

RESOLUTION NO. 8370

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED VOTERS AN 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," AS REQUIRED BY THE PROVISION OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, pursuant to authority provided by statute, a petition was filed in with the City Council of the City of Redlands, signed by more than ten percent (10%) of the number of registered voters of the City, to submit to the qualified voters a proposed initiative ordinance titled "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" (Initiative Ordinance"); and

WHEREAS, the City Clerk caused an examination of the records of voter registration, by the Registrar of Voters of the County of San Bernardino, and ascertained that the petition was signed by more than ten percent (10%), and has so certified; and

WHEREAS, on August 3, 2021, the City Council of the City of Redlands, pursuant to authority provided by statute, adopted Resolution No. 8241, acknowledging receipt of the certified petition for the a proposed Initiative Ordinance titled "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" and ordering the submission, without alteration, of the Initiative Ordinance to the qualified voters of the City at the City's regular municipal election to be held on November 8, 2022;

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; and

WHEREAS, on June 7, 2022, the City Council of the City of Redlands adopted Resolution No. 8317, calling and giving notice of the holding a General Municipal Election; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City the polling places and election officers of the two elections be the same, and that the San Bernardino County Registrar of Voters canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

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

Section 1. That the City Council, as directed by statute to submit the proposed 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” to the qualified voters of the City, shall do so in the form of the following question:

“Shall the 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 be adopted?”	Yes	
	No	

Section 2. That the text of the Initiative Ordinance submitted to the voters is attached hereto as Exhibit A and made a part thereof.

Section 3. That the ballots to be used at the election shall be in form and content as required by law.

Section 4. 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 5. 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 6. 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 7. 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.

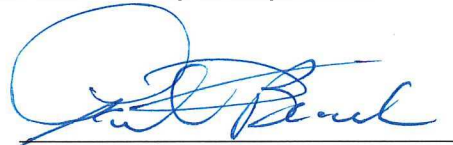
Section 8. Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of San Bernardino is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 8, 2022, for the purpose of submitting to the voters the question relating to the Initiative Ordinance. 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 9. 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 10. 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 11. 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 19th day of July, 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 adopted by the City Council at a regular meeting thereof held on the 19th day of July, 2022.

AYES: Councilmembers Tejada, Davis, Guzman-Lowery, Gallagher; Mayor Barich
NOES: None
ABSENT: None
ABSTAIN: None



Jeanne Donaldson, City Clerk

EXHIBIT "A"
INITIATIVE ORDINANCE

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INITIATIVE ORDINANCE SUBMITTED BY THE PEOPLE OF REDLANDS
AMENDING SECTIONS 1.A.0 , 4.2B AND 4.40s PRINCIPLES OF MANAGED
GROWTH 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.30, 4.2B and 4.40s are hereby amended to read in their entirety as follows (deletions are shown by ~~strikeout~~ and additions are underlined):

- a. AMENDMENT OF GENERAL PLAN 2035 SECTION 1.A.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 and 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 analysis 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 5000 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 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.
2. "1A.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 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 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 Transit Villages shall be limited to four (4) stories and fifty two (52) 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 or contiguous with a single family dwelling absent written agreement of the dwelling owner(s) on file with the City.
 - (f) In multi-story structures with a residential living component in the five Transit Villages parking for two and 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 space.
 - (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 4.40s

"No land undeveloped as of March 1, 1997 and 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 on November 3, 1986 regardless of zoning shall be re-designated or rezoned to permit residential density greater the Estate Residential (R-E) classification as the same existed on June 1, 1987 in the Redlands City Zoning Ordinance unless the following mandatory findings are made by ~~four-fifths (4/5)~~ five fifths (5/5) vote of the total authorized membership of the City Council. ~~Land designated by the General Plan as Urban Reserve as of June 1, 1987 shall not exceed a density greater than permitted by the R-E zone designation unless otherwise approved by a 4/5 vote of the City Council.~~

1. There are substantial and overriding economic and social benefits to the City and its residents and taxpayers from the proposed density increase.
 2. The proposed density increase will not cause adverse environmental impacts, either individually or cumulatively, directly or indirectly.
 3. The proposed density increase will not covert viable agricultural land to non-agricultural uses.
 4. The proposed density increase will not have a growth inducing effect on other property.
 5. The resulting use will be compatible with uses on adjacent land.
 6. The proposed density increase will not require substantial expansion of public infrastructure, facilities or services."
- 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 infill construction of single family homes on lots of record bounded by developed property as of March 1, 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.”

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 sewer and water, 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 any

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.