

RESOLUTION NO. 8012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS FINDING THAT COMMERCIAL LANDSCAPE MAINTENANCE FACILITIES SHALL BE DEEMED SIMILAR TO PERMITTED USES WITHIN THE INDUSTRIAL (I-P) DISTRICT, AND APPROVING COMMISSION DETERMINATION NO. 64 FOR AN APPROXIMATELY FIVE-ACRE PROPERTY LOCATED ON THE SOUTH SIDE OF SESSUMS DRIVE, BETWEEN AVIATION DRIVE AND WABASH AVENUE (APNs: 0168-041-13-0000 and 0168-041-50-0000).

WHEREAS, Brent C. Reiger (d.b.a. BCR Investments, Inc.) submitted an application for Commission Determination No. 64, to request that the Planning Commission make a Determination of Similar Use that a "Commercial Landscape Maintenance Facility" is similar to a "Lumber Yard," which is a permitted use within the Industrial (I-P) District, and therefore, a "Commercial Landscape Maintenance Facility" shall be allowed as a permitted use within the Industrial (I-P) District; and

WHEREAS, this request is specifically to allow for the establishment of a Commercial Landscape Maintenance Facility on an approximately 5-acre vacant parcel located on the south side of Sessums Drive immediately south of the Redlands Municipal Airport, between Aviation Drive to the west and Wabash Avenue to the east, identified as APNs 0168-041-13-0000 and 0168-041-50-0000; and

WHEREAS, the proposed project is subject to the California Environmental Quality Act (CEQA), the City has prepared an Initial Study and exercised its own independent judgment and analysis, there is no substantial evidence that the proposed project may have a significant effect on the environment, the custodian of records is the City Planner and the Development Services Department, and a Mitigated Negative Declaration has been prepared in accordance with the State CEQA Guidelines; and

WHEREAS, on July 9, 2019, the Planning Commission held a public meeting and considered the staff report, oral report, the testimony and the written evidence submitted by and on behalf of the applicant and by members of the public; and

WHEREAS, on July 9, 2019, the Planning Commission voted 5-0 and adopted Resolution No. 1439, recommending to the City Council the approval of Commission Determination No. 64; and

WHEREAS, the City Council held a public meeting on August 6, 2019, at which the City staff and members of the public had the opportunity to provide verbal and written testimony on the Socio-Economic Cost/Benefit Study for the Project; and

WHEREAS, following the hearing for Commission Determination No. 64, the City Council determined that approval of the requested Determination of Similar Use is in the best interest of the public health, safety and general welfare;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF

REDLANDS AS FOLLOWS:

SECTION 1. CALIFORNIA ENVIRONMENTAL QUALITY ACT. The City has prepared an Initial Study for the proposed project, there is no substantial evidence that the proposed project may have a significant effect on the environment, and a Mitigated Negative Declaration with a Mitigation Monitoring/Reporting Program is the appropriate environmental determination in accordance with the State CEQA Guidelines. The City Council hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring/Reporting Program for the project.

SECTION 2. FINDINGS FOR APPROVAL. In accordance with Section 18.12.040 of the Redlands Municipal Code, the City Council hereby makes the following findings for approval of Commission Determination No. 64:

A) The use is in conformity with the stated intent and purpose of the zone.

The proposed commercial landscape maintenance facility at the location referenced above will function as an operation yard for American Landscape & Maintenance, Inc. It will be used for the staging of approximately 12 landscaped maintenance vehicles including a fork-lift, service of vehicles and equipment when needed, use of six storage containers for the keeping of small materials and/or small hand tools, storage of landscaped materials such as PVC pipes and fittings, trees and shrubs, as well as bulk materials such as bark, gravel. It will be operated by maximum of 3 employees, with no customers coming to the site. The operation of the proposed use is similar in intensity and characteristic to a Lumber Yard, which is a permitted use within the Industrial (I-P) District. Further, the use is in conformity with the stated intent and purpose of the Industrial (I-P) zone as in accordance with Section 18.112.010 of the Redlands Municipal Code in that the proposed use protect the lands from intrusion by inharmonious nonindustrial uses and provides proper safeguards and appropriate transition for surrounding land uses.

B) Field Investigations have disclosed that the subject use and its operation are compatible with the uses permitted in the zone wherein it is proposed to be located.

The project site is immediately south of the Redlands Municipal Airport and north of the Redlands Sports Complex. There is a two-story professional office building located in the front (north) portion of the easterly adjacent parcel. Otherwise, the surrounding area consisted of large vacant lots. Due to the fact that the surrounding area is largely undeveloped, and that the proposed use is compatible with the Redlands Municipal Airport to the north, the Redlands Sports Complex to the south, as well the professional office use to the east, the subject use and its operation are compatible with the uses permitted in the zone as well as the existing uses in the vicinity.

C) The subject use is similar to one or more uses permitted in the zone within which it is proposed to be located.

The proposed Commercial Landscape Maintenance Facility is similar to a Lumber Yard, which is a permitted use within the Industrial (I-P) District.

D) The subject use will not cause substantial injury to the use of property in any abutting zone.

The closest abutting zones are the Airport (A-D) District to the north for the Redlands Municipal Airport, and the Open Space (O) District to the west and south for the Redlands Sports Complex. The subject use is light industrial in nature, and is compatible with both the Airport (A-D) District and the Open Space (O) District. Therefore, the subject use will not cause substantial injury to the use of property in any abutting zone.

SECTION 3. SITE PLAN APPROVAL. In accordance with Section 18.12.080(D) of the Redlands Municipal Code, the City Council hereby makes the following findings approving the Site Plan for Commission Determination No. 64:

1) The site for the intended use is adequate in size and shape to accommodate the use, and all of the required yards, setbacks, walls or fences, landscaping and other features will adjust the use to those existing or permitted future uses of the land in the neighborhood.

The site is approximately 5 acres and is generally flat. It is of adequate size for a commercial landscape maintenance facility. All the required yards, setbacks, fences, driveway, parking lot, and landscaping shown on the applicant's site plan will adjust the use to those existing or permitted future uses of the land in the neighborhood.

2) The site for the proposed use relates to streets and highways which are properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use.

As analyzed in the Transportation & Traffic section of the Initial Study/Mitigated Negative Declaration prepared for this project, the proposed commercial landscape maintenance facility will generate 27 roundtrips maximum business day, or an average of 3 trips per hour. This traffic volume is lower than other typical uses allowed within the Industrial (I-P) District. The surrounding streets leading to the subject site have been designed and improved to fully absorb the type and quantity of the traffic to be generated by the proposed use.

3) The conditions set forth in the approved and those shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare. Such conditions may include:

- a. Special yards, spaces and buffers,*
- b. Fences and walls,*
- c. Surfacing of parking areas subject to city specifications,*
- d. Regulation of points of vehicular ingress and egress,*
- e. Regulation of signs,*
- f. Required landscaping and maintenance thereof,*
- g. Regulation of noise, vibration, odors and lights,*
- h. Regulation of time for certain activities, and*
- i. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this title.*

There are no permanent structures proposed with this project. The applicant's site plan shows

a new driveway, new gate, chain-link fence to surround the property, a new landscaped area along the street frontage, a new parking lot providing 19 surface parking spaces, an area for 6 large storage containers, a nursery stock storage area on gravel, and the remainder of the site will function as the nursery stockyard.

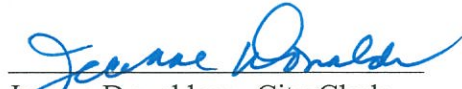
The applicant's proposed landscaped area along the street frontage will provide buffers from surrounding uses, the parking stalls and surfacing are designed to meet the City's specifications, and the proposed ingress and egress meets the City's traffic safety standards. In addition, the applicant's proposed business hours are standard business hours for industrial activities, and that the site will not be visited by customers. The proposed use will not involve excessive signage. Further, as analyzed in the Initial Study/Mitigated Negative Declaration prepared for this project, the proposed commercial landscape maintenance facility will not create significant impacts on noise, vibration, odors, and lights.

SECTION 4. This Resolution shall become effective upon adoption.

ADOPTED AND APPROVED this 6th day of August, 2019.


Paul W. Foster, Mayor

ATTEST:


Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of City of Redlands, do hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting thereof held on the 6th day of August 2019, by the following vote:

AYES: Councilmembers Barich, Tejeda, Momberger, Davis; Mayor Foster
NOES: None
ABSTAIN: None
ABSENT: None



Jeanne Donaldson, City Clerk

EXHIBIT A
CONDITIONS OF APPROVAL
COMMISSION DETERMINATION NO. 64

1. The issuance of any permits shall comply with all provisions of Redlands Municipal Code.
2. This approval for Commission Determination No. 64 is to determine that a Commercial Landscape Maintenance Facility is a similar use to Lumber Yard and shall be permitted within the Industrial (I-P) zone, for the establishment of a commercial landscape maintenance facility at an approximately 5-acre site located on the south side of Sessums Drive immediately south of the Redlands Municipal Airport, between Aviation Drive to the west and Wabash Avenue to the east, identified as APNs 0168-041-13 and 0168-041-50.
3. All plan submitted to the City shall reflect Planning Commission approval and any other changes required by the Commission and/or staff.
4. The applicant shall not make any modifications or changes during construction that are in conflict or contrary to the project's approved design without first consulting with the Development Services Director or his/her designee.
5. Pursuant to Government Code Section 66020(d), certain fees, dedications, reservations or exactions imposed by the City as a condition of approval of this project are subject to a statutory ninety (90) day protest period. Please be advised that the ninety (90) day protest period for those fees, dedications, reservations and exactions which are subject to Government Code Section 66020(a) has commenced to run on the date this project was approved by the City.
6. The property owner and applicant and their successors and assigns shall defend, by paying for the defense costs of the City of Redlands (for counsel retained by the City), indemnify and hold harmless the City of Redlands, as its elected officials, officers, employees, and agents, from and against any and all claims, actions, and proceedings (collectively "Claims") to attack, set aside, void or annul the approval of this Commission Determination No. 64 and the proposed Commercial Landscape Maintenance Facility associated with it revision by the City, or Claims brought against the City due to acts or omissions in any way connected to the applicant's project that is the subject of this permit. This indemnification shall include, but not limited to, damages, fees, costs, liabilities, and expenses incurred in such action or proceedings, including damages for the injury to property or persons, including death of a person, and any award of costs or attorneys' fees. In the event any such actions is commenced to attack, set aside, or void or annual all, or any, provisions of this permit, or is commenced for any other reason against the City for acts or omissions relating to the applicant's project, within fourteen (14) City business days following notice of such action from the City, the applicant shall file with the City a performance bond or irrevocable letter of credit, or other form of security satisfactory to the City (The "Security") in a form satisfactory to the City, and in the amount of \$300,000, to ensure applicant's performance of its defense and indemnity obligations under this condition. The security amount shall not limit the total indemnity obligation of the applicant pursuant to this condition. The failure of the

applicant to provide the Security shall be deemed an express acknowledgement and agreement by the applicant that the City shall have the authority and right, without objection by the applicant, to revoke all entitlements granted for the project pursuant to this permit. The City shall have no liability to the applicant for the exercise of City's right to revoke this permit.

7. Any expansion to or change in type of operation of the proposed Commercial Landscape Maintenance Facility beyond what was analyzed in the Initial Study/Mitigated Negative Preparation prepared for this project shall require evaluation and/or approval by the Development Services Director or his/her designee.
8. By signing and/or using this permit, the permittee acknowledges all of the conditions imposed and accepts this permit subject to those conditions and with full awareness of the provisions of Redlands Municipal Code Chapter 18.193. These conditions are binding upon all future property owners and occupants of the subject property.
9. A copy of the approved Conditions of Approval shall be included on the cover page of construction plans (if any) submitted to the Building Division.
10. Developer shall provide and maintain off-street parking for the subject property, including the number/types of spaces, stall dimensions, paving, striping, location, and access, as required by the Redlands Municipal Code.
11. All landscaped areas noted on the site plan shall be permanently maintained with healthy planting material, and whenever necessary shall be replanted with suitable vegetation.
12. Developer shall arrange for materials collection during construction, demolition, and occupancy with the City's Solid Waste Division, or Developer shall arrange for self-hauling to an authorized facility.
13. An irrigation plan will be required during the plan check process. The applicant shall demonstrate that water usage for the landscaped area associated with the amphitheater as well as the garden complies with the City's Water Efficient Landscape Ordinance (WELo) requirements.
14. Developer shall comply with all Mitigation Measures (repeated in the following conditions) and related requirements as identified in the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring/Reporting Program prepared for the project. Prior to issuance of any building and engineering/grading permits to construct the project (unless otherwise specified by the mitigation measure), Developer shall provide sufficient information to the Planning Division to ascertain compliance with applicable conditions/mitigations.
15. **Mitigation Measure Bio-1:** High level of diligence is required to ensure the effectiveness of the SBKR proof fencing. On an on-going basis, for as long as the commercial landscape maintenance facility is operating on the site, the integrity of the entire fence line shall be checked quarterly to ensure that no breaches of the chain link fence or buried SBKR-proof

fencing has occurred. Even a small opening or sagging wire can be climbed by SBKR. Written documentation shall be provided to the City of Redlands Planning Division each quarter verifying that no breaches have occurred and the both fences are intact. Accompanying photographs shall be submitted with each quarterly report (email reports are acceptable if detail and visual documentation is adequate). The City may require monthly reports in its sole discretion. If a breach is discovered, it shall be repaired within 48 hours. The City shall be notified within 24 hours of both the discovery of the breach and repair of the fence. Photographs shall be taken that document the extent of the breach and the subsequent repair. The written report shall be submitted to the City's Planning Division within 48 hours of the repair. Failure to comply with Mitigation Measures Bio-1, as determined by the City's Planning staff, shall require that a certified SBKR biologist conduct a habitat assessment of the site to determine if the failure has resulted in access to and recolonization of the site SBKR. Once the biologist can verify that there are not visually signs (e.g., burrows, tail drags, dusting baths) of kangaroo rat, monthly monitoring shall resume as defined in Mitigation Measures Bio-1. Quarterly (or monthly, if required) monitoring shall continue until the start of site construction including or the use of the site, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in land disturbance.

16. **Mitigation Measure Bio-2:** Current site conditions shall be maintained at all times in order to ensure that site will not become suitable for SBKR. The site shall be maintained free of vegetation, non-native and native, and the soils shall be re-compacted following each grading event or clearing of vegetation. This is needed to ensure soil characteristic remain unsuitable for SBKR burrowing. Photographs of soil condition, as well as documentation of weed abatement activities, disking of the property, and compacting of the soil shall also be provided in the quarterly report required under Mitigation Bio-1. The City may require monthly reports from the applicant in its sole discretion. Failure to comply with Mitigation Measures Bio-2, as determined by the City's Planning staff, shall require that a certified SBKR biologist conduct a habitat assessment of the site to determine if the failure has resulted in access to and recolonization of the site SBKR. Once the biologist can verify that there are not visually signs (e.g., burrows, tail drags, dusting baths) of kangaroo rat, monthly monitoring shall resume as defined in Mitigation Measures Bio-2. Quarterly (or monthly, if required) monitoring shall continue until the start of site construction including or the use of the site, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in land disturbance.
17. **Mitigation Measure Bio-3:** Prior to construction or the use of the site, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in land disturbance, a certified SBKR biologist shall conduct a habitat assessment of the site to determine if the site has been maintained free of vegetation, that the soils remain heavily compacted soils and burrow free, and that the SBKR-proof fence system is still intact and fully functioning to prevent SBKR from entering the site. If the SBKR biologist can verify that the site conditions (free of vegetation, heavily compacted soils, and that the site is still isolated by the SBKR-proof fence) have been properly maintained and that there is no evidence of SBKR or other rodent use of the site, then a final written report will document that the pending development of the site will not impact SBKR and a federal Incidental Take

Permit from USFWS will not be required. Development can proceed.

18. **Mitigation Measure Hydro-1:** If during construction it is determined that more than one acre will be disturbed for any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one acre, the site owner will file for a General Construction Permit, also known as a Storm Water Pollution Prevention Plan (SWPPP), with the State of California.
19. **TCR-1:** If human remains are encountered during grading and other construction excavation, work in the immediate vicinity (60 feet radius) shall cease and the County Coroner shall be contacted pursuant to California Health & Safety Code Section 7050.5. California Health & Safety Code Sections 7050.5 through 7055: As required by state law, the requirements and procedures set forth in Public Resources Code Section 5097.98 would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission and coordination with the individual identified by the Native American Heritage Commission to be the “most likely descendant.”
20. **TCR-2:** In the event that Native American cultural resources are discovered during project development/construction, all work in the immediate vicinity (60 feet radius) of the find shall cease and a qualified archaeologist meeting Secretary of the Interior’s Standards shall be hired to assess the find. Work on the overall project may continue during this assessment period.
 - a. If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared by the archaeologist, in coordination with consulting tribes, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor representing each consulting tribe to be present for the remainder of the project, should any consulting tribe elect to place a monitor on-site.
 - b. If requested by the consulting Native American Tribe(s), the developer or the project archaeologist shall, in good faith, communicate and coordinate resolution efforts on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.).
21. The attached conditions of approval from the following City Departments/ Divisions are applicable to the project, and are hereby incorporated by reference:
 - A. Municipal Utilities & Engineering Department.

Brian Desatnik,
Development Services Director