

# REQUEST FOR HISTORIC AND SCENIC PRESERVATION COMMISSION ACTION

## IV-A. BEVERLY & KENNETH WINCHESTER, APPLICANT

**Continued PUBLIC HEARING** to consider **Certificate of Appropriateness No. 665** – A request to legalize/approve an existing 6-foot-high, vinyl fence and a rolling slide gate with galvanized steel frame located within the street-side setback along Grant Street. The subject property is located at 232 West Olive Avenue (APN: 0171-244-40-0000) within the Multiple-Family Residential (R-3) District and the Smiley Park Neighborhood Historic & Scenic District (Historic District No. 8). The proposal may qualify for exemption from environmental review in accordance with CEQA Guidelines Section 15303 (New Construction of Small Structures) or Section 15270 (Projects Which Are Disapproved).

HISTORIC AND SCENIC PRESERVATION MEETING: May 4, 2023

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Planner: Laylee Hokmollahi, Junior Planner

### PROCEDURE FOR PUBLIC HEARING

1. Chairperson declares the meeting open as a public hearing.
2. Chairperson calls upon staff for report.
3. Chairperson calls for questions/comments from members of the Commission.
4. Chairperson calls upon applicant, or its representative, for comments/testimony.
5. Chairperson calls for comments/questions/testimony from members of the public (3 minutes per speaker).
6. Chairperson calls upon the applicant, or representative, for rebuttal comments (5 minutes).
7. Chairperson closes the public hearing.
8. Commission considers the motion(s) and votes.

### SYNOPSIS

1. **Historic Designation:** The subject property is located within Historic District (HD) No. 8, known as the “Smiley Park Neighborhood Historic and Scenic District.” The subject property is not individually designated as a historic resource.
2. **Existing Land Use:** The property has one existing single-family dwelling with residential use.
3. **Historic and Scenic Preservation Commission submittal dates:**
  - (A) Date Submitted: October 11, 2022
  - (B) Date Accepted as Complete: November 3, 2022

(C) Historic and Scenic Preservation  
Commission Meeting:

March 2, 2023  
April 6, 2023  
May 4, 2023

4. Attachments:

- A) Location Map & Aerial Photograph
- B) Site Photos
- C) HSPC Staff Report of April 6, 2023
- D-1) Resolution No. 2023-11 (for Denial)
- D-2) Resolution No. 2023-11 (for Approval)

## PROPOSAL

The applicant is requesting approval of a Minor Certificate of Appropriateness to legalize/approve an existing 6-foot-high, vinyl fence and a rolling slide gate with galvanized steel frame located within the street-side setback (defined as a front yard) adjacent to Grant Street. The fence and gate extends along the western (Grant Street) and northern (rear) property lines at the northwestern rear portion of the lot around a parking area. Site photographs are included as attachment B.

The applicant is proposing to pull the fence and the gate back from the sidewalk to the next fence post (approximately 6'0" back from the sidewalk), install wood veneer or wood slats on the gate only, install redwood trellis in front of each panel, and plant honeysuckles or climbing rose bushes to screen the fence.

## BACKGROUND

The Historic and Scenic Preservation Commission held a public hearing on March 2, 2023, received the staff report and the applicant's presentation, and continued the public hearing to April 6, 2023. The Commission continued the public hearing so that the applicant would have more time to contact the fencing company and explore some design alternatives that were discussed at the meeting (such as use of wood fencing, etc.).

The Historic and Scenic Preservation Commission held the continued public hearing on April 6, 2023. The applicant revised their proposal so that the fence and gate would be placed six feet (6'0") back from the sidewalk (to the next available fence post) to create space to provide a 6'0" wide planter area between the sidewalk and the fence (for landscape screening purposes). The Commission received the staff report and the applicant's presentation, and continued the public hearing to May 4, 2023, so that the applicant would have more time to explore more design alternatives that were discussed at the meeting (such as possibly painting the fence, putting wood slats in

front of the fence and gate, etc.). The hearing was continued again to May 4, 2023.

A Minor Exception Fence Permit application was submitted at the same time with this proposal. The Minor Exception Committee previously met on March 9, 2023, at the subject property and discussed options regarding the placement and height of the fence. The applicant requested additional time to consider the design alternatives (such as the distance to pull the fence back from the sidewalk) as well as landscaping screening options. The applicant also needed additional time to be able to discuss the potential fence placement and landscape alternatives with the HSPC (as that may influence the Commission's decision about the fence material). Therefore, the Minor Exception Committee meeting was continued to a date uncertain.

## **ANALYSIS**

The proposed fence location will provide approximately six feet (6'0") of planter space along Grant Street for landscape screening. To fully screen the vinyl fence, the most appropriate plant selection would likely be a tall hedge type shrub that could grow to 6'0" high and be maintained to fully screen the fence. Several hedge plant options were discussed with the applicant that are of a columnar variety, and a row could be planted abutting the exterior side of the fence. Staff believes that the proposed fence location pulled back 6'0" will provide sufficient space to provide a dense landscape screen for the fence.

The applicant is proposing to plant honeysuckle plants or climbing rose bushes on each trellis to screen the fence panels (that sliding gate portion could not be screened with landscape). Honeysuckle tends to have denser foliage and is faster growing compared to a rose bush. The proposed honeysuckle is likely a more appropriate selection due to the density of foliage and the potential to grow to 6'0" high within a few years; however, staff's concern is that this would not have sufficient density of foliage (and thus immediate screening) as compared to the types of plants that were discussed with the applicant (i.e., a dense row of tall columnar type hedges that would provide immediate screening).

Installing wood veneer or wood slats on the gate would be consistent with the Commission's previous suggestions. The redwood trellis in front of each vinyl panel will help to screen the fencing, except that the posts will only be screened with landscaping and may remain somewhat exposed and apparent to plain view from the public right-of-way.

However, the revised proposal does not change the material of the fence and the gate, and exposed vinyl paired with the predominantly wood-sided house within a Historic District is still not consistent with City's Historic and Scenic Preservation Manual. If the vinyl gate is disguised with wood slats and the vinyl fence is fully screened at all times

with redwood trellis and hedge type landscaping (except the posts), then the proposal may be more consistent with the City's Historic and Scenic Preservation Manual and the Secretary of the Interior's Standards. However, a landscape screen would be required to be maintained in place and in good condition at all times by the present owners as well as any future property owners.

## **ENVIRONMENTAL REVIEW**

If the proposal is deemed to be consistent with the applicable Secretary of Interior Standards and the City's Historic and Scenic Preservation Manual, then the change would be considered to be satisfactorily mitigated and is a less than significant impact (CEQA Guidelines Section 15064.5(b)(3)). In that case, CEQA Guidelines Section 15303 (New Construction of Small Structures) may be utilized for the project.

If the proposal to use vinyl fencing is deemed to be not consistent with the applicable Secretary of Interior Standards and the City's Historic and Scenic Preservation Manual, then the proposal would likely not be able to use an exemption from environmental review. Significant changes to historic resources are considered to be a potentially significant impact on the environment (CEQA Guidelines Sections 15064.5(b)(1) and 15064.5(b)(2)). Alternatively, CEQA Guidelines Section 15270 may be utilized that pertains to projects which are disapproved.

## **STAFF RECOMMENDATION**

If the Commission agrees that putting redwood trellises in front of the fence panels, putting veneer or wood slats on the gate and planting honeysuckle, or climbing rose bushes is sufficient to meet the City's Historic and Scenic Preservation Manual and the Secretary of the Interior's Standards, then the Commission may make findings to approve COA No. 665 subject to the conditions of approval.

The Commission may also make further suggestions for any changes that may be needed to achieve consistency with the Secretary of the Interior's Standards and the City's Historic and Scenic Preservation Manual. The applicant may make further submittals of other alternative materials or designs, if necessary, and the hearing may be continued.

Alternatively, if the Commission finds that the proposed revisions and conditions of approval are not sufficient to meet the City's Historic and Scenic Preservation Manual and the Secretary of the Interior's Standards, then the Commission may make findings to deny COA No. 665.

## **MOTION**

If the Historic and Scenic Preservation Commission deems it appropriate, staff recommends the following motion:

### Motion (for Denial):

“I move that the Historic and Scenic Preservation Commission adopt Resolution No. 2023-11 to deny Certificate of Appropriateness No. 665 and find that the project is exempt from environmental review in accordance with Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines.”

### Alternative Motion (for Continuance):

“I move that the Historic and Scenic Preservation Commission continue the public hearing for Certificate of Appropriateness No. 665 (to June 1, 2023, or date to be determined).”

### Alternative Motion (for Approval):

“I move that the Historic and Scenic Preservation Commission adopt Resolution No. 2023-11 and approve Certificate of Appropriateness No. 665, subject to conditions of approval, and find that the project is exempt from environmental review in accordance with Section 15303 (New Construction of Small Structures) of the CEQA Guidelines.”

## ATTACHMENT "A"

Location Map & Aerial Photograph

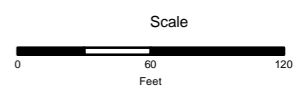
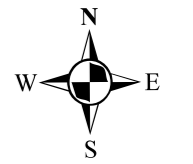




# Location Map

**Minor Certificate of Appropriateness No. 665  
Attachment A-1: Location Map  
232 West Olive Avenue**

This map was produced by the City of Redlands, Geographic Information System. The City of Redlands assumes no warranty or legal responsibility for the information contained on this map. The data used to generate this map is dynamic in nature, therefore the information shown may or may not be the most current.



February 15, 2023

OneStop.mxd

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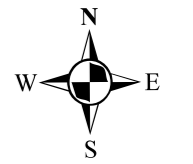




**Aerial**

**Minor Certificate of Appropriateness No. 665  
Attachment A-2: Aerial  
232 West Olive Avenue**

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February 15, 2023

OneStop.mxd



## ATTACHMENT "B"

Site Photographs















ATTACHMENT "C"

Staff Report of 4/6/2023



## REQUEST FOR HISTORIC AND SCENIC PRESERVATION COMMISSION ACTION

### V.A. KENNETH WINCHESTER, APPLICANT

**PUBLIC HEARING** to consider **Certificate of Appropriateness No. 665** – A request to legalize/approve an existing 6-foot-high, vinyl fence and a rolling slide gate with galvanized steel frame located within the street-side setback along Grant Street. The subject property is located at 232 West Olive Avenue (APN: 0171-244-40-0000) within the Multiple-Family Residential (R-3) District and the Smiley Park Neighborhood Historic & Scenic District (Historic District No. 8). The proposal may qualify for exemption from environmental review in accordance with CEQA Guidelines Section 15303 (New Construction of Small Structures) or Section 15270 (Projects Which Are Disapproved).

HISTORIC AND SCENIC PRESERVATION MEETING: April 6, 2023

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Planner: Laylee Hokmollahi, Junior Planner

#### PROCEDURE FOR PUBLIC HEARING

1. Chairperson declares the meeting open as a public hearing.
2. Chairperson calls upon staff for report.
3. Chairperson calls for questions/comments from members of the Commission.
4. Chairperson calls upon applicant, or its representative, for comments/testimony.
5. Chairperson calls for comments/questions/testimony from members of the public (3 minutes per speaker).
6. Chairperson calls upon the applicant, or representative, for rebuttal comments (5 minutes).
7. Chairperson closes the public hearing.
8. Commission considers the motion(s) and votes.

#### SYNOPSIS

1. **Historic Designation:** The subject property is located within Historic District (HD) No. 8, known as the “Smiley Park Neighborhood Historic and Scenic District.” The subject property is not individually designated as a historic resource.
2. **Existing Land Use:** The property has one existing single-family dwelling with residential use.
3. **Historic and Scenic Preservation Commission submittal dates:**
  - (A) Date Submitted: October 11, 2022
  - (B) Date Accepted as Complete: November 3, 2022
  - (C) Historic and Scenic Preservation

Commission Meeting:

March 2, 2023  
April 6, 2023

4. Attachments:

- A) Location Map & Aerial Photograph
- B) Site Photos
- C) HSPC Staff Report of March 2, 2023
- D-1) Resolution No. 2023-02 (Approval)
- D-2) Resolution No. 2023-02 (Denial)

## **PROPOSAL**

The applicant is requesting approval of a Minor Certificate of Appropriateness to legalize/approve an existing 6-foot-high, vinyl fence and a rolling slide gate with galvanized steel frame located within the street-side setback (defined as a front yard) adjacent to Grant Street. The fence and gate extends along the western (Grant Street) and northern (rear) property lines at the northwestern rear portion of the lot around a parking area. Site photographs are included as attachment B.

The applicant's proposal has been revised to pull the fence and the gate back from the sidewalk to the next fence post (approximately 6'0" back from the sidewalk), to create space to provide a planter area between the sidewalk and the fence for screening purposes. Landscaping would be installed (such as a high hedge up the height of the fence) to screen the vinyl fence, and the sliding gate portion would not be screened.

## **BACKGROUND**

The Historic and Scenic Preservation Commission held a public hearing on March 2, 2023, received the staff report and the applicant's presentation, and continued the public hearing to April 6, 2023. The Commission continued the public hearing so that the applicant would have more time to contact the fencing company and explore some design alternatives that were discussed at the meeting (such as use of wood fencing, etc.).

A Minor Exception Fence Permit application was submitted at the same time with this proposal. The Minor Exception Committee met on March 9, 2023, at the subject property and discussed options regarding the placement and height of the fence. The applicant requested additional time to consider the design alternatives (such as the distance to pull the fence back from the sidewalk) as well as landscaping screening options. The applicant also needed additional time to be able to discuss the potential fence placement and landscape alternatives with the HSPC (as that may influence the Commission's decision about the fence material). Therefore, the Minor Exception Committee meeting was continued to a date uncertain.



## **ANALYSIS**

The proposed (revised) fence location will provide approximately six feet (6'0") of planter space along Grant Street for landscape screening. To fully screen the vinyl fence, the most likely plant selection would be a hedge type shrub that could grow to 6'0" high and be maintained to fully screen the fence. Several hedge options are available that are a columnar variety and a row could be planted abutting the exterior side of the fence. Staff believes that the proposed fence location pulled back 6'0" will provide sufficient space to provide a dense landscape screen for the fence.

The exception is the sliding gate portion that could not be screened with and significant landscaping or hedge, because a functional driveway would still be needed to the rear parking area behind the house.

However, the revised proposal does not change the material of the fence and the gate, and exposed vinyl paired with the predominantly wood-sided house within a Historic District is still not consistent with City's Historic and Scenic Preservation Manual. If the vinyl fence is fully screened with a hedge and landscaping at all times, then the proposal may be more consistent with the City's Historic and Scenic Preservation Manual and the Secretary of the Interior's Standards.

## **ENVIRONMENTAL REVIEW**

If the proposal is deemed to be consistent with the applicable Secretary of Interior Standards and the City's Historic and Scenic Preservation Manual, then the change would be considered to be satisfactorily mitigated and is a less than significant impact (CEQA Guidelines Section 15064.5(b)(3)). In that case, CEQA Guidelines Section 15303 (New Construction of Small Structures) may be utilized for the project.

If the proposal to use vinyl fencing is deemed to be not consistent with the applicable Secretary of Interior Standards and the City's Historic and Scenic Preservation Manual, then the proposal would likely not be able to use an exemption from environmental review. Significant changes to historic resources are considered to be a potentially significant impact on the environment (CEQA Guidelines Sections 15064.5(b)(1) and 15064.5(b)(2)). Alternatively, CEQA Guidelines Section 15270 may be utilized that pertains to projects which are disapproved.

## **STAFF RECOMMENDATION**

If the Commission agrees that a high landscape hedge (installed and maintained at 6'0" high) is sufficient to meet the City's Historic and Scenic Preservation Manual and the Secretary of the Interior's Standards, then the Commission may make findings to approve COA No. 665 subject to the conditions of approval.

The Commission may also make further suggestions for any changes that may be needed to achieve consistency with the Secretary of the Interior's Standards and the City's Historic and Scenic Preservation Manual. The applicant may make further submittals of other alternative materials or designs, if necessary, and the hearing may be continued.

Alternatively, if the Commission finds that the proposed revisions and conditions of approval are not sufficient to meet the City's Historic and Scenic Preservation Manual and the Secretary of the Interior's Standards, then the Commission may make findings to deny COA No. 665.

## **MOTION**

If the Historic and Scenic Preservation Commission deems it appropriate, staff recommends the following motion:

### Motion (for Continuance):

"I move that the Historic and Scenic Preservation Commission continue the public hearing for Certificate of Appropriateness No. 665 (to May 4, 2023, or date to be determined)."

### Alternative Motion (for Approval):

"I move that the Historic and Scenic Preservation Commission adopt Resolution No. 2023-02 and approve Certificate of Appropriateness No. 665, subject to conditions of approval, and find that the project is exempt from environmental review in accordance with Section 15303 (New Construction of Small Structures) of the CEQA Guidelines."

### Alternative Motion (for Denial):

"I move that the Historic and Scenic Preservation Commission adopt Resolution No. 2023-02 to deny Certificate of Appropriateness No. 665 and find that the project is exempt from environmental review in accordance with Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines."



ATTACHMENT "D-1"

Resolution No. 2023-11 (Denial)

RESOLUTION NO. 2023-11

A RESOLUTION OF THE HISTORIC AND SCENIC PRESERVATION COMMISSION OF THE CITY OF REDLANDS DENYING CERTIFICATE OF APPROPRIATENESS NO. 665 FOR AN EXISTING FENCE AND A GATE LOCATED AT 232 WEST OLIVE AVENUE WITHIN HISTORIC DISTRICT NO. 8 (SMILEY PARK NEIGHBORHOOD HISTORIC AND SCENIC DISTRICT).

WHEREAS, applicant Kenneth Winchester has submitted an application for Certificate of Appropriateness No. 665 to legalize/approve an existing 6-foot-high vinyl fence and a vinyl rolling slide gate with galvanized steel frame placed within the street-side setback along Grant Street, on the subject property located at 232 West Olive Avenue (APN: 0171-244-40-0000) within the Multiple-Family Residential (R-3) District; and

WHEREAS, notice of this Historic and Scenic Preservation Commission public hearing for the Project was duly published in a newspaper of general circulation by the Secretary to the Historic and Scenic Preservation Commission; and

WHEREAS, on March 2, 2023, the Historic and Scenic Preservation Commission held a public hearing and considered the staff report, oral report, the testimony and the written evidence submitted by and on behalf of the applicant and by members of the public, and was continued to April 6, 2023; and

WHEREAS, on April 6, 2023, the Historic and Scenic Preservation Commission held a public hearing and considered the staff report, oral report, the testimony and the written evidence submitted by and on behalf of the applicant and by members of the public, and was continued to May 4, 2023; and

WHEREAS, on May 4, 2023, the Historic and Scenic Preservation Commission held a public hearing and considered the staff report, oral report, the testimony and the written evidence submitted by and on behalf of the applicant and by members of the public; and

WHEREAS, the proposed project including proposed fence materials may significantly alter a historic resource or district, may cause potentially significant impacts to the environment or a historic resource or historic district, and therefore is not exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines. Alternatively, CEQA Guidelines Section 15270 pertains to projects which are disapproved.

NOW, THEREFORE, BE IT RESOLVED BY THE HISTORIC AND SCENIC PRESERVATION COMMISSION OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1. The proposed scope of work for Certificate of Appropriateness No. 665 (legalizing/approving the existing vinyl fence) is not consistent with the Secretary of Interior's Standards or the city's local Historic & Scenic Preservation Design Manual.

Section 2. The proposed project may significantly alter a historic resource and may cause



potentially significant impacts to the environment or a historic resource as defined by CEQA Guidelines Section 15064.5(b), and therefore, is not exempt from environmental review in accordance with the CEQA Guidelines. Alternatively, CEQA Guidelines Section 15270 pertains to projects which are disapproved.

Section 3. The application for Certificate of Appropriateness No. 665 is hereby denied.

Section 4. This Resolution shall become effective upon adoption. If no appeal is filed within ten days (by May 15, 2023) in accordance with the Redlands Municipal Code, then the decision shall become final on May 15, 2023, at 5:00 p.m.

ADOPTED, SIGNED AND APPROVED this 4th day of May, 2023.

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Kurt Heidelberg, Chair, Historic and Scenic  
Preservation Commission

ATTEST:

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Linda McCasland, Secretary

I, Linda McCasland, Historic and Scenic Preservation Commission Secretary of the City of Redlands, hereby certify that the foregoing resolution was duly adopted by the Historic and Scenic Preservation Commission at a regular meeting thereof held on the 4th day of May, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

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Linda McCasland, Secretary, Historic  
and Scenic Preservation Commission

ATTACHMENT "D-2"

Resolution No. 2023-11 (Approval)



RESOLUTION NO. 2023-11

A RESOLUTION OF THE HISTORIC AND SCENIC PRESERVATION COMMISSION OF THE CITY OF REDLANDS APPROVING CERTIFICATE OF APPROPRIATENESS NO. 665 FOR AN EXISTING FENCE AND A GATE LOCATED AT 232 WEST OLIVE AVENUE WITHIN HISTORIC DISTRICT NO. 8 (SMILEY PARK NEIGHBORHOOD HISTORIC AND SCENIC DISTRICT).

WHEREAS, applicant Kenneth Winchester has submitted an application for Certificate of Appropriateness No. 665 to legalize/approve an existing 6-foot-high, vinyl fence and vinyl rolling slide gate with galvanized steel frame placed within the street-side setback along Grant Street, on the subject property located at 232 West Olive Avenue (APN: 0171-244-40-0000) within the Multiple-Family Residential (R-3) District; and

WHEREAS, notice of this Historic and Scenic Preservation Commission public hearing for the Project was duly published in a newspaper of general circulation by the Secretary to the Historic and Scenic Preservation Commission; and

WHEREAS, on March 2, 2023, the Historic and Scenic Preservation Commission held a public hearing and considered the staff report, oral report, the testimony and the written evidence submitted by and on behalf of the applicant and by members of the public, and was continued to April 6, 2023; and

WHEREAS, on April 6, 2023, the Historic and Scenic Preservation Commission held a public hearing and considered the staff report, oral report, the testimony and the written evidence submitted by and on behalf of the applicant and by members of the public, and was continued to May 4, 2023; and

WHEREAS, on May 4, 2023, the Historic and Scenic Preservation Commission held a public hearing and considered the staff report, oral report, the testimony and the written evidence submitted by and on behalf of the applicant and by members of the public; and

WHEREAS, the proposed project is exempt from environmental review in accordance with Section 15303 (New Construction of Small Structures) of the CEQA Guidelines, as there is no substantial evidence of any potentially significant environmental impacts and the project qualifies for this exemption.

NOW, THEREFORE, BE IT RESOLVED BY THE HISTORIC AND SCENIC PRESERVATION COMMISSION OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1. The proposed project is exempt from environmental review in accordance with Section 15303 (New Construction of Small Structures) of the CEQA Guidelines, and there is no substantial evidence of any potentially significant environmental impacts to the historic district.

Section 2. The proposed scope of work for Certificate of Appropriateness No. 665, as amended, is consistent with the Secretary of the Interior's Standards and the city's local Historic

& Scenic Preservation Design Manual.

Section 3. The application for Certificate of Appropriateness No. 665 is hereby approved for the vinyl fence and vinyl gate subject to the conditions of approval (as amended) contained in Exhibit “A” attached to this Resolution.

Section 4. This Resolution shall become effective upon adoption. If no appeal is filed within ten days (by May 15, 2023) in accordance with the Redlands Municipal Code, then the decision shall become final on May 15, 2023, at 5:00 p.m.

ADOPTED, SIGNED AND APPROVED this 4th day of May, 2023.

\_\_\_\_\_  
Kurt Heidelberg, Chair, Historic and Scenic  
Preservation Commission

ATTEST:

\_\_\_\_\_  
Linda McCasland, Secretary

I, Linda McCasland, Historic and Scenic Preservation Commission Secretary of the City of Redlands, hereby certify that the foregoing resolution was duly adopted by the Historic and Scenic Preservation Commission at a regular meeting thereof held on the 4th day of May 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

\_\_\_\_\_  
Linda McCasland, Secretary, Historic  
and Scenic Preservation Commission



**EXHIBIT A**  
**CONDITIONS OF APPROVAL**  
**CERTIFICATE OF APPROPRIATENESS NO. 665**

1. This approval is for Certificate of Appropriateness No. 665 for the legalization of an existing 6-foot-high, vinyl fence and a vinyl rolling slide gate with galvanized steel frame located within the street-side setback along Grant Street. The exterior side of the vinyl fence shall be fully screened (up to 6'0" high) with landscaping such as solid hedge and/or climbing vines. The subject property is located at 232 West Olive Avenue (APN: 0171-244-40-0000) within the Multiple-Family Residential (R-3) District.
2. Unless construction has commenced pursuant to a building permit, this permit/approval shall expire in eighteen (18) months from the approval date. This permit/approval can be extended by staff per Section 2.62.200(K) for a period not to exceed thirty-six (36) months.
3. The property owner(s) shall be responsible for installing trellises on the exterior sides of the fence (fence facing the south, west, and north sides of the property) within thirty (30) days of this approval. The property owner(s) shall be responsible for installing the landscape screening (hedge and/or climbing vines) within sixty (60) days of this approval.
4. The property owner(s) shall be responsible for maintaining the landscape screening (hedge and/or climbing vines) on the trellises installed on the exterior sides of the fence (fence facing the south, west, and north sides of the property). This permit/approval is conditional upon the full screening of the vinyl fence material in order to be consistent with the City's Historic Design Manual.
  - a. If the wood slats on the gate, redwood trellises on the exterior sides of the fence panels, and landscape screening is removed or the landscaping substantially reduced in the future, then the property owner at that time shall be responsible for replacing the vinyl fence with a wood fence to achieve consistency with the City's Historic Design Manual and the Secretary of Interior Standards, and may be subject to additional subsequent review by the Historic & Scenic Preservation Commission. The property owner shall install the replacement wood fence within sixty (60) days of notification of the Commission's decision or the Development Services Director's determination, whichever is applicable.
5. The applicant shall not make any modifications or changes during construction that are in conflict or contrary to the project's approved site design or building elevations without first consulting the Development Services Director or designee.
6. The Development Services director is authorized to approve minor modifications to the approved project plans or any of the conditions of approval if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.

7. The applicant for this permit, and its successors and assigns, shall defend, indemnify and hold harmless the City of Redlands, and its elected officials, officers, agents and employees, from and against any and all claims, actions, and proceedings to attack, set aside, void or annul the approval of this permit by the City, or brought against the City due to acts or omissions in any way connected to the applicant's project that is the subject of this permit. This indemnification shall include, but not be limited to, damages, fees, costs, liabilities, and expenses incurred in such actions or proceedings, including damages for the injury to property or persons, including death of a person, and any award of attorneys' fees. In the event any such action is commenced to attack, set aside, void or annul all, or any, provisions of this permit, or is commenced for any other reason against the City for acts or omissions relating to the applicant's project, within fourteen (14) City business days of the same, the applicant shall file with the City a performance bond or irrevocable letter of credit (together, the "Security") in a form and in an amount satisfactory to the City, to ensure applicant's performance of its defense and indemnity obligations under this condition. The failure of the applicant to provide the Security shall be deemed an express acknowledgement and agreement by the applicant that the City shall have the authority and right, without objection by the applicant, to revoke all entitlements granted for the project pursuant to this permit. The City shall have no liability to the applicant for the exercise of City's right to revoke this permit.

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Brian Foote, City Planner/Planning Manager  
Historic Preservation Officer