

MINUTES

of a regular meeting of the City Council, City of Redlands held in the Council Chambers, Safety Building, 212 Brookside Avenue on Mar. 2, 1965.
 Planning Commission Items 3:00 P.M. Regular Meeting 7:00 P.M.

PRESENT

Waldo F. Burroughs, Mayor
 William T. Hartzell, Vice-mayor
 Norman N. Martinez, Councilman
 Robert J. Wagner, Councilman
 Jack B. Cummings, Councilman

 Ralph P. Merritt, Jr., City Attorney
 Edward F. Taylor, City Attorney
 Hazel M. Soper, City Clerk

 Ron Kibby, Redlands Daily Facts
 Charles Palmer, San Bernardino Sun

ABSENT

None

The meeting opened with the pledge of allegiance, followed by the invocation by Reverend George Graham of the University Chapel, University of Redlands.

Minutes of the regular meeting of February 16, 1965 were approved as submitted.

ORAL PETITIONS

Mr. Don Acheson, Mr. Dennis Martin, Mr. Harold Durrell and Mrs. Wanda Hale spoke to the council in protest to the business license being applied to apartment owners this year. Mr. Acheson feels that the exemption of owners of four or less rentals is discriminatory. City Treasurer Poyzer informed the Council and petitioners that this is a legal license imposed and covered under our business license ordinance and administered by his office, and is a part of the City's revenue. After considerable discussion, Councilman Cummings moved that the protest be tabled for one month, with a report to the Council from the Treasurer relative to the basis of apartment units of four or less being exempt. Motion seconded by Councilman Hartzell and carried, with Councilman Wagner abstaining from voting.

PLANNING COMMISSION RECOMMENDATIONS

As considered by the City Council at a regular meeting thereof held March 2, 1965 at 3:00 P.M.

1. Conditional Use Permit No. 108 - Paul H. Gerrard

At the regular meeting of February 16, 1965, Council action on Conditional Use Permit No. 108, the request of Paul H. Gerrard to construct a neighborhood store on 1.85 acres located on the south west corner of Cypress Avenue and Center Street, was tabled at the request of Attorney James R. Dunn on behalf of the Southside Improvement Association, who oppose the proposed development. This matter had been considered by the Planning Commission at a regular meeting on February 9, 1965, with a recommendation returned to the City Council for approval of Conditional Use Permit No. 108, subject to recommendations of various departments as contained in Planning Commission minutes dated February 9, 1965.

Mayor Burroughs opened the afternoon session of the City Council at 3:00 P.M. as a Public Hearing on this recommendation. Attorney Dunn, on behalf of the Southside Improvement Association, was the first speaker and opened his remarks by reading sections of the Government Code relating to procedure and adoption of a Master Plan and reference to issues involved. He urged that the present symbols of the Master Plan indicating neighborhood stores be restudied, pointed out the number of people in the immediate area who are opposed, increase in traffic problems, and the precedent it would establish and permit similar applications for such stores in choice residential areas. Mr. Dunn concluded his remarks at 4:10 P.M.

Mr. Gerrard then spoke in behalf of his proposed development. He stated that his application was presented and considered under the Master Plan and Zoning Ordinance in effect for ten years, that a traffic survey made by the engineering firm of Neste, Brudin and

PLANNING COMMISSION RECOMMENDATIONS (Continued)

Stone indicated no more than a 25% increase at peak hours, that a large number of people within the immediate area desired the convenience, and that he had demonstrated a need for the facility in the location. He closed his remarks by requesting approval of Conditional Use Permit No. 108.

Mayor Burroughs then invited representatives of both sides to speak - limiting number to four from each group and requesting a time limit of four minutes. Speaking for the Improvement Association and presented by Mr. Alvin L. Short, 602 Esther Way, were Mr. Keith Carlson, 556 Center Street; Mr. James Henty, 614 Esther Way; Mr. Conant Halsey, 1419 West Cypress Avenue and Mr. Short. For the proponents were Mr. Kenneth King, 1058 Clifton Avenue; Mr. Fred Burke, 526 Esther Way; Mr. Fred Harrison, 615 Harding Drive; and Mr. Raymond Haight, 640 Buena Vista Street. Mr. Short then filed a petition containing 592 signatures in opposition to the market.

The public hearing was declared closed at 5:15 P.M. After a five minute recess the Council considered all evidence submitted. Mayor Burroughs reported the great number of letters and calls he had received in favor of the proposal. He stressed that the size and frequency of neighborhoods were strictly controlled by ordinance and that each amendment added further restrictions.

Councilman Hartzell read his statement and motion as follows:

"Mr. Mayor, the matter before us in many respects is precedent setting. To my knowledge, Section 23 of Ordinance No. 1000, the so-called "C-1 Neighborhood Stores Regulation" has not been invoked before. I have attempted diligently to find the same or similar uses established within the framework of a Planning Ordinance in other neighboring communities, and have been unable to do so. Apparently this specific concept is untried in this general area. This fact leads me to the conclusion that intrusion of a commercial enterprise into an established, zoned residential area must not only be substantiated by ordinance and sound planning considerations necessity and desirability. We have before us a decision which will have an important bearing on the subsequent development of Redlands.

On September 15, 1955, Ordinance No. 1000 - our Master Plan - became effective. Down through the years this plan has not only provided for orderly development, it has defined property development standards, protected property values and uses, prohibited or minimized nuisances. From time to time, the ordinance has been altered and amended to accommodate the changing needs of our rapidly growing community and has provided the basis for firm, realistic planning policy. The ordinance recognized that convenience shopping in residential areas is inevitable, as has been the experience of every growing city. In recognition of this eventual demand, planning for it has imposed the establishment of controls and conditions which will permit the use without hindrance or detriment to surrounding residential properties. In short, I believe this section of the ordinance is "Proper" planning for Redlands, and that every reasonable control for the protection of the residential area has been exercised.

The fact that shopping centers are convenient, necessary and desirable is obvious - and when properly regulated and controlled may contribute very substantially to planned community growth; herein lies the real heart of the matter before us now. The key words are "Growth" and "Control". Growth is as inevitable as tomorrow's sunrise, and it is senseless to try to either stop or forestall it. The only course of action is that of control - to channel progress and development toward the best interests of the community, in terms of our honest objective understanding of what Redlands is and is to be.

I have received many phone calls, letters and personal visits from both the proponents and opponents of this application. In general, the proponents state they have technically qualified their application, that they present it in good faith as provided by ordinance, and that there does exist a public need and desire for this facility. The opponents claim that there is no need for this store, that it is an unwarranted intrusion of a commercial usage into a residential area, and that it will depreciate property values and enhance further vehicular congestion.

I wish it were possible to find positive unequivocal answers to all of these questions. It can be said that there is no demonstration in fact or opinion that property values will be adversely affected. Appraisers as well as realtors agree that

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PLANNING COMMISSION RECOMMENDATIONS (Continued)

this is the case. Vehicular traffic will increase no matter what the fate of this application. With every new home constructed in south west Redlands, with every new classroom at Cope or Smiley School, the traffic will increase. Studies do not indicate traffic increase greater than 25% at peak hours because of this facility, a factor the present street capacities can accomodate readily. In fact, the safety of pedestrians will be improved with the installation of sidewalks and set-backs. As we have stated previously, every reasonable effort has been made to protect against nuisances and other objectionable factors - and these controls are effective as used elsewhere under conditional use permit procedure.

And then there are the psychological factors such as "Need", "Desire", "Unwarranted Intrusion". The only tests I have been able to apply have been first-hand observations of vaguely similar uses under similar circumstances of control, and talking to people presumably somewhat knowledgeable in these matters. In general, convenience shopping centers have been well accepted and have served a useful and desirable purpose when business hours, lights, signs, noises, odors, parking facilities, landscaping, screening, architectural compatibility, etc. have been regulated and controlled. A large number of people prefer to live adjacent to or close to shopping centers, and there has been a consistently good resale experience with stable property values.

Mr. Mayor, I move that this City Council approve the application for Conditional Use Permit No. 108, for the construction of a neighborhood store located at the southwest corner of Cypress Avenue and Center Street, as recommended by the Planning Commission, and that said application be approved subject to all requirements and recommendations of the various departments of the City. This motion is based upon the following findings and reasons:

- 1) The application is technically correct and in conformance with applicable ordinances.
- 2) The economic feasibility of the operation has been satisfactorily demonstrated, as required by ordinance.
- 3) There is a need and desire for this facility in this location and under the specified conditions as evidenced by the overt requests of a substantial number of residents within the area of influence of the proposed development.
- 4) The best interests of the public for neighborhood convenience goods will be served by this development.
- 5) The approval of the application is essential to planned, orderly growth of this community.
- 6) The proposed use is desirable to the public convenience or welfare and in harmony with the master plan and its objectives.

Councilman Cummings stated that he had spent many hours studying the ordinance and master plan, viewing the property and comparing similar areas in fine residential sections of Pasadena, and that his phone calls and communications ran 3 to 1 in favor of the development. He then seconded the motion of Councilman Hartzell.

Councilman Wagner said he thought the ordinance was very good and very restrictive, that appraisals in areas near a shopping convenience show no depreciation in real estate values and that neighborhood shopping conveniences are necessary and desirable.

Councilman Martinez concurred in the findings submitted by the other members of the Council.

Mayor Burroughs called for the vote on Councilman Hartzell's motion, and Conditional Use Permit No. 108 was approved by the Council, subject to recommendations of all departments as contained in Planning Commission minutes dated February 9, 1965 with the following vote:

AYES: Councilmen Martinez, Wagner, Hartzell, Cummings, Mayor Burroughs
 NOES: None
 ABSENT: None

The Council adjourned at 6:00 P.M. and reconvened at 7:00 P.M.

PLANNING COMMISSION RECOMMENDATIONS (Continued)

2. Conditional Use Permit No. 110 - Redlands Day Nursery

The application for Conditional Use Permit No. 110 by the Redlands Day Nursery to convert an existing church located at the southwest corner of Brockton Avenue and Ohio Street into a nursery school for 50 children was tabled to this meeting from the meeting of February 16, 1965. At this time the request is withdrawn by the applicant. No council action.

3. Conditional Use Permit No. 109 - Seventh Day Adventist Association

That the request of the Southeastern California Association of Seventh-Day Adventists for a conditional use permit to construct a church and related facilities on the northwest corner of Lugonia Avenue and Columbia Street extended, (R-1 Zone) be approved subject to the recommendations of all departments and in accordance with the study map, as contained in Planning Commission minutes dated February 23, 1965, as to the church site only. On motion of Councilman Wagner, seconded by Councilman Cummings, the recommendation of the Planning Commission was adopted by the City Council.

4. Variance No. 121 - James H. Green

That the request of James H. Green for a variance from the front yard provisions of the R-S (Suburban Residential) District to permit a front setback of fifteen feet from Orchard Drive rather than the required twenty-five feet for property located on the southeast corner of Cypress Avenue and Orchard Drive, be approved subject to the recommendations of the Planning Department as contained in Planning Commission minutes dated February 23, 1965, but amending recommendation No. 1 to read: Any accessory building placed within 50 feet of rear property line shall be set back 25 feet from Orchard Drive. On motion of Councilman Hartzell, seconded by Councilman Cummings, the recommendation of the Planning Commission was adopted by the City Council.

5. Street Vacation No. 45 - Redlands Unified School District

That the vacation of a portion of Redlands Street between Highland Avenue and Fifth Avenue - Street Vacation No. 45 - be approved subject to the recommendations of the various departments as stated in Planning Commission minutes dated February 23, 1965, and adding to Park Department recommendations the following: 4. Skin and trim Washingtonia palms on Highland. If the palms interfere with new curbs and gutters they will have to be moved back. On motion of Councilman Cummings, seconded by Councilman Wagner, the recommendation of the Planning Commission was adopted by the City Council.

Resolution No. 2434, a resolution of the City of Redlands declaring intention to vacate a portion of Redlands Street, presented and adopted on motion of Councilman Wagner, seconded by Councilman Hartzell, with public hearing thereon set for April 6, 1965.

6. Commission Determination No. 11 - North Redlands Shopping Center

That the request of the North Redlands Shopping Center for commission determination that a retail liquor store use is similar to those uses permitted in the C-2 district and related to the convenience level of purchasing normally supporting neighborhood shopping centers be approved as stated in Planning Commission minutes dated February 23, 1965, subject to the requirements of all departments; provided it is subject to all of the regulations of the shopping center and tied in with the construction of a food store. On motion of Councilman Wagner, seconded by Councilman Martinez, the recommendation of the Planning Commission was adopted by the City Council.

7. Home Occupation Permit No. 87 - Harley J. Brook

That the request of Harley J. Brook for a Home Occupation Permit to conduct a mail order printing business in his residence at 1007 Lombard Drive, Apt. "B" be approved subject to Planning Department requirement for such permit. On motion of Councilman Cummings, seconded by Councilman Wagner, the recommendation of the Planning Commission was adopted by the City Council.

8. Tract No. 7108 - Hillward Development Co. - Time Extension

That a time extension of one year be granted for Tract No. 7108, to March 3, 1966. On motion of Councilman Cummings, seconded by Councilman Wagner, the recommendation of the Planning Department was adopted by the City Council.

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PLANNING COMMISSION RECOMMENDATIONS (Continued)

9. Tract No. 7110 - Andover Development Corp. - Time Extension
That a time extension of one year be granted for Tract No. 7110, to March 3, 1966. On motion of Councilman Cummings, seconded by Councilman Martinez, the recommendation of the Planning Department was adopted by the City Council.
10. Tract No. 7269 - E. E. Shirtcliff - Time Extension
That a time extension of one year be granted for Tract No. 7269, to March 17, 1966. On motion of Councilman Wagner, seconded by Councilman Cummings, the recommendation of the Planning Department was adopted by the City Council.
11. Lot Split No. 339 - Ruth Matteson - Time Extension
That a time extension of one year be granted for Lot Split No. 339, to February 18, 1966. On motion of Councilman Hartzell, seconded by Councilman Cummings, the recommendation of the Planning Department was adopted by the City Council.
12. Tract No. 6582 - Marvin Van Wieren - Final Approval
All provisions as contained in Council minutes dated June 2, 1964, having been complied with, it is the recommendation of the Planning Department that final approval be given to Tract No. 6582. On motion of Councilman Hartzell, seconded by Councilman Wagner, the recommendation of the Planning Department was approved by the City Council.

TRAFFIC COMMISSION RECOMMENDATIONS

At a regular meeting of the Traffic Commission held February 18, 1965, the following recommendation was submitted for Council consideration:

- A) Pursuant to Article 677, Section 677.9 of the Redlands Traffic Ordinance: To establish a two hour parking limit on the west side of Eureka Street from a point approximately 18 feet south of south curb line of Library Drive to a point approximately 280 feet south of south curb line of Library Drive.

Resolution
No. 2433

Resolution No. 2433, a resolution of the City of Redlands amending the Traffic Ordinance as above recommended, presented and adopted on motion of Councilman Hartzell, seconded by Councilman Cummings.

UNFINISHED BUSINESS

Resolution
No. 2435

Resolution No. 2435 - a resolution of the City Council amending Resolution No. 2394 establishing a salary schedule and compensation plan for city employees, presented and adopted on motion of Councilman Cummings, seconded by Councilman Wagner.

NEW BUSINESS

Ordinance
No. 1286
Apiaries

Ordinance No. 1286, an ordinance of the City of Redlands relating to and regulating the location of apiaries, presented, first detailed reading waived on motion of Councilman Wagner, seconded by Councilman Hartzell, and laid over under the rules.

Ordinance
No. 1287
Massagists

Ordinance No. 1287, an ordinance of the City of Redlands amending the Redlands Ordinance Code by the addition of Article No. 239 - Massage Parlors and Massagists - thereto, presented, first detailed reading waived on motion of Councilman Cummings, seconded by Councilman Hartzell and laid over under the rules.

CITY MANAGER

City Manager Merritt submitted a recommendation from Director of Public Works Shone relative to a proposed sewer extension to serve the new Moore Junior High School as follows:

The present plan is to install a 12 inch line from the west sewer on Citrus Avenue midway between Grove and Judson, east on Citrus to Lincoln; an 8 inch line south on Lincoln to Highland Avenue and an 8 inch line from the cul-de-sac to the Junior High School. The line in Citrus and Lincoln is a

CITY MANAGER (Continued)

Sewer
Extension
Moore
Junior
High

logical extension of the City's sewage collection system. The line in the cul-de-sac will be of primary benefit to the school. It is recommended that the City participate with the school district on a 50 - 50 basis for the extension in Citrus and Lincoln, and the line in the cul-de-sac from Highland Avenue to the school property to be installed by the school district, with refunds from future connections to be made in the same proportion. Estimated cost of the entire project, approximately \$40,000.00.

On motion of Councilman Wagner, the recommendation of the Department of Public Works was approved, with the total improvement to be done by the City with reimbursement by the school district for their proportionate share. It is understood that the work will be completed before the start of the school year of 1966, and that if reimbursement from new service connections to the line is not completed within 10 years, the period may be extended. Motion seconded by Councilman Cummings and carried.

Time
Extension
California
Trout
Company

Emmett Lowry, Water Superintendent, asked the Council for advice relative to the request of the California Trout Company to the Mill Creek Water Owners Association, of which the City is a minority member, for extension of its lease in Mill Creek Canyon. Councilman Hartzell moved that, as the lease had expired in February and the company is in default on its rental payments, the request should not be looked upon favorably at present. Motion seconded by Councilman Wagner and carried.

Mill Creek
Filter
Plant

The City Manager requested authorization to engage the engineering firm of Neste, Brudin and Stone to perform a preliminary engineering study to evaluate conditions relative to the design of a new filter plant in Mill Creek. On motion of Councilman Wagner, seconded by Councilman Cummings, authorization from the study was approved by the City Council.

Bid Call
Sewer Line

On motion of Councilman Hartzell, seconded by Councilman Martinez, the City Clerk was authorized to call for bids for the installation of the Terracina Boulevard and Olive Avenue trunk line - sewer line extension to the Redlands Community Hospital. Bids called for March 16, 1965 at 10:00 A.M.

Grant Deed
R. N. Green

A Grant Deed to the City of Redlands from Roger N. Green for an easement for a water line over the westerly portion of Lot 24, Redlands Heights, presented and accepted on motion of Councilman Wagner, seconded by Councilman Martinez, with the City Manager authorized to execute certificate of acceptance on behalf of the City of Redlands.

Mr. Merritt informed the Council that June 11, 1965 has been designated as Redlands Community Bowl Day.

A trophy display case for the wall along the north entrance to the City Hall lobby was approved on motion of Councilman Hartzell, seconded by Councilman Cummings - cost not to exceed \$600.00.

An invitation to the Council to attend a program for teachers on March 10, 1965.

Possible relocation of the Footlighters was discussed. Council instructed the staff to proceed to investigate the possibility of a site adjacent to Reservoir Park, and to consider all possible alternatives.

Bills and salaries were ordered paid as approved by the Finance Comm. No further business demanding attention at this time, on motion, the Council adjourned at 10:00 P.M.

Next regular meeting March 16, 1965.

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ATTEST:

Hazel M. Soper
City Clerk

Walter F. Ransough
Mayor of the City of Redlands

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