NOTICE OF SPECIAL MEETING
CITY COUNCIL
CITY OF REDLANDS, CALIFORNIA
THURSDAY, AUGUST 4, 2022

In accordance with California Government Code Section 54956, Mayor Barich has called a special meeting of the City Council to be held on AUGUST 4, 2022 at 5:00 p.m. in the Council Chambers, Civic Center, 35 Cajon Street, Redlands, California.

To join via Zoom on a computer, laptop, or smart device
Please visit www.zoom.us, click on Join a Meeting
Enter the **Meeting ID 864 5167 8243**, then run the Zoom launcher
To join via Zoom with audio only (cell phone or landline):
Dial **1-877-853-5247**
Enter the **Meeting ID 864 5167 8243**

Should the City lose connectivity on Zoom, we will halt the meeting until it can be restored. To check on the status of remote connectivity in the event of an outage, go to the City's website at www.cityofredlands.org or to the City's Facebook page at @CityofRedlands or the Instagram page at @CityofRedlands_CityHall. In the event the City cannot reestablish Zoom connectivity in a reasonable amount of time, the mayor will adjourn the meeting to a future date.

- **To provide comment while participating from Council Chambers:**
  - Although it is not required, speakers are encouraged to submit a "Speaker Sign Up Sheet" before the meeting is convened. Forms are available in the Office of the City Clerk or in Council Chambers.
  - After the meeting has convened, you may place the speaker form in the basket at the table along the north wall of the Chambers. Please do not disturb the City Clerk while the meeting is in progress.

- **To provide comment through Zoom (on a computer, laptop, or smart device)**:
  - Click the "Raise Hand" button and the moderator will unmute you when it is your turn to speak

- **To provide comment via audio only (cell phone or landline)**:
  - Dial *9 to "Raise Hand". The moderator will identify you by your area code and last 3 numbers of your telephone number when it is your turn to speak.

PLEASE SILENCE CELL PHONES, PAGERS AND OTHER ELECTRONIC COMMUNICATION DEVICES UPON ENTERING THE CHAMBERS

A. **Call Special Meeting to Order**

B. **Public Comment - City Council**
(At this time, the City Council will provide an opportunity for the public to address them on any subject, within the jurisdiction of the City Council, which is not already scheduled on this agenda. However, any matter that requires action will be referred to staff for a report and possible action at a subsequent meeting. Comments will be limited to three {3} minutes.)

C. **Consent Calendar**
(The following routine items have been recommended for approval and will be acted upon simultaneously unless separate discussion and/or action is requested by a Councilmember or a member of the audience.)

1. Re-Approve minutes of the July 19, 2022 regular meeting (City Clerk Donaldson)

2. Re-Approve Resolution No. 8381 authorizing remote teleconference meetings by the City Council and all Boards, Commissions, and Committees of the City in accordance with Assembly Bill 361 (2021) for a period of 30 days (Council Member Davis)

3. Re-Approve Resolution No. 8378 a Request by the University of Redlands to Place the Second Modified Alternative Measure as Proposed by the University of Redlands on the Ballot for the November 8, 2022 General Municipal Election; Re-Approve Resolution No. 8377 to Withdraw Modified Alternative Measure From the Ballot and Repeal Resolution Nos. 8374 and 8375; Determine that Placement of the Second Modified Alternative Measure is Exempt Pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines; and Calling and Giving Notice of the Holding of a General Municipal Election and a Request to the Board of Supervisors of the County of San Bernardino to Consolidate Said Election with the Statewide Election on November 8, 2022 (Development Services Director Desatnik/City Attorney Abich Garcia)

4. Re-Approve Resolution No. 8379 Setting Priorities for Filing of Written Arguments Regarding an Initiative Ordinance (City Clerk Donaldson/City Attorney Abich Garcia)

D. **New Business**

1. Consideration and Re-adoption of Urgency Ordinance No. 2941 and Re-introduction of Ordinance No. 2942 Adding Chapter 9.38 to Article 9 of the Redlands Municipal Code Regulating the Termination of Residential Tenancies Due to Demolition or Substantial Remodel and Determination that the Ordinances are not subject to environmental review pursuant to Section 15301(c) of the State's guidelines implementing the California Environmental Quality Act (City Attorney Abich Garcia)

E. **Recess City Council Meeting to a Closed Session**

1. Conference with real property negotiators - Government Code §54956.8 (Assistant City Manager Boatman)

Property:	Vacant Property; APN 0292-341-26
Agency Negotiators:	Chris Boatman
Negotiating Parties:	GRD Enterprises, LLC
Under Negotiation:	Terms of payment and price of possible purchase of real property

F. **Closed Session Report**
(No reportable action taken in closed session unless otherwise announced by the City Attorney at this time.)

G. **Adjournment**

If you challenge any proposed development entitlement listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Goutam Dobey, of the Municipal Utilities and Engineering Department at (909) 798-7584 ext 2. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

(28 CFR 35.102-35.104 ADA Title II)

Any writings or documents distributed to a majority of the City Council regarding an open session agenda item less than 72 hours before this meeting are available for public inspection at the City Clerk's Office or at the dais of the City Clerk once the open session meeting begins.

Staff reports or other written documentation relating to items referred to on the agenda are available at the A. K. Smiley Public Library, 125 West Vine Street, Redlands, California, and on the City's website referenced below.

Regular meetings are televised live on Redlands TV Channel 3 (Spectrum) and Channel 35 (Frontier) and re-broadcasted at 7:00 P.M. the following Wednesday, Friday and Sunday; and at 9:00 A.M. Thursday, Saturday and Monday. Agendas, staff reports and minutes of the City Council of the City of Redlands are available on the Internet:

http://www.cityofredlands.org

City Council Special Meeting **C. 1.**

DATE: 08/04/2022

TO: Honorable Mayor and City Council Members

SUBJECT: Re-Approve minutes of the July 19, 2022 regular meeting (City Clerk Donaldson)

MOTION:

I move to re-approve the minutes of the July 19, 2022 regular meeting.

Attachments

Minutes of the July 19, 2022 regular meeting.

MINUTES

Regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, on July 19, 2022 at 5:00 P.M.

Present:	Paul Barich, Mayor Eddie Tejeda, Mayor Pro Tempore Denise Davis, Council Member Jenna Guzman-Lowery, Council Member Mick Gallagher, Council Member
Staff:	Charles M. Duggan, Jr., City Manager; Yvette M. Abich Garcia, City Attorney; Robert Dawes, City Treasurer; Jeanne Donaldson, City Clerk; Janice McConnell, Assistant City Manager; Chris Boatman, Assistant City Manager; Chris Catren, Police Chief; Danielle Garcia, Management Services/Finance Director; Brian Desatnik, Development Services Director; John Harris, Municipal Utilities and Engineering Director; David Ketcherside, Fire Battalion Chief

Mayor Barich called the meeting to order and explained that comments could be presented in-person, via Zoom, via cell phone or landline. He offered the public an opportunity to provide comment on any item on the agenda for the closed session.

PUBLIC COMMENT

Coyote Aviation - Gil Brown stated that Coyote Aviation did not receive the 20-year lease term as negotiated in 2000 with the City, and he insisted the timeline used as a basis to terminate the lease was inaccurate. He urged the Council for a fair negotiation process.

CLOSED SESSION

Conference with legal counsel: Existing Litigation - Government Code §54956.9(d)(1)
(City Attorney Garcia)
One Case:
a. Coyote Aviation Corporation v. City of Redlands; San Bernardino Superior Court Case No. CIVDS 2203398

Conference with labor negotiator - Government Code §54957.6
(Assistant City Manager McConnell)

Agency Negotiator:	Laura Kalty, Liebert Cassidy Whitmore; Janice McConnell; Tommi Ng, Danielle Garcia
Employee Organizations:	Redlands Association of Department Directors Redlands Association of Management Employees Redlands Association of Mid-Management Employees Redlands Association of Safety Management Employees Redlands Association of Fire Management Employees Redlands Police Officers Association Redlands Professional Firefighters Association Redlands Civilian Safety Employees Teamsters Local 1932 Redlands Chapter

RECONVENE CITY COUNCIL MEETING

The meeting reconvened at 6:32 P.M. with an invocation by Council Member Davis followed by the pledge of allegiance to the American flag.

CLOSED SESSION REPORT

City Attorney Abich Garcia announced that no reportable action was taken during the closed session.

PRESENTATIONS

Proclamation Village Second Baptist Church 130th Anniversary

Mayor Barich presented a Proclamation in celebration of the 130th anniversary of the Village Second Baptist Church to Associate Pastor Margarete Green.

PUBLIC COMMENT

Public comments were presented either in-person, via Zoom, via cell phone or landline.

One Redlands - Gail Howard stated she thought the Council had fairly addressed the needs of both the north side and the south side of town when approving improvement projects. She viewed the City as one, and every project undertaken, north or south, played a vital role in the success of the whole community.

CONSENT CALENDAR

Minutes

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, the minutes of the July 5, 2022 regular meeting.

Vote: 5 - 0 Passed

Proclamation The Village SBC 130th Anniversary

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, the issuance of a proclamation recognizing The Village SBC (Second Baptist Church) for 130 years of service to the community.

Vote: 5 - 0 Passed

MUPW Commissioner Appointment

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously appointed, by roll call vote, Robert Meals to serve the remainder of a four-year term on the Municipal Utilities/Public Works Commission ending November 16, 2025.

Vote: 5 - 0 Passed

Resolution No. 8369 Remote Teleconference Meetings

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, Resolution No. 8369 authorizing remote teleconference meetings by the City Council and all Boards, Commissions, and Committees of the City in accordance with Assembly Bill 361 (2021) for a period of 30 days.

Vote: 5 - 0 Passed

Ordinance No. 2935 E-Filing Campaign Statements & Form 700

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously adopted, by roll call vote, Ordinance No. 2935, adding Chapter 2.74 of the Municipal Code relating to electronic filing of Campaign Finance Disclosure Statements and Statements of Economic Interest.

Vote: 5 - 0 Passed

Emergency Resolution No. 8065 Report

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, to receive and file the report regarding Emergency Resolution No. 8065 proclaiming the existence of a local emergency in response to COVID-19 (Coronavirus Disease 2019).

Vote: 5 - 0 Passed

Resolution No. 8366 Appropriations Limit FY 2022-2023

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, Resolution No. 8366 establishing an Appropriations Limit for Fiscal Year 2022-2023.

Vote: 5 - 0 Passed

Renewal NeoGov Software

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, the three-year service renewal with Neogov, the City's Insight, Learn and Perform Software, in the amount of $158,634.

Vote: 5 - 0 Passed

University of Redlands Donation

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously accepted, by roll call vote, the donation from the University of Redlands of $24,200; authorized the expenditure of $3,500 on behalf of the City and the A. K. Smiley Public Library as designated by the University of Redlands; and approved additional appropriations totaling $20,700 for the corresponding expenditures in the Police and Fire Departments.

Vote: 5 - 0 Passed

SBCTA Maintenance Agreement Passenger Rail Crossings

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously determined, by roll call vote, approval of the Maintenance Agreement for Redlands Passenger Rail Project At-Grade Crossings is exempt from environmental review pursuant to Section 15301(c) of the State's guidelines implementing the California Environmental Quality Act; and approved the Maintenance Agreement for Redlands Passenger Rail Project At-Grade Crossings with the Southern California Regional Rail Authority.

Vote: 5 - 0 Passed

Replacement of Streetlights Energy-Efficient LED Lights

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, the First Amendment to the Non-Professional Services Agreement with Tanko Streetlighting, Inc. to replace City-owned streetlights with energy-efficient LED lights, to extend the project completion deadline to March 1, 2023.

Vote: 5 - 0 Passed

Resolution No. 8358 Levying Special Taxes CFD 2004-1

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, Resolution No. 8358 levying special taxes with the City of Redlands Community Facilities District No. 2004-1, to collect revenue to offset landscape maintenance expenses.

Vote: 5 - 0 Passed

Resolution No. 8368 Ad Valorem Taxes Exchanged

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously determined, by roll call vote, that the Resolution is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines; adopted Resolution No. 8368 regarding ad valorem taxes exchanged between the City of Redlands, the City of San Bernardino, and the San Bernardino County Fire Protection District resulting from the jurisdictional change described by LAFCO Case No. 3258 for portions of real property located at the Mountain View Avenue road bridge (APNs: 0292-011-37-0000, 0292-011-42-0000, and portion of the road bridge).

Vote: 5 - 0 Passed

U.S. Capitol Police Reimbursement Agreement

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, the agreement between the City of Redlands and the United States Capitol Police for the purpose of reimbursing the Redlands Police Department for agreed upon mutual aid in response to threats against a member of Congress that resides in Redlands.

Vote: 5 - 0 Passed

Interlocal Agreements Distribution Justice Assistance Grants

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously determined, by roll call vote, that approval of the Interlocal Agreements, additional appropriations and acceptance of the Justice Assistance Grant modifications is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act; approved the Interlocal Agreements between the Town of Apple Valley, the Cities of Adelanto, Barstow, Chino, Colton, Fontana, Hesperia, Highland, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, Victorville, and the County of San Bernardino, Calif., concerning the distribution of the FY 2019 and FY 2020 Justice Assistance Grants; approved additional appropriations in the amounts of $14,530 and $14,374, respectively, to the Police Department; and authorized the accceptance of the FY 2017 and FY 2018 Justice Assistance Grant Modifications in the amounts of $13,937 and $13,826, respectively, to authorize the purchase of cameras and communication equipment.

Vote: 5 - 0 Passed

Tow Services Agreement

Police Chief Catren provided details of the Towing Services Agreement with four Redlands Police Department Rotational Tow Applicants, Broncs Towing, Inc., Bill and Wag's Towing, Inc., Wilson's Towing and Armada Towing, for FY 2022-2025. As public comment, Ashley Gibson, of Broncs Towing and Nicholas Deadman, of Bill & Wags, were disappointed the City included two additional tow service companies in the rotation, and they stressed this action could hurt their small businesses, leading to potential layoffs and higher response times. Chief Catren clarified that the department expanded the number of towing companies to allow for more rapid response times.

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Mick Gallagher, the City Council unanimously approved, by roll call vote, the Tow Services Agreement with four Redlands Police Department Rotational Tow Applicants, Broncs Towing, Inc., Bill and Wag's Towing, Inc., Wilson's Towing and Armada Towing, for FY 2022-2025.

Vote: 5 - 0 Passed

Contract Award Garden St. Guardrail Installation Project

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously determined, by roll call vote, approval of a construction contract with Danny C. Hubbs Construction, Inc. for the Garden St. Guardrail Installation Project is categorically exempt from environmental review in accordance with Section 15303(e) of the State's guidelines implementing the California Environmental Quality Act; and approved the Garden St. Guardrail Installation Project contract with Danny C. Hubbs Construction, Inc., for an amount not-to-exceed $65,612.

Vote: 5 - 0 Passed

Renewable Liquefied Natural Gas PO Modification

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, a purchase order modification in the amount of $31,419.21 with Clean Energy for delivery and supply of renewable liquefied natural gas for the remainder of Fiscal Year 2021-22, due to customer demand and pricing increases in renewable liquefied natural gas sales.

Vote: 5 - 0 Passed

License Agreement for 2022 Regional Aerobatic Competition

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously determined, by roll call vote, that approval of the License Agreement is categorically exempt from environmental review pursuant to Section 15323 of the state's guidelines implementing the California Environmental Quality Act; and approved the License Agreement with International Aerobatic Club Chapter 26 for use of the Redlands Municipal Airport for the 2022 Official Regional Aerobatic Competition.

Vote: 5 - 0 Passed

SCE License Agreement for Use of Property

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously determined, by roll call vote, that approval of the License Agreement is exempt from environmental review pursuant to Section 15301 of the State's guidelines implementing the California Environmental Quality Act; and approved the License Agreement with Southern California Edison for use of property for a walking trail and associated landscaping from Orange Street to Texas Street.

Vote: 5 - 0 Passed

Stater Bros. Charities Believe Walk In-Kind Request

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously authorized and approved, by roll call vote, a request for in-kind support in the amount of $31,232 related to Stater Bros. Charities Believe Walk to be held on Sunday, October 2, 2022; and approved temporary street closures related to the event.

Vote: 5 - 0 Passed

COMMUNICATIONS

League of California Cities Annual Conference Voting Delegate

Mayor Barich opened the discussion to consider designating a voting delegate and an alternate to the 2022 League of California Cities Annual Conference scheduled to occur September 7-9 in Long Beach.

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously designated, by roll call vote, Council Member Denise Davis to serve as the voting delegate; and designated Mayor Paul Barich to serve as the alternate voting delegate for the League of California Cities 2022 Annual Conference to occur September 7-9 in Long Beach.

Vote: 5 - 0 Passed

Renter Protections

As a follow up to public comment presented during the July 5 Council Meeting, Mayor Pro Tem Tejeda was concerned about tenant eviction notices given to residents at the Las Casitas Apartments, and he requested City Attorney Abich Garcia study the matter and present her findings to the City Council. Ms. Abich Garcia reviewed state law related to renter protections during “substantial remodel” evictions and found that state law allows a property owner to evict a tenant based on whether they intend to demolish the property or substantially renovate the unit. Substantial renovations include work which requires a permit, such as plumbing, electrical or structural improvements. This would be the basis for a property owner to begin the eviction process. However, she also found that state law didn't address what was considered "appropriate actions" by landlords. She examined the municipal codes of other cities, such as Duarte, Long Beach and Los Angeles, and determined that the local codes have allowed these cities to fill in the gaps left unclear by state law, adding such items as requiring landlords to pull permits before sending eviction notices, requiring landlords to establish a list of tenants who will be evicted, and requiring landlords to explain why the remodel cannot be completed safely while the tenant remains in the unit.

Development Services Director Desatnik confirmed that a roof permit had recently been pulled on the Las Casitas apartment building, but this type of work would not qualify as a substantial remodel. Permits had been pulled two years ago for the Brookside Patios apartment property. As public comment, Justin Weekley, Tarun Jaiswal and Ahmed expressed their support for an urgency

ordinance to help them stop the evictions, and they complained that Las Casistas complex was not kept clean or maintained properly. Mr. Weekley raised questions concerning "no fault" evictions.

City Attorney Abich Garcia recommended the Council move forward with an urgency ordinance and hold a Special City Council Meeting on August 2, 2022 and suggested the Council follow up with a permanent ordinance to address the matter. Approval of the urgency ordinance would allow protections to benefit the residents of Las Casitas and Brookside Patios apartments and their existing eviction notices. The Council was in agreement and directed staff to prepare an urgency ordinance to "fill in" where there are gaps in state law, and ordered a special City Council meeting be held on August 2, 2022.

PUBLIC HEARINGS

Resolution No. 8357 Delinquent Municipal Services Account Report

Mayor Barich declared the meeting open as a public hearing and called on Management Services/Finance Director Garcia for a review of Resolution No. 8357 approving the Delinquent Municipal Services Account Report and the submittal of the report to the Auditor-Controller of San Bernardino County for lien processing. Delinquent accounts, not paid by August 24, 2022, will be included on the 2022-2023 tax roll that staff will submit to the County. With no further comments the Mayor closed the public hearing.

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Mick Gallagher, the City Council unanimously approved, by roll call vote, Resolution No. 8357 approving the Delinquent Municipal Services Account Report and submittal of the report to the Auditor-Controller of San Bernardino County for lien processing.

Vote: 5 - 0 Passed

Ordinance No. 2933 Development Agreement No. 25 "State Street Village"

Mayor opened the public hearing and called on Development Services Director Desatnik to present Ordinance No. 2933 (Development Agreement No. 25) for the "State Street Village" mixed use development project located at 101 Redlands Mall and the southeast corner of West Citrus Avenue and Eureka Street in the C-3, General Commercial zoning district. On May 10, 2022, the City Council unanimously approved various project entitlements and on June 14, 2022, the Planning Commission unanimously recommended the City Council approve Development Agreement No. 25 for the State Street Village mixed use development project. Director Desatnik reviewed six findings that must be made in order for the Council to approve the Development Agreement as required by Redlands Municipal Code. The Agreement identified the developer must start building the development within five years and provides for a total term of fifteen years. The fifteen year term is in alignment with the remainder of the CVS lease, currently at the mall. Council Members discussed parking concerns, the proposed term of 15 years, when construction was expected to begin, and the status of the one remaining tenant (CVS Pharmacy).

As public comment, Richard O'Donnell thought the Agreement favored the developer but not the people of Redlands, and he said cars will avoid this development because of the fees that will be charged. He suggested the Council insist on free parking at the mall until there was substantial progress made. One written comment was received from William Cunninhgam, who expressed

opposition to the fifteen-year term. With no further discussion, the Mayor closed the public hearing.

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously introduced, by roll call vote, Ordinance No. 2933, approving Development Agreement No. 25 for the "State Street Village" mixed use development project located at 101 Redlands Mall (APNs: 0171-251-06-0000, 0171-251-07-0000, 0171-251-08-0000, 0171-251-09-0000, 0171-251-10-0000) and the southeast corner of West Citrus Avenue and Eureka Street (APNs: 0171-251-06-0000, 0171-251-07-0000, 0171-251-08-0000, 0171-251-09-0000, 0171-251-10-0000) in the C-3, General Commercial zoning district.

Vote: 5 - 0 Passed

Ordinance No. 2938 Extending Temporary Moratorium for New Warehouses

Mayor declared the meeting open as a public hearing and called on Development Services Director Desatnik to provide background of Ordinance No. 2938. On June 21, 2022, the City Council adopted Ordinance No. 2934, an interim ordinance adopting a temporary 45-day moratorium on new warehouse and distribution logistics facilities exceeding 50,000 square-feet in gross floor area located within the commercial and industrial zoning districts in the City. Ordinance No. 2938 will extend the temporary moratorium on development projects for new warehouses and distribution logistics facilities for 90 days. Director Desatnik presented a report which included an update on activities since the adoption of Ordinance No. 2934 on June 21, 2022.

As public comment, Bill Blankenship, of NAIOP Inland Empire, and Thomas Ruiz, of LIUNA Local 783, listed reasons for their opposition to the moratorium, including the loss of good-paying jobs for community residents, future development could be stymied for a long time, CEQA provides for the necessary tools to leverage and review potential impacts, unfair burden on businesses if a new ordinance was adopted and rules changed. Three people spoke in support of the moratorium, asking for a careful review of the potential effects of large warehouses. Mayor Barich requested staff consider establishing a "grandfather" clause that may be applied to certain projects that have begun to be processed through the City. With no further discussion, the Mayor closed the public hearing.

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously introduced, by roll call vote, Ordinance No. 2938, to receive and accept the report prepared pursuant to Government Code Section 65858(d); adopted Ordinance No. 2938 extending a temporary moratorium on development projects for new warehouses and distribution logistics facilities within the City of Redlands for 90 days; and determined that the Ordinance is exempt from environmental review pursuant to Sections 15378(b)(5), 15308 and 15061(b)(3) of the California Environmental Quality Act Guidelines.
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Vote: 5 - 0 Passed

Ordinance No. 2939 Extending Temporary Moratorium Development Projects EVCSP

Due to ownership of property within 500 feet of the identified list of new housing sites in the City's 2021-2029 Housing Element, Council Member Davis recused herself from this item.

Mayor Barich opened the public hearing and called on Development Services Director Desatnik to present Ordinance No. 2939. In June, Council approved an interim ordinance adopting a temporary 45-day moratorium on land use approvals and building permits for new construction that may be approved or issued on fifteen properties located within the Commercial Industrial (EV/IC) district of the East Valley Corridor (EV/IC), Specific Plan that are identified on the list of potential housing sites prepared in conjunction with the City's 2021-2029 Housing Element. Ordinance No. 2939 would extend the temporary moratorium by 10 months and 15 days in accordance with Government Code Section 65858(a). One resident supported the moratorium and stated her concerns about development in general, adding that the impacts generated by projects should be more thoroughly studied, before any approvals were granted. With no further comments, Mayor Barich closed the public hearing.

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Mick Gallagher, the City Council introduced, by roll call vote, Ordinance No. 2939, extending a temporary moratorium on certain Development Projects for properties located within the Commercial Industrial (EV/IC) district of the East Valley Corridor Specific Plan that are identified on the list of potential housing sites prepared in conjunction with the City's 2021-2029 Housing Element for 10 months and 15 days; and determined the Ordinance is exempt from environmental review pursuant to Sections 15378(b)(5), 15308 and 15061(b)(3) of the California Environmental Quality Act Guidelines.

Vote: 4 - 0 Passed

Other: Council Member Denise Davis (RECUSE)

Resolution No. 8360 Delinquent Administrative Citation Report

Mayor Barich declared the meeting open as a public hearing and called on Assistant City Manager Boatman for a review of Resolution No. 8360, approving the Delinquent Administration Citation Fine Report and submittal to the Auditor-Controller of San Bernardino County for lien processing 2021. Mr. Boatman described the administrative citation program and explained that staff makes every attempt to work with the property owner to comply with the Municipal Code before issuing citations. He added the program was complaint driven. With no further comments, the public hearing was closed.

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, Resolution No. 8360, approving the Delinquent Administrative Citation fine report as submitted and authorized the report be submitted to the Auditor-Controller of San Bernardino County for lien processing.

Vote: 5 - 0 Passed

NEW BUSINESS

Resolution No. 8370 Ordering Ballot Question for RRGM Initiative Ordinance

City Clerk Donaldson explained that on August 3, 2021, the City Council adopted Resolution No. 8241, certifying the initiative petition, from William Cunningham, of Redlanders for Responsible Growth Management (RRGM), and ordering the submission of the initiative ordinance, without alteration, to the qualified voters of Redlands at the regular municipal election, November 8, 2022. Resolution No. 8370 provides the ballot question for the voters' consideration.

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Mick Gallagher, the City Council unanimously approved, by roll call vote, Resolution No. 8370, ordering the submission to the qualified voters of the City of Redlands, RRGM Initiative Ordinance titled, "Initiative Ordinance of the People of Redlands Amending Sections 1A.0, 4.2B and 4.40s Principles of Managed Growth of the City of Redlands General Plan 2035" and providing for the ballot question for consideration by the voters at the General Municipal Election to be held on November 8, 2022.

Vote: 5 - 0 Passed

Resolution No. 8371 Filing Written Arguments RRGM Ordinance

City Clerk Donaldson presented Resolution No. 8371 setting rules for the filing of written arguments regarding the RRGM Initiative Ordinance for the November 8, 2022 election. The last day for receipt of primary arguments for or against the RRGM Initiative Ordinance, not exceeding 300 words, has been established as August 22, 2022 in the City Clerk's Office. The last day for receipt of rebuttal arguments not exceeding 250 words has been established as August 26, 2022, in the City Clerk's Office.

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, Resolution No. 8371, setting rules for the filing of written arguments regarding an Initiative Ordinance submitted by RRGM, titled, "Initiative Ordinance of the People of Redlands Amending Sections 1A.0, 4.2B and 4.40s Principles of Managed Growth of the City of Redlands General Plan 2035" for the November 8, 2022 election; and designated Mayor Barich to submit a primary argument.

Vote: 5 - 0 Passed

Mayor Barich called for a brief recess at 8:25 P.M. and the meeting resumed at 8:40 P.M.

University of Redlands Modified Alternative Ballot Measure

Council Member Gallagher recused himself from voting on this item due to property ownership near the identified parcels in San Timoteo Canyon. City Attorney Abich Garcia added that, as a property owner, Mr. Gallagher could remain in the chambers and be allowed to address the Council as a member of the public, but only as it affected his real property. Development Services Director Desatnik provided background and detailed the events leading to tonight, explaining that in response to the RRGM Measure, the University of Redlands negotiated with the original RRGM author a substitute for the RRGM Measure (the "Alternative Measure") and on June 21, 2022, the City Council adopted Resolution No. 8317 placing an Alternative Measure on the November 2022 ballot as a City-initiated measure. The modifications included: 1) removing proposed amendments

to Section 4.40s of the General Plan 2035 as it relates to residential density of land zoned "Urban Reserve" or active agricultural land; and 2) removing proposed amendments to Section 4.42m of the General Plan 2035 which would require density for all lands zoned "Resource Preservation" to be developed to the standards of "Rural Living" classification.

Following the June 21 Council action to place the Alternative Measure on the ballot, the University proposed a modification to the Alternative Measure ("Modified Alternative Measure"), as negotiated with the author of the RRGM Measure. The Modified Alternative Measure, as amended, makes the changes to the Alternative Measure by adding the following language to Section 1(c): All parcels of land within the area, including those in San Timoteo Canyon, west of the Southeast Area (Figure 4-3), identified as Resource Preservation in the Redlands 2035 General Plan Figure 4-5, are hereby zoned Agriculture.

Staff recommended a slight modification to the language proposed by the University in the Modified Alternative Measure such that Section 1(c) would read as follows: "All parcels of land within the area identified as Resource Preservation in the Redlands 2035 General Plan Figure 4-5 in San Timoteo Canyon, west of the Southwest Area (Figure 4-3), which are zoned A-1 Agriculuture on the Effective Date shall remain A-1 Agriculture, unless changed by a majority vote of the electorate." Staff's recommended language would not provide for the immediate rezoning of any parcels. Council Members were pleased with staff's recommended language and thought it offered a good solution to the public's concerns.

As public comment, Richard O'Donnell, Travis Hibbs, Katherine Havert, Bettina McLeod, Lisa Pierce, Ruth Cook and Breana Egan, each offered their personal perspectives but overall were in support of the amended version intended to protect San Timoteo Canyon lands. Sherli Leonard, of the Redlands Conservancy, and Caroyn Layman were in support of protecting San Timoteo Canyon lands but questioned why the measure didn't include protections for Live Oak Canyon properties. Bob Knight and Anna Nakamura Knight supported setting limits on development in San Timoteo Canyon, but stated they thought the City did not promote a business-friendly environment for farmers, and they suggested the Council establish and support local farmers. Mick Gallagher, as a property owner near the affected parcels identified in the measure, wondered if his property would be rezoned and was pleased to hear it would not and remain the same. Andy Hoder voiced his opposition to the newest version, urging the Council to vote no, and he added the original RRGM measure was to limit growth in the downtown area and had nothing to do with San Timoteo Canyon.

City Manager Duggan clarified that Live Oak Canyon parcels were not included under the protections in this amended version because the area set aside to be preserved and zoned Agriculture, was selected based on the language submitted by Bill Cunningham (RRGM author). Mr. Cunningham specifically identified properties west of the Southeast Area (Figure 4-3) and did not specify Live Oak Canyon parcels. Kevin Dyerly, on behalf of the University's President, Krista Newkirk, thanked the Mayor and City Council and staff for their support.

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Denise Davis, the City Council approved, by roll call vote, Resolution No. 8374, ordering to submit to the voters the Modified Alternative Measure, as Amended, which would amend Sections 1A.0, 1A.10, 1.A.30, 4.2B, and 4.41j of the Principles of the Managed Development of the City of Redlands General Plan 2035; determined that placement of the Measure is exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines; called and gave notice of the holding of a General Municipal Election and requesting the Board of Supervisors of the County of San Bernardino consolidate the Election with the Statewide Election on November 8, 2022; and adopted Resolution

No. 8373, withdrawing the Alternative Measure placed on the ballot on June 21, 2022 and repealing Resolution Nos. 8317 and 8319.

Vote: 4 - 0 Passed

Other: Council Member Mick Gallagher (RECUSE)

Resolution No. 8375 Written Arguments for University of Redlands Initiative Ordinance

City Clerk Donaldson reviewed Resolution No. 8375 setting priorities for the filing of written arguments regarding the Amended Modified Alternative ballot measure, as approved by Resolution No. 8374. The last day for receipt of primary arguments for or against the initiative ordinance, not exceeding 300 words, has been established as August 22 and the last day for receipt of rebuttal arguments not exceeding 250 words has been established as August 26, 2022, in the City Clerk's Office.

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, Resolution No. 8375 setting priorities for filing of written arguments regarding the Amended Modified Alternative Ballot Measure; and designated Mayor Barich to submit the primary argument in favor of the measure.

Vote: 5 - 0 Passed

CDBG Grant Award Program

Development Services Director Desatnik summarized the CDBG program and explained the need for the reprogramming of grant award funds. The City received a grant award for FY2022-2023 in the amount of $340,246, which was $25,028 lower than estimated. In response, staff reallocated and reassigned funding for the following projects: Jocelyn Senior Center Rehabilitation Project, and reprogramming of $52,448.92 funds to the Senior Outdoor Dining Project.

On motion of Mayor Pro Tempore Eddie Tejeda, seconded by Council Member Jenna Guzman-Lowery, the City Council unanimously approved, by roll call vote, the grant award in the amount of $340,246 for the FY2022-2023 CDBG Program Year; authorized an additional appropriation of $15,976.21 for the FY2022-2023 CDBG Program Year; authorized an additional appropriation of $12,200 for the FY2021-2022 CDBG Program Year; and authorized the reprogramming of $52,448.92 of CDBG-CV funds to the Senior Outdoor Dining Project.

Vote: 5 - 0 Passed

Soulfood Fest Event

Assistant City Manager Boatman introduced the request from Stronger Together Now to hold the Soulfood Fest event on September 11, 2022, within Ed Hales Park. The event will help support black-owned businesses and promotes diversity.

On motion of Council Member Denise Davis, seconded by Mayor Pro Tempore Eddie Tejeda, the City Council unanimously authorized, by roll call vote, the request to hold the Soulfood Fest event hosted by Stronger Together Now on September 11, 2022, within Ed Hales Park.

Vote: 5 - 0 Passed

Agreement - Redlands Good Nite Inn Motel Conversion Project

Assistant City Manager Boatman detailed the agreement between the City of Redlands, Shangri-La Industries, and Step Up on Second Street, Inc. pursuant to the terms of the State of California Department of Housing and Community Development (HCD), Homekey 2 Program Standard Agreement No. 21-HK-17166, for the development and supportive services delivery of the Redlands Good Nite Inn motel conversion project. He was hopeful the project would be completed later this year and be awarded a "Bonus Operating Fund Award" in the amount of $980,000 contingently awarded as a part of the Homekey grant upon achieving 90% occupancy within eight (8) months of the award date. As public comment, Andy Hoder was not as hopeful about the timeline, after he attended an RCRC meeting recently where he said it was estimated the project would be completed some time this winter and not November of this year.

On motion of Council Member Jenna Guzman-Lowery, seconded by Council Member Mick Gallagher, the City Council unanimously approved, by roll call vote, the agreement between the City of Redlands, Shangri-La Industries, and Step Up on Second Street, Inc. pursuant to the terms of HCD's Homekey 2 Program Standard Agreement No. 21-HK-17166, for the development and supportive services delivery of the Redlands Good Nite Inn motel conversion project; and authorized the Mayor or designee to implement the Agreement including, but not limited to, signing subsequent necessary documents, agreements and amendments, provided it is in accordance with the limitations described in the agreement and has previously been approved and budgeted by the City Council, subject to approval by the City Attorney.

Vote: 5 - 0 Passed

COUNCIL MEMBER ANNOUNCEMENTS AND ACTIVITIES

There were no Council Member reports presented.

ADJOURNMENT

There being no further action required the meeting adjourned at 9:41 P.M. The City of Redlands City Council will hold a special meeting on August 2, 2022.

City Council Special Meeting **C. 2.**

DATE: 08/04/2022

TO: Honorable Mayor and City Council Members

SUBJECT: Re-Approve Resolution No. 8381 authorizing remote teleconference meetings by the City Council and all Boards, Commissions, and Committees of the City in accordance with Assembly Bill 361 (2021) for a period of 30 days (Council Member Davis)

MOTION:

I move to re-approve Resolution No. 8381.

DISCUSSION:

On July 19, 2022, the City Council adopted Resolution No. 8369 authorizing remote teleconference meetings by the City Council and all Boards, Commissions, and Committees of the City in accordance with Assembly Bill 361 (2021) for a period of 30 days ending August 17, 2022. AB 361, signed into law on September 16, 2021, amends Government Code Section 54953 to provide the authority and specific requirements for public agencies to hold virtual meetings during a proclaimed state of emergency and remain in compliance with the Brown Act.

In accordance with Government Code Section 54953 (e)(3), the City Council must review the need and make findings for continuing the teleconferencing as authorized by AB 361 at least once every thirty days until the Governor terminates the state of emergency. With the adoption of Resolution No. 8381, the City Council is reaffirming its findings and compliance with AB 361 for an additional 30 days ending September 3, 2022.

SUBMITTED BY:
Council Member Denise Davis

Attachments

Reso. 8381 Teleconference Meeting

RESOLUTION NO. 8381

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS AUTHORIZING REMOTE TELECONFERENCE MEETINGS BY THE CITY COUNCIL AND ALL BOARDS, COMMISSIONS, AND COMMITTEES OF THE CITY IN ACCORDANCE WITH ASSEMBLY BILL 361 (2021) FOR A PERIOD OF THIRTY DAYS

WHEREAS, COVID-19 (also known as the "Coronavirus Disease") is a respiratory disease that has spread across the globe, with thousands of confirmed cases in California, including within the City of Redlands ("City"); and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency based on the threat caused by COVID-19, and the President of the United States issued a proclamation declaring a national emergency concerning COVID-19 beginning March 1, 2020; and

WHEREAS, in response to COVID-19, the Governor of the State of California issued a proclamation of a state of emergency on March 4, 2020; and

WHEREAS, the City Council of the City adopted a proclamation of a local emergency related to the COVID-19 virus on March 17, 2020; and

WHEREAS, the City is committed to preserving and fostering public access, transparency, observation, and participation in meetings of the City Council and City boards, commissions, and committees (hereafter collectively referred to as "legislative bodies;") and

WHEREAS, all meetings of the City Council and legislative bodies are open and public as required by the Ralph M. Brown Act ("Brown Act") (Government Code section 54950 *et seq*.), so that any member of the public may attend, observe, and participate in a meaningful way; and

WHEREAS, Government Code section 54953(b)(3) of the Brown Act allows a local legislative body to hold public meetings by teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, as long as the following requirements are met:

1. Each teleconference location from which a member is participating is noticed on the agenda;
2. Each teleconference location is accessible to the public;
3. Members of the public must be able to address the body at each teleconference location;
4. At least one member of the legislative body must be physically present at the location specified in the meeting agenda; and
5. During teleconference meetings, at least a quorum of the members of the local body must participate from locations within the local body's territorial jurisdiction; and

WHEREAS, the Brown Act, as amended by AB 361 (2021), at Government Code section 54953(e), allows for remote observation and participation in meetings by members of a legislative body and members of the public without compliance with the requirements of Government Code section 54953(b)(3), subject to certain conditions; and

WHEREAS, the initial required condition of Government Code section 54953(b)(3) is a declaration of a state of emergency by the Governor pursuant to the California Emergency Services Act at Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state and within the boundaries of the City, caused by conditions as described in Government Code section 8558; and

WHEREAS, the Governor's proclamation of a state of emergency includes area within the jurisdictional boundaries of the City; and

WHEREAS, Government Code section 54953(e)(3)(A-B), added by AB 361, provides an alternative to having public meetings in accordance with Government Code Section 54953(b)(3) when the City Council has reconsidered the circumstances of the COVID-19 state of emergency and that the following circumstances exist:

1. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of City Council and the members of the City's boards, commissions, and committees to meet safely in person; and

2. The State of California and the County of San Bernardino continue to recommend measures to promote social distancing; and

WHEREAS, Government Code Section 54953(e) further requires that state or local officials have imposed, or recommended, measures to promote social distancing, or the legislative body finds that meeting in person would present an imminent risk to the health or safety of attendees; and

WHEREAS, such conditions now exist in the City in that (i) state and local officials do recommend social distancing measures, and (ii) emergency conditions evidenced by COVID-19 and its variants create ongoing COVID-19 cases, hospitalizations, and deaths, such that meeting in person would present imminent risk to health or safety of attendees; and

WHEREAS, the City Council affirms that it will allow for observation and participation by City Council members as well as board, commission, and committee members and the public, via Zoom, or other appropriate technology, in an effort to protect the constitutional and statutory rights of all attendees; and

WHEREAS, Government Code Section 54953 (e)(3) further requires that the City Council review the need and make findings for continuing the teleconferencing as authorized by AB 361 at least once every thirty days until the Governor terminates the state of emergency;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDLANDS HEREBY RESOLVES AS FOLLOWS:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The City Council finds that the state of emergency conditions related to COVID-19 as set forth in the Governor's and City's proclamations of emergency are on-going.

Section 3. The City Council further finds that State and county officials recommend social distancing conditions causing imminent risk to attendees as described above exist.

Section 4. The City Council hereby recognizes and affirms the existence and conditions of a state of emergency as proclaimed by the Governor, and the City, and affirms, authorizes, and proclaims the existence of a local emergency throughout the City.

Section 5. The City Council finds that the state of emergency as a result of COVID-19 continues to directly impact the ability of members of the City Council and the members of the City's boards, commissions, and committees to meet safely in person and such fact creates an imminent health risk to such members.

Section 6. The City Council hereby authorizes the City Council, and all of the boards, commissions, and committees of the City, to conduct their meetings without compliance with Government Code section 54953(b)(3), and to instead comply with the remote meeting requirements as authorized by Government Code section 54953(e).

Section 7. The City Manager and City Clerk are authorized and directed to take all actions reasonably necessary to carry out the intent and purpose of this Resolution, including, conducting open and public meetings remotely in accordance with Government Code section 54953(e), and other applicable provisions of the Brown Act, for all City Council meetings, and all boards, commissions, and committee meetings of the City.

Section 8. This Resolution shall take effect immediately upon its adoption and shall be effective until either (i) September 3, 2022, or (ii) such time as the City Council adopts a Subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the City Council and all City legislative bodies may continue to meet remotely, without compliance with Government Code section 54953(b)(3), but otherwise as permitted by Government Code section 54953(e).

ADOPTED, SIGNED AND APPROVED this 4th day of August 2022.

_____

ATTEST: Paul T. Barich, Mayor

_____

Jeanne Donaldson, City Clerk

City Council Special Meeting **C. 3.**

DATE: 08/04/2022

TO: Honorable Mayor and City Council Members

SUBJECT: Re-Approve Resolution No. 8378 a Request by the University of Redlands to Place the Second Modified Alternative Measure as Proposed by the University of Redlands on the Ballot for the November 8, 2022 General Municipal Election; Re-Approve Resolution No. 8377 to Withdraw Modified Alternative Measure From the Ballot and Repeal Resolution Nos. 8374 and 8375; Determine that Placement of the Second Modified Alternative Measure is Exempt Pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines; and Calling and Giving Notice of the Holding of a General Municipal Election and a Request to the Board of Supervisors of the County of San Bernardino to Consolidate Said Election with the Statewide Election on November 8, 2022 (Development Services Director Desatnik/City Attorney Abich Garcia)

MOTION(S):

If the City Council wishes to place the Second Modified Alternative Measure on the November 8, 2022 ballot, which is supported by the University of Redlands and the RRGM leadership, the following motion is provided:

I move to re-approve Resolution No. 8378 to submit to the Voters the Second Modified Alternative Measure which would amend Sections 1A.0, 1A.10, 1.A.30, 4.2B, and 4.41j of the Principles of Managed Development of the City of Redlands General Plan 2035; determine that placement of the Measure is exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines; and Calling and Giving Notice of the Holding of a General Municipal Election and a Request to the Board of Supervisors of the County of San Bernardino to Consolidate Said Election with the Statewide Election on November 8, 2022.

I further move to re-approve Resolution No. 8377 withdrawing the Modified Alternative Measure placed on the ballot on July 19, 2022, and repealing Resolution Nos.

8374 and 8375.

RECOMMENDATION:

Re-approve the Second Modified Alternative Measure proposal and place the Measure on the ballot for the November 8, 2022 election as a City-initiated measure and re-approve the withdrawal of the Modified Alternative Measure placed on the ballot on July 19, 2022.

DISCUSSION:

A. Background

At its meeting on August 3, 2021, the City Council adopted Resolution No. 8241 to submit the initiative ordinance prepared by Redlanders for Responsible Growth Management (the "RRGM Measure") for consideration by the voters at the regular municipal election of November 8, 2022.

In response to the RRGM Measure, the University of Redlands negotiated with the original RRGM authors a substitute to the RRGM Measure (the "Alternative Measure") and requested that the City Council sponsor and approve placement of the Alternative Measure on the November 8, 2022 ballot as a City-initiated measure. According to University representatives, the author of the RRGM Measure agreed to withdraw the RRGM Measure from the ballot if the City Council approved placing the Alternative Measure on the ballot as a City-initiated measure.

On June 21, 2022, the City Council adopted Resolution No. 8317 placing on the ballot the Alternative Measure with the following modifications: 1) removing proposed amendments to Section 4.40s of the General Plan 2035 as it relates to residential density of land zoned “Urban Reserve” or active agricultural land; and 2) removing proposed amendments to Section 4.42m of the General Plan 2035 which would require density for all lands zoned “Resource Preservation” to be developed to the standards of “Rural Living” classification.

Following the City Council’s June 21, 2022 action, the University proposed a modification to the Alternative Measure (“Modified Alternative Measure”), as negotiated with the author of the RRGM Measure. The Modified Alternative Measure proposed changes to Section 4.41j of the General Plan. On July 19, 2022, the Council placed the Modified Alternative Measure, with certain amendments, on the November 8, 2022 ballot.

B. Discussion

Following the City Council’s action on July 19, 2022, city staff noted a minor typographical error in the Modified Alternative Measure language referring to

Figure 4-3 of the General Plan as the “Southwest Area” instead of the “Southeast Area”. The Modified Alternative Measure is modified (“Second Modified Alternative Measure”) to read as follows:

AMENDMENT OF GENERAL PLAN SECTION 4.41j

All parcels of land encompassed within the area identified as Resource Preservation in the Redlands 2035 General Plan Figure 4-5 in San Timoteo Canyon, west of the Southeast Area (Figure 4-3), which are zoned A-1 Agriculture on the Effective Date shall remain A-1 Agriculture, unless changed by a majority vote of the electorate. on GP Figure 4-5 are subject to the residential density limitations set forth in Section 4.42m and are hereby designated as Resource Preservation as defined in Section 4.96.

Section 4.41j will not result in the rezoning of any parcels of land. All land currently zoned Agriculture (A-1) with a General Plan designation of “Resource Preservation” in the San Timoteo Canyon west of the Southeast Area as depicted in Figure 4-3 of the General Plan will remain Agriculture (A-1). The language in Section 4.41j will, however, prevent the City Council from rezoning Agriculture (A-1) land in the future. By including this language in the Second Modified Alternative Measure it would take a future vote of the people to implement a rezoning of Agriculture (A-1) land in the subject area.

Lastly, the Second Modified Alternative Measure carries over provisions in the RRGM Measure that proposes a number of provisions that are not in compliance with State law based on the staff’s analysis of the Alternative Measure in the June 21, 2022 agenda report and the legal analysis obtained by the City from the law firm Devaney, Pate, Morris, & Cameron, LLP attached here as Attachment C.

C. Options

Option 1: The City Council may take action to place the Second Modified Alternative Measure on the ballot by re-approving Resolution No. 8378 (Attachment A). If it does so, it will also be required to withdraw the Modified Alternative Measure which was placed on the ballot on July 19, 2022 by re-approving Resolution No. 8377 (Attachment B).

Option 2: The City Council may decline to place the Second Modified Alternative Measure on the ballot. If the City Council so elects, no further action is necessary. The Modified Alternative Measure placed on the ballot on July 19, 2022 will remain on the ballot.

CEQA:

Should the City Council decide to place the Second Modified Alternative Measure on the ballot, that decision is exempt from CEQA pursuant to State

CEQA Guidelines, section 15061(b)(3) because there is no possibility that the ballot measure could lead to a direct or reasonably foreseeable indirect impact to the environment. A Notice of Exemption will be prepared if the Second Modified Alternative Measure is placed on the ballot.

ALTERNATIVES:

If the City Council does not re-approve placing the Second Modified Alternative Measure on the ballot, the Modified Alternative Measure placed on the ballot by the City Council on July 19, 2022 will remain on the ballot.

STRATEGIC PLAN:

Supports Priority A – Quality of Life

SUBMITTED BY:
Yvette M. Abich Garcia, City Attorney

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Janice McConnell, Assistant City Manager
Danielle Garcia, Management Services/Finance Director

PREPARED BY:
Yvette M. Abich Garcia, City Attorney

Fiscal Impact

Discussion:
N/A

Attachments

Attachment A: Resolution No. 8378
Attachment B: Resolution No. 8377
Attachment C: June 21, 2022 agenda report

RESOLUTION NO. 8378

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, FOR THE ELECTION OF CERTAIN OFFICERS, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE THE ELECTION WITH THE STATEWIDE GENERAL ELECTION ON THE SAME DATE; AND FOR THE SUBMISSION OF A BALLOT MEASURE PROPOSING TO AMEND SECTIONS 1A.0, 1A.10, 1.A.30, 4.2B AND 4.41j OF THE PRINCIPLES OF MANAGED DEVELOPMENT OF THE CITY OF REDLANDS GENERAL PLAN 2035.

WHEREAS, under the provisions of the laws relating to General Law cities in the State of California, a General Municipal Election may be held on Tuesday, November 8, 2022, for the election of Municipal Officers; and

WHEREAS, on August 3, 2021, the City Council of the City of Redlands adopted Resolution No. 8241, acknowledging receipt of a certified petition titled, "An Initiative Ordinance submitted by the People of Redlands Amending Sections 1A.0, 4.2B, and 4.40s Principles of Managed Growth of the City of Redlands General Plan 2035" (the "Original Initiative") and ordering the submission, without alteration, of the Original Initiative to the qualified voters of the City at the City's regular municipal election to be held on November 8, 2022; and

WHEREAS, in May 2022, the City Council of the City of Redlands received a proposed alternative ballot measure negotiated by the University of Redlands with the authors of the Original Initiative titled, "Initiative Ordinance of the People of Redlands Amending Sections 1A.0, 1A.10, 1.A.30, 4.2B and 4.40s of the Principles of Managed Development of the City of Redlands General Plan 2035,"("Alternative Measure") which the University of Redlands requested be placed on the November ballot by the City Council; and

WHEREAS, on June 21, 2022, the City Council adopted Resolution No. 8317 placing the Alternative Measure on the ballot for the November 8, 2022 General Municipal Election with certain modifications to the Alternative Measure; and

WHEREAS, after the City Council adopted Resolution No. 8317, the University of Redlands requested that the Alternative Measure be modified to add proposed amendments to Section 4.41j of the General Plan ("Modified Alternative Measure"); and

WHEREAS, on July 19, 2022, the City Council adopted Resolution No. 8374 placing the Modified Alternative Measure on the ballot for the November 8, 2022 General Municipal Election with certain amendments; and

WHEREAS, after the Modified Alternative Measure was placed on the ballot, a typographical change was noted by the city staff which requires a modification to the Measure ("Second Modified Alternative Measure"); and

WHEREAS it is now desire of this City Council to place the Second Modified Alternative Measure on the November 8, 2022 ballot.

NOW, THEREFORE, the City Council of the City of Redlands, California, does hereby resolve, declare, determine and order as follows:

Section 1. That pursuant to the requirements of the laws of the State of California relating to General Law cities within said State there is called and ordered to be held in the City of Redlands, California, on Tuesday, November 8, 2022, a General Municipal Election for the purpose of electing one Member of the City Council from District 1, one Member of the City Council from District 3 and one Member of the City Council from District 5, for the full term of four years.

Section 2. That the City Council submits the proposed ballot measure titled, "An Initiative Ordinance of the People of Redlands Amending Sections 1A.0, 1A.10, 1.A.30, 4.2B and 4.41j of the Principles of Managed Development of the City of Redlands General Plan 2035," to the qualified voters of the City, and shall do so in the form of the following question:

"Shall the Initiative Ordinance of the People of Redlands Amending Sections 1A.0, 1A.10, 1.A.30, 4.2B and 4.41j of the Principles of Managed Development of the City of Redlands General Plan 2035 be adopted?"	Yes	
	No	

Section 3. That the text of the ordinance submitted to the voters is attached hereto as Exhibit "A" and made a part thereof.

Section 4. That the ballots to be used at the election shall be in form and content as required by law.

Section 5. That the City Clerk of the City of Redlands is hereby authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct said election.

Section 6. That the polls for said election shall be open at 7:00 A.M. of the day of said election and shall remain open continuously from said time until 8:00 P.M. of the same day when said polls shall be closed, except as provided in Section 14401 of the California Elections Code.

Section 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 8. That notice of the time and place of holding of the election is given and the City Clerk is hereby authorized, instructed, and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 9. That the Board of Supervisors of said County is hereby requested to issue instructions to the Registrar of Voters of said County to take any and all steps necessary for the consolidation of the General Municipal Election with said County election.

Section 10. That the Registrar of Voters of said County is authorized to canvass the returns of the General Municipal Election and provide necessary services pertaining to the election to be held on Tuesday, November 8, 2022.

Section 11. That the City Council of the City of Redlands recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any such costs.

Section 12. That the City Clerk of the City of Redlands is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of San Bernardino.

ADOPTED, SIGNED AND APPROVED this 4th day of August, 2022.

_____

ATTEST: Paul T. Barich, Mayor

_____

Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was duly re-approved by the City Council at a special meeting thereof held on the 4th day of August, 2022.

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Jeanne Donaldson, City Clerk

August ___, 2022

Board of Supervisors
County of San Bernardino
County Civic Building
385 North Arrowhead Avenue
San Bernardino, California 92401

RE: ELECTION CONSOLIDATION

Enclosed is a certified copy of Resolution No. 8378, a resolution of the City Council of the City of Redlands, California, calling and giving notice of the holding of a General Municipal Election and requesting the Board of Supervisors of the County of San Bernardino to authorize the Registrar of Voters to canvass the returns and provide the necessary services pertaining to the election to be held on Tuesday, November 8, 2022.

In accordance with Section 9 of this resolution, we are requesting the Board of Supervisors to consent and agree to the consolidation of this general election.

Thank you in advance for your consideration.

Sincerely,

Jeanne Donaldson
City Clerk

JD:ms
Enclosure
xc: Registrar of Voters

EXHIBIT “A”

INITIATIVE ORDINANCE

INITIATIVE ORDINANCE OF THE PEOPLE OF REDLANDS
AMENDING SECTIONS 1A.0, 1A.10, 1.A.30, 4.2B, AND 4.41j OF THE PRINCIPLES OF MANAGED DEVELOPMENT OF THE CITY OF REDLANDS GENERAL PLAN 2035

WHEREAS, more than 40 years ago, in 1978, the voters of the City of Redlands approved Proposition "R," which established an ordinance enacting certain standards and procedures relating to managing growth within the City of Redlands; and

WHEREAS, more than 30 years ago, in 1987, the voters of the City of Redlands approved Measure "N," which in relevant part enacted an ordinance which amended Proposition "R" to enhance the limitations established by Measure R and establish additional development standards within the City; and

WHEREAS, Measures R and N have been codified in the City of Redlands Municipal Code as Title 19, Growth Management; and

WHEREAS, in 1997 the voters of the City of Redlands approved the General Plan amendment commonly known as Measure "U" to assure consistency between the General Plan and growth management limitations and standards established by Measure R and N; and

WHEREAS, the provisions of Measure U have been fully incorporated in the City's current General Plan 2035 in its current form which was enacted on December 5, 2017 (“General Plan 2035”); and

WHEREAS, in order to assure that future development within the City of Redlands occurs in a way that is consistent with the established values and standards enacted by the people of Redlands that promote the social and economic well-being of the entire community, it is necessary to amend certain provisions of General Plan 2035 to:

a. Reduce costly urban sprawl and minimize future tax and utility rate increases while preventing the overcrowding of public school facilities, over-burdening public services such as police and fire, while providing adequate traffic circulation.
b. Preserve, protect and promote agricultural and open space uses
c. Preserve the vitality and character of historic and older neighborhoods
d. Preserve the vitality and character of the Historic Downtown - Packinghouse District as the primary source of City sales, business license and property tax revenues.
e. Ensure that sufficient developable land exists within the current City boundaries to meet projected housing needs, including housing for low and moderate income families, the handicapped and the elderly, while still preserving the City's quality of life.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF REDLANDS DO ORDAIN AS FOLLOWS:

SECTION 1. GENERAL PLAN AMENDMENTS- The following provisions of the City's General Plan 2035, Sections 1A.0, 1A.10, 1.A.30, 4.2B, and 4.41j are hereby amended to read in their entirety as follows (deletions are shown by ~~strikeout~~ and additions are <u>underlined</u>):

a. AMENDMENT OF GENERAL PLAN 2035 SECTION 1A.0 PRINCIPLES OF MANAGED DEVELOPMENT

1. 1A.10 PRINCIPLE ONE: The cost of infrastructure required to mitigate the effects of development shall be paid by that new development.

(a) Development fee policy - In accord with the provisions of California Government Code Sections 66000 et. seq., all development projects as defined therein shall be required to pay the development fees to cover 100% of their pro rata share of the cost of any public infrastructure, facilities or services, including without limitation police and fire services, necessitated as a result of such development. The City Council shall set and determine development fees sufficient to cover 100% of the estimated cost of such public infrastructure, facilities and services based on appropriate cost-benefit analyses as required by the provisions of California law.

(b) Socio-Economic Cost/benefit Study and Findings Required - Every development project proposal requiring a General Plan Amendment, Zoning Amendment, Subdivision Map, Specific Plan, Pre-Annexation Agreement for Outside City Utility Connections for non-contiguous properties, or for projects involving structures larger than 5,000 square feet, Conditional Use Permit approval, shall submit a socio-economic analysis and cost/benefit study, which shall also be included in all environmental documents submitted to the extent permitted by law, identifying the source of funding for necessary public infrastructure and reflecting the effect of such development on the City, as part of the application process. The City Council shall publish notice of and hold at least one public hearing at which the public may appear and be heard to consider the socio-economic cost/benefit study. Approval of the development project shall only occur if the socio-economic study finds and determines to the satisfaction of the City Council that the development project 1) will not create unmitigated physical blight within the City or overburden public services, including without limitation the sufficiency of police and fire protection, and 2) the benefit of the development project to the City outweighs any direct cost to the City that may result. The City Council may, however, approve a development project for which the socio-economic study fails to make the required findings or determinations if the City Council finds and determines upon a 4/5 vote of its total authorized membership that the benefits to the City from the development project outweigh the negative socio-economic effects that may result.

1) For projects with a residential component, the Cost portion of the Cost/Benefit Study for that component shall be determined by dividing the city General Fund Expenditure Budget by the City Population and multiplying that quotient by the projected population of the project.

(c) Impacts of New Development on Public Schools Shall Be Mitigated -A mandatory component of the socio-economic cost/benefit studies shall be an analysis of the effect of the proposed development on public schools facilities and resources, and shall include proposed measures to mitigate any identified adverse impacts on school facilities to the greatest extent permitted under California law.

(d) Exception - The provisions of Section 1A.10 shall not apply to any development, or portion thereof, that is located within the University Street Transit Village, funded by and/or subsidized by the federal, state, or local governments, and subject to a master development permit.

2. 1.A.30 PRINCIPLE THREE - Land use classifications set forth in the Redlands General Plan provide for an appropriate range of densities for residential development and intensity of commercial and industrial development in the City of Redlands.

(a) Number of Land Use Classifications and Density Standards Shall Not Be Increased - The density standards set forth in Paragraph 4.40, Residential Land Use Classifications, of Section 4.0, Land Use Element, of the Redlands General Plan shall not be increased, and no new residential land use classification except for the Transit Village Overlay Zone shall be added, without a vote of the people.

(b) Prohibition of Transfers of Density - In order to assure that development occurs in a rational way, no transfer of residential development rights from lands other than those designated for single family residential shall be permitted, and then such transfers of single family residential density shall only be permitted to create or preserve agricultural, open space, school or park uses.

(c) Buildings in the Downtown Transit Village and the University Street Transit Village shall be limited to three (3) stories and a height of forty-three (43) feet from ground level to their highest point visible from the fronting street.

(1) Except: Those buildings that are located within ¼ mile of the transit station that is within the University Street Transit Village and that are subject to a master development plan shall be limited to four (4) stories and a height of sixty-~~-~~eight (68) feet as measured from the ground level to their highest point visible from the fronting street.

(2) Except: No building more than two stories or (35) feet in height shall be permitted within an established and constructed single -family residential neighborhood.

(d) Buildings in the Alabama Street, California Street and New York Street Transit Villages shall be limited to four (4) stories and sixty-eight (68) feet in height as measured from the ground level to their highest point as viewed from the fronting street.

(e) No building more than two stories in height shall be permitted adjacent to a single-family dwelling absent written agreement of the dwelling owner(s); however, this section does not apply to properties across a public right of way.

(f) In multi-story structures with a residential living component in the five Transit Villages, parking for two or more bedroom units shall be two covered parking spaces and for one bedroom and studio units shall be one covered parking space. Every five units shall have one guest parking space.

Except: Parking for projects within ¼ mile of the transit station that is within the University Street Transit Village and that are subject to a master development permit shall be governed by a comprehensive parking management plan made part of the master development permit that establishes all required parking spaces.

(g) Non-residential hotels are permitted and can be developed anywhere in the five Transit Villages, height and size determined by the City Council and are exempt from 1.A.30(c) and (d).

b. AMENDMENT OF GENERAL PLAN 2035 SECTION 4.2B
PRINCIPLES OF MANAGED DEVELOPMENT:

B. EXEMPTIONS

1. Vested projects. This initiative measure shall not apply to or affect any property on which a vested right has been legally perfected and acquired prior to the Effective Date pursuant to state law.

2.Special Categories of Development. The provisions of this initiative measure shall not apply to the following:

A. New individual infill construction of single family homes on existing lots of record bounded by developed property as of March 1, ~~1997~~ 2020:

B. Rehabilitation, remodeling or additions to existing single family residential structures;

C. Reconstruction or replacement of any uses to the same density, intensity and classification of use as existed on the Effective Date, including non-conforming uses;

~~D. Development directly related to the proposed Metrolink stations in the City of Redlands, including one at the University of Redlands;~~

~~E. New development projects subject to Downtown Specific Plan 45, upon a four-fifths (4/5ths) vote of the total authorized membership of the City Council;~~

~~F.~~ D. Special, temporary or occasional uses of public streets including parades local sporting and cultural events, graduation ceremonies, approved school activities and other occasional public gatherings.

c. AMENDMENT OF GENERAL PLAN SECTION 4.4lj

Section 4.41j of the Redlands General Plan 2035 shall be amended to read as follows:

All parcels of land ~~encompassed~~ within the area identified as Resource Preservation in the Redlands 2035 General Plan Figure 4-5 in San Timoteo Canyon, west of the Southeast Area (Figure 4-3), which are zoned A-1 Agriculture on the Effective Date shall remain A-1 Agriculture, unless changed by a majority vote of the electorate. ~~on GP Figure 4-5 are subject to the residential density limitations set forth in Section 4.42m and are hereby designated as Resource Preservation as defined in Section 4.96.~~

SECTION 2. DEFINITIONS

A. "Effective Date" shall mean the date on which this initiative measure was adopted by the City Council of the City of Redlands or on the date on which it was passed by the voters at the polls, whichever comes first.

B. “Dwelling” and “dwelling units” shall be defined as any single family residence, apartment or dwelling unit in a multi-unit structure, or mobile home.

SECTION 3. EXEMPTIONS FOR CERTAIN PROJECTS

A. This measure shall apply to all properties and projects covered by its terms, except it shall not apply to any development project which has obtained a vested right as of the effective date of this measure. For purposes of this measure, a vested right shall have been obtained only and if each and all of the following criteria are met:

1. The proposed project has received a building permit or its final discretionary approval.

2. Substantial expenditures have been incurred in good faith reliance on the permit or final discretionary approval.

3. Substantial construction has been performed in good faith reliance on the permit or final discretionary approval.

B. The substantiality of expenditures incurred and of construction performed and the question of whether or not such expenditures and construction were in good faith are questions of fact to be determined on a case by case basis by the City Council following application by the developer and notice of a public hearing. Actions taken by the developer to speed up or expedite a development project with knowledge of the

pendency of this measure shall not be deemed in good faith and shall not qualify for vested rights. Phased projects shall be considered for exemption on a phase by phase basis to the extent permitted by California law. For purposes of section 19.04.060 of this chapter, with regard to water and sewer connections outside the city, an applicant shall qualify for a vested right only if the foregoing criteria are met after the applicant has obtained a water and sewer connection, commitment, or both if both are required, from the City (4 of Measure N, passed by voters 11-3-1987: 17 of Proposition R, passed by voters 11-7-1978).

C. This initiative measure is not intended and shall not be applied or construed to authorize the City to exercise its powers in a manner which will take private property for public use without payment of just compensation, but shall be interpreted, applied and implemented so as to accomplish its purposes to the maximum constitutionally permissible extent without requiring payment of compensation.

D. If application of this initiative measure to a specific property of record as of the Effective Date would create a taking then the City Council may, upon application by the landowner, allow additional density or uses on such property, upon findings that the level of additional development permitted is the minimum necessary to avoid a taking, and no lesser level of development would be sufficient to avoid a taking.

SECTION 4. SEVERABILITY

A. In interpreting this initiative measure or resolving ambiguity thereof, the City Council and all other city entities charged with implementing or enforcing this initiative measure or any part of it, as well as a reviewing court, shall interpret this initiative measure in the manner which most vigorously and effectively accomplishes its purposes and operative provisions.

B. If any portion of this initiative measure is hereafter determined to be invalid by a court of competent jurisdiction, all remaining portions of this initiative measure shall remain in full force and effect. Each section, subsection, sentence, phrase, part or portion of this initiative measure would have been adopted and passed irrespective of the fact that any one or more sections, subsections, sentences, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 5. AMENDMENT AND REPEAL

This initiative measure and all of its provisions may be amended or repealed only by a majority vote of the electorate.

RESOLUTION NO. 8377

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS, CALIFORNIA REPEALING RESOLUTION NOS. 8374 AND 8375, WITHDRAWING THE ORDER OF ELECTION AND SETTING OF PRIORITIES FOR FILING WRITTEN ARGUMENTS RELATED THERETO FROM THE NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION, AND DIRECTING THE CITY CLERK TO GIVE NOTICE TO THE COUNTY BOARD OF SUPERVISORS AND THE SAN BERNARDINO COUNTY REGISTRAR OF VOTERS

WHEREAS, on June 21, 2022, the City Council adopted Resolution No. 8317 calling and giving notice of a general municipal election to be held on November 8, 2022 and ordering the submission to the qualified voters at said election date a proposed ballot measure titled, "Initiative Ordinance of the People of Redlands Amending Sections 1A.0, 1A.10, 1.A.30 and 4.2B, of the Principles of Managed Development of the City of Redlands General Plan 2035," ("Alternative Measure") negotiated by the University of Redlands with the original authors of a similar initiative; and

WHEREAS, after the City Council's adoption of Resolution No. 8317, the University of Redlands requested that the Alternative Measure be revised to add proposed amendments to Section 4.41j of the General Plan ("Modified Alternative Measure"); and

WHEREAS, on July 19, 2022 the City Council withdrew the Alternative Measure and adopted Resolution No. 8374 to place the Modified Alternative Measure on the ballot and adopted Resolution No. 8375 to set the priorities for the filing of ballot arguments for the Modified Alternative Measure; and

WHEREAS, the City Council now wishes by this Resolution to withdraw the Modified Alternative Measure and the setting of priorities for filing ballot arguments related thereto by repealing Resolution Nos. 8374 and 8375 as it has determined to amend the Modified Alternative Measure ("Second Modified Alternative Measure") and place on the ballot the Second Modified Alternative Measure.

NOW, THEREFORE, the City Council of the City of Redlands, California, does hereby resolve, declare, determine, and order as follows:

Section 1. Each recital set forth above is adopted as a finding of the City Council as though set forth fully herein.

Section 2. The City Council hereby repeals Resolution Nos. 8374 and 8375.

Section 3. Pursuant to California Elections Code Section 9605, the City Council orders that the initiative ordinance to be placed on the ballot pursuant to Resolution No. 8374 be withdrawn from the November 8, 2022 ballot.

Section 4. The City Council directs the City Clerk to file a certified copy of this Resolution with the Board of Supervisors of the County of San Bernardino and the San Bernardino Registrar of Voters, to inform them of the City's withdrawal of the Modified Alternative Measure.

ADOPTED, SIGNED AND APPROVED this 4th day of August, 2022.

_____
Paul T. Barich, Mayor

ATTEST:

_____
Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was duly re-adopted by the City Council at a special meeting thereof held on the 4th day of August, 2022.

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Jeanne Donaldson, City Clerk

"A City That Works"

City Council Meeting **AGENDA ITEM NO. K. 2.**

DATE: 06/21/2022

TO: Honorable Mayor and City Council Members

SUBJECT: Consideration of the University of Redlands requested Alternate Ballot Measure to the Redlanders for Responsible Growth Management Measure for the November 8, 2022 General Municipal Election and determination that placement of the Measure is exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines; Calling and Giving Notice of the Holding of a General Municipal Election and a Request to the Board of Supervisors of the County of San Bernardino to Consolidate Said Election with the Statewide Election on November 8, 2022 (Development Services Director Desatnik)

MOTION(S):

If the City Council would like to put the alternate ballot measure on the November 2022 ballot, which was negotiated between the University of Redlands and RRGM leadership, and is supported by the University of Redlands, the following motion is provided:

I move to adopt Resolution No. 8317 to Submit to the Voters a Ballot Measure Proposing to Amend Sections 1.AO, 4.2B, 4.40s and 4.42m of the Principles of the Managed Development of the Redlands General Plan 2035; that placement of the Measure is exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines; and Calling and Giving Notice of the Holding of a General Municipal Election and a Request to the Board of Supervisors of the County of San Bernardino to Consolidate Said Election with the Statewide Election on November 8, 2022.

RECOMMENDATION:

Hear the presentation from the University of Redlands on the alternate ballot measure and decide whether or not to approve placing the measure on the ballot for the November 2022 election as a City-initiated measure.

DISCUSSION:

At its meeting on August 3, 2021, the City Council adopted Resolution No. 8241 to submit the initiative ordinance prepared by Redlanders for Responsible Growth Management (the "RRGM Measure") for consideration by the voters at the regular municipal election of November 8, 2022 (Attachment A). The University of Redlands has negotiated with the original RRGM authors a substitute to the RRGM Measure (the "Alternative Measure") and is requesting that the City Council sponsor and approve placement of the Alternative Measure on the November 2022 ballot as a City-initiated measure. According to university representatives, the author of the RRGM Measure has agreed to withdraw the RRGM Measure from the ballot if the City Council approves placing the Alternative Measure on the ballot as a City-initiated measure. Attachment B is a copy of the Alternative Measure and Attachment C is the Alternative Measure with highlights in yellow showing changes made from the RRGM Measure.

The RRGM Measure contains a number of provisions that are not in compliance with State law based on the legal analysis obtained by the City (see discussion below). The Alternative Measure contains all the same provisions and, in addition, makes one modification to the RRGM Measure that, in staff's opinion and based on the legal analysis, makes the Alternative Measure even less compliant with State law.

The University of Redlands believes that the Alternative Measure, if it were to pass, would allow for the University of Redlands' University Village project to proceed while the RRGM Measure would not. For this reason, the University has requested that the City Council sponsor and approve the placement of the Alternative Measure on the November ballot as a City-initiated measure.

Legal Analysis

RRGM Measure: A legal analysis of the RRGM Measure was prepared by the law firm of Devaney, Pate, Morris, & Cameron, LLP (the "DPMC Report) and presented to the City Council for the August 3, 2021 meeting. The DPMC Report (Attachment D) reviewed the RRGM Measure for general compliance with the state law governing procedural and substantive requirements for citizen-sponsored initiative measures, and specifically, the initiative's compliance with California SB 330, otherwise known as the Housing Crisis Act of 2019 (the "Housing Crisis Act").

The Housing Crisis Act declared a statewide housing emergency to be in effect until January 2025. It was subsequently extended to 2030. Among other provisions, the Housing Crisis Act prohibits cities from enacting restrictions on new housing development, where housing is an allowable use, if the new restriction would do the following:

- Change a General Plan land use designation to a less intensive use or reduce intensity of land use below what was allowed by the General Plan

as of January 1, 2018. The definition of "less intensive use" under the Housing Crisis Act "includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would lessen the intensity of housing."

- Apply non-objective standards established on or after January 1, 2020.

Below are some of the more significant conclusions made by the DPMC report.

1. Section 1A.30(c) reduces the number of stories in the downtown Transit Village, thereby resulting in a reduction of permitted residential density and thus resulting in a violation of the Housing Crisis Act (see pages 6 and 8 of DPMC report).
2. Section 1A.30(e) also reduces the number of stories permitted, thereby resulting in a reduction of permitted residential density and thus resulting in a violation of the Housing Crisis Act (see pages 6 and 8 of DPMC report)
3. Section 1A.30(e) applies a "non-objective" standard by requiring written consent from owners of adjacent single-family residential properties, thus resulting in violations of the Housing Crisis Act (see page 9 of DPMC report).
4. Section 1A.30(f) increases the parking requirements for residential projects in the Transit Village areas, which have the effect of lessening the intensity of housing, thus resulting in a violation of the Housing Crisis Act (see page 9 of DPMC report).
5. Section 4.2B eliminates the "related to Metrolink stations" exemption and the exemption for projects located in the Downtown Specific Plan. This is also arguably a violation of the Housing Crisis Act (see pages 10 and 11 of DPMC report).
6. Section 4.40s changes the 4/5 vote requirement to a 5/5 vote requirement to rezone land that is designated as Urban Reserve (changed to Resource Preservation in the 2035 General Plan) in the General Plan or that was in agricultural production on November 3, 1986. By increasing the vote requirement a lesser intensity of could result, and thus this provision could be interpreted as a violation of the Housing Crisis Act (see page 11 of DPMC report).

   The same provisions addressed above in the DPMC report above were carried over and incorporated into the Alternative Measure and create similar concerns with the Housing Crisis Act.

Alternative Measure: The Alternative Measure added the provision below, which was not part of the RRGM Measure.

> "All lands designated and/or zoned RESOURCE PRESERVATION in the City of Redlands 2035 GENERAL PLAN as adopted in 2017 shall conform to and meet the Rural Living standards as defined in Section 4.3, Land Use Classifications." This will significantly reduce the permitted residential

density and, based on staff's review, is a violation of the Housing Crisis Act.

Other Policy Issues

If the City Council approves the placement of the Alternative Measure on the ballot, all of its provisions will become part of the City's General Plan, including all of those detailed in the above legal analysis under the RRGM and Alternative Measures. As sponsor, these provisions will have been adopted in the City's name by a City-initiated ballot measure as the City Council will have voted affirmatively to put all of these provisions before the voters for approval, with the knowledge that the provisions contained in both the RRGM Measure and the Alternative Measures that are addressed in the DPMC opinion may be and, in some cases, are in violation of State law.

There are at least several items that will be before the City Council for approval over the next year that will be impacted by this ballot measure should it be placed on the ballot and approved by the voters. First is the Transit Villages Specific Plan (TVSP). The TVSP allows buildings, or portions of buildings, up to four stories in areas closest to all three transit stations. By reducing the height limit to three stories for the downtown Transit Village, the implementation of the TVSP, which relies on denser development in the core areas around the stations, will be severely jeopardized. Denser development envisioned by the TVSP is simply not feasible with a three-story height limit. The City received over $1 million in grant money from the State of California to prepare the TVSP and the associated Environmental Impact Report. These funds could potentially be jeopardized.

Second, the recently adopted Housing Element requires significant amounts of land to be rezoned for residential use in order to make sufficient land available to meet our share of the Regional Housing Needs Assessment (RHNA). Virtually all vacant land remaining in the City was in agricultural production as of November 3, 1986. Similar to the RRGM Measure, the Alternative Measure would require a five-fifths (5/5) of the City Council to approve the rezoning of land that was in agricultural production as of November 3, 1986.

As stated in the Legal Analysis above, the Alternative Measure will reduce the permitted residential density in the Resource Conservation land use area on the General Plan Land Use Map from one (1) dwelling unit per acre (on land with slope less that 15%) to one (1) dwelling unit per five (5) acres. There are a large number of property owners who own developable property in this area that will have residential development capacity, and thus corresponding property value, reduced by up to 80%.

CEQA

Should the City Council decide to place the Alternate Measure on the ballot, that decision is exempt from CEQA pursuant to State CEQA Guidelines, section 15061(b)(3) because there is no possibility that the ballot measure could lead to a direct or reasonably foreseeable indirect impact to the environment. The Alternative Measure further restricts residential development within the City beyond Measure U and a further limitation on development would not have an impact on the environment. A Notice of Exemption has been prepared and is attached to this staff report (Attachment E).

ALTERNATIVES:

Do not approve placing the Alternative Measure on the ballot.

STRATEGIC PLAN:

N/A

SUBMITTED BY:
Brian Desatnik, Development Services Director

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Danielle Garcia, Management Services/Finance Director

PREPARED BY:
Brian Desatnik, Development Services Director

Fiscal Impact

Discussion:
N/A

ELECTIONS CODE SECTION 9212

REPORT ON VOTER APPROVAL OF AN INITIATIVE ORDINANCE
OF THE PEOPLE OF REDLANDS
AMENDING THE PRINCIPLES OF MANAGED DEVELOPMENT
OF THE REDLANDS GENERAL PLAN

Presented August 3, 2021
Redlands City Council Meeting

DPMC | Devaney Pate Morris & Cameron LLP

Barry J. Schultz, Esq.
402 W. Broadway, Suite 1300
San Diego, CA 92101

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INTRODUCTION

On June 7, 2021, William E. Cunningham, representing Redlanders for Responsible Growth Management, filed with the Redlands City Clerk a petition for an initiative measure titled "*An Initiative Ordinance of the People of Redlands Amending the Principles of Managed Development of the Redlands General Plan ("Initiative").* On July 6, 2021, the City Clerk certified the petition.

After an initiative measure has been certified, California Elections Code Section 9212 provides, before taking other specified actions, that the City Council may order a report on the effect of the proposed measure to address any of the following: fiscal impact; effect on the City's general and specific plans, including the housing element and the consistency between planning and zoning; effect on land use, including the impact on availability and location of housing; infrastructure impact; impact on use of vacant parcels; and any other matters the Council requests to be in the report. The report must be presented to the City Council within 30 days after the City Clerk certifies to the City Council the sufficiency of the petition. (Elections Code Section 9212 (b)) After reviewing and considering the report, the City Council must either adopt the initiative measure without any amendments, or schedule a regular or special election for consideration of the initiative measure by the City's voters at that meeting, or within 10 days thereafter.

Upon the City Clerk's certification of the Initiative, the City Council of the City of Redlands took action calling for a report on the legal sufficiency of the Initiative. This report was prepared pursuant to the City Council's request, and focuses on legal issues related to the Initiative's compliance with the State law commonly referred to as Senate Bill No. 330 (Chapter 654; 2019), other relevant housing law, and general election law relating to initiative measures.

BACKGROUND AND SUMMARY OF INITIATIVE

A. Past Measures.

In 1978, the City's voters approved Proposition R, a citizen sponsored initiative measure, and zoning ordinance, in response to rapid residential development[1]. Proposition R was subsequently amended in 1987 by the voters' approval of the citizen sponsored initiative measure commonly known as Measure N.

Measure U, a third citizen sponsored initiative measure to manage growth, was approved by the voters in 1997, and amended the City's General Plan to include "Principles of Managed Development," and other growth management policies. These Principles and policies are fully incorporated in the City's General Plan 2035.

Additionally, Measure U reduced the development density of San Timoteo and Live Oak Canyons, established a housing mix, and established traffic levels of service. Measure U also specifically exempted development directly related to rail stations, and development projects within the Downtown Specific Plan 45 from the growth management policies. An urban growth boundary was also established.

[1] Measure R was adopted in 1978, followed by Measure N and Measure U. Measures R and N have been codified in the City of Redlands Municipal Code as Title 19, Growth Management.

B. The Initiative.

The Initiative purports to amend certain provisions of the City's General Plan 2035 for the purpose of assuring that future development within the City of Redlands occurs in a way that is consistent with the values and standards enacted by the people of Redlands through the establishment of the City's Growth Management System. Specifically, the Initiative amends Sections 1.A10, 1A.30, 4.2B and 4.40s of Measure U, and below is a summary of those amendments.

Sections 1.A10 and 1A.30 are included in Measure U's Principles of Growth Management. The Initiative amends Section 1.A10.B by modifying the Plan's requirement for the preparation of a socio-economic analysis and cost benefit study to include a formula applicable to residential components of project for determining the cost portion of the cost benefit study.

Section 1A.30 sets forth limitations on land use classifications and density standards. The Initiative amends this section to provide for an exemption for the Transit Village Overlay Zone with respect to the vote requirement related to density increases. Additionally, the Initiative establishes new height limits and parking requirements applicable to the Transit Village areas.

Section 4.2B provides exemptions for certain categories of development from the Principles of Managed Development which were established by Measure U. The Initiative deletes the exemption for development related to the Metrolink stations and for new developments subject to the Downtown Specific Plan 45.

Section 4.40 of Measure U limits the re-designation or rezoning of lands previously designated as Urban Reserve or Urban Reserve (Agriculture), or in active agricultural production, as of 1986. The Initiative increases the Council's vote requirement from 4/5th vote to a 5/5th vote requirement. Additionally, it deletes Measure U's density limitation on land designated by the General Plan as Urban Reserve as of June 1, 1987.

In addition to amending the above referenced portions of the General Plan, Section 3 of the Initiative establishes exemptions for certain projects from the Initiative's provisions. In summary, the exemptions apply to projects which have acquired vested rights in accordance with criteria established by the Initiative. It further states that actions taken by a developer to speed up or expedite a development project due to the pendency of this Initiative will not qualify for exemption from the Initiative's provisions.

Finally, the Initiative requires that any interpretation of its provisions shall be done in a manner which most vigorously and effectively accomplishes its purpose and operative provisions.[2]

SB 330 – Housing Crisis Act of 2019

In enacting the Housing Crisis Act of 2019, (the "Act"), the Legislature declared that California is experiencing a housing supply crisis and the legislation enumerates the resulting harm to the State and its residents caused by the housing crisis. The Act specifically declared a statewide housing emergency to be in effect until January 2025.

The specific intent of the Act is to do both of the following:

[2] Section 4A of the Initiative

(1) Suspend certain restrictions on the development of new housing during the period of the statewide emergency described in subdivisions (a) and (b).

(2) Work with local governments to expedite the permitting of housing in regions suffering the worst housing shortages and highest rates of displacement.

For the purpose of this analysis of the Initiative and its compliance with SB 330, the substantive portions of the Act begin with Government Code Section 66300 and are summarized as follows:

The Act applies to any "affected city" and includes the electorate of an affected city exercising its local initiative power whether that power is derived from the California Constitution, statute, or the charter or ordinances of the affected city. The Act prohibits an "affected city" from enacting certain restrictions on new housing development on land where housing is an allowable use. A summary of the major restrictions of the Act are:

- Changing a general plan land use designation to a less intensive use or reducing the intensity of land use below what was allowed by the governing general plan as of January 1, 2018. (Gov. Code section 66300, subd.(b)(1)(A))
- A moratorium on housing development, with an exception for threats to health and safety. (Gov. Code section 66300, subd.(b)(1)(B))
- Non-objective standards established on or after January 1, 2020. (Gov. Code section 66300, subd.(b)(1)(C))
- Numerical limits on new housing. (Gov. Code section 66300, subd.(b)(1)(D))

The Act specifically states that any development policy, standard, or condition enacted on or after the effective date of section 66300, that does not comply with the Act's requirements, shall be deemed void. (Gov. Code section 66300 (b)(2)).

The Act is intended to be construed so as to maximize the development of housing within the State, and any exception to the requirements of the Act, including an exception for the health and safety of occupants of a housing development, shall be construed narrowly.

However, the Act shall not be construed to void a height limit, urban growth boundary, or urban limit established by the electorate of an affected city, provided the height limit, urban growth boundary, or urban limit complies with the provisions relating to the reduction of intensity of land use. In other words, if any of the Initiative's provisions (e.g., height limitations) do not result in a reduction of the intensity of use below what was allowed in the general plan as of January 1, 2018 it will not be prohibited by the Act.

Finally, Section 14 of the Act specifically declares that the provision of adequate housing, in light of the severe shortage of housing at all income levels in California, is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, the provisions of the Act apply to all cities, including charter cities.

ANALYSIS

Preliminary Matters

1. Does the Initiative Comply with the General Law Governing Initiative Measures?

In addition to reviewing the Initiative for compliance with SB 330, the Initiative was also analyzed for consistency and compliance with the general law governing the procedural and substantive requirements for citizen sponsored initiative measures. Limitations on use of the initiative power can be established by the constitution (such as the single subject rule) or by case law (such as judicial decisions that initiatives are restricted to legislative acts and not adjudicatory acts). No deficiencies were found with respect to either type of limitation except to the extent the Initiative is preempted by SB 330 or other housing laws, as discussed herein. Specifically, the Initiative does not appear to run afoul of the single subject rule; the legislative act requirement; the requirement that initiatives be sufficiently certain (i.e. not so vague that it is unworkable); the prohibition on arbitrary or discriminatory measures, or the restriction on the exercise of powers reserved specifically to the City Council.

2. Is the City of Redlands an "affected city" under the Housing Crisis Act?

The City of Redlands has been designated as an "affected city" by the Department of Housing and Community Development in accordance with Government Code section 66300(e). (See "Affected Cities" pdf dated 12/27/19, page 8, on HCD website.)

3. Does the Housing Crisis Act Preempt the Initiative?

In determining the issue of preemption, the courts utilize a four step process. First, a determination is made as to whether the city ordinance at issue regulates an activity that can be characterized as a 'municipal affair.' Here, the regulation of zoning through an initiative directed at changing the City's General Plan is clearly a municipal affair. Second, there must be an actual conflict between local and state law. As discussed further in this analysis, the Initiative conflicts with the Act by its imposition of height restrictions, new parking regulations, and the imposition of third-party approvals of certain development proposals by adjacent landowners. Third, the state law must address a matter of 'statewide concern.' The legislature has specifically deemed the provision of adequate housing a matter of statewide concern. Finally, it must be determined that the law is 'reasonably related to ... resolution' of the statewide concern and is 'narrowly tailored' to avoid unnecessary interference in local governance. SB 330 is narrowly tailored to the type of land use restrictions which reduce or restrict the development of housing. Therefore, based on the application of this four part test, the Initiative is highly likely to be preempted by SB 330 because it imposes new land use restrictions beyond what was found in the City's General Plan 2035, and those restrictions would have the effect of reducing the development of affordable housing opportunities.

4. Does the Initiative Conflict with the Purpose of The Housing Crisis Act?

The Initiative amends certain provisions of the City's General Plan 2035 for the purpose of assuring that future development within the City of Redlands occurs in a way that is consistent with the values and standards enacted by the people of Redlands through the establishment of the City's Growth Management System. The principles of managed development and the associated policies established in the City's General Plan 2035 by Measure U are by their very

nature in conflict with the purpose and goals of the Act. The specific purposes of the Initiative are stated as follows:

a. Reduce costly urban sprawl and minimize future tax and utility rate increases while preventing overcrowding of public schools facilities, over-burdening public services such as police and fire, while providing adequate traffic circulation.
b. Preserve, protect and promote agricultural and open space uses.
c. Preserve the vitality and character of historic and older neighborhoods.
d. Preserve the vitality and character of the Historic Downtown – Packinghouse District as the primary source of City sales, business license and property tax revenues.
e. Ensure that sufficient developable land exists within the current City boundaries to meet projected housing needs, including housing for low and moderate income families, the handicapped and the elderly, while still preserving the City's quality of life.

The overall gist of the Initiative's purposes, consistent with the fundamental underlying principles of the City's growth management policies, is to limit the development of new housing. This is in direct conflict with the purpose of the Act's goal of fostering new housing development by suspending restrictions on development of new housing.

Notwithstanding the conflict between the Initiative's purpose and the purpose of the Act, the Act does not prohibit all growth management policies, development standards, and other local regulations. Specifically, the Act shall not be construed to void a height limit, urban growth boundary, or urban limit established by the electorate of an affected city, provided the height limit, urban growth boundary or urban limit complies with the provisions relating to the reduction of intensity of land use. Therefore, our analysis is confined as to whether any of the Initiative's provisions are specifically prohibited by the Act. However, our analysis does take into account the Act's intent that it be construed as to maximize the development of housing in the State.

Substantive Analysis of the Initiative

In analyzing whether any of the Initiative's provisions are prohibited by the Act, the principal "prohibition" of the Act is set forth in Government Code section 66300(b)(1), which states:

Notwithstanding any other law except as provided in subdivision (i), with respect to land where housing is an allowable use, an affected county or city shall not enact a development policy, standard or condition that would have any of the following effects:

(A) Changing the general plan land use designation, specific plan land use designation, or zoning or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or city, as applicable, as in effect on January 1, 2018...

For the purposes of this paragraph, "less intensive use" includes, but is not limited to, reductions in height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements or maximum lot coverage limitations, or anything that would lessen the intensity of housing.

Section 1.A10.B:

Section 1.A10(b) of the General Plan's principles of managed development requires the preparation of a socio-economic analysis and cost/benefit study of certain development proposals. The development proposal may not be approved unless there is a determination based on the study that the development will not create unmitigated physical blight within the City, or overburden public services, including without limitation, the sufficiency of police and fire protection, and a finding that the benefit of the development project to the City outweighs any direct cost to the City that may result.

The Initiative amends Section 1.A10(b) by modifying the Plan's requirement for the preparation of a socio-economic analysis and cost benefit study to include a formula applicable to residential components of a project to determine the cost portion of the cost benefit study. The modification adds the following language to Section 1.A10(b):

1) For projects with a residential component, the Cost portion of the Cost/Benefit Study for that component shall be determined by dividing the City General Fund Expenditure Budget by the City Population and multiplying the quotient by the projected population of the project.

The modification singles out residential components of a project and presumably would not apply to commercial, industrial, or other non-residential components. On its face, while targeting new residential housing, the modification does not appear to have the effect of reducing the intensity of land use and would not be prohibited by the Act.

It should be noted, however, that the *existing* requirement of a socio/economic study may violate not only the Act's requirement that only objective standards may be used to deny a project, but also the State's Density Bonus law.

Section 1A.30(a)

This section restricts the designation of new residential land use classifications and increases in density without a vote of the people. Chapter 4.5 of the General Plan includes a Transit Village Strategy which includes the designation of a Transit Village Overlay Zone ("TVOZ"). There are five Transit Villages proposed as part of the Transit Village Strategy – California Street Transit Village, Alabama Street Transit Village, New York Street Transit Village, Downtown Redlands Transit Village and the University of Redlands Transit Village[3].

The Initiative creates an exception to the restriction on new residential land use classifications and increases in density for properties within the TVOZ. While this section of the General Plan could be construed as a moratorium or similar restriction on housing development prohibited by the Housing Crisis Act[4], the amendment proposed by the Initiative does not have the effect of reducing density or restricting housing development. In fact, it would eliminate a restriction on housing development within the TVOZ, and appears to be consistent with the City Council's resolution passed in 2012 interpreting Measure U to permit the addition of the TVOZ land use designation to the City's General Plan 2035.[5]

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[3] See Figure 4.7, Transit Village Concept, Redlands General Plan pg.4-33.
[4] Government Code section 66300(b)(B)(1)
[5] City Council Resolution No. 7173

Section 1A.30(c) and (d)

These sections are new additions to Section 1A.30 which establish height restrictions in the Transit Villages established in the General Plan. They are:

> *(c) Buildings in the Downtown Transit Village and the University of Redlands Transit Village shall be limited to three (3) stories and a height of forty (40) feet from ground level to their highest point visible from the fronting street.*
>
> *(d) Buildings in the Alabama Street, California Street and New York Street Villages shall be limited to four (4) stories and fifty-two feet in height as measured form [sic] the ground level to their highest point as viewed from the fronting street.*

The Housing Crisis Act defines a "less intensive use" as including reductions to height[6]. However, any reduction in intensity of use must be analyzed in comparison to the intensity of use (i.e. height restrictions) existing in the general plan land use designation or zoning ordinances in effect on January 1, 2018.

Chapter 4.5 of the General Plan contains the Transit Village Strategy which includes the designation of a Transit Village Overlay Zone. There are five Transit Villages proposed as part of the Transit Village Strategy – California Street Transit Village, Alabama Street Transit Village, New York Street Transit Village, Downtown Redlands Transit Village and the University of Redlands Transit Village. The Plan contemplates the development of a Transit Village Plan pursuant to the State of California's Transit Village Development Plans Act. The proposed Transit Village Plan will supplement the General Plan's Transit Village Strategy and include specific development standards applicable to the identified Transit Villages.

The General Plan contains a restriction on height for any proposed residential development in excess of 2 stories or greater than 35 feet in height. This restriction would apply to the Transit Villages. Any proposed development in excess of that standard may only be approved if certain mandatory findings are made and the project is approved by a 4/5th vote of the City Council. *(Redlands General Plan, pg. 4-10)*

For purposes of determining whether the height restrictions contained in the Initiative are prohibited by the Housing Crisis Act, the relevant comparison is with the General Plan's height restriction. The Initiative would limit development to 3 stories and 40 feet for the Downtown Transit Village and the University of Redlands Transit Village, and 4 stories and 52 feet for the Alabama, California, and New York Street Transit Villages. The General Plan allows for height limits in excess of these height restrictions, subject to a discretionary approval (a super-majority vote of the City Council). The Initiative would preclude the additional height allowed under the General Plan within the Transit Village areas, and thus would result in a "less intensive use." Based on this analysis, the Initiative's height restrictions set forth in 1A.30(c) and (d) would be prohibited by SB 330.

A reasonable alternative analysis, could conclude that the General Plan's height restriction is actually more restrictive than the Initiative. This analysis is based on the fact that the General Plan limits development in excess of 2 stories and 35 feet in height unless approved by the aforementioned discretionary process. The Initiative, by contrast, provides height limits in excess of 2 stories by right and these height limits are not subject to that discretionary process. Due to

[6] Government Code section 66300(b)(1)(A)

the by-right nature of the Initiative, a reasonable conclusion would be that the Initiative results in "greater intensity of use" than currently allowed under the General Plan's discretionary process. Therefore, under this alternative analysis, this provision of the Initiative might not be prohibited by SB 330.

Section 1A.30(e)

This section is a new addition to the City's General Plan 2035, and reads as follows:

(e) No building more than two stories in height shall be permitted adjacent to or contiguous with a single family dwelling absent written agreement of the dwelling owner(s) on file with the City.

As discussed above, the Housing Crisis Act considers a height restriction a less intensive use and prohibited if it is more restrictive than the existing height restrictions. In this case, again, the comparison is with the General Plan's height restriction. The Initiative's new requirement of obtaining approval of the adjacent property owner adds another layer of approval for any development which proposes a structure in excess of 2 stories. Therefore, this provision is prohibited by the Housing Crisis Act, as it constitutes a development policy which would have the effect of reducing the intensity of land use within an existing general plan land use designation below what was allowed under the land use designation in effect on January 1, 2018. The provision may also violate the Act's prohibition against the denial of a residential development project based on the application of non-objective standards.

Section 1A.30(f)

This section is a new addition to the City's General Plan 2035 and reads as follows:

(f) in multi-story structures with a residential living component in the five Transit Villages parking for two or more bedroom units shall be two covered parking spaces and for one bedroom and studio units one covered space. Every five units shall have one guest parking spaces.

The existing parking standards applicable to the Transit Villages are set forth in the Redlands Municipal Code. *(Redlands Municipal Code section 18.164.090)* The existing parking standards for multi-family dwellings are based on housing type and number of bedrooms. One bedroom units are required to provide one parking space, two bedroom units are required to provide 1.5 spaces and three bedroom units or more are required to two parking spaces. Additionally, all multi-family projects containing more than two units on a lot are required to provide one uncovered off-street parking space for every two units.

Parking standards are commonly known to constrain residential development. The Initiative's new parking standards increase the number of parking spaces required for two bedroom units, require that all required parking be covered, and add a guest parking requirement. While the Housing Crisis Act does not specifically delineate parking requirements as constituting a less intense use, the Act does refer to "*...anything that would lessen the intensity of housing...*" (emphasis added). The Initiative's additional parking requirements constitute an additional constraint on residential development and constitute a development policy which would lessen the intensity of development. Therefore, these additional parking requirements would be prohibited by the Housing Crisis Act.

In addition to conflicting with the Housing Crisis Act, the parking standards established by the Initiative would also conflict with the State's density bonus law. The Density Bonus Law's parking requirements are 1.5 spaces for units with two bedrooms or more. *(Government Code section 65915(p)(1))*

General Plan 2035 Section 4.40s

Section 4.40s is a Measure U policy which restricts the re-designation or re-zoning of land "designated in whole or in part as "Urban Reserve" or "Urban Reserve (Agriculture) in the Redlands General Plan in effect as of June 1, 1987, and/or any land parcel that was in active agricultural production..." as of November 1986, without making specific findings and requiring a 4/5th vote to approve the re-designation or rezoning.

The Initiative changes the vote requirement to 5/5th, and deletes the following language from Section 4.40s:

> *Land designated by the General Plan as Urban Reserve as of June 1, 1997 shall not exceed a density greater than permitted by the R-E zone designation unless otherwise approved by a 4/5th vote of the City Council.*

The Housing Crisis Act prohibits development policies, standards, or conditions which would change a general plan land use designation to a less intensive use or reducing the intensity of land use *below* what is currently allowed under the general plan. Section 4.40s only applies where the affected property is to be re-designated or rezoned for a *higher* intensity of use. The Initiative modifies the current policy to require 5/5th vote to approve the higher density. While this may make approval of an increase in intensity of use more difficult, it does not in and of itself result in a less intensive use than is currently allowed. The language deleted from this section by the Initiative removes a limitation on density and does not result in a reduction of intensity of land use. Therefore, neither of these provisions of the Initiative would be prohibited by the Initiative[7].

However, the increased vote requirement could be reasonably argued to violate the spirit and intent of SB 330. A primary purpose of the Act is fostering new housing development by suspending restrictions on development of new housing. SB 330 prohibits anything that would lessen the intensity of use. In this case, greater intensity of use is allowed subject to a 4/5th vote. By increasing the vote requirement a lesser intensity of use results. Under this interpretation the Initiative's increase in the vote requirement would be prohibited by SB 330.

General Plan 2035 Section 4.2B

This section of Measure U provides for exemptions for certain categories of development from the Principles of Management Development that were established by Measure U. The Initiative deletes the exemption for:

> *D. Development directly related to the proposed Metrolink stations in the City of Redlands, including one at the University of Redlands.*

[7] The Housing Crisis Act also prohibits moratoriums or similar restrictions on housing development. However, this section does not preclude housing development but limits the future intensity of development that can occur through a re-designation or rezone.

E. New development projects subject to Downtown Specific Plan 45, upon a four-fifth (4/5) of the total authorized membership of the City Council.

The purpose of the Principles of Managed Development established by Measure U is to limit growth. This purpose is expressed in Measure U as it states that compliance with the growth management principles will result in a reduction in the population of the City and the reduction in number of residential units to be developed in the City. (Section 4.2 Principles of Management Development, General Plan pg. 4-4) Exemptions from these managed development principles can be reasonably argued to allow for greater intensity of use than would be allowed if the principles of managed development were to apply to the subject areas. The removal of the exemptions for the Metrolink stations and the Downtown Specific Plan 45 would result in a decrease in intensity than what is currently allowed under the General Plan. Therefore, these provisions of the Initiative arguably are prohibited by the Housing Crisis Act.

Section 3. Exemptions for Certain Projects

This section of the Initiative establishes exemptions from the Initiatives for projects which have vested rights. The criteria set forth in the Initiative for establishing "vested rights" is substantially consistent with the criteria established by California law. (*Avco Community Developers, Inc. v. South Coast Regional Commission*, 17 Cal. 3d 785,791 (1976))

However, in Section 3B the Initiative disqualifies a project from acquiring a "vested right" if the developer of a project takes actions *to speed up or expedite a development project with knowledge of the pendency of this measure.* This disqualification is not consistent with vesting rights as established by California law.

Additionally, the Initiative fails to include the vesting rights allowed by California law and the City of Redlands Municipal Code for development agreements and vested tentative maps. *(Redlands Municipal Code sections 18.220 and 17.13)*

Conclusions

As set forth in the above analysis, the following provisions of the Initiative may be prohibited by the Housing Crisis Act:

Sections 1A.30(c) and 1A.30(d), Section 1A.30(e), Section 1A.30(f) and Section 4.40s.

The Housing Crisis Act provides that any development policy, standard, or condition that does not comply with the Housing Crisis act is deemed void. Therefore, should the Initiative pass, these provisions would likely be deemed void if challenged.

The parking standards established by the Initiative in Section 1A.30(f) would also conflict with the State's density bonus law.

Notwithstanding the Initiative's exemption for "vested rights," projects with Development Agreements or Vested Tentative Maps would also qualify for exemption from the Initiative's enforceable provisions. Finally, it is highly unlikely that the Initiative's attempt to disqualify from "vested rights" those projects which were expedited prior to the implementation of the Initiative, would be enforceable.

City Council Special Meeting **C. 4.**

DATE: 08/04/2022

TO: Honorable Mayor and City Council Members

SUBJECT: Re-Approve Resolution No. 8379 Setting Priorities for Filing of Written Arguments Regarding an Initiative Ordinance (City Clerk Donaldson/City Attorney Abich Garcia)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motion is provided:

I move to re-approve Resolution No. 8379.

RECOMMENDATION:

It is recommended that the City Council re-approve Resolution No. 8379, a resolution of the City Council of the City of Redlands, California, setting priorities for the filing of written arguments regarding a proposed ballot measure titled, "Initiative Ordinance of the People of Redlands Amending Sections 1A.0, 1A.10, 1.A.30, 4.2B and 4.41j, of the Principles of Managed Development of the City of Redlands General Plan 2035".

DISCUSSION:

Resolution No. 8379 is a resolution setting priorities for the filing of written arguments regarding a proposed ballot measure prepared by the University of Redlands titled, "Initiative Ordinance of the People of Redlands Amending Sections 1A.0, 1A.10, 1.A.30, 4.2B and 4.41j, of the Principles of Managed Development of the City of Redlands General Plan 2035," and ordering the submission, of the ballot measure to the qualified voters of the City at the City's November 8, 2022 regular municipal election.

The last day for receipt of primary arguments for or against the initiative ordinance, not exceeding 300 words, has been established at 5:00 P.M. on

August 22, 2022 in the City Clerk's Office, Civic Center, 35 Cajon Street, Suite 4, Redlands, California. The last day for receipt of rebuttal arguments not exceeding 250 words has been established at 5:00 P.M. on August 26, 2022, in the City Clerk's Office, Civic Center, 35 Cajon Street, Suite 4, Redlands, California.

ALTERNATIVES:
Not Applicable.

STRATEGIC PLAN:

Not Applicable.

SUBMITTED BY:
Yvette M. Abich Garcia, City Attorney

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager
Danielle Garcia, Management Services/Finance Director

PREPARED BY:
Yvette M. Abich Garcia, City Attorney

Fiscal Impact

Discussion:
There is no impact to the General Fund for setting priorities for filing a written argument, for or against, a voter initiative petition ordinance, scheduled to be on the November 8, 2022 ballot.

Attachments

Resolution 8379

RESOLUTION NO. 8379

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS, CALIFORNIA SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING AN INITIATIVE ORDINANCE

WHEREAS, a General Municipal Election is to be held on Tuesday, November 8, 2022 pursuant to Resolution No. 8378 adopted August 2, 2022; and

WHEREAS, on August 2, 2022, the City Council adopted Resolution No. 8378 calling and giving notice of a general municipal election to be held on November 8, 2022 and ordering the submission to the qualified voters at said election date a proposed ballot measure as modified and titled, "Initiative Ordinance of the People of Redlands Amending Sections 1A.0, 1A.10, 1.A.30, 4.2B and 4.41j, of the Principles of Managed Development of the City of Redlands General Plan 2035" ("Initiative Ordinance") supported by the University of Redlands and the original authors of a similar initiative.

NOW, THEREFORE, the City Council of the City of Redlands, California, does hereby resolve, declare, determine, and order as follows:

Section 1. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above Initiative Ordinance, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the Initiative Ordinance, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, which arguments may be changed until and including **Monday, August 22, 2022 at 5:00 p.m.,** in the City Clerk's Office, Civic Center, 35 Cajon Street, Suite 4, Redlands, California, after which no arguments for or against the Initiative Ordinance may be submitted to the City Clerk. Arguments in favor of or against the Initiative Ordinance shall each not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

The City Council expressly delegates Mayor Paul T. Barich to prepare, sign and file, along with four other qualified persons, a written argument in favor of the Initiative Ordinance.

Section 2. That pursuant to Sections 9220 and 9285 of the California Elections Code, when the City Clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

Section 3. That the last day for receipt of rebuttal arguments not exceeding 250 words has been established as **Friday, August 26, 2022 at 5:00 p.m**., in the City Clerk's Office, Civic

Center, 35 Cajon Street, Suite 4, Redlands, California, and signed by each proponent and by each author, if different, of the rebuttal argument in conformance with the provisions of Section 9600 of the California Elections Code. Rebuttals may be changed or withdrawn by their proponents at any time prior to and including the final date fixed for filing rebuttals.

Section 4. That the City Council directs the City Clerk to transmit a copy of the Initiative Ordinance to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

ADOPTED, SIGNED AND APPROVED this 4th day of August, 2022

_____
Paul T. Barich, Mayor

ATTEST:

_____
Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City of Redlands, hereby certify that the foregoing resolution was duly re-adopted by the City Council at a special meeting thereof held on the 4th day of August, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Jeanne Donaldson, City Clerk

City Council Special Meeting **D. 1.**

DATE: 08/04/2022

TO: Honorable Mayor and City Council Members

SUBJECT: Consideration and Re-adoption of Urgency Ordinance No. 2941 and Re-introduction of Ordinance No. 2942 Adding Chapter 9.38 to Article 9 of the Redlands Municipal Code Regulating the Termination of Residential Tenancies Due to Demolition or Substantial Remodel and Determination that the Ordinances are not subject to environmental review pursuant to Section 15301(c) of the State's guidelines implementing the California Environmental Quality Act (City Attorney Abich Garcia)

MOTION(S):

If the City Council determines that staff's recommendation is appropriate, the following motions are provided:

1. Mayor to request the city clerk read the title of Urgency Ordinance No. 2941.

   I move to waive further reading of Urgency Ordinance No. 2941 and to re-adopt Urgency Ordinance No. 2941 and determine that the Ordinance is categorically exempt from environmental review in accordance with Section 15301(c)of the State's guidelines implementing the California Environmental Quality Act.

2. Mayor to request the city clerk read the title of Ordinance No. 2942.

   I move to waive further reading of Ordinance No. 2942 and to re-introduce Ordinance No. 2942 and determine that the Ordinance is categorically exempt from environmental review in accordance with Section 15301(c)of the State's guidelines implementing the California Environmental Quality Act.

RECOMMENDATION:

Staff recommends that the City Council:

1. Re-adopt Urgency Ordinance No. 2941.
2. Re-introduce Ordinance No. 2942.
3. Staff further recommends that the City Council determine that the Ordinances each are categorically exempt from environmental review in accordance with Section 15301(c) of the State's guidelines implementing the California Environmental Quality Act.

BACKGROUND:

State law limits the situations where property owners can evict tenants. One basis for eviction is if an owner is going to demolish or perform “substantial remodel” work on the rental unit that requires the tenant to vacate the premises for 30 days or more. However, State law contains no checks and balances to ensure that property owners are appropriately relying on this basis to evict tenants.

The cities of Long Beach, Ventura, Hermosa Beach and Duarte have adopted ordinances to ensure that property owners' intent to either demolish or substantially remodel a rental unit is genuine and that tenants are not evicted unnecessarily. These ordinances require that property owners first obtain all necessary approvals and permits to perform the proposed demolition or substantial remodel work before evicting tenants and to explain to the tenants in the notice of eviction the scope of work and why the work requires the tenant to vacate the premises. These ordinances also provide for a higher amount of relocation assistance to ensure that tenants can successfully relocate into comparable housing.

In July 2022, tenants of two local apartment complexes reported to the City Council that they are being evicted by the property owners based on substantial remodeling planned at the sites. After hearing from the tenants, on July 19, 2022, the Council directed that an ordinance similar to other cities be brought.

DISCUSSION:

The proposed Urgency Ordinance would require that:

1. The property owner obtain all permits related to demolition or substantial remodel of a rental unit prior to issuing a notice of eviction to a tenant(s).
2. The notice of eviction must include a copy of the permits and an explanation: 1) of the scope of the work; 2) why the work cannot be reasonably accomplished in a safe manner with the tenant in place; and 3) why the work requires the tenant to vacate the premises for at least 30

days.
3. When the owner issues a notice of eviction for demolition or substantial remodel, the owner is required to provide relocation assistance in the amount of two (2) months' rent or $4,500, whichever is greater, to the tenant within 15 calendar days of the notice of eviction.
4. Lastly, if the owner is found by a civil court to have intentionally violated these regulations, the owner will be liable for up to $15,000 and/or attorneys' fees to each tenant as determined by the court.

Pending Notices of Eviction

The proposed Urgency Ordinance would go into effect immediately upon the City Council's re-adoption of the Urgency Ordinance (August 4, 2022). The Urgency Ordinance would apply to any notice of eviction that is issued on or after the effective date of the Urgency Ordinance and to tenants: 1) who received a notice of eviction of their tenancy for demolition or substantial remodel; 2) who are in possession of the rental unit; and 3) where the time period in the notice of eviction has not yet expired.

Urgency Ordinance

Urgency Ordinance No 2941 requires a four-fifths (4/5) vote of the City Council and upon adoption, goes into effect immediately.

In conjunction with the Urgency Ordinance is Ordinance No. 2942, a non-urgency ordinance containing the same provisions, which will proceed through the regular ordinance adoption process. Ordinance No. 2942 serves as a "back-up" ordinance in case of legal challenges to the Urgency Ordinance.

Environmental Review

Urgency Ordinance No. 2941 and Ordinance No. 2942 are each exempt from the California Environmental Quality Act based on Section 15061 (b)(3), because the Ordinances would not have any significant impact on the environment.

ALTERNATIVES:

The City Council may elect not to approve the proposed ordinances and provide alternative direction to staff.

STRATEGIC PLAN:

Supports Priority A – Quality of Life

SUBMITTED BY:
Yvette M. Abich Garcia, City Attorney

RECOMMENDED BY:
Charles M. Duggan Jr., City Manager

REVIEWED BY:
Yvette M. Abich Garcia, City Attorney
Janice McConnell, Assistant City Manager

PREPARED BY:
Yvette M. Abich Garcia, City Attorney

Fiscal Impact

Discussion:
N/A

Attachments

Urgency Ordinance 2941
Ordinance 2942

ORDINANCE NO. 2941

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDLANDS ADDING CHAPTER 9.38 TO ARTICLE 9 OF THE REDLANDS MUNICIPAL CODE REGULATING THE TERMINATION OF RESIDENTIAL TENANCIES DUE TO DEMOLITION OR SUBSTANTIAL REMODEL AND DECLARING AN URGENCY THEREOF

WHEREAS, the California State Legislature adopted the Tenant Protection Act of 2019 (California Civil Code § 1946.2) (the "Act"), and the Act became effective by its own terms as of January 1, 2020; and

WHEREAS, the Act provides certain tenants of residential real property with just cause eviction protections under certain circumstances; and

WHEREAS, the Act provides that a local ordinance adopted after September 1, 2019, requiring just cause for termination of a residential tenancy shall supersede the Act only if the ordinance is "more protective" than the Act; and

WHEREAS, the City Council desires to adopt an ordinance with just cause termination of tenancy provisions that are more protective than the Act as it relates to no-fault just cause evictions for demolition or substantial remodel of a residential property; and,

WHEREAS, housing instability threatens the public peace, health, and safety as eviction from one's home can lead to prolonged homelessness, increased residential mobility, loss of community, strain on household finances due to the necessity of paying rental application fees and security deposits, stress and anxiety experienced by those displaced, increased commute times and traffic impacts if displaced workers cannot find affordable housing within the city in which they work, and interruption of the education of children in the home.

WHEREAS, eviction creates particular hardships for the disabled, senior citizens, and individuals and households of limited means, given the shortage of affordable housing within the City of Redlands and the region generally; and

WHEREAS, the Act permits property owners to evict tenants based on the intent to demolish or substantially remodel their residential real property with no checks and balances to ensure that property owners are appropriately relying on this basis to evict tenants; and

WHEREAS, renters facing eviction have alerted the City that some property owners may have abused this no-fault just cause ground for eviction by using it as a pretext to evict tenants. Based on similar reports, other cities in Southern California, including Long Beach, Ventura, Hermosa Beach and Duarte have adopted similar ordinances to prevent misuse of this allowable grounds for eviction; and,

WHEREAS, to ensure that property owners' intent is genuine and that tenants are not evicted earlier than necessary or when the remodel does not reasonable require vacation of the units, the City Council finds that it is in the interest of the public welfare to require residential

property owners to obtain all necessary approvals and permits to perform the proposed work before evicting tenants and to explain to the tenants why the work requires eviction; and,

WHEREAS, tenants served with "no-fault" evictions (owner move-in, substantial remodel, demolishing the rental unit, etc.) receive only one month of relocation assistance from their property owners; and,

WHEREAS, most property owners require first months' rent, last months' rent, security deposit, and application fees upon move-in and many tenants also pay for temporary storage and other moving costs; and

WHEREAS, one month of relocation assistance may not adequately cover these expenses, so relocation assistance must be strengthened to reflect the realities of the rental market and ensure that eviction is only done when the remodel actually rises to the level of "substantial remodel" or involves demolition; and,

WHEREAS, in a rental market where these tenants will not be able to find comparable housing in the City, the City Council intends that evictions based on demolition or substantial remodel be implemented only when necessary and that the tenants be given more relocation assistance to avoid homelessness and increased ability to relocate within the City of Redlands and provide the least amount of work, life, and familial disruption; and,

WHEREAS, the City finds that this Ordinance is consistent with and more protective than the Act by requiring property owners to obtain necessary permits prior to terminating a lawful residential tenancy; that the conditions for eviction are explained to the tenant in the notice of termination; and requiring a higher amount of relocation assistance to ensure that tenants can successfully relocate into comparable housing after those evictions; and,

WHEREAS, the City Council finds and declares that the adoption and implementation of this Ordinance is necessary for the immediate preservation and protection of the public peace, health, and safety as follows:

The State has extensively regulated residential evictions during the period of COVID-19 emergency to keep people in their homes during an unprecedented health pandemic. The City, State, and County are still dealing with and recovering from the devastation from COVID-19 which is compounded with a well-documented and critical housing crisis in the State. The implementation of this Ordinance on an urgency basis is necessary as the City and public, particularly the most vulnerable residents, the disabled, senior citizens, persons and households with limited income, would potentially suffer unwarranted and/or premature evictions of residential tenants, with a shortage of replacement comparable housing in the City. This Ordinance requires property owner accountability to ensure that the allowable substantive grounds for this type of eviction are met. Unless this Ordinance is immediately adopted, residential tenants in good standing will be without protections from property owners who lack a bona fide intent to substantially remodel or demolish their properties; and

WHEREAS, based on the foregoing, the City Council finds and determines that the

immediate preservation of the public peace, health and safety, and protection of life and property, require that this Ordinance be enacted as an urgency ordinance pursuant to Government Code § 36937 to take effect immediately upon adoption by four-fifths (4/5) affirmative vote of the City Council.

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

Section 1. The above recitals are true and correct and are incorporated by reference herein.

Section 2. Article 9 ("Public Peace and Welfare") is amended to add Chapter 9.38 to read as follows:

"CHAPTER 9.38
PERMIT REQUIRED FOR NO-FAULT JUST CAUSE DEMOLITION AND/OR SUBSTANTIAL REMODELING EVICTIONS

9.38.010: Purpose
9.38.020: Definitions
9.38.030: Notice of Eviction Based on Intent to Demolish or Substantially Remodel Residential Real Property.
9.38.040: Relocation Payments
9.38.050: Exclusions
9.38.060: Application.
9.38.070: Enforcement and Penalties.

9.38.010 PURPOSE.

This chapter protects tenants from pretextual evictions in which property owners invoke substantial renovation or demolition of a unit as "just cause" under Civil Code §§ 1946.2, 1947.12, and 1947.13 as adopted by Assembly Bill 1482 (the Tenant Protection Act of 2019, the "Act"), and as may be subsequently amended, by requiring evicting property owners show a government-approved demolition and/or remodeling permit to the tenant prior to initiating an eviction for demolition or substantial remodel of residential real property.

9.38.020 DEFINITIONS.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

(a) "Just Cause" shall have the same meaning as in Civil Code § 1946.2, as may be amended.

(b) "Owner" shall have the same meaning as in Civil Code § 1946.2, as may be amended.

(c) "Residential real property" shall have the same meaning as in Civil Code §

1946.2, as may be amended.

(d) "Tenancy" shall have the same meaning as in Civil Code § 1946.2, as may be amended.

(e) "Substantially remodel" means the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a government agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days. Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as substantial rehabilitation.

9.38.030 NOTICE OF EVICTION BASED ON INTENT TO DEMOLISH OR SUBSTANTIALLY REMODEL RESIDENTIAL REAL PROPERTY.

Before an owner of residential real property issues a notice to terminate a tenancy for a no- fault just cause eviction based on demolition or a substantial remodel of residential real property, the owner shall have obtained all necessary permits for the substantial remodel and/or demolition from all applicable government agencies. All termination notices for no-fault just cause eviction described in this chapter shall include a copy of all issued permits, which permits must then be in effect, and not be expired or revoked. The owner shall include reasonably detailed information in the termination notice regarding each of (i) the scope of the work, (ii) why the work cannot be reasonably accomplished in a safe manner with the tenant in place, and (iii) why the work requires the tenant to vacate for at least 30 days. These requirements are in addition to and do not supersede any other obligation the owner may have under applicable local, state, and federal law. No other legal remedies available to owners are affected by this chapter

9.38.040 RELOCATION PAYMENTS.

To the extent applicable for a no-fault just cause eviction for intent to demolish or substantially remodel residential real property under California Civil Code § 1946.2(b)(2)(D), the owner must provide relocation assistance in the form of: (i) a rent waiver equal to two months of the tenant's rent that was in effect when the owner issued the notice to terminate the tenancy; or (ii) a payment of $4,500, whichever is greater. Any relocation assistance shall be provided within 15 calendar days of service of the notice to terminate.

9.38.050 EXCLUSIONS.

The provisions of this chapter shall not apply to the types of residential real properties or residential circumstances described in California Civil Code § 1946.2(e).

9.38.060 APPLICATION.

This chapter shall apply to notices of termination issued on or after the effective date of this chapter and to tenancies: (1) where the tenant remains in possession; and (2) the period of notice required for notices of termination under California Civil Code §§ 1946.1 and 1946.2 have not expired as of the effective date of this chapter.

9.38.070 ENFORCEMENT AND PENALTIES.

An owner's failure to comply with this chapter shall render any notice of termination of tenancy issued void. The requirements of this chapter may be asserted by the tenant as an affirmative defense in an unlawful detainer proceeding. In addition to any other remedies available in law and equity, any owner of residential real property who intentionally violates this chapter when issuing an invalid termination notice pursuant to this chapter shall be liable in a civil action to the tenant for a civil penalty in an amount of up to $15,000 and/or reasonable attorney's fees and costs, each as determined by the court."

Section 3. Environmental Review.

The City Council finds and determines that the adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines § 15060(c)(2), in that the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines § 15061(b)(3), in that it can be seen with certainty there is no possibility the adoption of this Ordinance will have a significant effect on the environment.

Section 4. Effective Date.

This Ordinance shall be in full force and effect immediately upon adoption by a four-fifths (4/5) affirmative vote of the City Council pursuant to California Government Code § 36937.

Section 5. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Ordinance are declared to be severable.

Section 6. Publication and Posting.

The Mayor shall sign this Ordinance and the City Clerk shall certify to the re-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.

_____
Paul T. Barich, Mayor

ATTEST:

_____
Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City of Redlands, hereby certify that the foregoing ordinance was duly re-adopted by the City Council at a special meeting thereof held on the 4th day of August, 2022.

AYES:
NOES:
ABSENT:
ABSTAINED:

_____
Jeanne Donaldson, City Clerk

ORDINANCE NO. 2942

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDLANDS ADDING CHAPTER 9.38 TO ARTICLE 9 OF THE REDLANDS MUNICIPAL CODE REGULATING THE TERMINATION OF RESIDENTIAL TENANCIES DUE TO DEMOLITION OR SUBSTANTIAL REMODEL

WHEREAS, the California State Legislature adopted the Tenant Protection Act of 2019 (California Civil Code § 1946.2) (the "Act"), and the Act became effective by its own terms as of January 1, 2020; and

WHEREAS, the Act provides certain tenants of residential real property with just cause eviction protections under certain circumstances; and

WHEREAS, the Act provides that a local ordinance adopted after September 1, 2019, requiring just cause for termination of a residential tenancy shall supersede the Act only if the ordinance is "more protective" than the Act; and

WHEREAS, the City Council desires to adopt an ordinance with just cause termination of tenancy provisions that are more protective than the Act as it relates to no-fault just cause evictions for demolition or substantial remodel of a residential property; and,

WHEREAS, housing instability threatens the public peace, health, and safety as eviction from one's home can lead to prolonged homelessness, increased residential mobility, loss of community, strain on household finances due to the necessity of paying rental application fees and security deposits, stress and anxiety experienced by those displaced, increased commute times and traffic impacts if displaced workers cannot find affordable housing within the city in which they work, and interruption of the education of children in the home.

WHEREAS, eviction creates particular hardships for the disabled, senior citizens, and individuals and households of limited means, given the shortage of affordable housing within the City of Redlands and the region generally; and

WHEREAS, the Act permits property owners to evict tenants based on the intent to demolish or substantially remodel their residential real property with no checks and balances to ensure that property owners are appropriately relying on this basis to evict tenants; and

WHEREAS, renters facing eviction have alerted the City that some property owners may have abused this no-fault just cause ground for eviction by using it as a pretext to evict tenants. Based on similar reports, other cities in Southern California, including Long Beach, Ventura, Hermosa Beach and Duarte have adopted similar ordinances to prevent misuse of this allowable grounds for eviction; and,

WHEREAS, to ensure that property owners' intent is genuine and that tenants are not evicted earlier than necessary or when the remodel does not reasonable require vacation of the units, the City Council finds that it is in the interest of the public welfare to require residential property owners to obtain all necessary approvals and permits to perform the proposed work

before evicting tenants and to explain to the tenants why the work requires eviction; and,

WHEREAS, tenants served with "no-fault" evictions (owner move-in, substantial remodel, demolishing the rental unit, etc.) receive only one month of relocation assistance from their property owners; and,

WHEREAS, most property owners require first months' rent, last months' rent, security deposit, and application fees upon move-in and many tenants also pay for temporary storage and other moving costs; and

WHEREAS, one month of relocation assistance may not adequately cover these expenses, so relocation assistance must be strengthened to reflect the realities of the rental market and ensure that eviction is only done when the remodel actually rises to the level of "substantial remodel" or involves demolition; and,

WHEREAS, in a rental market where these tenants will not be able to find comparable housing in the City, the City Council intends that evictions based on demolition or substantial remodel be implemented only when necessary and that the tenants be given more relocation assistance to avoid homelessness and increased ability to relocate within the City of Redlands and provide the least amount of work, life, and familial disruption; and,

WHEREAS, the City finds that this Ordinance is consistent with and more protective than the Act by requiring property owners to obtain necessary permits prior to terminating a lawful residential tenancy; that the conditions for eviction are explained to the tenant in the notice of termination; and requiring a higher amount of relocation assistance to ensure that tenants can successfully relocate into comparable housing after those evictions.

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

Section 1. The above recitals are true and correct and are incorporated by reference herein.

Section 2. Article 9 ("Public Peace and Welfare") is amended to add Chapter 9.38 to read as follows:

"CHAPTER 9.38
PERMIT REQUIRED FOR NO-FAULT JUST CAUSE DEMOLITION AND/OR SUBSTANTIAL REMODELING EVICTIONS

9.38.010: Purpose
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9.38.040: Relocation Payments
9.38.050: Exclusions
9.38.060: Application.
9.38.070: Enforcement and Penalties.

9.38.010: PURPOSE.

This chapter protects tenants from pretextual evictions in which property owners invoke substantial renovation or demolition of a unit as "just cause" under Civil Code §§ 1946.2, 1947.12, and 1947.13 as adopted by Assembly Bill 1482 (the Tenant Protection Act of 2019, the "Act"), and as may be subsequently amended, by requiring evicting property owners show a government-approved demolition and/or remodeling permit to the tenant prior to initiating an eviction for demolition or substantial remodel of residential real property.

9.38.020 DEFINITIONS.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

(a) "Just Cause" shall have the same meaning as in Civil Code § 1946.2, as may be amended.

(b) "Owner" shall have the same meaning as in Civil Code § 1946.2, as may be amended.

(c) "Residential real property" shall have the same meaning as in Civil Code § 1946.2, as may be amended.

(d) "Tenancy" shall have the same meaning as in Civil Code § 1946.2, as may be amended.

(e) "Substantially remodel" means the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a government agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days. Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as substantial rehabilitation.

9.38.030: NOTICE OF EVICTION BASED ON INTENT TO DEMOLISH OR SUBSTANTIALLY REMODEL RESIDENTIAL REAL PROPERTY.

Before an owner of residential real property issues a notice to terminate a tenancy for a no- fault just cause eviction based on demolition or a substantial remodel of residential real property, the owner shall have obtained all necessary permits for the substantial remodel and/or demolition from all applicable government agencies. All termination notices for no-fault just cause eviction described in this chapter shall include a copy of all issued permits, which permits must then be in effect, and not be expired or revoked. The owner shall include reasonably

detailed information in the termination notice regarding each of (i) the scope of the work, (ii) why the work cannot be reasonably accomplished in a safe manner with the tenant in place, and (iii) why the work requires the tenant to vacate for at least 30 days. These requirements are in addition to and do not supersede any other obligation the owner may have under applicable local, state, and federal law. No other legal remedies available to owners are affected by this chapter

9.38.040 RELOCATION PAYMENTS.

To the extent applicable for a no-fault just cause eviction for intent to demolish or substantially remodel residential real property under California Civil Code § 1946.2(b)(2)(D), the owner must provide relocation assistance in the form of: (i) a rent waiver equal to two months of the tenant's rent that was in effect when the owner issued the notice to terminate the tenancy; or (ii) a payment of $4,500, whichever is greater. Any relocation assistance shall be provided within 15 calendar days of service of the notice to terminate.

9.38.050 EXCLUSIONS.

The provisions of this chapter shall not apply to the types of residential real properties or residential circumstances described in California Civil Code § 1946.2(e).

9.38.060 APPLICATION.

This chapter shall apply to notices of terminations issued on or after the effective date of this chapter and to tenancies: (1) where the tenant remains in possession; and (2) the period of notice required for notices of termination under California Civil Code §§ 1946.1 and 1946.2 have not expired as of the effective date of this chapter.

9.38.070 ENFORCEMENT AND PENALTIES.

An owner's failure to comply with this chapter shall render any notice of termination of tenancy issued void. The requirements of this chapter may be asserted by the tenant as an affirmative defense in an unlawful detainer proceeding. In addition to any other remedies available in law and equity, any owner of residential real property who intentionally violates this chapter when issuing an invalid termination notice pursuant to this chapter shall be liable in a civil action to the tenant for a civil penalty in an amount of up to $15,000 and/or reasonable attorney's fees and costs, each as determined by the court."

Section 3. Environmental Review.

The City Council finds and determines that the adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines § 15060(c)(2), in that the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines § 15061(b)(3), in that it can be seen with certainty there is no possibility the adoption of this

Ordinance will have a significant effect on the environment.

Section 4. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Ordinance are declared to be severable.

Section 5. 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, and thereafter, this ordinance shall take effect in accordance with law.

_____
Paul T. Barich, Mayor

ATTEST:

_____
Jeanne Donaldson, City Clerk

I, Jeanne Donaldson, City Clerk of the City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the ____ day of _____, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Jeanne Donaldson, City Clerk