

MINUTES

of an adjourned regular meeting of the City Council, City of Redlands, held in the Council Chambers, Safety Hall, 212 Brookside Avenue, on October 20, 1966, at 7:00 P.M. Planning Commission Items 3:00 P.M. Regular Agenda 7:00

PRESENT

Waldo F. Burroughs, Mayor
William T. Hartzell, Vice-Mayor
Norman N. Martinez, Countilman
Jack B. Cummings, Councilman
Charles G. DeMirjyn, Councilman

Ralph P. Merritt, Jr., City Manager
Carl Davis, Attorney
Peggy A. Moseley, City Clerk
Ron Kibby, Redlands Daily Facts
Chuck Palmer, San Bernardino Sun

ABSENT

None

The meeting was opened with the pledge of allegiance, followed by the invocation by Reverend David L. Silke of the First Baptist Church. Mayor Burroughs opened the meeting with a welcome to the large audiance in attendance.
The minutes of the meeting of October 4, 1966, were approved as submitted.

The Mayor outlined the rules to cover the presentations of the proponent and opponent in relation to Council Determination concerning the appeal to Commission Review and Appeal of C.U.P. 106, and stated that the only item to be considered was the Planning Commission action of September 13, 1966, upon the following motion by Commissioner Prendergast;

Appeal "Therefore, Mr. Chairman, I move we approve commission review and approval
C.R.A. for Conditional Use Permit No. 106 in accordance with the revised service
of station site prepared by the Planning Department, and subject to the
C.U.P. recommendations of all departments, adding to Planning Department Recomm-
No. 106 endation No. 17, 'No commercial activity between 10:00 p.m. and 6:00 a.m.,
also adding planning recommendation No. 21: Any time extension to be
considered by the City Council.'

"The motion was seconded by Mr. Butler and carried by the following roll call vote:

"AYES: Commissioners Butler, Prendergast and Chairman Hales
NOES: Commissioners Rabe and Heim
ABSENT: Commissioners Runkel and Emerich"

A statement of Mr. Max Kreston, chairman of the Southeast Redlands Community Association was read at this time as follows:

"October 19, 1966

"Mayor Waldo F. Burroughs
City of Redlands

"A Conditional Use Permit provides certain specific standards and conditions for development. It must first be understood that the Southeast Redlands Community Association is opposed to any change of zoning from R-E to Commercial at Ford and Redlands Blvd. The question in point today is whether or not the site plan submitted with the request for a one year extension of CUP 106 constitutes a major revision. If it is a revision then the Buin Corporation must reapply for a new conditional use permit according to those regulation ordinances of the City of Redlands, now in effect.

"A major revision is defined in the City ordinances governing conditional use permits as one which violates the intent or any of the standards or conditions in the original permit.

"It would seem that the City of Redlands through its departments should list all of the standards and conditions in the original permit including applicable council and planning commission actions. Then the departments should list the effects of the new plan submitted with the request for extension of CUP 106 on each and every standard and condition. This should be a written report documented to show all applicable information. Until this is done it would seem impossible for the City Council or Planning Commission to make a decision or whether or not the new plan incorporates major revisions. A standard in the original permit was that Ford Road should be 88 feet wide and the new plan shows that the road is 64 feet wide. It is impossible to say that the 88 feet standard has not been violated; the City ordinance says when a standard has been violated then there is a major revision. Quoting from the Planning Commission minutes of September 13, 1966: 'All of the departmental recommendation have been re-written to apply to the new site plan.' How can the governing bodies of the city of Redlands decide if standards or conditions of the original CUP were violated unless in the re-writing of the departmental recommendations information is provided to show how the original standards and conditions are effected.

"We suggest that the departments of the City of Redlands are responsible to the governing body, the City Council, who are in turn responsible to the electorate of which we are a part. We feel that more is required from the departments of the City than re-writing the original recommendations; sufficient information must also be supplied to the Council for sound decision making by them on the question: Does the new plan incorporate changes which violate the original standards and conditions.

"We feel that there are major changes and the applicants for the CUP should reapply; we feel, however, that --- just as the departments have fulfilled their responsibilities to the developer they should fulfill their responsibilities to all the electorate. The responsibility is that the City government do a complete and thorough analysis of the new application and how it effects the original standards and conditions. It is apparent from the Planning Commission vote, three in favor and two against, that there is no clear cut opinion on whether or not major revisions have been made.

"Sincerely,

s/ Max S. Kreston"

Appeal Commission Review and Approval of C.U.P No. 106 (Continued)

In attendance and representing Appellants are Attorneys James P. Cantillon and Richard P. Cheer.

A statement of the Buin Corporation submitted by Attorney Cranmer, representative of the applicants for C.U.P. 106, was read as follows:

"September 27, 1966

"Honorable City Council
City Hall
Redlands, California

"Re: Appeal of Planning Commission
Decision on Revised Site Plan
under Conditional Use Permit
No. 106 granted Buin for C-2
Neighborhood Shopping Center

"Gentlemen:

"With the filing of a written appeal of the Planning Commission's decision made September 13, 1966, approving a revised site plan submitted by Buin, it is now appropriate to comment on the appeal and the procedure for its hearing. The appeals procedure apparently was to provide an orderly method for the City Council to review Planning Commission decisions and to confine the review to specific issues and eliminate a rehearing of all matters previously presented. The appeal filed complains that the submission of the revised plot plan is not a minor revision as defined by Ordinance No. 1294 but a major revision requiring submission under regular conditional use permit procedure. It appears to be an objection solely to the procedure followed and not to the merits of the Commission's decision. The issue to be determined by the Council, therefore, is an interpretation of the language of Ordinance No. 1294 defining minor revisions as follows:

" 'Minor revisions are hereby defined as revisions which in no way violate the intent or any of the standards of conditions of the permit or of the zone.'

"The revised plot plan submitted by Buin was made necessary in order to realign Ford Street to place it on Buin property rather than across the Buster property as originally approved. The realignment of Ford Street was made in accordance with recommendations of the Public Works Department. The revised plot plan in no way violates the intent, standards of conditions of the permit or of the zone. No request for increase in area of the site or increase in the building area or request for uses not specifically permitted in a C-2 zone are involved in the submission.

"It is a practical fact that an original plot plan approved for a shopping center is very likely to be revised before final development to accommodate the needs and desires of the tenants of the shopping center. Every C-2 shopping center developed in the City thus far has had at least one revision of the site plan originally approved. The following is a schedule showing the experience of such projects.

<u>"C-2 Shopping Center</u>	<u>Original Permit Granted</u>	<u>Revised Plot Plans Approved</u>
Sages	April 17, 1956	1st: January 1958 2nd: April 1959 3rd: September 1961 4th: June 1964 5th: April 1965
Market Basket	April 1956	1st: September 1956 2nd: October 1958
University Plaza	May 1963	1st: March 1964 2nd: April 1964
North Redlands	May 1963	1st: October 1964

"Each of the developed C-2 shopping centers except Market Basket includes a service station and only North Redlands showed a service station on its original plot plan.

"Probably their most important consideration of an appeal is the determination of what issues are not involved. In the present case since a Conditional Use Permit for the development of a C-2 shopping center already has been approved and granted, it would appear unnecessary to allow objections regarding the following:

Appeal Commission Review and Approval of C.U.P. No. 106 (Continued)

- "1. Development of the property as a C-2 shopping center;
2. Approval of uses permitted in a C-2 zone;
3. Economic feasibility of the project;
4. Procedures involving the submission of the application and supporting documents for the conditional use permit;
5. Record title to the real property involved.

"If consideration of the appeal is limited to the standards set forth in Ordinance No. 1319, i.e., 'review the decision of the Commission, hear new evidence and testimony, if offered' and confined to the appealable issues of whether a minor or major revision is involved, I suggest the hearing could be limited to a maximum time of one hour and the appellant allowed 30 minutes and the applicant 30 minutes to present their respective views. In view of the long delay which has already occurred, the applicant respectfully suggests that the hearing on the appeal be held on October 4. Since no research of any City department is necessary, I assume that the appellant should be prepared to proceed without further delay.

"Respectfully yours,

s/ Rex W. Cranmer
Attorney for Applicant"

The minutes of the Planning Commission meeting of September 13, 1966, are included as part of the record on appeal to the City Council.

Mr. Cantillon then presented the position of the Southeast Redlands Community Association; he discussed the City ordinances related to zoning under which C.U.P. 106 was originally granted, and said that it was the opinion of the Southeast Redlands Community Association that the site plan revision under consideration constitutes a major revision, and thus required resubmission by the applicant.

Attorney Rex W. Cranmer, representing the Buin Corporation, briefly reviewed the history of the application for Conditional Use Permit No. 106 by the Buin Corporation and outlined the developmental steps of this shopping center up to the time of the request for commission review and approval of the revised site plan which was presented to the Planning Commission on September 13, 1966. Referring to the ordinance under which the CUP was approved, Ordinance No. 1194, and to the Buin Corporation's letter, he maintained that to add a service station to the shopping center site is a minor revision, and that the Planning Commission was correct in approving the Commission Review and Approval of the amended site plan under C.U.P. 106.

Also addressing Council with questions and comments were: Mrs. Walter E. Baumgartner, 302 E. Sunset Drive; Mrs. F. D. Atkinson, 314 Sunset Drive North, and Mr. Paul Fojtik, 151 Hilton Avenue.

After the close of the public hearing, Deputy City Attorney Carl Davis explained to the Council that its responsibility was to review whether the Planning Commission's approval of the revised site plan is reasonable and supported by the evidence before the Commission and any new evidence offered during this hearing on appeal. He stated that the notice of appeal was filed on September 23, 1966, within the 10-day time period in accordance with the appeal procedure recently adopted in Ordinance No. 1319. He further stated that the issue to be considered was whether the revision of the site plan was major or minor in view of the evidence received by the Planning Commission and City Council. Minor revisions to a site plan previously approved as part of a C.U.P. may be made under the zoning ordinance of the City without reapplying for a new conditional use permit. As defined in Section 52.00 (H) of the City zoning ordinance, minor revisions are those which do not violate the intent or any of the standards or conditions of the permit or the zone. The Buin Corporation's application for conditional use permit was approved by the Council on July 6, 1965,

Appeal Commission Review and Approval of C.U.P. No. 106 (Continued)

and the Planning Commission on September 28, 1965. The hearing today is to consider certain revisions of that site plan requested by the applicant and approved by the Planning Commission on September 13, 1966.

Director of Public Works Shone, questioned regarding the status of the present alignment of Ford Street, informed Council that the map submitted shows the temporary alignment of Ford Street to Redlands Boulevard, and that Ford Street will be realigned at such time as funds and right-of-way are available for the purpose. Shone stated that the alignment shown on the revised site plan is satisfactory from the standpoint of engineering and is adequately designed for the traffic to be anticipated.

Mr. Schindler pointed out that Conditional Use Permit No. 106 allows construction of a C-2 Shopping Center and that the revision does not materially change its character as such a C-2 center. Mr. Schindler stated that service stations and banks were permitted uses in C-2 shopping centers under the City zoning ordinances at that time and upon the granting of C.U.P. No. 106 and are permitted uses now. He stated that site plans are intended to show the orientation of buildings and relationship to the site and to surrounding property. The designation of uses shown on the site plan may be in terms of broad categories of uses which are permissible under the zone or conditional use permit as opposed to designating specific uses.

Councilman Hartzell gave the background of both the Master Plan and Ordinance No. 1000, and the reasons therefor. He pointed out that Ordinance No. 1000 was the tool or motivating force which affectuated the Master Plan and down through the years it had been modified and revised on numerous occasions - each time with attempts at broad public participation and public hearings. He also stated that the Council and Planning Commission had adhered consistently to the philosophy of the Master Plan and the requirements of Ordinance No. 1000. The recent revisions of C-1 and C-2 uses were participated in by members of the Southeast Redlands Community Association, and at no time either prior to or during this last revision, had it ever been suggested that these uses, including gas stations, be deleted from the C-2 area. These uses have been found useful, worthwhile and necessary. He then stated that upon careful study and research of the Planning Commission's approval of the Buin application, the appeal as presented, the evidence offered by the proponents, appellants and the applicant and the minutes of the proceedings of the Planning Commission on September 13, 1966, which are part of the record before the City Council, he could find no unreasonable action by the Commission, or abuse of its discretion, in granting Commission Review and Approval of C.U.P. No. 106. He further stated that the broad public interest would indicate that this is a proper use, the ordinances have been complied with and, therefore, moved denial of the appeal, on grounds that evidence received by the Planning Commission supports its determination that the requested revision of the site plan for uses in the C-2 zone is minor and within the scope of Conditional Use Permit No. 106. Mr. Hartzell recommended that the City Council make findings of such facts, and moved for denial of the appeal, and approval of commission review and approval of Conditional Use Permit No. 106, subject to the requirements as contained in the Planning Commission minutes, dated September 13, 1966.

Councilman Cummings stated that, based upon his examination of the minutes of the Planning Commission hearing and action, testimony and statements before the City Council, and the entire record, there was sufficient evidence to support the Planning Commission's action and show that it is reasonable. Mr. Cummings offered amendments to Mr. Hartzell's motion, as findings in support of the motion, as follows:

Appeal Commission Review and Approval of C.U.P. No. 106 (Continued)

1. The revised site plan does not violate the intent or standards or conditions of the permit.
 - a) The gross floor area and net usable acreage is less than the original site plan and grade elevation is approximately the same.
 - b) The relocation and arrangement of buildings is proper.
 - c) The proposed gas station is a permitted use under the C-2 centers. Gas stations have been routinely approved in neighborhood centers at (1) University Plaza, (2) North Redlands Shopping Center and (3) Sage's.
 - d) The realignment of Ford Street has been reviewed by the Public Works Department and found to be feasible from the standpoint of engineering and street safety.
2. The revised site plan is adequate in size and shape to accommodate the uses proposed.
3. According to the recommendations of the Department of Public Works, the streets and highways under the revised site plan are properly designed to carry the type and quantity of traffic to be generated.
4. The conditions of approval adequately protect the public health, safety and general welfare.
5. That the two-mile distance limit between shopping centers as set forth under Ordinance No. 1313, does not apply because the application for the Conditional Use Permit was previously approved under Ordinance No. 1194, before the two-mile limit went into effect in the City of Redlands.

Councilman DeMirjyn stated that in his opinion the revisions to the site plan constituted major changes and the decision of the Planning Commission should, therefore, be reversed.

The motion of Councilman Hartzell, as amended by Councilman Cummings, was seconded by Councilman Martinez and adopted by the following roll call vote:

AYES: Councilmen Martinez, Hartzell, Cummings, Mayor Burroughs

NOES: Councilman DeMirjyn

ABSENT: None

Council was recessed for five minutes.

The request of the Buin Corporation for a one-year time extension for Conditional Use Permit No. 106 tabled at the meeting of September 20, 1966, for further consideration following the appeal of Planning Commission Review and Approval of Conditional Use Permit No. 106, was presented once again at this time. On motion of Councilman Hartzell, seconded by Councilman Martinez, a one-year time extension from September 28, 1966, to September 28, 1967, was granted for Conditional Use Permit No. 106, with the following roll call vote:

AYES: Councilmen Martinez, Hartzell, Cummings, Mayor Burroughs

NOES: Councilman DeMirjyn

ABSENT: None

PLANNING COMMISSION RECOMMENDATIONS

As considered by the City Council at a regular meeting thereof held October 20, 1966, at 3:00 P.M.

Present: Councilmen Martenez, Hartzell, Cummings, DeMirjyn, Mayor Burroughs, Attorney Davis

Absent: None

1. R.P.C. No. 264 - Amendment No. 72 to Zoning Ordinance No. 1000

That R.P.C. No. 264, amending Zoning Ordinance No. 1000, a complete revision of Section 19.00, R-2 Multiple Family Residential District (R-2-3000), be approved. On motion of Councilman Hartzell, seconded by Councilman DeMirjyn, R.P.C. 264 was approved and Ordinance No. 1323, an ordinance of the City of Redlands, Amendment 72 to Ordinance No. 1000, was introduced and laid over under the rules and public hearing set for November 1, 1966, at 7:00 P.M.

PLANNING COMMISSION RECOMMENDATIONS (Continued)

2. Commission Review and Approval No. 200 - Gulf Oil Corporation

At this time notice of an appeal to the decision of the Planning Commission was brought to Council attention. On motion of Councilman Hartzell, seconded by Councilman Martinez, this appeal will be held at 3:00 P.M., on November 1, 1966.

COMMUNICATIONS

Councilman Hartzell referred to a letter from the Council on Community Services, inviting the City Council's participation in the activities of that board. City Manager Merritt replied that a letter had been directed to Reverend H. Mike Fink, requesting that a meeting be arranged between members of that board and the City Council.

Councilman Hartzell now referred to the letter Councilman DeMirjyn brought to Council attention during the Buin appeal, which letter referred to a bakery truck entering Sage's parking lot during the early morning hours. Councilman Hartzell stated that every effort is being made to conform to the ordinance in the prevention of noise between 10:00 P.M. and 6:00 A.M., and stated that there had been no further complaints.

Council discussed the possiblility of the formation of a recreation district to be contiguous with the Redlands School District and decided that study should begin promptly on this project. On motion of Councilman Hartzell, seconded by Councilman DeMirjyn, a recommendation from the Council will be presented to the Joint Recreation Commission.

CITY MANAGER

Bid Call
Sprinkler

On motion of Councilman Martinez, seconded by Councilman Cummings, the City Clerk was authorized to call for bids on the installation of an automatic sprinkler system for the northwest corner of Section C of Sylvan Park - a budgeted item in the amount of \$8,750.

Grant Deed
Campbell
Morse

A Grant Deed from Edward M. and Merry Campbell and R. E. and Barbara A. Morse for street right-of-way purposes in connection with University Street improvements was accepted on motion of Councilman DeMirjyn, seconded by Councilman Martinez, with the City Manager authorized to execute a certificate of acceptance.

Carnival

A request by the J. A. Blash Amusements to operate a carnival in the University Plaza Shopping Center on November 3 through November 6, 1966, was approved, subject to the requirements of all City departments, on motion of Councilman Hartzell, seconded by Councilman Cummings.

Dues

Dues for membership in the Feather River Project Association for the year 1966 in the amount of \$200.00 were ordered paid, on motion of Councilman Hartzell, seconded by Councilman Cummings.

Rabies
area

City Manager Merritt brought to Council notification by the State Department of Public Health redeclaring the County of San Bernardino to be a rabies area as defined by California Health and Safety Code.

Resolution
No. 2557
Park

Resolution No. 2557, a resolution of the City of Redlands, establishing the position of Assistant Park Superintendent was adopted on motion of Councilman DeMirjyn, seconded by Councilman Hartzell.

Bills and salaries were ordered paid as approved by the Finance Committee.

On motion of Councilman Hartzell, seconded by Councilman DeMirjyn, Council adjourned to an adjourned regular meeting in Safety Hall, Tuesday, October 25, 1966, at 8:30 A.M.

ATTEST:

Regina A. Mosley
City Clerk

Waldo F. Burroughs
Mayor of the City of Redlands