

MINUTES

of a regular meeting of the City Council, City of Redlands, held in the Council Chambers, Safety Hall, 212 Brookside Avenue, on November 21, 1978, at 7:00 P.M.
Planning Commission Items 3:00 P.M.

PRESENT

- Oddie J. Martinez, Jr., Mayor
- Charles G. DeMirjyn, Councilman
- Warren R. Elliott, Councilman
- Barbara Cram Riordan, Councilman

- Chris C. Christiansen, City Manager
- Bruce Atkins, Attorney
- Peggy A. Moseley, City Clerk
- Erwin S. Hein, Redlands Daily Facts
- Mike Murphy, San Bernardino Sun

ABSENT

- Chresten M. Knudsen, Vice Mayor

Awards City Employees	The meeting was opened with the pledge of allegiance, followed by the invocation by Dr. Virgil Raley of the Brookside Free Methodist Church.		
	Mayor Martinez presented cash awards to the following employees for suggestions they submitted in a recent Suggestion Program sponsored by the Redlands City Employees' Association: Ron Mutter, \$250.00 (safety procedures for employees working on public streets), Edward Marchigiani and Steve Jirsa, \$75.00 each, (private vehicle rental and elimination of auto equipment), Joe Schultehenrich, \$50.00 (installation of safety lights on industrial equipment), and Ralph Crossland, \$50.00 (parking of private and City vehicles at City Yard).		
	Mr. Robert Shelton, President of the Association, pointed out that the money for these awards came directly from the treasury of the Redlands City Employees' Association and hopefully, through this program, the City will be able to cut expenditures in some areas and thereby keep with the spirit of Proposition 13.		
BIDS	Minutes of the regular meeting of November 7, 1978, were approved as submitted.		
	The following bids were opened and publicly declared by the City Clerk at 10:00 A.M. this date for the sale of real property located on the southwest corner of Olive Avenue and San Mateo Street.		
	Surplus Property	Franklin D. Barnes Redlands, California	\$50.00
Sylvan Park Lighting	A public hearing will be held later this evening at which time Council may act on this matter.		
	The Public Works Department was authorized at the October 17, 1978, Council meeting to re-study the requirements and re-advertise for bids for lighting in Sylvan Park. The following bids were opened and publicly declared by the City Clerk at 10:00 A.M. this date for this project:		
	Howell Construction Company Bloomington, California	Picnic Areas Walkways Bowling Green & Volley Ball Court	\$ 39,000.00 28,000.00 20,000.00 \$ 87,000.00
PUBLIC HEARINGS	Inland Contractors Redlands, California	Picnic Areas Walkways Bowling Green & Volley Ball Court	\$ 49,908.00 28,750.00 23,910.00 \$102,568.00
	These bids will be referred to the County Office of Community Development for study and recommendation.		
	Resolution No. 3538, a resolution of the City Council declaring that certain real property located on the southwest corner of Olive Avenue and San Mateo is no longer required for public use, authorized a public hearing for this time and place. Mayor Martinez opened the meeting as a public hearing for any questions or comments concerning this sale of property. None being forthcoming, the public hearing was declared closed. Approval was given Resolution No. 3538 on motion of Councilman DeMirjyn, seconded by Councilman Elliott, and to the sale of the property specified for the bid price of \$50.00 to Franklin D. Barnes.		
Resolution No. 3538			
Surplus Property Sale			
Bid Award			

PUBLIC HEARINGS (Continued)

Resolution
No. 3543

Amendment
No. 21
General
Plan

Public hearing was advertised for this time and place on Resolution No. 3543, a resolution of the City of Redlands for adoption of Amendment No. 21 to the General Plan, which deletes the designation of Alessandro Road to its intersection with San Mateo Street at Highland Avenue and designates Alessandro Road as a collector street between Crescent Avenue and San Timoteo Canyon Road. Mayor Martinez declared the meeting open as a public hearing for any questions or comments concerning this amendment to the General Plan. None being forthcoming, the public hearing was declared closed, and Resolution No. 3543 was adopted on motion of Councilman Elliott seconded by Councilman DeMirjyn, by AYE votes of all present.

Resolution
No. 3544

Street
Vacation
Stanford
Street

Public hearing was advertised for this time and place on Resolution No. 3544, a resolution of the City Council finding that portions of Stanford Street are unnecessary for present or prospective street purposes and ordering the vacation of said portion. Mayor Martinez opened the meeting as a public hearing for any questions or comments concerning this street vacation. None being forthcoming, the public hearing was declared closed, and Resolution No. 3544 was adopted on motion of Councilman DeMirjyn, seconded by Councilman Riordan, by AYE votes of all present.

Resolution
No. 3545

Street
Vacation
Terrace
Street

Public hearing was advertised for this time and place on Resolution No. 3545, a resolution of the City Council finding that portions of Terrace Street are unnecessary for present or prospective street purposes and ordering the vacation of said portion. Mayor Martinez opened the meeting as a public hearing for any questions or comments concerning this street vacation. None being forthcoming, the public hearing was declared closed, and Resolution No. 3545 was adopted on motion of Councilman Elliott, seconded by Councilman Riordan, by AYE votes of all present.

Ordinance
No. 1668

Zone
Change

Public hearing was advertised for this time and place on Ordinance No. 1668, an ordinance of the City of Redlands which establishes a change of zone from A-1 (Agriculture) District to R-S (Suburban Residential) District for approximately 14 acres of property located on the northwest corner of Highland Avenue and LaSalle Street. Mayor Martinez declared the meeting open as a public hearing for any questions or comments concerning this zone change. None being forthcoming, Ordinance No. 1668 was adopted, with waiver of the reading of the ordinance in full, on motion of Councilman DeMirjyn, seconded by Councilman Elliott, by the following roll call vote:
AYES: Councilmembers DeMirjyn, Elliott, Riordan; Mayor Martinez
NOES: None
ABSENT: Councilmember Knudsen

Ordinance
No. 1669

Amend
Subdivision
Code

Public hearing was also advertised for this time and place on Ordinance No. 1669, an ordinance of the City of Redlands amending the Redlands Ordinance Code and Subdivision Ordinance No. 1562, Section 10, entitled Expiration of Tentative Map Approval. Mayor Martinez declared the meeting opened as a public hearing for any questions or comments concerning this ordinance. None being forthcoming, the public hearing was declared closed and Ordinance No. 1669 was adopted on motion of Councilman Riordan, seconded by Councilman Elliott, with waiver of the reading of the ordinance in full, by the following roll call vote:
AYES: Councilmembers DeMirjyn, Elliott, Riordan; Mayor Martinez
NOES: None
ABSENT: Councilmember Knudsen

ORAL PETITIONS FROM THE FLOOR

Dr. Kenneth R. Roth of 1720 Sarrita Drive read a prepared statement (on file in the office of the City Clerk). Dr. Roth reminded Council that

ORAL PETITIONS FROM THE FLOOR (Continued)

Interim
Ordinance
No. 4
Proposition
"R"

there are now in excess of 4,400 dwelling units either under construction or in finalized tracts and calculated that these could increase the Redlands population by 12,500. He stressed the constraints of Proposition 13, the utilization this year of \$1 million in reserve funds, and the questionable assistance from the State next year. In closing, Dr. Roth urged the Council to adopt Proposition R - Initiative Ordinance to Moderate the Growth Within the City of Redlands - as it is written and was voted on November 7, 1978, as an "Urgency Ordinance".

On motion of Councilman DeMirjyn, seconded by Councilman Elliott, Ballot Measure R - Initiative Ordinance to Moderate the Rate of Growth Within the City of Redlands to Preserve the City's Unique Environment and Character - was adopted, by AYE votes of all present, as an urgency ordinance, Interim Ordinance No. 4.

Community
Center

Mr. Anthony Martinez of 1142 North Sixth Street renewed his request of last meeting for use of Community Center for meetings through December, 1979. Council explained the problem of committing a City facility to one group for such an extended time, and approved the use on a month-to-month basis, so long as there is no conflict, on motion of Councilman DeMirjyn, seconded by Councilman Riordan.

COMMISSION RECOMMENDATIONS

Planning Commission - Planning Session minutes at end of this segment on page 172.

Recreation Commission - Councilman Riordan reported that the Commission expressed regret at Bud Shirtcliff's resignation. Also, that the members are attempting to restructure the department.

COMMUNICATIONS

Election
Results

Council acknowledged receipt of the certification from William H. Clinton, Registrar of Voters, of election results for the City of Redlands Special Municipal Election held on November 7, 1978, showing the following results:

Ballot Measure R: Initiative Ordinance to Moderate Growth within the City of Redlands	Yes 9172	No 4303
Ballot Measure S: Development of 200 Additional Units of Senior Citizen Housing	9291	3333
Ballot Measure B: County Sponsored Low Rent Housing	9090	3571

NEW BUSINESS

Resolution
No. 3546
Agricultural
Preserve
Removal

Resolution No. 3546, a resolution of the City Council establishing policy criteria for removal of lands from within the Agricultural Preserve and rescinding Resolution No. 3376, was adopted by AYE votes of all present, on motion of Councilman Elliott, seconded by Councilman DeMirjyn. Councilman Riordan stressed the importance of Item 5 - Fencing in Agricultural Preserves.

Airport
Master
Lease
Sale

On motion of Councilman DeMirjyn, seconded by Councilman Elliott, Council approved by AYE votes of all present, the sale of the Airport Master Lease to Mission Aviation Fellowship as recommended by the Airport Advisory Board, and authorized the Mayor to sign on behalf of the City. Said lease will be modified to include the requested changes by Mission Aviation Fellowship as follows:

1. The lease be for a 20-year period beginning January 1, 1979. (The current lease is for a 20-year period beginning January 1, 1975)

NEW BUSINESS (Continued)

Airport Master Lease Sale	2. That three successive 10-year lease renewal options be included in the lease. (The current lease provides for one 10-year option). 3. That approximately 3.5 acres be added to the master leased area. (This had been committed to Lou Stolp). 4. There are numerous date changes requested as a result of request numbers 1 and 2 above. Also some clarification of wording of no significance.
Ordinance No. 1670 Parking Lots	Ordinance No. 1670, an ordinance of the City of Redlands amending the Redlands Ordinance Code and Ordinance No. 1606, Parking Lots, was given first reading of the title and laid over under the rules with second reading set for December 5, 1978.
Resolution No. 3547 Police Department Fees	On motion of Councilman DeMirjyn, seconded by Councilman Elliott, Resolution No. 3547, a resolution of the City Council establishing a schedule of fees to be charged by the Redlands Police Department was adopted by AYE votes of all present.
CITY MANAGER	
Minor Subdivision No. 28 Waiver	A request for waiver of the water system installation for Minor Subdivision No. 28 by Dr. Craig Northcutt was granted by AYE votes of all present, on motion of Councilman DeMirjyn, seconded by Councilman Riordan. <u>* See page 172</u>
Tentative Tract No. 10084 Sewer	On motion of Councilman DeMirjyn, seconded by Councilman Riordan, Council approved by AYE votes of all present, amending Sewer Section Requirement No. 5 for Tentative Tract No. 10084 to read as follows: "Install sewer in Texas Street between Pioneer Avenue and San Bernardino Avenue or pay a proportionate share of installation cost, if at the time of requesting final approval of the tract map such sewer has been previously installed by others. Similarly, if this sewer is installed by Tract No. 10084, the City will charge subsequent tracts similarly benefited a proportionate cost and will reimburse the developer who installed this sewer as such sums are collected."
Block Grant Funds Agreement	Following discussion of the on-going maintenance costs, in order to ensure compliance with federal regulations, Council approved by AYE votes of all present a maintenance and Operation Agreement to be completed prior to the allocation of Community Development funds on motion of Mayor Martinez, seconded by Councilman Riordan.
"Mini" Park	On motion of Councilman DeMirjyn, seconded by Councilman Elliott, by AYE votes of all present, Council named the city-owned park at Fifth and State Streets "Central Park" following a brief presentation by Mrs. Ruth Patton.
Boy Scout Lease	The request from the Boy Scout Troop No. 10 for a lease renewal, at no cost, for a five-acre parcel of property located on the east side of Amethyst Avenue, north of Highway 38, was approved by AYE votes of all present, on motion of Councilman DeMirjyn, seconded by Councilman Riordan, The Mayor and City Clerk were authorized to sign the lease on behalf of the City.
Funds Fire Department	On motion of Councilman DeMirjyn, seconded by Councilman Riordan, an additional appropriation in the amount of \$7,118.85 for the Fire Department to purchase protective clothing for safety personnel as required by the Division of Industrial Safety was approved by AYE votes of all present.

CITY MANAGER (Continued)	
Bid Call Paving Material	The City Clerk was authorized by AYE votes of all present to advertise for bids for paving materials for the calendar year 1979 on motion of Councilman DeMirjyn, seconded by Councilman Riordan.
Funds Police Department	Council approved an additional appropriation in the amount of \$928.84 to pay for overtime and meals for employees of the Police Department who provided extra security at Ford Park on November 5, 1978, on motion of Councilman DeMirjyn, seconded by Councilman Riordan, by AYE votes of all present.
Street Name Change	The request to change Reservoir Road's name was referred to the Planning Commission for recommendation by AYE votes of all present on motion of Councilman Riordan, seconded by Councilman DeMirjyn, Councilman Elliott pointed out that this was located in Reservoir Canyon.
Option "B" Water Contract	On motion of Councilman DeMirjyn, seconded by Councilman Riordan, Council approved by AYE votes of all present an Option "B" Water Contract in the name of Bennett R. Curtis and authorized the Mayor and City Clerk to sign in behalf of the City.
Declarations of Dedications	Declarations of Dedications for street right-of-way purposes in connection with the development of C.U.P. No. 302 were accepted by AYE votes of all present from Leroy and Helen Hansberger and Wilmer J. and Janine Engevik, And Wilmer J. and Janine Engevik on motion of Councilman DeMirjyn, seconded by Councilman Riordan.
Quitclaim Drainage Easement	Council authorized the Mayor and City Clerk to execute a quitclaim of a drainage easement in connection with Tract No. 9777 to Casa Bonita Construction Corporation on motion of Councilman DeMirjyn, seconded by Councilman Riordan, by AYE votes of all present.
Drainage Easement Casa Bonita	An easement for drainage purposes from Casa Bonita Construction Corporation in connection with Tract No. 9777 was accepted by Council on motion of Councilman DeMirjyn, seconded by Councilman Riordan, by AYE votes of all present.
Basement Henderson	On motion of Councilman DeMirjyn, seconded by Councilman Riordan, an easement for drainage purposes in connection with Tract No. 9883 from William and Alwilda Henderson was accepted by AYE votes of all present.
Claims	Two claims against the City filed by Gordon Donald and John Richards were denied in routine manner and referred to the City's insurance carrier on motion of Councilman Elliott, seconded by Councilman DeMirjyn.
Reception	Mayor Martinez announced that on December 7, 1978, between the hours of three and five o'clock, the City Council will hold a reception honoring City Manager and Mrs. Christiansen. This will be held in the Lyon's Gallery in Smiley Library.
Police Officer High School	Councilman DeMirjyn stated that a police officer had been on the Redlands High School campus full-time last year and was needed again this year. He requested Council consider this.
	Bills and salaries were ordered paid as approved by the Finance Committee.
	There being no further business, Council adjourned, on motion, at 7:55 P.M.
	Next regular meeting, December 5, 1978

CITY MANAGER	<u>Minor Subdivision No. 28 - Dr. Craig Northcutt - Request Waiver of requirements</u> The approval granted this request for waiver are subject to the following memorandum from Public Works Director Jack Shefchik: Require construction of that portion of the water system within Sunset Drive, require Dr. Northcutt to grant a 15' wide easement across Parcel 1 to facilitate future construction of a water system to serve Parcel 2, and require Dr. Northcutt to execute an agreement providing for construction of the required water system to Parcel 2 at such time as Parcel 2 is actually developed. The agreement would be a recorded document that should run as a covenant with the property. The water system required in Sunset Drive must be completed prior to development of Parcel 1 to provide adequate fire protection for the home Dr. Northcutt proposes to construct on Parcel 1.
Minor Subdivision No. 28 Waiver	
PLANNING COMMISSION RECOMMENDATIONS	Planning Commission recommendations as considered by the City Council at a regular meeting thereof held on November 21, 1978, at 3:00 P.M. Present: Councilmembers DeMirjyn, Elliott, Riordan; Mayor Martinez; City Attorney Taylor, Attorney Atkins Absent: Councilmember Knudsen 1. <u>Interim Ordinance No. 3 - Ratification</u> Before considering the Planning Commission agenda, the Council discussed Interim Ordinance No. 3 - An Interim Ordinance of The City of Redlands Amending Ordinance 1562 To Prohibit Condominium Conversions - adopted October 17, 1978. On motion of Councilman DeMirjyn, seconded by Councilman Elliott, Council ratified this ordinance by AYE votes of all present. 2. <u>Variance No. 232 and Minor Subdivision No. 56 - John Sabol</u> That the request for approval of variance and minor subdivision of property located between Texas and Lawton Streets, approximately 98 feet north of Western Avenue (1212 Texas Street), be approved subject to the recommendations of all departments as outlined in Planning Commission minutes dated November 14, 1978, and the following requirements: 3b. Building and Safety Department recommend the area be cleaned up, required carports be constructed, necessary areas be properly paved; permit and inspection be made for garage conversion; and adding that the carport be located as close to the house as possible in compliance with the Redlands Code requirements. On motion of Councilman DeMirjyn, seconded by Councilman Elliott, Variance No. 232 and Minor Subdivision No. 56 were approved by the City Council. 3. <u>Council Referral Items - Councilman DeMirjyn</u> Council then considered some of the items referred to Planning Commission by Councilman DeMirjyn on October 31, 1978. Item No. 1. Councilman Riordan stated that she had expected to see the grading ordinance which was tabled on July 18, 1978 brought to Council again. Her concerns at the time of tabling were chiefly the problems of homes being placed excessively close to cuts in hillsides. Item No. 8. Mr. Schindler explained that there was a variety of lighting available to prevent monotony. Item No. 9. A requirement of standpipes to be installed by homes in the fire prone areas was also discussed. Mr. Donnelly was asked to bring back a recommendation as soon as possible. <u>Other Items for Council Consideration</u> Before Council considered the matters listed under this heading, Councilman DeMirjyn moved to continue final approval Tract Maps and Conditional Use Permits, Items 1, 3, 4, 5, 6, and 7, to the next meeting. Elliott: "I agree in concept and have a memo from the City Attorney". Riordan: "I have asked City Attorney Bruce Atkins and been told that the initiative ordinance becomes effective on November 30, hence the ordinance is not now in effect. Some developers were led to believe Council would hear these matters today". Atkins: "They probably should be heard".

PLANNING COMMISSION RECOMMENDATIONS (Continued)

City Manager Christiansen: "It is our opinion that if you have a map before you, you should consider it, and if satisfied that it meets all requirements, Council should approve it."

Elliott: "How can they be approved? Why not include them in the 450 allowed under the initiative?"

Schindler (in response to question): "These were listed as agenda items 1, 3, 4, 5, 6, and 7. 4 and 5 are a type of condominium; 6 has 19 units; and 7 has 35 units in apartments."

Riordan: "The people, in adopting Proposition R, were concerned with subdivisions primarily. I feel that 27 lots and 37 lots is not a considerable number, hence I would have to vote against continuing final map approvals to the next meeting."

In answer to Mayor Martinez' question about the intent of paragraph three of the initiative, Mr. Taylor responded that multiple family units are to be considered apartment houses (if more than four units).

Schindler: "Multiple family permits this year = 400; from 1975 to January 1, 1978, the City had about 99."

Mr. DeMirjyn stated that apartment complexes generate traffic congestion.

If approved subsequently, how great is the threat of liability?

Atkins (in response to this question): "The threat of litigation may be high, but liability is questionable."

Elliott: "Considering the wrath of 9,000 voters, and having waited for the majority of voters to speak, with that thought in mind, I will second the motion."

Riordan: "Litigation would be a serious matter. I feel strongly that I would be doing a disservice to many more people by opening ourselves up to litigation. I will wait for Mr. Taylor's opinion on the matter. If we continue these matters to after November 30, they would be put under R."

Taylor: "I don't think you would have any liability for continuing consideration of a tract map to a subsequent meeting. A developer would have no ground to hold you responsible for damage if he were one of the 450 units subject to Proposition R. A Council is not required to 'Act Now' simply to please an applicant, but applicants are entitled to know why their tracts are not being denied or approved."

"You as a legislative body have the right to make such governmental decisions. Your decision on pending subdivision maps should not be political, based solely upon passage of the initiative, Proposition R. You may desire a delay for further study of the matter. The applicant is entitled to have his map judged on the basis of compliance with the City's requirements and conditions. You have a right to continue the matter for the purpose of more thorough study and consideration of such requirements and conditions."

DeMirjyn: "I include a study of traffic, a thorough study of all conditions attached to final approval, and traffic, as grounds for my motion to continue."

Elliott: "Some of my concerns are for fire and police service to all of the City."

Vince DiBiasi: "I wish you to know I have posted \$35,000 in bonds and met all requirements in good faith, and am here trying to meet a deadline."

Charles F. Privus, Tract No. 9733 - Pratt: "In the last ten days, we have spent an astronomical amount of time, \$234,000 in cash bond; \$235,000 invested = \$472,000 invested and City fees of \$13,000. I was led to believe this would simply be a formality and that the Surety Bond put us in a position to go final. I borrowed \$230,000 in order to be here today. I cannot believe what is happening to me."

The vote on Mr. DeMirjyn's motion for continuation of Items 1, 3, 4, 5, 6, and 7 upon the ground that further study is needed was as follows:

AYES: Councilmembers DeMirjyn and Elliott
NOES: Councilmembers Riordan; Mayor Martinez
ABSENT: Councilmember Knudsen

ADDENDA -- FINAL APPROVALS

1.

Tract No. 9733 - Robert M. Pratt - Final Approval

All requirements as outlined in Council minutes dated March 1, 1977, having been complied with, it is the recommendation of the Planning Department that final approval be given Tract No. 9733. Councilman Riordan moved for approval, seconded by Mayor Martinez. This recommendation of

PLANNING COMMISSION RECOMMENDATIONS (Continued)

the Planning Department failed by the following vote:

AYES: Councilmember Riordan; Mayor Martinez

NOES: Councilmembers DeMirjyn, Elliott

ABSENT: Councilmember Knudsen

3. Tract No. 9868, Phases 1 & 2 - Sy Bram - Final Approval

All requirements as outlined in Council minutes dated July 19, 1977, having been complied with, it is the recommendation of the Planning Department that final approval be given Tract No. 9868, Phases 1 and 2. Mayor Martinez moved for approval, seconded by Councilman Riordan. This motion failed by the following vote:

AYES: Councilmember Riordan; Mayor Martinez

NOES: Councilmembers DeMirjyn, Elliott

ABSENT: Councilmember Knudsen

4. Tract No. 10013 - Niagara Construction Company - Final Approval

All requirements as outlined in Council minutes dated November 15, 1977, having been complied with, it is the recommendation of the Planning Department that final approval be given Tract No. 10013. Mayor Martinez moved for approval, seconded by Councilman Riordan. This recommendation of the Planning Department failed by the following vote:

AYES: Councilmember Riordan; Mayor Martinez

NOES: Councilmembers DeMirjyn, Elliott

ABSENT: Councilmember Knudsen

5. Conditional Use Permit No. 282 - Niagara Construction Company - Final Approval

All requirements as outlined in Council minutes dated November 15, 1977, having been complied with, it is the recommendation of the Planning Department that final approval be given Conditional Use Permit No. 282. Mayor Martinez moved for approval, seconded by Councilman Riordan. This recommendation of the Planning Department failed by the following vote:

AYES: Councilmember Riordan; Mayor Martinez

NOES: Councilmembers DeMirjyn, Elliott

ABSENT: Councilmember Knudsen

6. Conditional Use Permit No. 263 - William Buster, Jr. - Final Approval

All requirements as outlined in Council minutes dated March 15, 1977, having been complied with, it is the recommendation of the Planning Department that final approval be given Conditional Use Permit No. 263. Mayor Martinez moved for approval, seconded by Councilman Riordan. This recommendation failed by the following vote:

AYES: Councilmember Riordan; Mayor Martinez

NOES: Councilmembers DeMirjyn, Elliott

ABSENT: Councilmember Knudsen

7. Conditional Use Permit No. 307 - Ray L. Huffman Construction, Inc. Final Approval

All requirements as outlined in Council minutes dated November 7, 1977, having been complied with, it is the recommendation of the Planning Department that final approval be given Conditional Use Permit No. 307. Mayor Martinez moved for approval, seconded by Councilman Riordan. This recommendation of the Planning Department failed by the following vote:

AYES: Councilmember Riordan; Mayor Martinez

NOES: Councilmembers DeMirjyn, Elliott

ABSENT: Councilmember Knudsen

Conditional Use Permit No. 284 - Redlands Medical Center - Final Approval

All requirements as outlined in Council minutes dated September 19, 1978, having been complied with, it is the recommendation of the Planning Department that final approval be given Conditional Use Permit No. 284. On motion of Councilman DeMirjyn, seconded by Councilman Elliott, this recommendation of the Planning Department was approved by AYE votes of all present.

Riordan: "two questions please. These applicants have posted bonds, met requirements, have been told the ordinance will be adopted, based on the word of employees of the City.

"Mayor, you must understand 'R' has passed and the Council faces many problems. It must act under legal guidelines; for these reasons, Mr. Christiansen, Mr. Taylor, and the staff advised that this was a possible action open to the Council."

Martinez: "We regret your expenditure of time and money and your trip today. This present decision does not mean your tract will not be heard in the future; I question that approval is a formality. I do not feel you have spent this for nothing. Council is not required to pass these today."

PLANNING COMMISSION RECOMMENDATIONS (Continued)

Taylor: "The rules of the Beauty Contest that we call 'R' do not bar the Council from the action today; it is a matter in their discretion.

Privus: "I feel betrayed."

8.

Appeal to Planning Commission Decision - Malibu Construction Corporation

On October 18, 1978, the firm of Hicks and Hartwick filed an appeal to a decision of the Planning Commission rendered on October 10, 1978, which unanimously denied tentative approval of Tract No. 10221 for the reason that the City must have a condominium Conversion ordinance. This appeal was signed by Geoff Palmer as appellant.

Councilman DeMirjyn gave support to the recommendation of the Planning Commission as to the need for a condominium conversion ordinance, and moved to ratify Interim Ordinance No. 3 entitled "An Interim Ordinance of the City of Redlands Amending Ordinance No. 1562 to Prohibit Condominium Conversions" adopted on October 17, 1978. This motion, seconded by Councilman Riordan, was adopted by AYE votes of all present.

Mr. Martin Stolzoff, a partner of the applicant, Malibu Construction Corporation, addressed the Council at length. He reviewed in detail the plans for conversion of the Kimberly Apartments to condominiums, the time schedule, and the assistance to be given tenants who move. He elaborated on the problems and delays encountered by his firm since June, 1977 - escrows, suits, and irate tenants.

Mr. Stolzoff stated that in his opinion there would be tax benefits to the City. He took exception to the stated requirements of the City Zoning Ordinance for two parking places per unit for occupants and one-half parking place per unit for guest parking. He criticized Planning Director Schindler and also questioned requirements of the Building Code.

Councilman DeMirjyn requested Mr. Stolzoff to omit references to personalities if he continued. Mr. DeMirjyn explained that the City Council was considering this matter with an open mind; that this was the City's first and only application for condominium conversions; that the City staff works diligently; and that Planning Director Schindler and the Planning Commission have stated that the City needs a condominium conversion ordinance.

Mr. Kaufman stated that the firm was agreeable to bringing the building up to the requirements of the Building Code in effect at the time of the original construction in 1964, and it was not going to meet only the minimum standards. Mr. Kaufman questioned any requirement of complying with the present Building Code requirements and added that his firm cannot be required to do so under the law in connection with a change of ownership.

Director of Planning and Community Development Schindler reported briefly on a meeting of ASPO- American Society of Planning Officials - in Indianapolis in 1977 in which an entire session was devoted to condominium conversions. He added that he had no objection to conversions, but that in view of Proposition 13, there was no particular benefit to the City.

Mayor Martinez then explained that the minutes of the Planning Commission stated very clearly that tentative approval was denied because of the need by the City for an ordinance to cover this procedure for converting condominiums.

Mr. Stolzoff replied that his firm had acquired the apartments for condominium conversion and that when a firm does expend monies for a specific purpose they should be entitled to a hearing. He then referred to the Subdivision Act and requested findings today with Council's decision and in closing apologized for offending the Council.

City Attorney Taylor stated that the Council should establish, as grounds for prohibiting processing of applications and maps, the need for study and preparation of guidelines and ordinances applicable to condominium conversions. Even after a party has come forward and seeks tentative approval for a subdivision map, Section 65858 allows adoption of an Interim Ordinance such as that under discussion.

Upon the grounds that urgency exists in that no previous condominium conversions have come up in the City's history; that there is a necessity to have means to control such developments from a planning and zoning standpoint; that condominium conversions are a new development, a new element in the zoning spectrum; that they have an effect on the housing element, and upon the General Plan which represent a departure from past zoning.

PLANNING COMMISSION RECOMMENDATIONS (Continued)

The motion to deny the Appeal was made on the basis that Ordinance No. 3 (Interim) prohibits the processing of any applications for condominium conversions during the period of study of planning and zoning related to condominium conversions as specifically set forth in Interim Ordinance No. 3, as amended.

Councilman DeMirjyn: "I accept this addition to the motion." This was also accepted by Councilman Riordan. This motion was adopted by AYE votes of all present.

Proposed Zone Change

Councilman Riordan reminded the Councilmembers that they had considered preparation of a change of zone for up-grading zoning for two areas: The Dwight Street, Halsey Street, Knoll Road, Prospect Drive, and small streets area (surrounding Mrs. Shirk's property) and the second, a zone change to protect the large properties on Halsey Street.

Mrs. Riordan added that she had not contacted these property owners but reminded Council that all involved property would be notified under the Zoning Law. On motion of Councilman Riordan, seconded by Councilman Elliott, the Planning Director was directed to prepare a zone change for consideration by the Planning Commission.

Amendment to Interim Ordinance No. 3

City Attorney Taylor then presented: "An Ordinance Amending the Interim Ordinance of the City of Redlands Amending Ordinance No. 1562 to Prohibit Condominium Conversions," Ordinance No. 3 (Interim Amendment) to amend Section Two of Ordinance No. 3.

Following brief discussion, this amendment to Ordinance No. 3 was adopted on motion of Councilman DeMirjyn, seconded by Councilman Elliott, by AYE votes of all present.

There being no further business, Council adjourned, on motion, to a personnel session.


Mayor of the City of Redlands

ATTEST:


City Clerk

0-0-0-0-0-0-0-0-0