

ORDINANCE NO. 2622

AN URGENCY INTERIM ORDINANCE OF THE CITY OF REDLANDS
ESTABLISHING A MORATORIUM ON THE APPROVAL OF NON-STATE
LICENSED PAROLEE HOMES

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

Section 1. Purpose and findings.

A. “Group homes” housing two or more parolees have been established in many cities throughout California and, as a consequence, some cities having group homes housing parolees (“parolee homes”) have reported increases in illegal activity around such homes, including vandalism and other criminal behavior. These cities have also reported that such increased criminal activity has generated a disproportionate number of calls for police services to parolee homes, thus reducing the general availability of police officers to serve other segments of the community, and unduly posing a burden on police services in general. To protect Redlands’ residents and sensitive land uses such as schools and child day-care facilities from these possible harmful secondary effects of parolee homes, the City Council of the City of Redlands (“this City Council”) deems it necessary and appropriate to undertake studies for the possible amendment of the City’s General Plan and zoning ordinances to establish development policies and locational requirements that ensure compatibility of parolee homes with existing and future land uses within the City.

B. A city’s General Plan is commonly referred to as the “constitution” for development within the City. The Redlands’ General Plan is a comprehensive statement of the community’s vision of its long-term or ultimate physical form and development policies. The General Plan and the City’s implementing zoning ordinances establish goals, policies

and regulations to provide for the harmonious and orderly development of land uses within the City and to protect the public health, safety and welfare. One of the purposes of this ordinance is to carry out the goals and policies of the General Plan by ensuring that parolee homes, if permitted within the City, are established and operated in a manner that is harmonious with other land uses.

C. This City Council finds it appropriate that City staff immediately undertake studies for possible amendments to the City's General Plan and zoning ordinances relating to the establishment and operation of parolee homes in the City, and to develop regulations which ensure their compatibility with other land uses.

Section 2. Definitions.

A. "Parolee, Federal" means an individual convicted of a federal crime, sentenced to a United States federal prison, and who received conditional and revocable release in the community under the supervision of a Federal parole officer.

B. "Parolee, State Adult" means an individual who is serving a period of supervised community custody, as defined in Penal Code section 3000, following a term of imprisonment in a state prison, and is under the jurisdiction of the California Department of Corrections and Rehabilitation, Division of Adult Parole Operations.

C. "Parolee, California Department of Corrections and Rehabilitation" means an adult or juvenile individual sentenced to a term in the California Department of Corrections and Rehabilitation, Division of Juvenile Operations, and who received conditional and revocable release in the community under the supervision of a California Department of Corrections and Rehabilitation parole officer.

D. "Parolee, Home" means any residential structure or unit, whether owned and/or operated by an individual or for-profit or non-profit entity, which is not licensed by the State of California and which houses at least two (2) parolees unrelated by blood, marriage or legal adoption, in exchange for monetary or non-monetary consideration given and/or paid by the parolee and/or any individual or public/private entity in behalf of the parolee.

Section 3. Interim prohibition / moratorium on land use approvals and building permits in all zoning districts for parolee homes.

Based on the findings set forth herein, the facts and evidence presented in staff's report to the City Council on this matter, and the written and verbal testimony presented by City staff and members of Redlands' community, no land use approval, building permit or other applicable entitlement shall be issued for a parolee home; nor shall any parolee home be established within the City, during the effective period of this ordinance.

Section 4. Immediate threat to health, safety and welfare.

Based on the findings herein, this ordinance is adopted pursuant to California Government Code section 65858 to address a current and immediate threat to the public health, safety and welfare. This City Council has determined that, without further appropriate study by City staff relating to the conditions under which parolee homes might be approved and located within the City, granting land use approvals, building permits and any other applicable entitlement for parolee homes could subject the City and its citizens to

the adverse effects described in Section 1 of this ordinance, and thus result in a threat to the public health, safety and welfare.

Section 5. Urgency ordinance.

This ordinance is an urgency ordinance adopted pursuant to the authority of California Government Code sections 36934 and 65858, and shall take effect and be enforced immediately upon its adoption.

Section 6. Effective Period.

In accordance with California Government Code section 65858, this ordinance shall be in full force and effect for a period of forty-five (45) days from the date of its adoption. This period may be extended by the City Council in accordance with the provisions of California Government Code section 65858.

Section 7. Written Report.

At least ten (10) days prior to the expiration of this ordinance, the City Council, based upon information from the Community Development Department and other City staff, shall issue a written report describing the measures taken to alleviate the conditions which led to the adoption of this ordinance.

Section 8. Conflicting Laws.

For the term of this ordinance, as set forth in Section 5 above, the provisions of this ordinance shall govern. To the extent that there is any conflict between the provisions of this ordinance and the provisions of the City's Municipal Code, or any ordinance, resolution or policy of the City, all such conflicting provisions shall be suspended.

Section 9. Waiver.

The City, on a case by case basis, shall have the authority, upon a showing of good cause by an applicant, to waive the interim prohibition/moratorium imposed by this ordinance and allow for the granting of a permit to an applicant for a parolee home pursuant to the Conditional Use Permit process set forth in Chapter 18.192 of the Redlands Municipal Code. "Good cause" shall mean a factual and evidentiary showing by the applicant for the parolee home that the interim prohibition/moratorium created by this ordinance, if not waived, will deprive the applicant of substantially all reasonable use of the applicant's property. All such applications for waiver shall be filed with the City's Community Development Department for processing and review pursuant to the Redlands Municipal Code provisions governing Conditional Use Permits. Fees for waiver applications and associated appeals shall be the same as those charged for a Conditional Use Permit.

Section 10. CEQA Compliance.

Pursuant to CEQA Guidelines (14 California Code of Regulations, §§ 15000 *et seq.*) section 15061, this City Council finds that it can be seen with certainty that there is no

possibility that the adoption and implementation of this ordinance will have a significant effect on the environment, as defined by the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 *et seq.*) and the City's Guidelines for Implementation of CEQA. CEQA applies only to projects which have the potential for causing a significant effect on the environment. The adoption of this ordinance will maintain existing environmental conditions and have no effect on the environment because its effect is simply to prohibit the approval of parolee homes, as defined herein, for the limited period of forty-five (45) days.

Section 11. Severability.

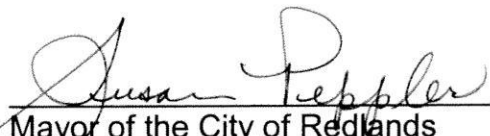
If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part hereof, is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portions of this ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unlawful.

Section 12. Adoption.

This ordinance shall be adopted by not less than a four-fifths vote of the City Council.

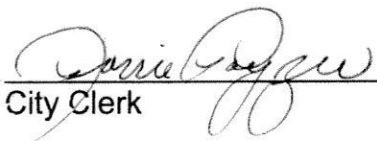
Section 13. Publication and Posting.

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.



Mayor of the City of Redlands

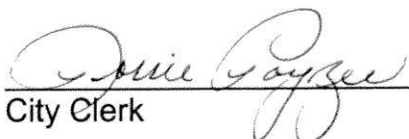
Attest:



City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the foregoing urgency ordinance was introduced and duly adopted by a four-fifths vote of the City Council of the City of Redlands, at the regular meeting of the City Council of such City, held on the 20th day of September, 2005 by the following vote:

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



City Clerk