

MINUTES

of an adjourned regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, at 10:30 A.M. on December 29, 1998.

PRESENT

William E. Cunningham, Mayor
Geni A. S. Banda, Mayor Pro Tem
Pat Gilbreath, Councilmember
John L. Freedman, Councilmember
Gary George, Councilmember

Gary M. Luebbers, City Manager
Daniel J. McHugh, City Attorney
Beatrice Sanchez, Deputy City Clerk
Jeffrey L. Shaw, Community Development Director
Mel Enslow, Fire Chief
Gary G. Phelps, Municipal Utilities Director
Clete Hyman, Deputy Police Chief
Ronald C. Mutter, Public Works Director

ABSENT

None

PUBLIC HEARINGS

Ordinance No. 2394 - OTA No. 258 - Dry Sewer Line - Public hearing was advertised for this time and place to consider Ordinance No. 2394 to adopt Zoning Ordinance Text Amendment No. 258 amending Chapter 13.44.080(C) of the Redlands Municipal Code to allow the City Council the authority to waive the requirement for dry sewer line installation in new residential subdivisions where warranted (Classic Pacific, applicant). Community Development Director Shaw reported the applicant is developing Tract No. 14790-1, which is within the Sunset Hills Specific Plan No. 43. The Sunset Hills Specific Plan is located in the southerly hills of the City and is generally bounded by Sunset Drive on the north, San Timoteo Creek on the south, and Alessandro Road on the west. The area delineated by the Specific Plan consists of a master planned residential community of approximately 465 acres for the development of 198 single-family residential lots with a density of one dwelling unit per 2.3 acres. Tract No. 14790-1 contains 40 recorded residential lots ranging in size from three-fourths of an acre to over 10 acres in size and represents phase one of the larger Tentative Tract No. 14790. This tentative tract is within and encompasses a majority of the Sunset Hills Specific Plan area and is approximately 374 acres in size and contains a total of 158 of the 198 residential lots. The applicant had initially met with City staff to discuss the requirement for dry sewer line installation that was applied to the subdivision. Dry sewers are required to be installed by the Municipal Code, the Sunset Hills

Specific Plan, and the conditions of approval for Tentative Tract No. 14790. The applicant contends that because the nearest point of connection to a sewer main is over four miles away (Barton Road and Nevada Street), and there is no time table as to when sewer will be available to the Sunset Hills area, the additional costs incurred from installing the lines does not make it economically feasible when considering the costs for developing the project.

Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. Mrs. Judith Fulton, Cameo Drive, stated the project is to be commended and will do wonderful things for this section of town. However, she is concerned with water run off. Community Development Director Shaw clarified that dry sewers do not affect drainage and that a drainage system will be installed during the course of construction. Public Works Director added that the specific plan area does have a drainage element incorporated. There being no further comments, the public hearing was declared closed.

Councilmember Banda moved to approve the Environmental Review Committee's Negative Declaration for Zoning Ordinance Text Amendment No. 258 based on the finding that the project will not have a significant effect on the environment, determining this project will not individually or cumulatively have an adverse impact on wildlife resources as defined in Section 711.2 of the California Fish and Game Code and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Freedman and carried unanimously. Ordinance No. 2394, an ordinance of the City of Redlands amending Chapter 13.44 of the Redlands Municipal Code relating to requirements for installation of dry sewers, was read by title only by Deputy City Clerk Sanchez, and on motion of Councilmember Freedman, seconded by Councilmember Gilbreath, further reading of the ordinance text was unanimously waived, and Ordinance No. 2394 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for January 19, 1999.

Ordinance No. 2393 - Specific Plan No. 43 Amendment No. 3- Public hearing was advertised for this time and place to consider Ordinance No. 2393 for the adoption of Amendment No. 3 to Specific Plan No. 43 amending Section III.D.2 and eliminating the requirement for dry sewer line installation throughout the Specific Plan area on approximately 465 acres generally located along the east side of Alessandro Road between Sunset Drive and San Timoteo Canyon Road (Classic Pacific, applicant). See description of project above.

Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed.

Councilmember Banda moved to approve the Environmental Review Committee's Negative Declaration for Amendment No. 3 to Specific Plan No. 43 based on the finding that the project will not have a significant effect on the environment, determining this project will not individually or cumulatively have an adverse impact on wildlife resources as defined in Section 711.2 of the California Fish and Game Code and directed staff to file and post a Notice of Determination in accordance with the City's guidelines., Motion seconded by Councilmember Freedman and carried unanimously. Ordinance No. 2393, an ordinance of the City of Redlands amending Section III.D.2. of the Sunset Hills Specific Plan No. 43 relating to requirements for installation of dry sewers, was read by title only by Deputy City Clerk Sanchez, and on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, further reading of the ordinance text was unanimously waived, and Ordinance No. 2393 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for January 19, 1999.

Resolution No. 5589 - Specific Plan No. 54 - Redlands Christian Home - Public hearing was advertised for this time and place to consider Resolution No. 5589, Specific Plan No. 54, creating a specific plan for senior housing with an overall population not to exceed 400 people on 20.34 acres of land located south of Highland Avenue, east of Wabash Avenue, and north of Fifth Avenue (Redlands Christian Home, applicant). Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed.

Councilmember Freedman moved that the City Council make the six mandatory findings established in Section 4.40(s) of the Land Use Element of the Redlands General Plan for the proposed density increase identified in the Specific Plan as follows:

- (1) There are substantial social benefits to the City and its residents and taxpayers from the proposed density increase because of the growing numbers of senior citizens and the demand for these types of facilities to accommodate this segment of the population;
- (2) The proposed density increase will not cause adverse environmental impacts, either individually or cumulatively, directly or indirectly because the subject site was reviewed by the County of San Bernardino for a proposed social care facility to house 400 resident seniors, pursuant to the California Environmental Quality Act guidelines, where it was determined that the project would not cause any significant adverse effects on the environment and a Negative Declaration was approved;
- (3) The proposed density increase will not convert viable agricultural land to non-agricultural uses because: (a) the property has been fallow for twenty

years or more and adjacent to urban development; (b) the property is not within a designated City or County Agricultural Preserve Area; (c) the property is not under a Williamson Act contract; and (d) the landscape design incorporates rows of citrus around the perimeter of the project to maintain citrus heritage and buffer the site from surrounding agricultural uses;

- (4) The proposed density increase will not have a growth-inducing effect on other property because the proposed development for the subject site is: (a) a self-contained convalescent facility that will not create a demand for additional supporting services in the area; and (b) all public utilities are existing within the area and only frontage improvements and utility extension brought onto the site are necessary for development of the project;
- (5) The resulting use will be compatible with uses on adjacent land because: (a) the subject site is proposed to be developed with a social care facility for seniors which is commonly found in residential zoning districts; (b) land use impacts were analyzed in the adopted Negative Declaration by the County and determined to be non-significant; and (c) proposed use will have a minimum impact on adjacent uses; and
- (6) The proposed density increase will not require substantial expansion of public infrastructure, facilities or services because development of the site: (a) will only require frontage improvements; (b) will only require utility extensions, as all utilities are within the area; and (c) the site is proposed to be developed with a social care facility for seniors which is self-contained facility that will not create a significant demand for public services.

Motion seconded by Councilmember Banda and carried with Councilmember George voting NO.

Councilmember Freedman moved to adopt Resolution No. 5589, a resolution of the City Council of the City of Redlands adopting Specific Plan No. 54 contingent upon annexation to the City and with the following modifications:

- (1) Modify Section II.C.1., second sentence (Page 13 to clarify that this is a "private" line.
- (2) Modify Section II.E., pertaining to Conceptual Landscape, second paragraph, last sentence to read as follows: "The orange trees will be planted two rows deep along Fifth Street and two to three rows deep along Wabash and Highland Avenues.
- (3) Modify Section III.A.3.f. (Page 16) to delete the second sentence. A new sentence may be added indicating: "Fences and walls shall be in accordance with the General Provisions outlined in Section III.A.4.d."

- (4) Modify Section III.A.4.a. of the General Provisions (Page 17) to clarify that the table lists the required number of parking spaces for the use and that in all other aspects the parking shall meet the standards enumerated in Section 18.164 of the Redlands Municipal Code.
- (5) Change Section III.A.4.c. of the General Provisions (Page 17) delete the term “dry landscape no” and replace with “hardscape not” and expand the last sentence of III.A.4.c. to add “and the Conditional Use Permit.”
- (6) Modify Section III.A.4.d. of the General Provisions, third sentence (Page 18) as follows: “Fifth Avenue shall have a sound wall/wrought iron fence with a minimum of five-foot setback. The easterly fence shall be constructed out of chain link, six feet in height.”

Motion seconded by Councilmember Banda and carried with Councilmember George voting NO.

Conditional Use Permit No. 683 - Redlands Christian Home - Public hearing was advertised for this time and place to consider Conditional Use Permit No. 683 for the construction of a 200,000 square foot senior living facility on 20.34 acres of land which includes 30 single units, 102 assisted-living units, 84 independent living units, and a 24-bed Alzheimer's facility with a maximum population of 400 persons on property located south of Highland Avenue, east of Wabash Avenue within Specific Plan No. 54. Community Development Director Shaw reported that at the Planning Commission meeting prior to today's City Council meeting the Planning Commission agreed to continue this item to their next regular meeting. So Council did not need to take any action today. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was continued by consensus of the Councilmembers. Mayor Cunningham urged the applicant to utilize adequate sound walls because Fifth Avenue will probably become very busy in the future.

Resolution No. 5586 - General Plan Amendment No. 67(F) - Public hearing was continued to this time and place for consideration of Resolution No. 5586 for the adoption of General Plan Amendment No. 67(F) to change the land use designation from Rural Living to Low Medium Density Residential on an unincorporated 20.44 acre parcel located on the northeast corner of Wabash Avenue and Fifth Avenue within the City's Sphere of Influence. Community Development Director Shaw reported that the applicant has moved forward with a request for annexation to be heard by LAFCO in February. Councilmember George questioned whether an Environmental Impact Report was conducted on the site being discussed today or the first proposed site? Mr. Shaw pointed out that Exhibit B of the Notice of Determination shows the Environmental Impact Report was done on the site at Fifth Avenue and Wabash Avenue. Mayor Cunningham declared the meeting open as a public hearing for any questions or

comments. Mr. Bill Feenstra, applicant, stated he appreciated all the cooperation he received from staff and went on to describe the philosophy of the non-profit project and acknowledged the many senior citizens present supporting the project. No one else wishing to speak, the public hearing was declared closed.

Councilmember George stated the project was better suited on the original site rather than close to a grove and semi-rural area. Councilmember Gilbreath too expressed that the original site was more appropriate. This project will change the character of the Crafton Hills area. Mayor Cunningham said the comments he received from people in the area were receptive to the project.

Councilmember Freedman moved to approve the Environmental Review Committee's Negative Declaration adopted by the County of San Bernardino on the property described in General Plan Amendment No. 67(F) addresses the impacts of increasing the General Plan density to accommodate a social care facility with a resident population of 400 senior citizens. Further, the Council finds that said adopted Negative Declaration shall be applied to the subsequent review of a Specific Plan and Conditional Use Permit for City approval of this project. Based on the adopted Negative Declaration, the Council reaffirms the County's determination that the project will not individually or cumulatively affect wildlife resources as defined in Section 711.2 of the California Fish and Game Code. Motion seconded by Councilmember Banda and carried with Councilmember George voting NO.

Councilmember Freedman moved that the City Council find that the density increase proposed in General Plan Amendment No. 67(F) meets the mandatory findings established in Section 4.40(s) of the Land Use Element of the Redlands General Plan based on the following findings:

- (1) There are substantial social benefits to the City and its residents and taxpayers from the proposed density increase because of the growing numbers of senior citizens and the demand for these types of facilities to accommodate this segment of the population;
- (2) The proposed density increase will not cause adverse environmental impacts, either individually or cumulatively, directly or indirectly because the subject site was reviewed by the County of San Bernardino for a proposed social care facility to house 400 resident seniors, pursuant to the California Environmental Quality Act guidelines, where it was determined that the project would not cause any significant adverse effects on the environment and a Negative Declaration was approved;

- (3) The proposed density increase will not convert viable agricultural land to non-agricultural uses because: (a) the property has been fallow for more than twenty years and adjacent to urban development; (b) the property is not within a designated city or County Agricultural Preserve Area; (c) the property is not under a Williamson Act contract; and (d) the landscape design incorporates rows of citrus around the perimeter of the project to maintain citrus heritage and buffer the site from surrounding agricultural uses;
- (4) The proposed density increase will not have a growth-inducing effect on other property because the proposed development for the subject site is: (a) a self-contained convalescent facility that will not create a demand for additional supporting services in the area; and (b) all public utilities are existing within the area and only frontage improvements and utility extension brought onto the site are necessary for development of the project;
- (5) The resulting use will be compatible with uses on adjacent land because: (a) the subject site is proposed to be developed with a social care facility for seniors which is commonly found in residential zoning districts; (b) land use impacts were analyzed in the adopted Negative Declaration by the County and determined to be non-significant; and (c) proposed use will have a minimum impact on adjacent uses;
- (6) The proposed density increase will not require substantial expansion of public infrastructure, facilities or services because development of the site: (a) will only require frontage improvements; (b) will only require utility extensions, as all utilities are within the area; and (c) the site is proposed to be developed with a social care facility for seniors which is self-contained facility that will not create a significant demand for public services.

Motion seconded by Councilmember Banda and carried with Councilmember George voting NO.

Councilmember Freedman moved to approve Resolution No. 5586, adopting General Plan Amendment No. 67(F) to change the land use designation from Rural Living to Low Medium Density Residential on an unincorporated 20.44 acre parcel located on the northeast corner of Wabash Avenue and Fifth Avenue within the City's sphere of influence contingent upon annexation to the City. Motion seconded by Councilmember Banda and carried with Councilmember George voting NO.

UNFINISHED BUSINESS

Resolution No. 5577 - Acquisition of Property - A resolution of necessity and the accompanying Negative Declaration for the acquisition of property and the

construction of water line facilities to serve Tract No. 14790-1, said facilities extending between Lantern Crest Drive and Sunset Hills Lane, was continued from December 15, 1998, to this time and place.

Mr. Brian Buoye, property owner, addressed Council and appealed for a decision was more beneficial to his situation. He acknowledged that Classic Pacific made an offer of \$8,000.00 but that offer expired December 23, 1998. At the last Council meeting he was asked to continue negotiations with Classic Pacific for two more weeks but because his focus was on his four Christmas tree farms at this time of year, nothing was finalized. Mr. Buoye felt the City's appraisal did not assess the impact the pipeline would have on the entire parcel. Councilmember Banda reminded Mr. Buoye that he has had an opportunity to negotiate with Classic Pacific for quite a while but saw no effort on Mr. Buoye's part. Municipal Utilities Director Gary Phelps responded to Councilmember Gilbreath's inquiry about an alternative alignment for the pipeline. He advised Council that the alignment being proposed currently was the first choice and the most efficient alignment. However, an alternative was proposed to Mr. Buoye that he did not accept nor make a counter offer. Mayor Cunningham agreed that \$1,000.00 is a small offer for an easement across ten acres but Mr. Buoye does have the opportunity to challenge the appraisal. City Attorney McHugh advised Councilmembers the resolution of necessity could be adopted today and continue consideration of any offers to Mr. Buoye in closed session. Mr. Freedman agreed this would force Mr. Buoye to proceed.

Councilmember Banda moved to approve the Environmental Review Committee's Negative Declaration for the acquisition of an easement and construction of a water main to serve Tract No. 14790-1 based on the finding that the project will not have a significant effect on the environment, determining this project will not individually or cumulatively have an adverse impact on wildlife resources as defined in Section 711.2 of the California Fish and Game Code and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Freedman and carried with Councilmember Gilbreath voting NO. Councilmember Banda moved to adopt Resolution No. 5577, a resolution of the City Council of the City of Redlands declaring that the acquisition of a fee interest in certain real property by eminent domain is necessary for the construction of a waterline and appurtenances and the acquisition of surface rights for construction of a paved road. Motion seconded by Councilmember Freedman and carried with Councilmember Gilbreath voting NO.

NEW BUSINESS

Contract Award - Bids were opened and publicly declared on December 17, 1998, by the City Clerk for the Eureka Street Improvements, Phase II Project; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Public Works Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was Masters Contracting Corporation of Glendale in the amount of \$399,438.00, and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Banda, seconded by Councilmember Freedman, this recommendation was unanimously approved.

CLOSED SESSION

The City Council meeting recessed at 12.02 P.M. to a closed session to discuss the following:

- (a) Conferences with legal counsel: Existing litigation - Government Code Section 54956.9(a):
 - 1. City of Redlands v. County of San Bernardino/Redlands Venture LLC (SCV 33330)
 - 2. Majestic Realty Company v. City of Redlands/Timberlake (Case Nos. 49447 and 51027)
- (b) Conference with real property negotiator
 - Property: Portion of APN 294-111-98
 - Negotiating Parties: Brian W. Buoye and Gary M. Luebbbers
 - Under negotiation: Terms and price

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 12:03 P.M. The next regular meeting scheduled to be held on January 5, 1999, will not be held. The City Council will meet on January 19, 1998.

Deputy City Clerk