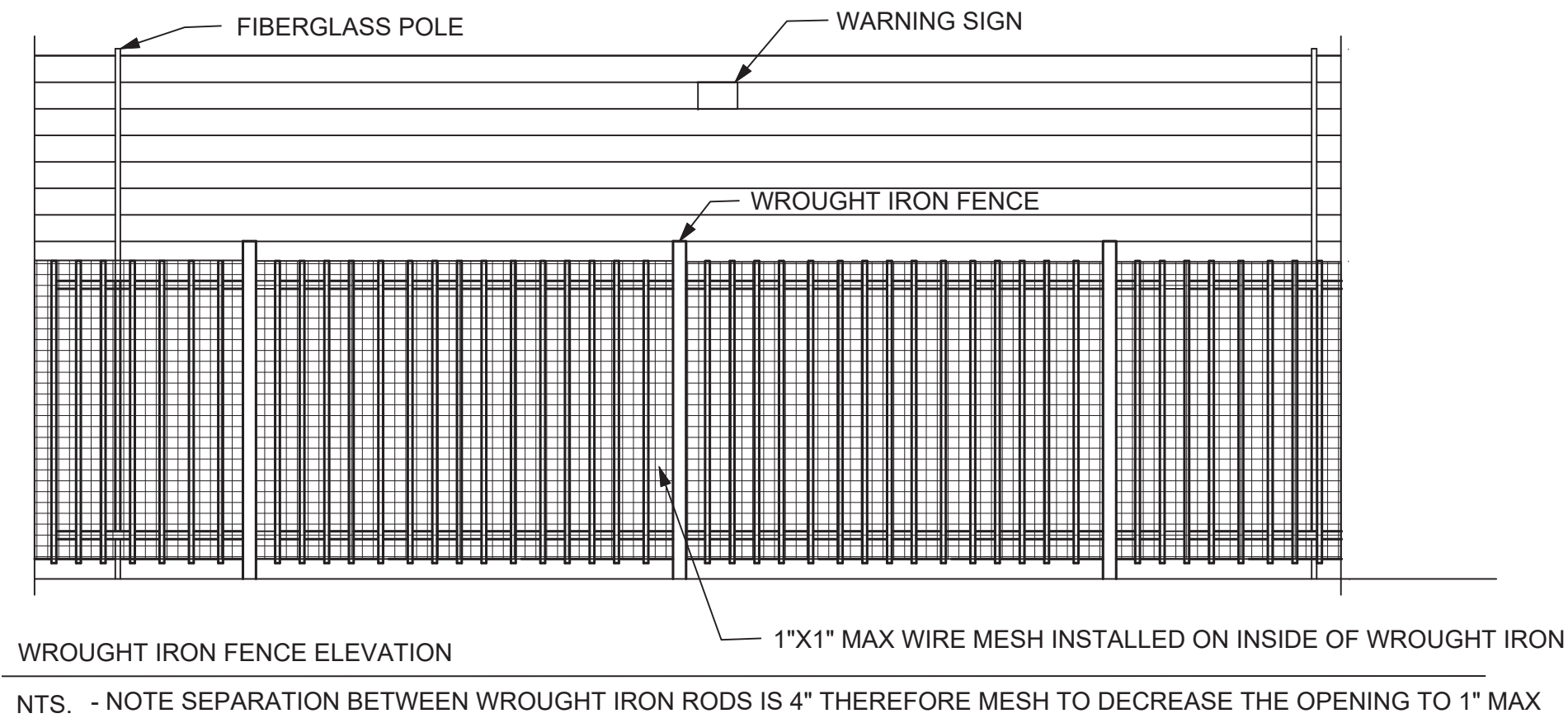
ULTIMATE PERIMETER SECURITY





**DR22-127**  
**Vicinity Map**  
**Florin Road Electric Fence**





**NOTES**

POLE LOCATIONS:  
STEEL POLES: TO BE LOCATED APPROXIMATELY ON EACH SIDE OF GATE(S) & EVERY 90° (OR GREATER) TURN IN FENCE LINE.  
FIBERGLASS/INTERMEDIATE POLES: TO BE LOCATED APPROXIMATELY EVERY 30'

DISCLAIMER:  
POLE LOCATIONS MAY SLIGHTLY DEVIATE FROM STIPULATIONS ABOVE DUE TO ON-SITE CONDITIONS

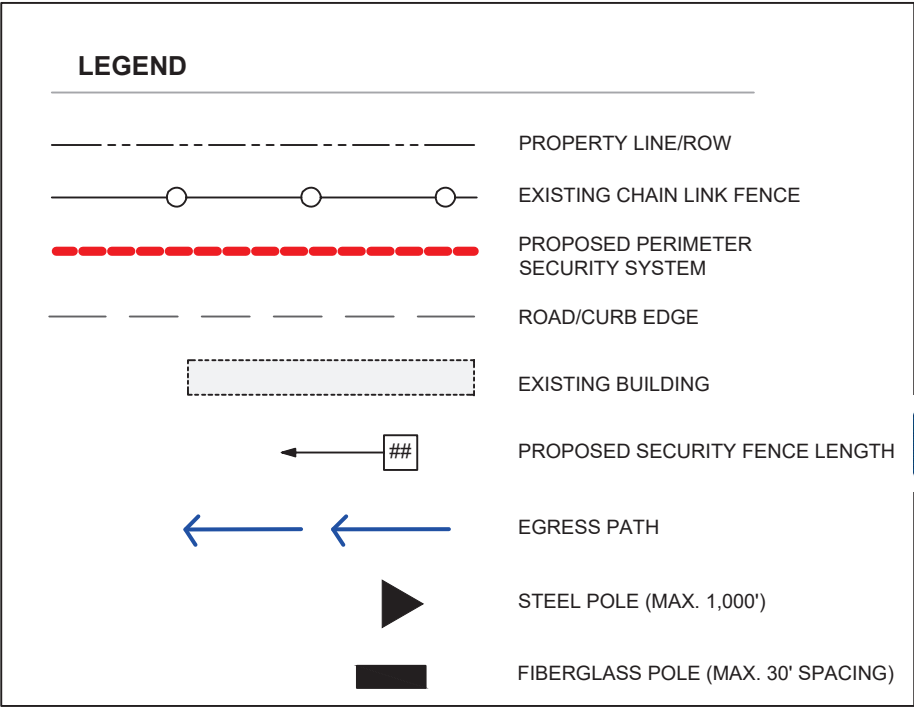
NOTE: SECURITY FENCE INSTALLATION IS INSIDE THE EXISTING PERIMETER FENCE; THERE WILL NOT BE NEW GATES INSTALLED.

**PROPERTY OWNER**  
VMZ DEVELOPMENT LLC  
4499 NIOBE CIR,  
RANCHO CORDOVA CA 95742

**PROJECT DATA**

APN: 041-0120-013-0000	APN: 041-0112-016-0000
ZONING: C-2	ZONING: C-2
ACRES: 1.52	ACRES: 3.03
APN: 041-0112-021-0000	APN: 041-0112-024-0000
ZONING: C-2	ZONING: C-2
ACRES: 1.15	ACRES: 0.82

**SITE PLAN REQUEST TO AUTHORIZE  
A SECURITY SYSTEM FOR:**  
**S & A COMMERCIAL**  
**3801 FLORIN RD,**  
**SACRAMENTO, CA 95823**

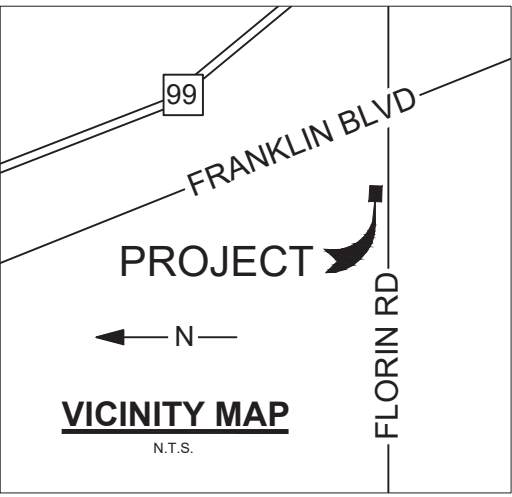


DocuSigned by  
**Nicholas Clay Jasper** 6/6/2022  
C2388F1CDE4D7...

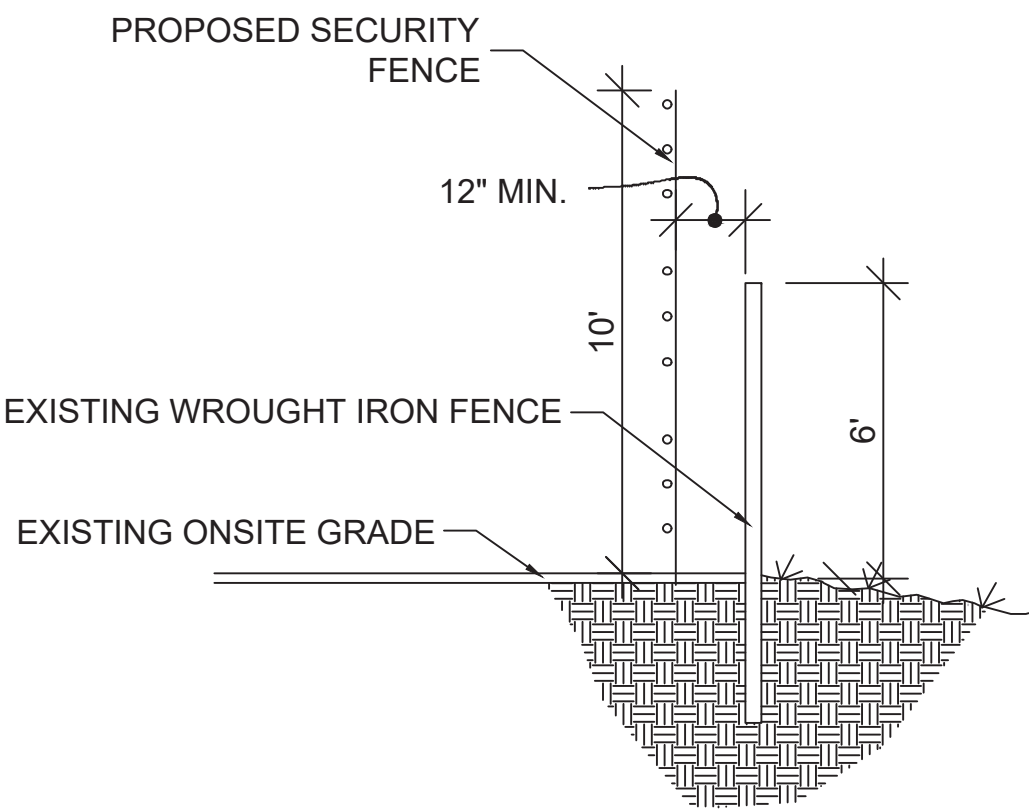
**SCOPE OF WORK**

INSTALLATION OF A 12-VOLT/DE BATTERY OPERATED SECURITY SYSTEM INSIDE THE EXISTING PERIMETER FENCE. THE SYSTEM WILL BE 10-FEET TALL, 2,753 LINEAR FEET AND RUN CONCURRENTLY WITH THE EXISTING PERIMETER FENCE.

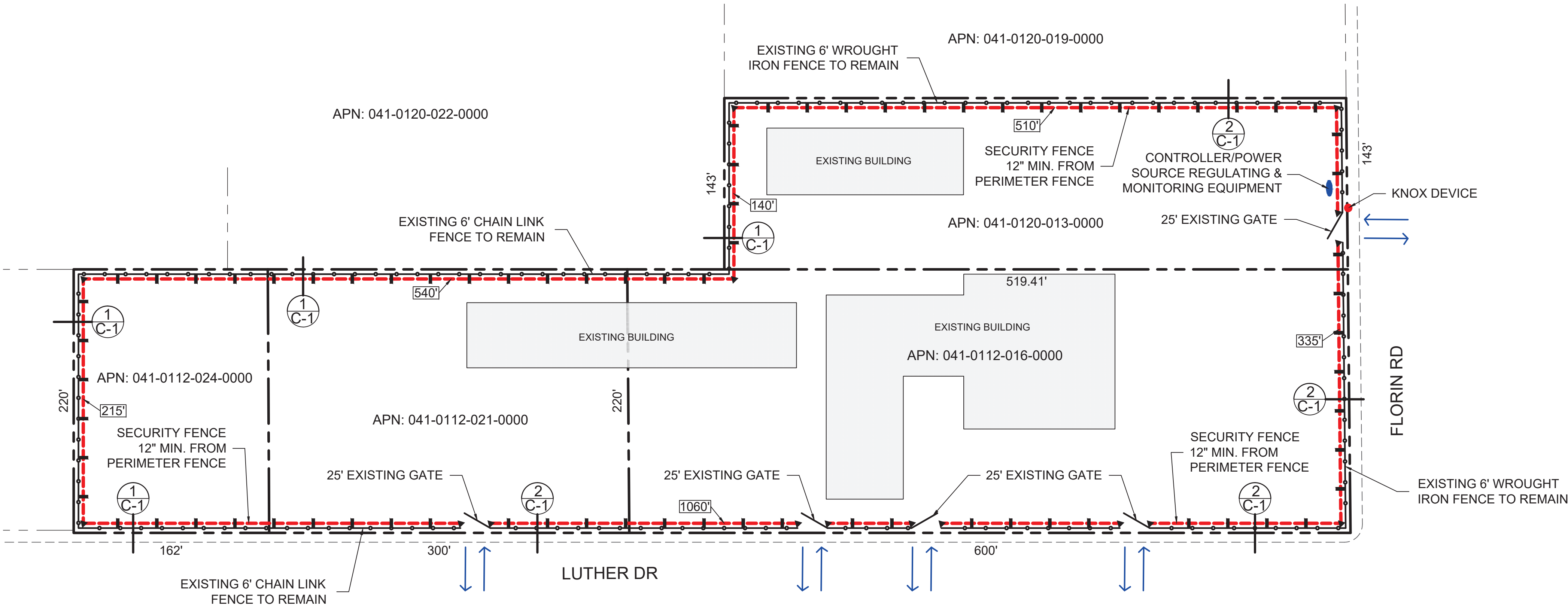
2019 CBC, CRC, CALGREEN CODE, CMC, CEC, CPC (BASED ON THE 2019 IBC, 2019 CRC, 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2019 UMC, 2019 UPC, 2019 NEC), AND 2019 ENERGY STANDARDS, AS AMENDED BY STATE OF CALIFORNIA AND LOCAL JURISDICTION, ARE APPLICABLE TO THIS PROJECT.



**1 PERIMETER FENCE SECTION**  
NTS.



**2 PERIMETER FENCE SECTION**  
NTS.



#	DATE / DESCRIPTION

**AMAROK**  
ULTIMATE PERIMETER SECURITY

550 Assembly Street, 5th Floor Columbia, SC 29201 PH: 803-786-6333

PROJECT:  
S & A COMMERCIAL  
3801 FLORIN RD,  
SACRAMENTO, CA 95823

SHEET TITLE:  
SITE PLAN

APPLICANT: AMAROK  
550 ASSEMBLY ST 5TH FL  
COLUMBIA SC 29201  
803-404-6189

ENGINEER: ALLIANCE ENGINEERING  
2700 MARKET ST NE  
SALEM OR 97301  
503-589-1727

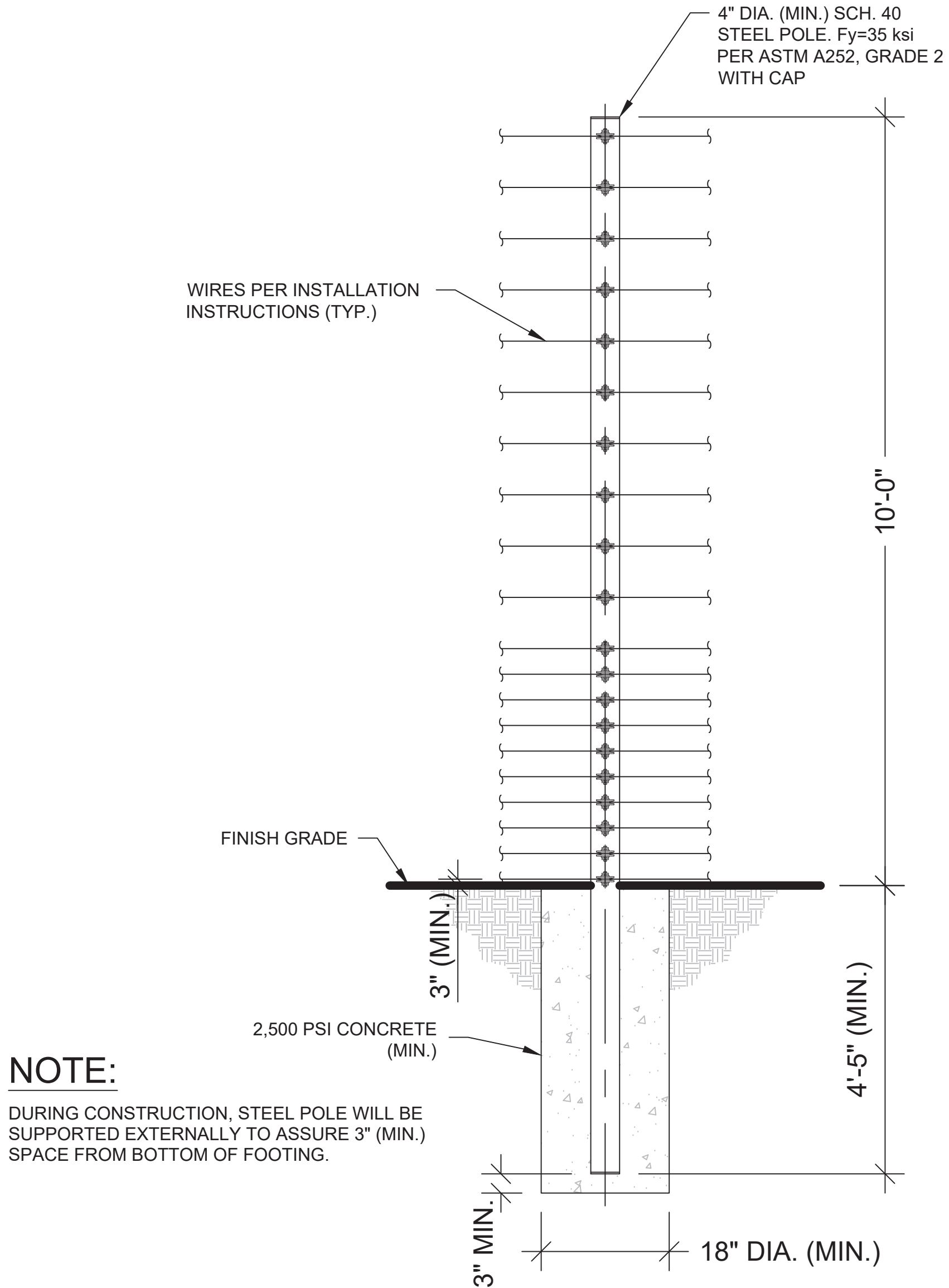
DATE: 06/03/2022  
SCALE: SEE PLAN

SHEET

C-1

1 of 3



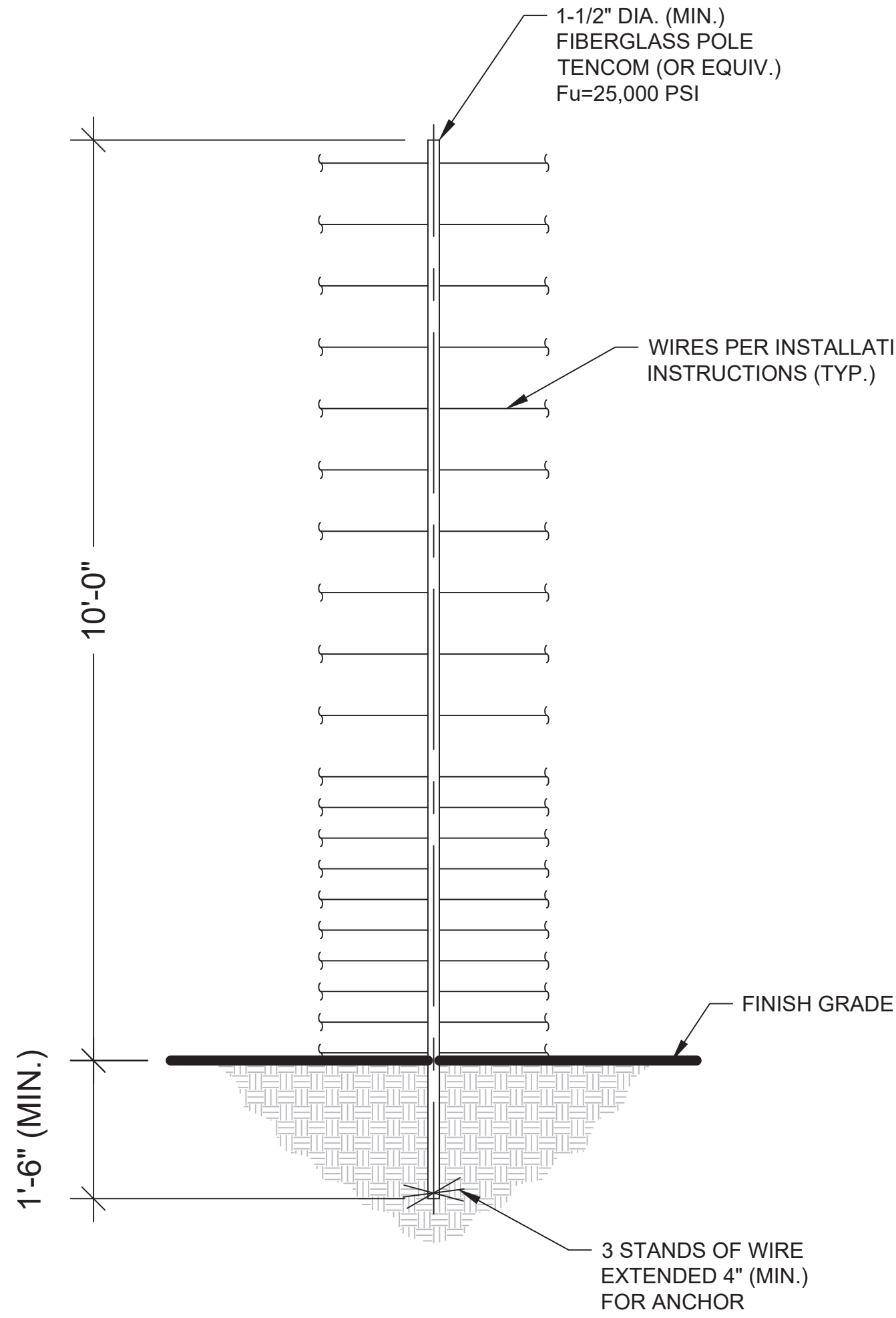


STEEL POLE DETAIL  
SCALE: NONE  
(STRUCTURAL)



WARNING SIGNS SHALL BE PLACED AT EACH ENTRANCE  
OF THE PROPERTY AND 30 FEET ON CENTER THEREAFTER

EXAMPLE WARNING SIGN @ 9"x12"



FIBERGLASS POLE DETAIL

SCALE: NONE  
(NON-STRUCTURAL, NON-LOAD BEARING WIRE SEPARATOR)

#### GATE DETAIL NOTES:

- BRACE BANDS ARE INSTALLED AS HIGH AS POSSIBLE UNDER #3 AND #9, 2" (MIN.) UNDER #12, #15, AND #17, UNDER #19 AND AS HIGH ON THE GATE AS POSSIBLE. MAXIMUM DISTANCE OF 2' BETWEEN BRACE BANDS.
- SPRINGS ARE LOCATED ON HINGE SIDE OF SWING GATE AND REAR OF SLIDE GATE.
- ALL CONTACTS MUST INCLUDE SPRINGS.
- ALL CONTACTS MUST HAVE BOLT THROUGH FIBERGLASS (NO SET SCREWS).
- ALL BRACE BANDS HOOKED TO CHAIN LINK MUST HAVE SET SCREW.
- EVERY GATE PANEL MUST HAVE A SIGN.
- ALL GATE CONTACTS MUST BE SECURE IN A MANOR THAT ENSURES CONTACT WILL EASILY BE MADE.
- GATE MOUNTS WILL NOT IMPACT THE FUNCTIONALITY OF THE GATE.

#### RAPID TIGHTENERS

RAPID TIGHTENERS ARE INSTALLED IN EVERY SECTION - BETWEEN 6" INCHES AND 3 FEET FROM A FIBERGLASS POLE - TOWARD THE CENTER OF THE RUN.

THE TIGHTENERS ARE ALTERNATED ON OPPOSITE SIDES OF THE POLE TO PREVENT GROUNDS FROM HITTING WIRES WITH CURRENT.

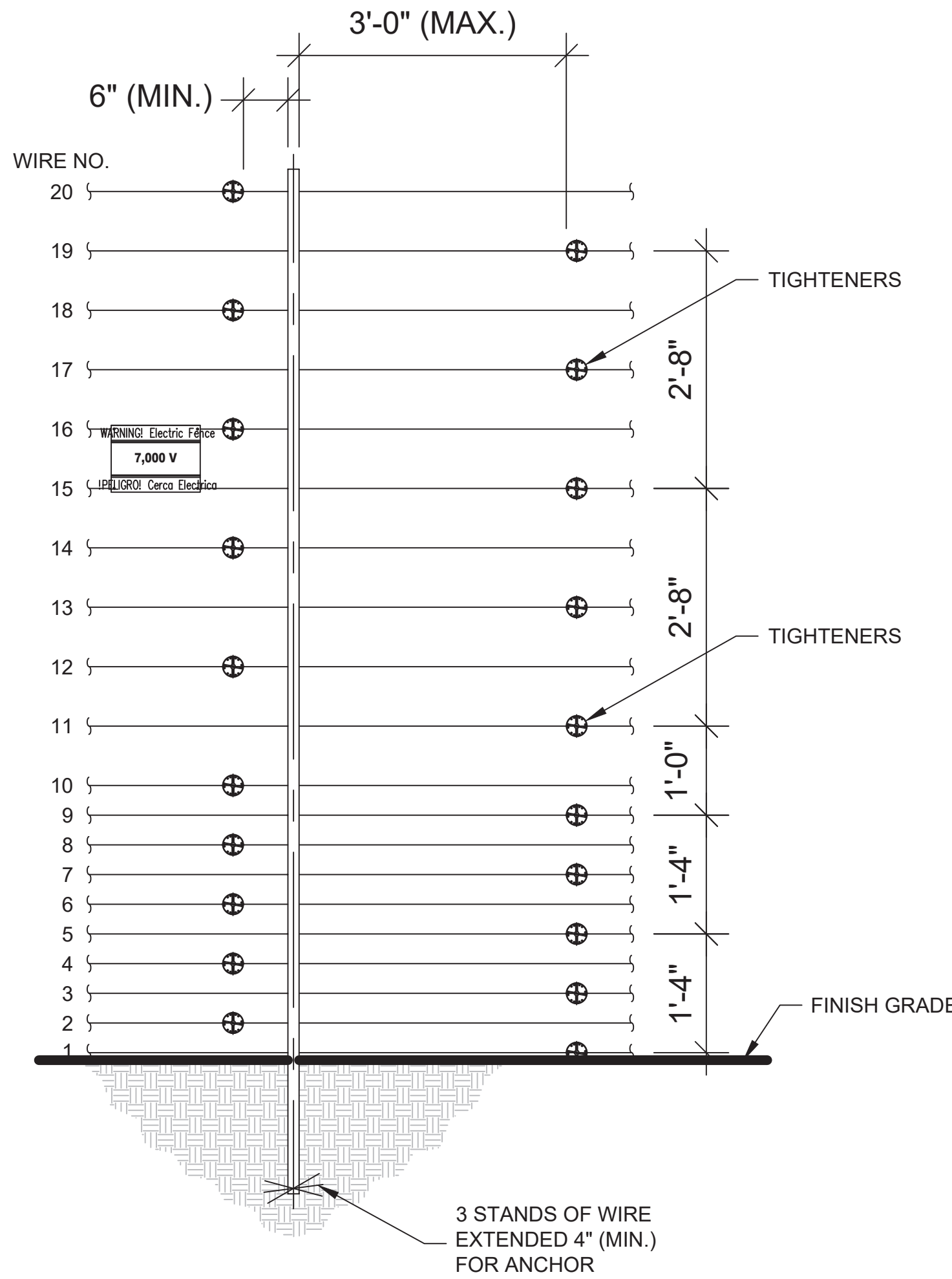
WIRE SHOULD BE WRAPPED TWO OR THREE TIMES AROUND EACH TIGHTENER.

#### WARNING SIGNS

WARNING SIGNS MUST BE INSTALLED EVERY 30 FEET, WHICH IS THE MAXIMUM DISTANCE BETWEEN SIGNS.

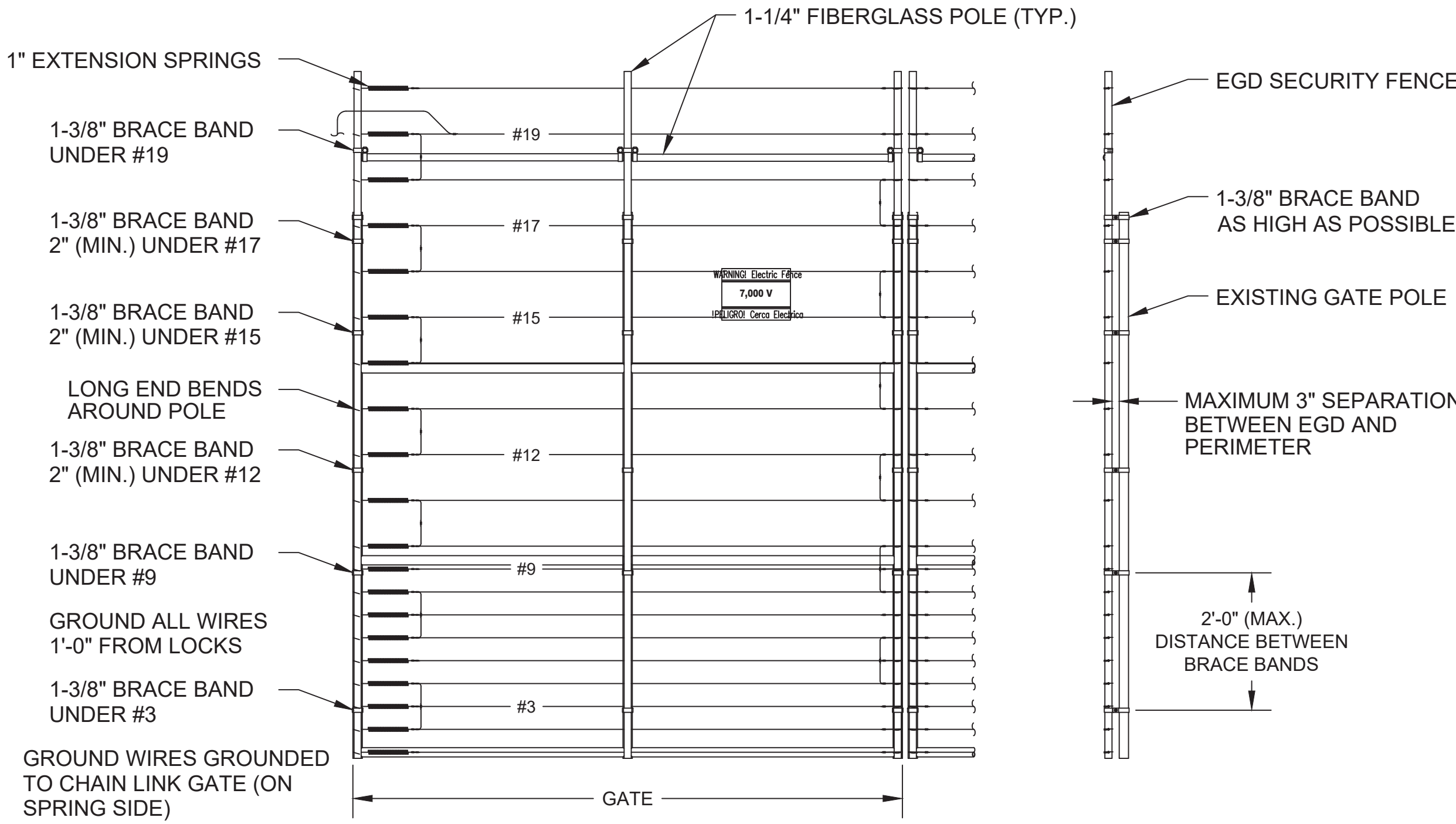
ALL WARNING SIGNS SHOULD BE MOUNTED EITHER BETWEEN WIRES 15 & 16 OR AT BEST VISIBLE HEIGHT.

IF INSTALLED BEHIND A SOLID FENCE, WARNING SIGNS SHOULD ALSO BE PLACED ON OR ABOVE THE PERIMETER FENCE.



WIRE CONNECTIONS

SCALE: NONE  
(FIBERGLASS POLE)



GATE DETAIL

SCALE: NONE

# DATE / DESCRIPTION



Designed by  
Nicholas Clay Jasper 6/6/2022  
C2088F1CDE847...

**AMAROK**  
ULTIMATE PERIMETER SECURITY



550 Assembly Street, 5th Floor Columbia, SC 29201 PH: 803-786-6333

PROJECT:  
S & A COMMERCIAL  
3801 FLORIN RD,  
SACRAMENTO, CA 95823

SHEET TITLE: TYPICAL DETAILS

APPLICANT: AMAROK  
550 ASSEMBLY ST 5TH FL  
COLUMBIA SC 29201  
803-404-6189  
ENGINEER: ALLIANCE ENGINEERING  
2700 MARKET ST NE  
SALEM OR 97301  
503-569-1727

DATE: 06/03/2022  
SCALE: SEE PLAN

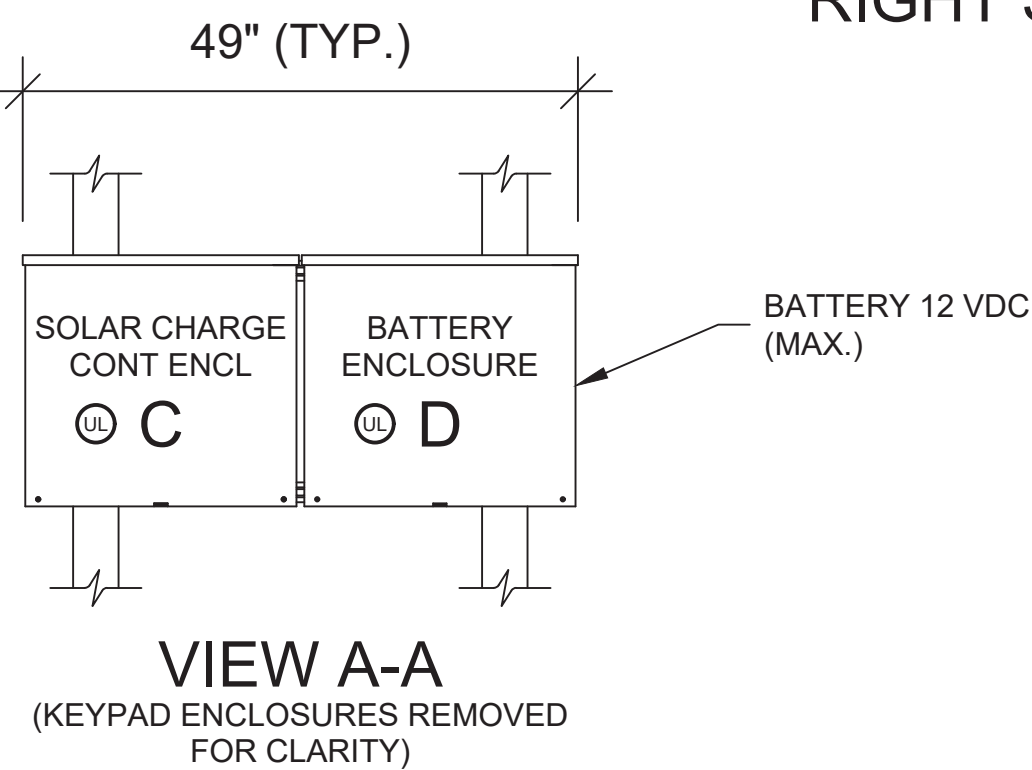
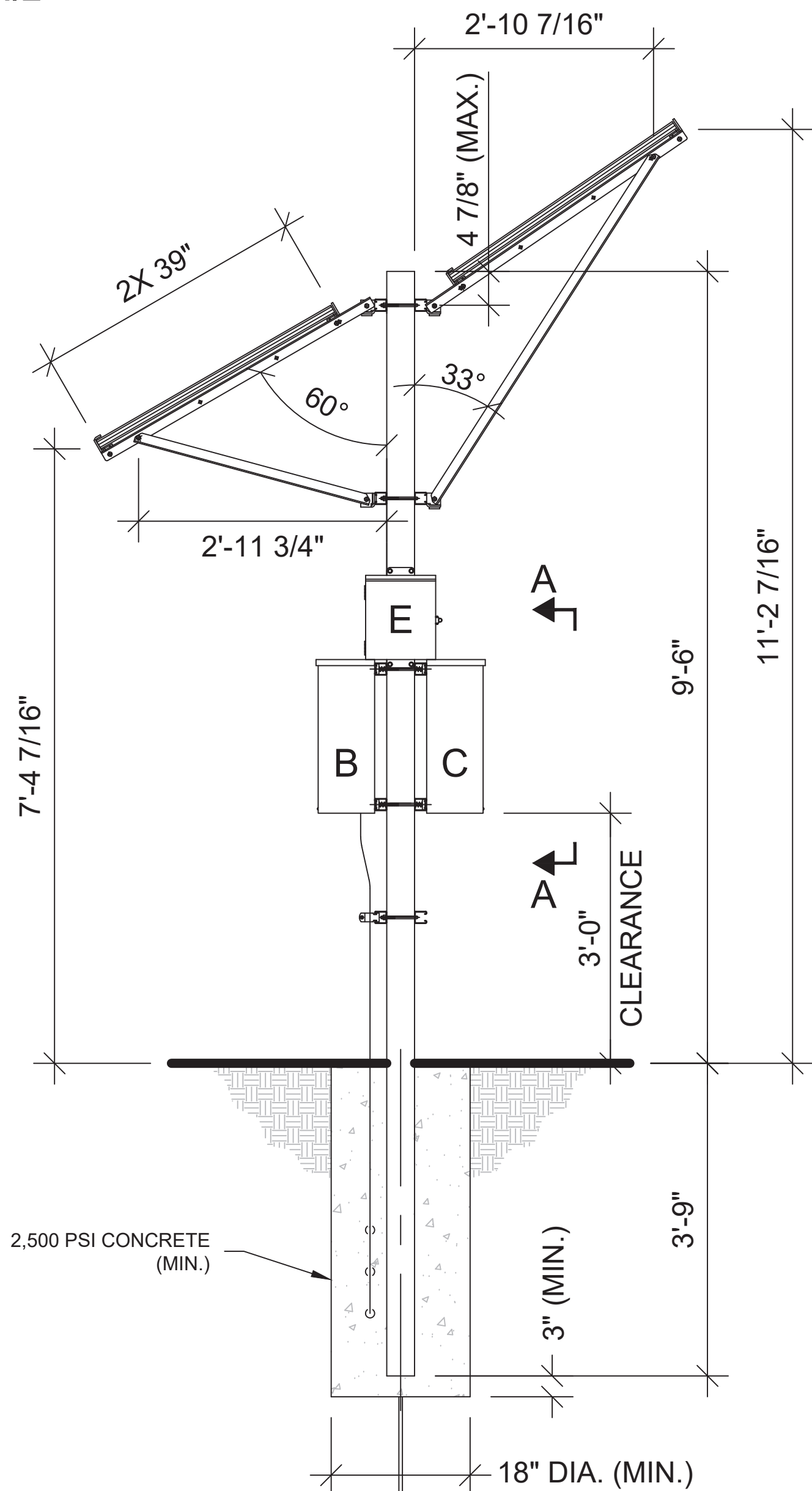
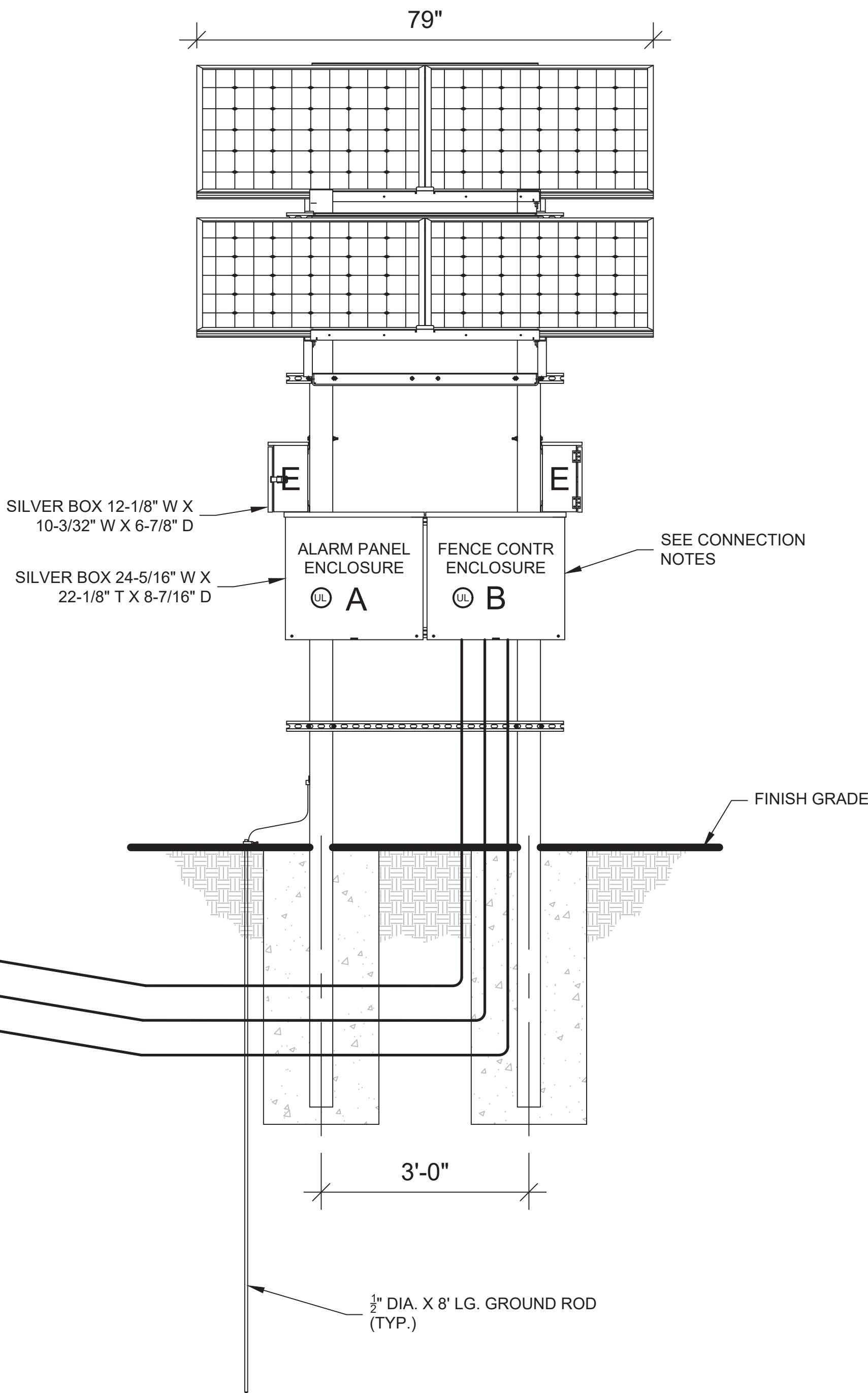
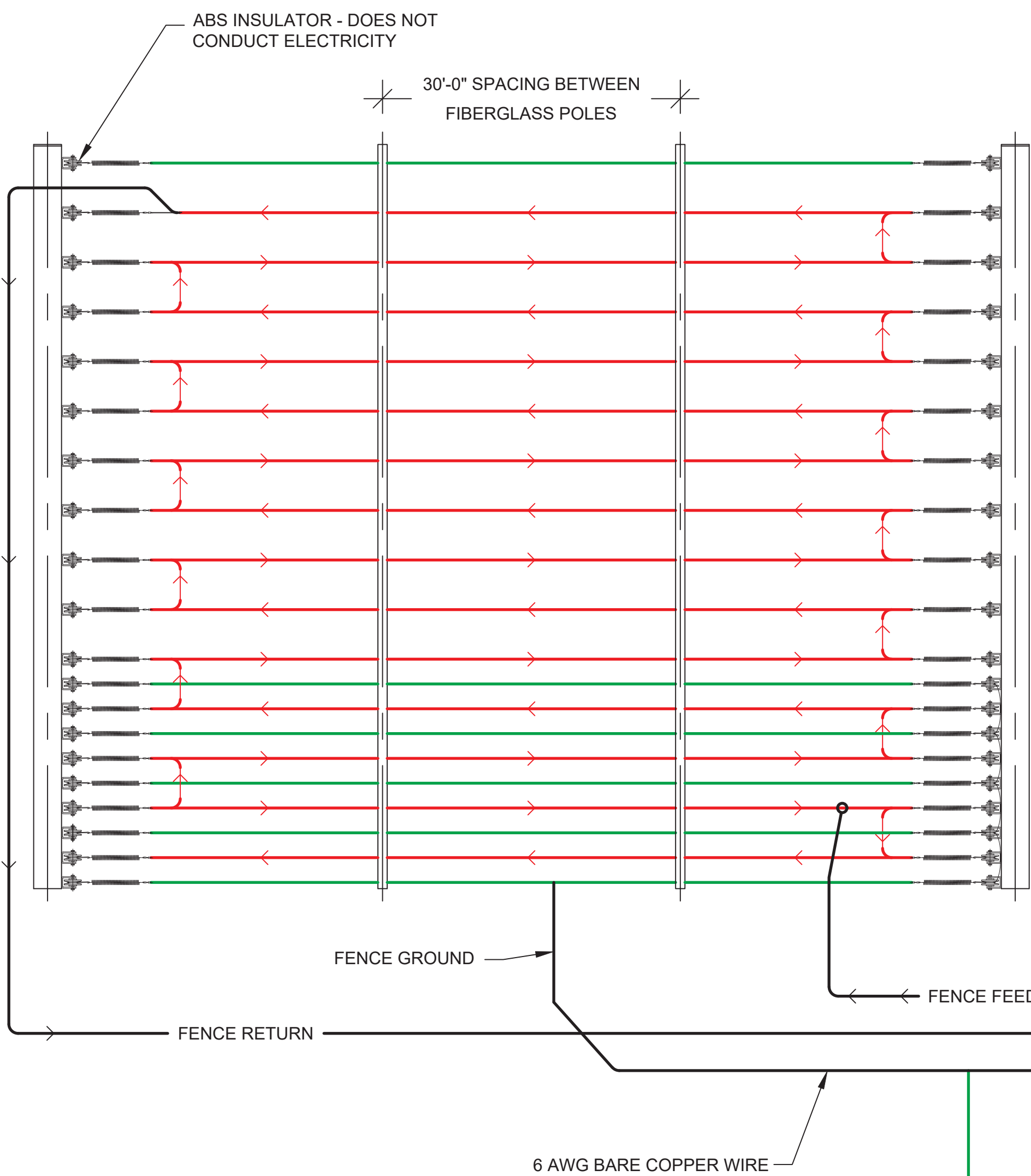
SHEET

C-2

2 of 3



WIRE RUN DETAILS & OUTSIDE MOUNTED ELECTRONICS/CONTROLLER WITH STEEL POLE DETAIL



CONNECTION NOTES:

- A: ALARM PANEL ENCLOSURE - HOUSES THE ALARM CONTROL PANEL. THIS BOX INTERCONNECTS TO "B" / FENCE CONTROLLER ENCLOSURE USING THE APS WHIP / 10 CONDUCTOR CABLE AND "C" / SOLAR CHARGE CONTROLLER USING TWO CONDUCTOR CABLE. ENCLOSURE WEIGHT 21 LBS. (MAX.).
- B: FENCE CONTROLLER ENCLOSURE - HOUSES THE FENCE ENERGIZER OR EQUIVALENT. THIS BOX CONNECTS TO "A" / ALARM PANEL ENCLOSURE USING THE APS WHIP / 10 CONDUCTOR CABLE. ENCLOSURE WEIGHT 22 LBS. (MAX.).
- C: SOLAR CHARGE CONTROLLER ENCLOSURE - HOUSES POWER ELEMENTS FOR SOLAR CHARGE CONTROLLER AND DISCONNECTS FOR SOLAR, BATTERY, AND LOAD CONNECTIONS. POWER UP PROCEDURE: TURN ON BATTERY BREAKER FIRST, THEN TURN ON SOLAR BREAKER. THE ELECTRONICS POWER IS CONTROLLED BY BY THE LOAD BREAKER. ENCLOSURE WEIGHT 25 LBS. (MAX.).
- D: BATTERY ENCLOSURE - HOUSES THE BATTERIES AND INTERCONNECTS TO "C" / SOLAR CHARGE CONTROLLER ENCLOSURE USING TWO CONDUCTOR 14G AND 10G THWN WIRES. ENCLOSURE WEIGHT 145 LBS. (MAX.).
- E: KEYPAD ENCLOSURE - HOUSES THE KEYPAD. THIS BOX INTERCONNECTS TO "B" USING 10 CONDUCTOR / 18 AWG WIRE. ENCLOSURE WEIGHT 12 LBS. (MAX.).

NOTES:

MOUNT 4 SILVER BOXES TO A PAIR OF 4"X4"X180" LG. GALVANIZED ASTM A500 STEEL POLES. BOTTOM OF THE LOWEST BOX MUST BE A MINIMUM OF 3 FEET ABOVE GROUND LEVEL. THE SUPPORT POLES MUST BE EMBEDDED AT A MINIMUM OF 3'-9" BELOW GROUND LEVEL.

#	DATE / DESCRIPTION



DocuSigned by  
Nicholas Clay Jasper 16/2022  
C22B8F1CDEE4D7...



PROJECT:  
S & A COMMERCIAL  
3801 FLORIN RD,  
SACRAMENTO, CA 95823

SHEET TITLE: TYPICAL DETAILS

APPLICANT: AMAROK  
550 ASSEMBLY ST 5TH FL  
COLUMBIA SC 29201  
803-404-6189

ENGINEER: ALLIANCE ENGINEERING  
2700 MARKET ST NE  
SALEM OR 97301  
503-589-1727

DATE: 06/03/2022  
SCALE: SEE PLAN

SHEET

C-3

3 of 3