

ORDINANCE NO. 2578

AN ORDINANCE OF THE CITY OF REDLANDS ADDING CHAPTER 12.22 TO THE REDLANDS MUNICIPAL CODE TO ESTABLISH DEDICATION AND IMPROVEMENT REQUIREMENTS FOR NON-SUBDIVISION DEVELOPMENT PROJECTS

THE CITY COUNCIL OF THE CITY OF REDLANDS DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 12.22 establishing improvement requirements for non-subdivision development projects is hereby added to the Redlands Municipal Code to read as follows:

"Chapter 12.22

DEDICATION AND IMPROVEMENTS FOR
NON-SUBDIVISION DEVELOPMENT PROJECTS

Sections:

- 12.22.010 Findings, purpose and intent.
- 12.22.020 Definitions.
- 12.22.030 Dedications required.
- 12.22.040 Public improvements required.
- 12.22.050 Public utility relocations.
- 12.22.060 Construction of public improvements.
- 12.22.070 Deferral of improvement requirements.
- 12.22.080 Conditions of deferral.
- 12.22.090 Waiver or modification of requirements.
- 12.22.100 Criteria for determining whether a street or street segment has been improved to the maximum feasible and desirable state.
- 12.22.110 Duty to deny final building permit approval.

12.22.010 Findings, purpose and intent.

- A. The Redlands City Council has found and determined that:
- 1. There is a lack of adequate curbs, gutters, water and wastewater facilities, storm drains, street lights, sidewalks, streets, trails and other rights-of-way in various areas of the City, which is prejudicial and dangerous to the public health, safety and welfare of the inhabitants of the City;
 - 2. The lack of improved sidewalks in the City in many instances forces pedestrians, including schoolchildren, to walk in the streets and to be subject

to the hazards of vehicular traffic;

3. The lack of improved sidewalks during rainy weather has caused unhealthy conditions resulting from pedestrians walking through mud and water along streets or dirt shoulders;
4. Streets and highways of inadequate width and design hinder vehicular movements and may constitute a hazard to the safety and health of users;
5. The lack of curbs, storm drains, water and wastewater facilities and other street improvements results in poor drainage and a collection of filth and waste;
6. The lack of improved streets impedes the operation of fire trucks, police cars and other emergency vehicles as well as the operation of street sweepers and refuse collection vehicles; and
7. The lack of adequate recreational trails and pathways causes pedestrians, bicyclists and equestrians to use other unsafe or inappropriately designed rights-of-way which may constitute a hazard to the safety and health of such users.

B. It is the purpose of the City in adopting the provisions of this Chapter to:

1. Impose reasonable requirements of dedication and improvements upon persons engaged in the development, construction, reconstruction or remodeling of buildings which tend to result in increased demands upon the existing public rights-of-way, streets, highways and utility facilities in the City, thereby increasing the danger to the public health, safety and welfare;
2. Extend the basic requirements of the State Subdivision Map Act by establishing standards and requirements for dedication and improvements in connection with the development of land in which no subdivision is involved;
3. Alleviate the undesirable situation found to exist in subsection "A" by spreading the cost of public improvements upon abutting property in an equitable manner, and by causing the installation of those improvements required by the City to serve property about to be developed at the time of its development.

C. The City intends to require, in accordance with the provisions of this Chapter, the dedication of portions of the public rights-of-way, including streets, highways, alleys, trails, pathways, street light, water, wastewater and storm drain facilities, and the construction of improvements contiguous to the property from the property line to

the centerline of the public rights-of-way as necessitated by the nature and type of building or structure being constructed and the use to which the property is being put.

- D. The provisions of this Chapter are intended to be additional to any other requirement of law pertaining to the provision of public facilities and improvements, and nothing in this Chapter shall be construed to excuse compliance with any other requirement for the provision of public facilities or improvements.

12.22.020 Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Alley" means a public or private way permanently reserved as a secondary means of access to abutting property.
- B. "Building" includes any building, structure or dwelling of which the cost price of erecting the same is in excess of the sum of \$10,000 as determined by building permit evaluation.
- C. "Director" means the City's Public Works Director as the Director's authority designee.
- D. "Improvements" means and includes sidewalks, gutters, pavement, driveways, curbs, streets, alleys, trails, storm drain facilities, water systems, sanitary sewer systems, street lighting, fire protection installation and pavement transitions.
- E. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind. The term "person" also includes any owner, lessee or agent constructing or arranging for the construction, modification or alteration of a building or dwelling.

12.22.030 Dedications required.

- A. Any person who constructs, or causes to be constructed, any building in the City shall, upon the determination of the Director, provide by means of an irrevocable offer of dedication or other appropriate conveyance as approved by the City Attorney the rights-of-way necessary for the construction of any street, highway, alley, trail or pathway described or identified in the City's General Plan, any applicable specific plans or as otherwise required by the Director in accord with an established City street system, plan or standard. Rights-of-way shall also be provided for any improvements to existing facilities, including rights-of-way for storm drains, water, wastewater or other required public facilities. All rights-of-way shall be accompanied by a title examination and be free of all liens and encumbrances.
- B. The dedications required by subsection A shall, upon the determination of the Director, also apply to any person who alters, enlarges, expands or causes to be

altered, enlarged or expanded any building in the City, if the cost of such work exceeds the sum of \$10,000 as determined by building permit valuation.

- C. The dedications required by this Chapter shall be made prior to, and as a condition of, issuance of the building permit for the subject property.
- D. Prior to the issuance of the building permit for the subject property, there shall be paid to the Public Works Department a fee in an amount established by City Council resolution for processing the irrevocable offer of dedication.

12.22.040 Public improvements required.

- A. Any person who constructs, or causes to be constructed, any building in the City shall construct all necessary improvements in accordance with City specifications upon the property and along all street frontages adjoining the property upon which such building is constructed, unless adequate improvements already exist. In each instance, the Director shall determine whether or not the necessary improvements exist and are adequate. Each building permit application shall be so endorsed at the time it is issued.
- B. The improvements required by subsection "A" shall, in the determination of the Director, also apply to any person who alters, enlarges or expands, or causes to be altered, enlarged or expanded, any building in the City, if the cost of such work exceeds the sum of \$10,000.

12.22.050 Public utility relocations.

In the event the Director determines that the contemplated construction of improvements, as required by this Chapter in individual cases, will necessitate the relocation or alteration of public utility facilities, including but not limited to gas, electricity, telephone, cable television, water and wastewater the Director may require the person requesting the building permit to produce satisfactory evidence that such person has made arrangements with such public utility company for the relocation or modification of such public utility facilities.

12.22.060 Construction of public improvements.

If the Director determines that public improvements are required, these public improvements shall be designed to City standards and their construction guaranteed by an improvement agreement secured by a bond or cash deposit, prior to issuance of a building permit for the subject property. If the building permit is not exercised, the improvement obligation shall terminate and the security shall be returned.

12.22.070 Deferral of improvement requirements.

Upon written application, the Director, by written order, may recommend to the City Council the deferral of any of the improvements required by this Chapter if the Director finds that the public

health, safety and welfare of the inhabitants of the City will not be endangered by the deferment of the construction of the improvements, and that any one of the following exists:

- A. There is a lack of adequate data in regard to the grades, plans or surveys which complicates the construction of the improvements and indicates they should be deferred to a later time;
- B. The construction of the improvements is included in an approved or pending assessment district or otherwise guaranteed as provided by City ordinance;
- C. Construction of the improvements would be incompatible with the present state of the neighborhood's development, or be impractical or premature because of the condition of the surrounding property; or
- D. Construction of the improvements would create a hazardous or defective condition.

12.22.080 Conditions of deferral.

Any deferral of improvements pursuant to this Chapter shall be conditioned on the filing with the Director of a future improvement secured by one of the following at the sole discretion of the Public Works Director:

- A. A bond or bonds by one or more duly authorized corporate sureties in a form approved by the City Attorney;
- B. A deposit, either with the City or with a responsible escrow agent or trust company selected by the City, of cash or negotiable instruments of the kind approved for securing deposits of public money;
- C. An irrevocable letter of credit from one or more responsible financial institutions regulated by the federal or state government, pledging that the funds are guaranteed for payment on demand by the City, in a form approved by the City Attorney and from a financial institution approved by the City Manager.

12.22.090 Waiver or modification of requirements.

Upon written application made before issuance of the building permit, accompanied by a fee in an amount established by City Council resolution, the City Council may, after a public hearing noticed in the same manner as is required for public hearings on application for variances from the requirements of zoning, waive or modify any of the requirements of this Chapter if, based upon substantial evidence, the City Council finds that the conditions of subsection "A" and "B," or of subsection "C," are met as follows:

- A. The street fronting on the subject property has already been improved to the maximum feasible and desirable state, recognizing there are some such streets which may have less than standard improvements when necessary to preserve the character of the neighborhood, and to avoid unreasonable interference with existing conditions such as mature trees, walls, yards and open space; and

- B. The granting of the waiver or modification will not perpetuate a hazardous or defective condition, be otherwise detrimental to the health, safety or welfare of the residents of the City, or relieve a property owner of the obligations or requirements that have been imposed on other property or property owners on the same street; or
- C. The requirement:
 - 1. Is for a purpose not reasonably related to the use of the property, or
 - 2. Deprives the property of privileges enjoyed by other property in the vicinity and under identified zoning classification, or
 - 3. Imposes requirements that are not roughly proportional to requirements that have been imposed or could be imposed upon other property in the vicinity through land use regulation or any special assessment proceeding, or
 - 4. Imposes a requirement that is not roughly proportional to the benefit to the property or to the burden resulting from use of the property.

12.22.100 Criteria for determining whether a street or street segment has been improved to the maximum feasible and desirable state.

- A. When considering an application for waiver or modification of requirements under this Chapter the City Council may determine that a street or street segment has been improved to the maximum feasible and desirable state, despite the lack of curbs, gutters, sidewalks, width as specified in the general plan, or other features if the following criteria are met:
 - 1. The street is designated as a local street by the General Plan;
 - 2. A petition requesting maintenance of the street or street segment without full improvements and consenting to the waiver or modification of the requirements for full improvements executed by the owners, as shown of the latest assessment roll, of not less than 75 percent of the parcels having frontage on, or taking access from, the street or street segment of which the request applies has been submitted to the Director;
 - 3. The Traffic and Parking Commission has considered the petition and has determined that installation of curbs, gutters or sidewalks is not necessary to implement the "safe routes to schools" program.
- B. The minimum street segment for which a petition may be submitted is the length between two cross-streets, or between a cross-street and a cul-de-sac or other terminus.

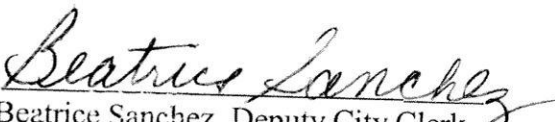
12.22.110 Duty to deny final building permit approval.

The City's building official shall deny final approval and acceptance of a building permit, and shall refuse to allow final public utility connections and occupancy in any building, structure or dwelling, unless the Director determines that all required dedications have been made and that all necessary improvements exist, are constructed, or unless the Director, pursuant to this Chapter, has determined to defer the installation of such improvements, and the required future improvement agreement and a lien agreement have been received and recorded, or unless the requirements of this Chapter have been modified or waived pursuant to this Chapter."

Section 2. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and shall cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City, and thereafter, this ordinance shall take effect in accordance with law.

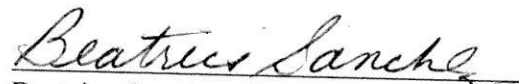

Mayor, City of Redlands

ATTEST:


Beatrice Sanchez, Deputy City Clerk

I, Beatrice Sanchez, Deputy City Clerk of the City of Redlands, hereby certify that the foregoing resolution was duly adopted by the City Council at a regular meeting thereof held on the 18th day of May 2004, by the following vote:

AYES: Councilmembers Gil, Gilbreath, George, Harrison; Mayor **Peppler**
NOES: None
ABSTAIN: None
ABSENT: None


Beatrice Sanchez, Deputy City Clerk

CERTIFICATION

I, Lorrie Poyzer, City Clerk of the City of Redlands, California, do hereby certify that this is a true and correct copy of Ordinance No. 2578 which has been published in the local newspaper pursuant to law.


City Clerk
City of Redlands, California