

REQUEST FOR HISTORIC AND SCENIC PRESERVATION COMMISSION ACTION

V.B. MILLER ARCHITECTURAL CORPORATION, APPLICANT

PUBLIC HEARING to consider **Certificate of Appropriateness No. 646** – A request to construct a new covered front concrete patio and second story deck to an existing accessory building located at 1145 W. Highland Avenue (APN: 0175-091-35-0000) within Historic District No. 2 (West Highland Avenue Historic and Scenic Preservation District. The project qualifies for exemption from environmental review in accordance with Section 15331 (Historical Resource Restoration/Rehabilitation) and Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.

HISTORIC AND SCENIC PRESERVATION MEETING: March 3, 2022

Planner: Sean Reilly, Senior 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 project location is not individually designated as a Historic Resource. The property is located within the West Highland Avenue Historic and Scenic Preservation District.
2. Existing Land Use: The property is currently developed with a single-family residence and a residential accessory structure.
3. Historic and Scenic Preservation Commission submittal dates:
 - (A) Date Submitted: January 6, 2022
 - (B) Date Accepted as Complete: February 3, 2022
 - (C) Historic and Scenic Preservation Commission Meeting: March 3, 2022

4. Attachments:

- (A) Location Map/Site Aerial Photograph
- (B) Architectural Plans
- (C) Colors and Materials
- (D) Site Photographs
- (E) Resolution No. 2022-08, with Conditions of Approval

PROPOSAL

The applicant is proposing modifications to an approximately 15 year-old, single story accessory structure located at 1145 W. Highland Avenue (Attachment A – Location Map and Aerial Photograph) The accessory structure is approximately 3,000 square feet in total floor area and is just over 28 feet tall. It was built as a garage with ancillary gym room, storage area, and a bathroom on the same parcel as an existing home built in 1899 under Certificate of Appropriateness No. 281. The property is located within the West Highland Avenue Historic and Scenic Preservation District established in 1987. Both the subject building and the existing home are oriented to the north fronting on W. Highland Avenue.

The proposed project would convert the existing attic space and 69 square feet of the garage into livable space to convert the accessory structure into an accessory dwelling unit (ADU). The conversion of the accessory building into an ADU is permitted under state law as a ministerial approval under building permits. As such, the residential use of the structure as an ADU is not included within the scope of the Certificate of Appropriateness. The livable space will be covered within the existing roofline and will utilize existing attic space, with the exception of a new second story, covered patio, which will be added on the northern elevation. The existing structure is approximately 28 feet tall and proposed covered patio addition would tie in at the existing peak without increasing the height. Exterior changes would include the addition of a dormer extending to the north to cover a new bedroom and extend beyond the front wall of the proposed bedroom and existing structure by approximately 10 feet. This extension will cover a second story deck, which is accessible from the bedroom by double doors. On the first floor, below the deck, on the exterior of the first floor, a new concrete patio will be constructed and covered by the second story deck. All the changes proposed to the structure are on the north elevation with the exception of a skylight on the western rooftop. There are no other changes proposed to the project site as a part of this application (See Attachment B – Project Plans)

As proposed the additions to the structure will utilize the same materials and colors that were approved for the original construction of accessory structure (See Attachment C – Materials and Colors).

The structure was built utilizing similar features and materials to the existing residence on the property (wood siding, stacked stone and split stone). While the roofing material on the accessory structure does not match the primary residence, for consistency, the project is utilizing the same roofing material used previously on the accessory structure. The existing turret and arch on the accessory structure will remain in place and will not be obscured by the addition. On the lower, central portion of the structure two existing square windows will remain in place. These windows will be below the newly constructed deck and will be partially obscured.

On the lower portion of the northern elevation, a low wall covered in stacked stone will be constructed on the northern edge of the patio. Four square, wooden columns will be constructed on top of the wall to support the second story deck. The second story deck also includes four columns with square bases and two smaller round posts on each supporting the roof. A wooden handrail and wooden pickets will span between the columns on the second story deck.

BACKGROUND

The West Highland Avenue Historic and Scenic Preservation District extends along the north and south sides of West Highland Avenue and is bounded by Cedar Avenue on the west and Cajon Street on the east. Although the property is located within District, the property is not designated as a Historic Resource.

The Historic Resources Inventory for the property describes the existing house on the property as a 2 ½ story Victorian with Richardsonian influence with many unique features, including seven bay windows, a conical turret on one of the front corners, and a half-moon cut stone opening to the front door. Built in 1899, the main the historic resource is listed as “architecture” and social/education” due to the various owners over the years.

In June of 2005, Certificate of Appropriateness No. 281 was approved for the construction of an approximately 3,000 square-foot total floor area detached garage. Construction was completed in 2007. The garage included vehicle parking, storage, a bathroom, a bar and a gym. Although the structure is similar to the existing home, it is not an exact match in architectural style, the garage features a turret on the northeastern side of and a half moon arch feature on the northwestern side to the primary structure. The applicant is seeking approval for modifications to this structure as detailed above. (See Attachment D – Site Photographs)

ANALYSIS

A) Zoning

The property is located within the R-S (Suburban Residential) District. This district is intended to allow the development of low-density single-family homes.

The scope of work includes the modifications to an existing accessory structure that was permitted and was compliant with all development standards such as lot coverage, setbacks, and building separation at the time of its construction. The additions to the structure do not change building separation (60 feet) or side and rear yard setbacks (17 feet). The new patio and deck area will not extend into the front setback and will maintain a setback from the front property line of over 100'. With the addition, the property's lot coverage is slightly increased to 12.8%, which is well below the allowable 30% lot coverage. The site, as designed, is compliant and will remain compliant with development standards of the R-S District following the completion of the project.

B) Secretary of the Interior Standards and Guidelines

Staff utilized the 2017 revision of the Secretary of the Interior's Standards New Construction within the Boundaries of Historic Properties to review the project plans. The Standards and Guidelines state that new construction needs to be built in a manner that protects the integrity of the historic building(s) and the property's setting.

After review of the project plans, staff determined that the project complies with the Standards for New Construction.¹ The following are the ten guidelines for a project to meet the Standards for New Construction and the reasons why this project is in compliance. It is not necessary for a project to meet all ten guidelines, as the guidelines are intended as an advisory tool to help guide work or changes to historical resources.

1. Related new construction – including buildings, driveways, parking lots, landscape improvements and other new features – must not alter the historic character of a property. A property's historic function must be evident even if there is a change of use.

The project proposes alterations to an existing (15 year old) accessory structure located within a local historic district. The accessory structure is setback approximately 100 feet from the northern property line along W. Highland Avenue and is oriented to the north facing the street. It is located approximately 60 feet to the west and behind the rear plane of the existing historic resource on the property.

The project does not alter the residential use of the property and the physical separation of the structures ensures that the historic function primary resource remains the same. Further, the project will not alter the historical materials, features, spaces, or spatial relationships of the building as no changes to the historic residence are proposed under

¹ <https://www.nps.gov/tps/standards/applying-rehabilitation/successful-rehab/new-construction.htm>.

this application. Therefore, the project complies with guideline 1 of the Standards for Rehabilitation.

2. The location of new construction should be considered carefully in order to follow the setbacks of historic buildings and to avoid blocking their primary elevations. New construction should be placed away from or at the side or rear of historic buildings and must avoid obscuring, damaging, or destroying character-defining features of these buildings or the site.

As stated in the previous response, the project modifies an accessory structure that was previously constructed with significant setbacks and building separation. The project complies with guideline 2 because the original construction of the accessory structure in 2007 made use of underutilized space on the property away from the existing structure and due to the separation setbacks, that will remain once the additions are completed, no views of the primary resource on site will be obscured or damaged.

3. Protecting the historic setting and context of a property, including the degree of open space and building density, must always be considered when planning new construction on an historic site. This entails identifying the formal or informal arrangements of buildings on the site, and whether they have a distinctive urban, suburban, or rural character. For example, a historic building traditionally surrounded by open space must not be crowded with dense development.

The project follows a similar density and orientation pattern as the existing neighborhood. The project does not add any additional structures or change the separation distance between the two buildings on the parcel and their arrangements are unchanged. The modifications to the accessory structure do not change the density or create crowding onsite or within the District. The project complies with guideline 3.

4. In properties with multiple historic buildings, the historic relationship between buildings must also be protected. Contributing buildings must not be isolated from one another by the insertion of new construction.

The project does not include the construction of any new structures and the relationship between the two buildings will remain unchanged. The project complies with the guideline 4.

5. As with new additions, the massing, size, scale, and architectural features of new construction on the site of a historic building must be compatible with those of the historic building. When visible and in close proximity to historic buildings, the new construction must be subordinate to these buildings. New construction should also be

distinct from the old and must not attempt to replicate historic buildings elsewhere on site and to avoid creating a false sense of historic development.

The proposed new construction has a maximum height of 28 feet measured at the top of roofline where it ties into the existing structure. There is no change in the height of the overall structure. The original portion of the structure was constructed with compatible massing, size and scale and with similar design elements such as the existing arch and turret, which will remain upon completion of the project. While the addition to the accessory structure would slightly increase the massing, it is well separated from the primary residence on the property and would not overshadow the resource from the perspective along W. Highland Avenue. Further, while the accessory structure was constructed with similar design elements, new features such as the large patio and columns are distinct from the style and materials of the primary residence, while also being compatible with the architecture found throughout the District. The project is consistent with guideline 5.

6. The limitations on the size, scale, and design of new construction may be less critical the farther it is located from historic buildings.

The building to be modified is currently situated on the west end of the property while the primary 1899 residence is located over 60 feet away to the northeast. The buildings would be separated by parking area, and a landscaped area. The modifications to the existing accessory structure are limited in scale and primarily modify the front elevation while maintaining a similar overall appearance. The project is consistent with guideline 6.

7. As with additions, maximizing the advantage of existing site conditions, such as wooded areas or drops in grade that limit visibility is highly recommended.

The proposed project makes use of a large attic storage space within an existing accessory structure to create livable space. While a small addition to the exterior is required, it does not add height or significant mass that could limit visibility or block views within the area. This addition is located on the westerly portion of the parcel to the side and rear of the primary residence and does not impact sightlines from W. Highland Avenue. Guideline 7 can be met.

8. Historic landscapes and significant viewsheds must be preserved. Also, significant archeological resources should be taken into account when evaluating the placement of new construction, and, as appropriate, mitigation measures should be implemented if the archeological resources will be disturbed.

The proposed project does not change the height of the existing building. This structure was constructed as a single-story structure with interior attic space and is approximately 28 feet tall. As such, the building would not block viewsheds. Historic landscapes on the

subject parcel would not be impacted as the proposed project creates only a minor expansion of the existing structures footprint and no significant historic landscaping exists on the parcel.

California state law will be followed in the event of an archaeological discovery. The project complies with guideline 8.

C) City of Redlands Historic and Scenic Preservation Design Manual

The project will be consistent with the City's Historic and Scenic Preservation Design Manual. The proposed project will not alter or permanently remove any of the characteristic features of the architectural style of the historic landmark present on the property. All improvements will be located to the west of the historic structure. The view of the historic resources from Highland Avenue would be unchanged, as none of the improvements will block the resource from view. The design of the accessory structure as originally designed repeats elements and façade treatments of the primary structure on the property, while differentiating the new structures from the existing residence.

The design manual encourages that new buildings in a district be designed with appropriate materials, scale, setbacks, paving, etc. for the neighborhood/district. The architectural style, low pitched roofline and columns are recognizable features within the surrounding area and the district. The scale of the structure will remain consistent with the existing structures, setbacks development of the property and the district.

D) Summary

The proposed rehabilitation project, with the incorporation of standard conditions of approval, will not adversely affect or change the historical resource located on the property or its context within the District. The scope of work is consistent with the Redlands Municipal Code, Secretary of the Interior's Standards for New Construction within the Boundaries of Historic Properties, the City's Historic and Scenic Preservation Manual, and the Citywide Context Statement.

ENVIRONMENTAL REVIEW

The proposed project is exempt from the requirements of the California Environmental Quality Act's (CEQA) guidelines pursuant to Sections 15331 (Historical Resource Restoration/Rehabilitation) and Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.

STAFF RECOMMENDATION

Staff recommends that the Historic and Scenic Preservation Commission approve

Certificate of Appropriateness No. 646, subject to the recommended conditions of approval.

MOTION

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

“I move that the Historic and Scenic Preservation Commission adopt Resolution No. 2022-08, approving Certificate of Appropriateness No. 646, subject to conditions of approval, and find that the project is exempt from further environmental review pursuant to Sections 15331 and 15301 of the CEQA Guidelines.”

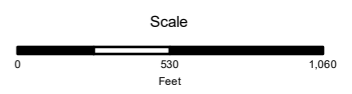
ATTACHMENT "A"

LOCATION MAP AND AERIAL PHOTOGRAPHS



Project Location

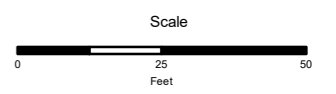
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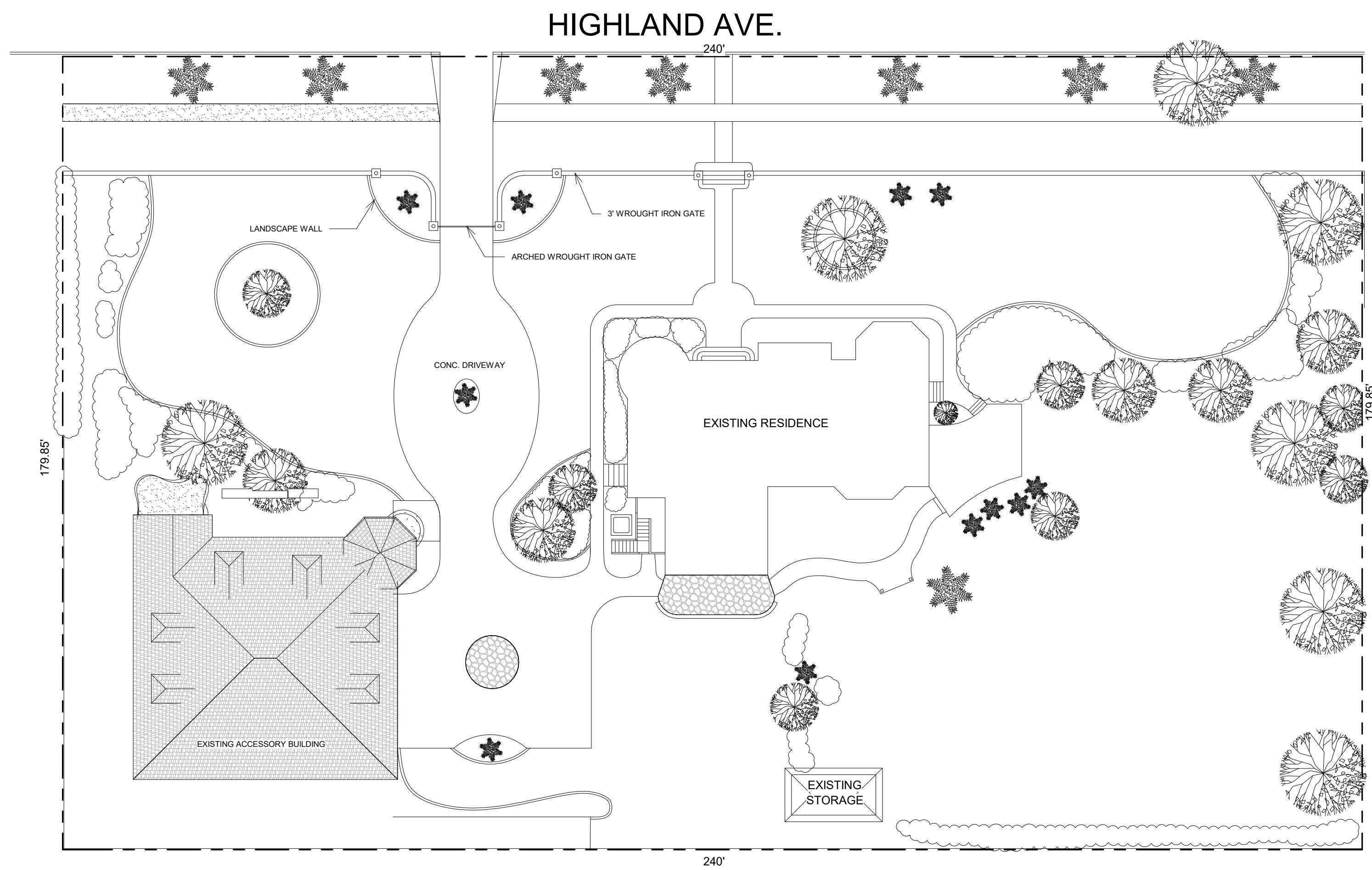


February 24, 2022

OneStop.mxd

ATTACHMENT "B"

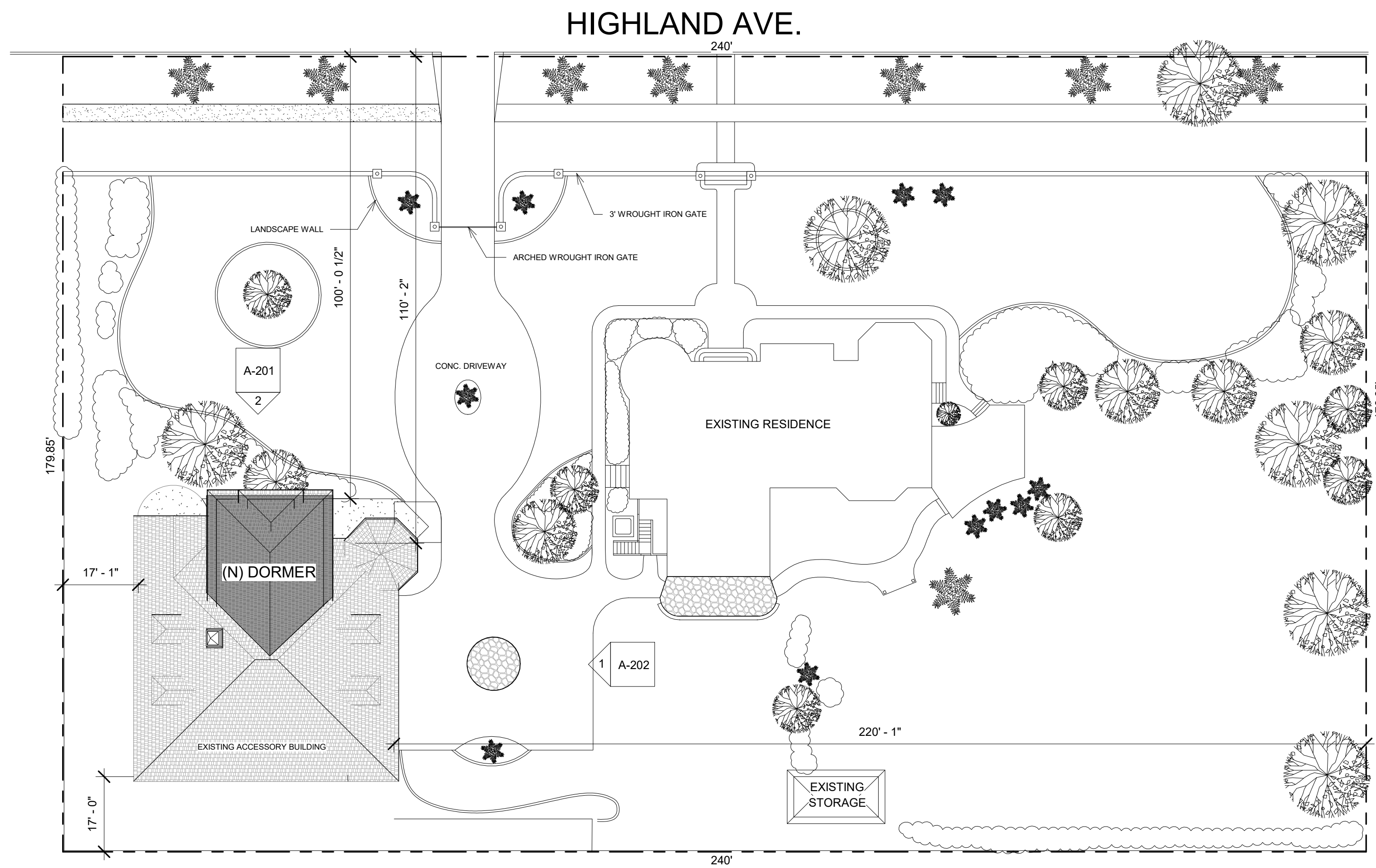
PROJECT PLANS



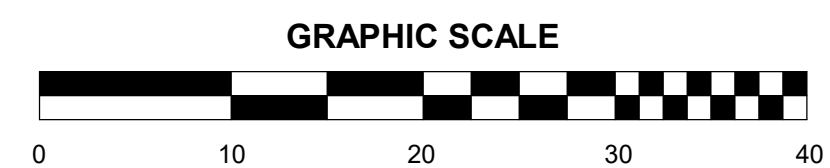
EXISTING SITE PLAN

SCALE
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1



PROPOSED SITE PLAN EXTERIOR OPTION 1



SCALE
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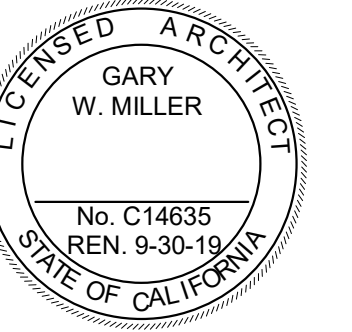
2



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1177 Idaho Street, Suite 200
Redlands, CA 92374
Phone: 909-335-7400
Fax: 909-335-7299
info@miller-aip.com



owner approval

initials	date	phase

revisions/addenda

#	Date	Comment

HAID RESIDENCE

1145 WEST HIGHLAND AVE.
REDLANDS, CA 92373

APN: 0175 091 35 0 000

project information

Project Number: 2100034.MK
Drawn By: CM
Checked By: GWM
Issue Date: 01/05/22

sheet name

SITE PLAN

sheet number

AS-101

Sheet Of Sheets



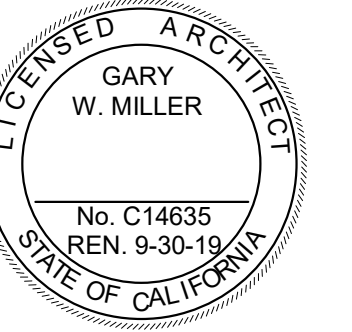
EXISTING MAIN HOUSE



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1177 Idaho Street, Suite 200
Redlands, CA 92374
Phone: 909-335-7400
Fax: 909-335-7299
info@miller-aip.com



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initials	date	phase

revisions/addenda

#	Date	Comment



FACING NORTH-EAST



FACING NORTH



FACING NORTH-EAST



FACING NORTH-WEST



FACING NORTH



FACING NORTH-WEST



FACING NORTH WEST



FACING SOUTH-EAST

EXISTING ACCESSORY BUILDING

HAID RESIDENCE

1145 WEST HIGHLAND AVE.
REDLANDS, CA 92373

HAID

1145 WEST HIGHLAND AVE.
REDLANDS, CA 92373

project information

Project Number: 2100034.MK
Drawn By: CM
Checked By: GWM
Issue Date: Issue Date

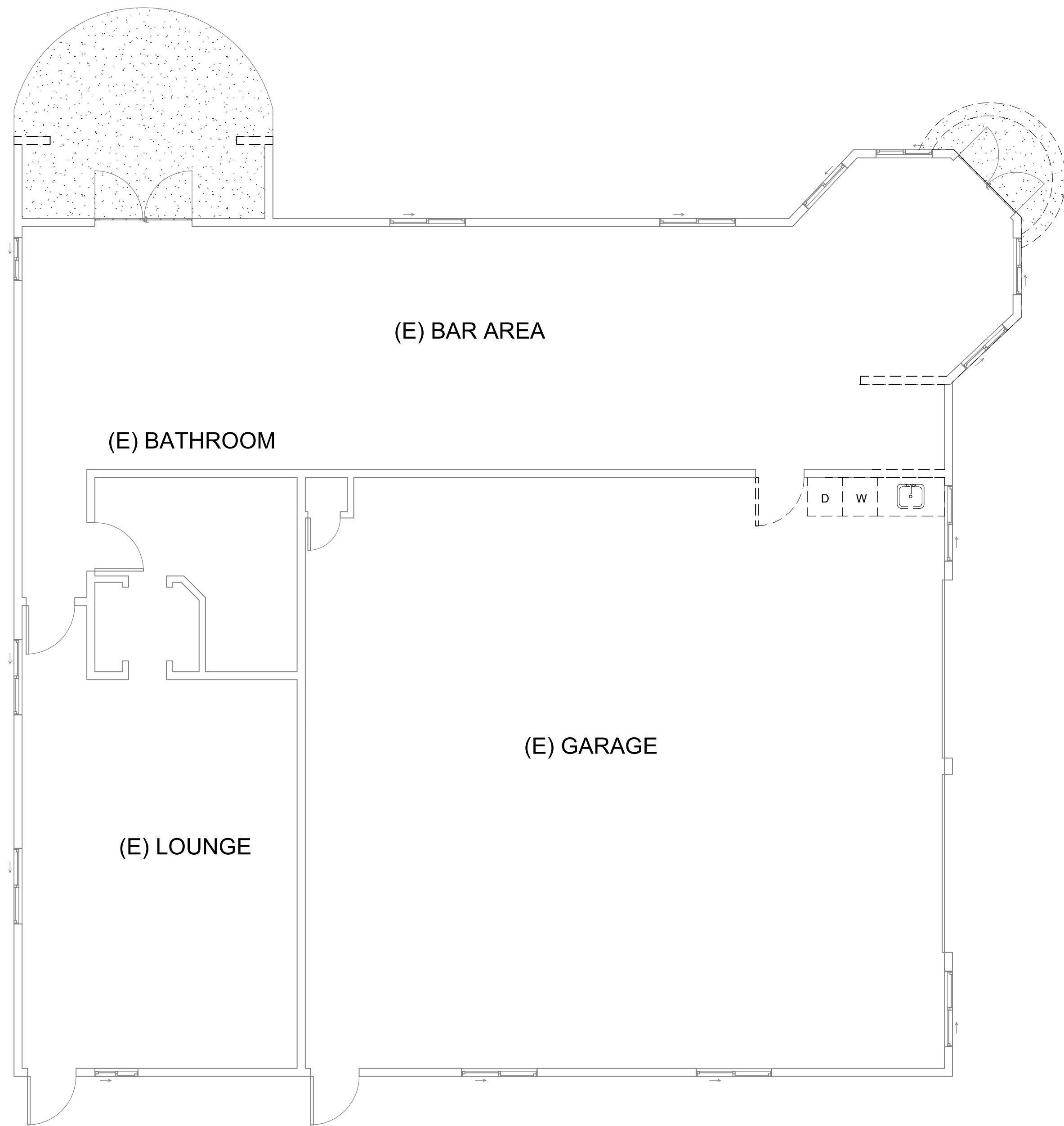
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SITE
PHOTOGRAPHS

sheet number

AS-102

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EXISTING LEVEL 1

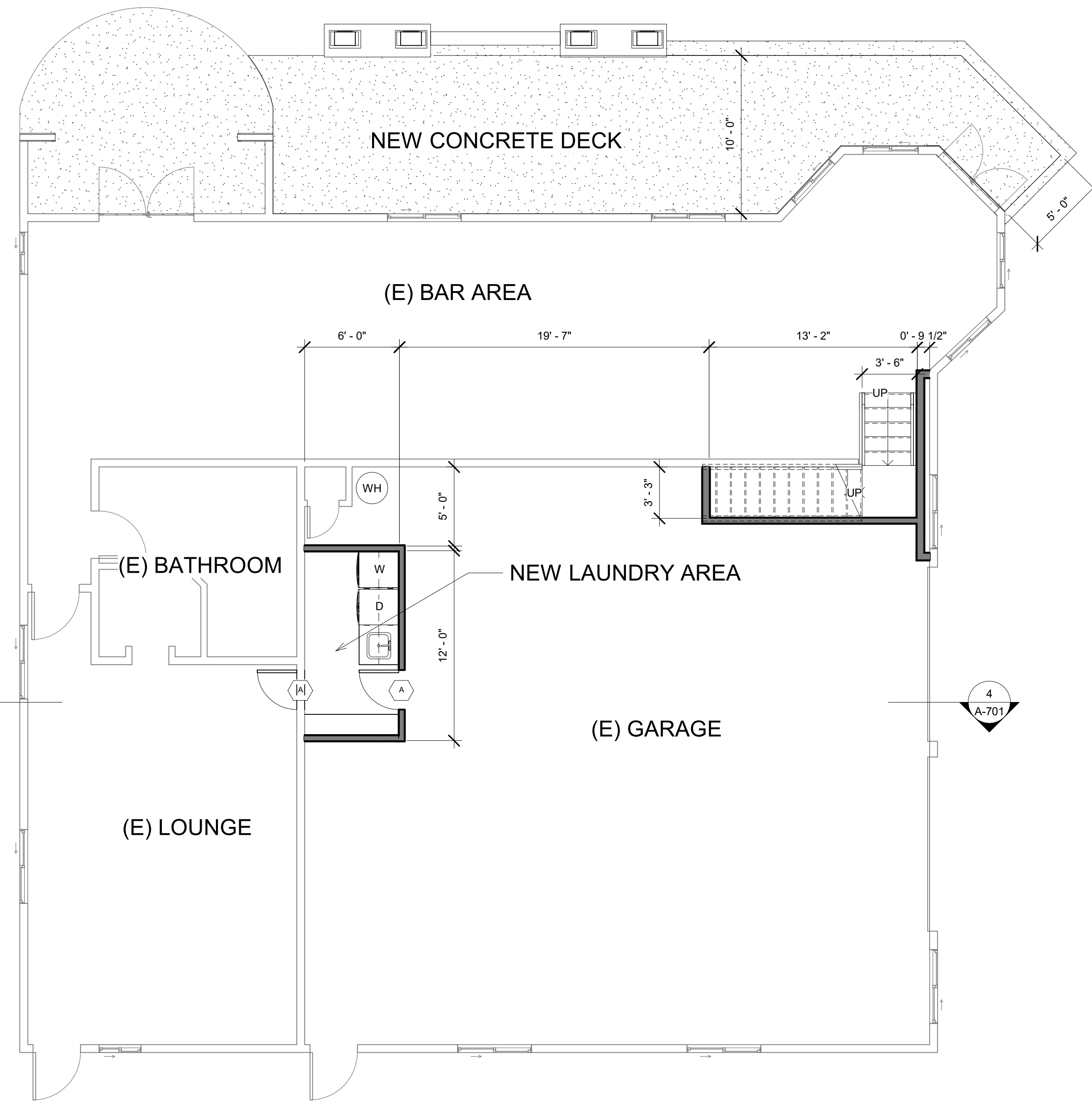
SCALE
3/16" = 1'-0"

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WALL LEGEND

EXISTING WALLS TO REMAIN	
EXISTING WALLS TO DEMO	
NEW WALLS	

NEW DOORS		
Type Mark	Width	Height
A	2' - 6"	7' - 0"
B	5' - 0"	7' - 0"
C	3' - 0"	7' - 0"
D	6' - 0"	7' - 0"
E	2' - 2"	7' - 0"



PROPOSED LEVEL 1

SCALE
3/16" = 1'-0"

1



1177 Idaho Street, Suite 200
Redlands, CA 92374
Phone: 909-335-7400
Fax: 909-335-7299
info@miller-aip.com



owner approval

initials	date	phase

revisions/addenda

#	Date	Comment

HAID RESIDENCE

1145 WEST HIGHLAND AVE.
REDLANDS, CA 92373

APN: 0175 091 35 0 000

project information

Project Number:	2100034.MK
Drawn By:	CM
Checked By:	GWM
Issue Date:	01/05/22

sheet name

FLOOR PLAN
LEVEL 1

sheet number

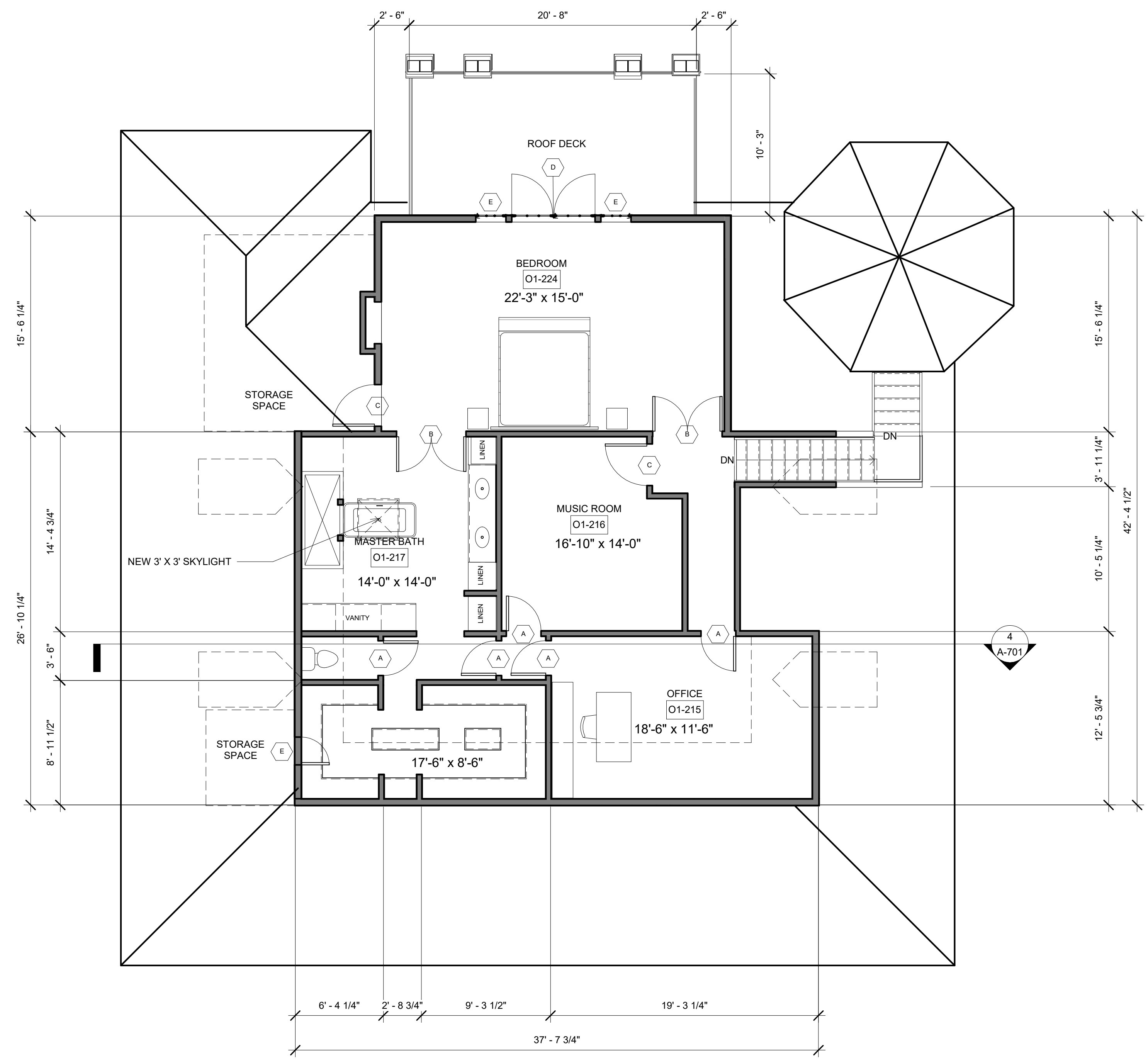
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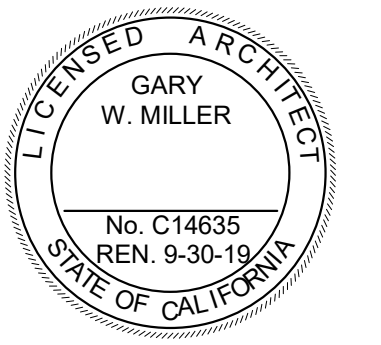
WALL LEGEND

EXISTING WALLS TO REMAIN	
EXISTING WALLS TO DEMO	
NEW WALLS	

NEW DOORS		
Type Mark	Width	Height
A	2' - 6"	7' - 0"
B	5' - 0"	7' - 0"
C	3' - 0"	7' - 0"
D	6' - 0"	7' - 0"
E	2' - 2"	7' - 0"



1177 Idaho Street, Suite 200
 Redlands, CA 92374
 Phone: 909-335-7400
 Fax: 909-335-7299
 info@miller-aip.com



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#	Date	Comment

Haid Residence

1145 WEST HIGHLAND AVE.
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APN: 0175 091 35 0 000

project information

Project Number:	2100034.MK
Drawn By:	CM
Checked By:	GWM
Issue Date:	01/05/22

sheet name

**FLOOR PLAN
 LEVEL 2**

sheet number

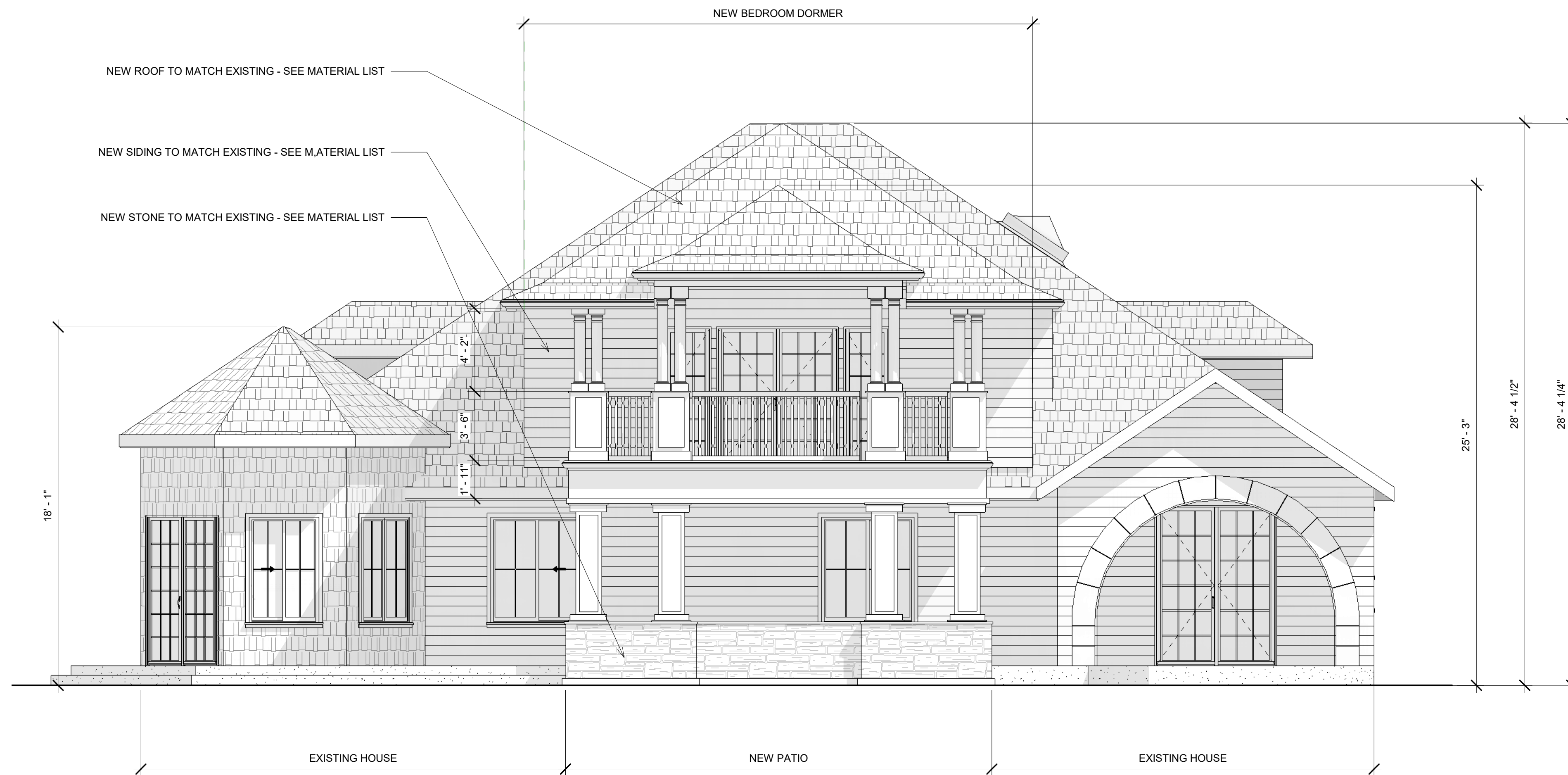
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EXISTING NORTH ELEVATION

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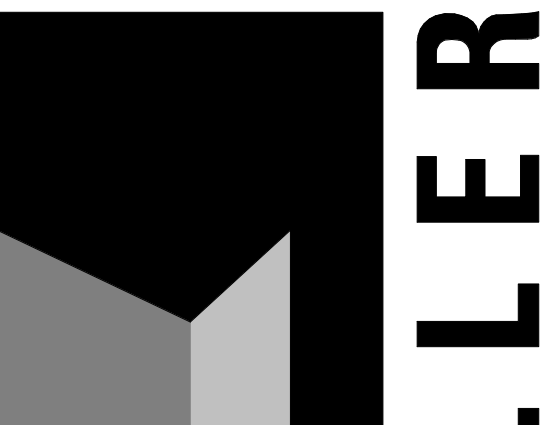
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PROPOSED NORTH ELEVATION

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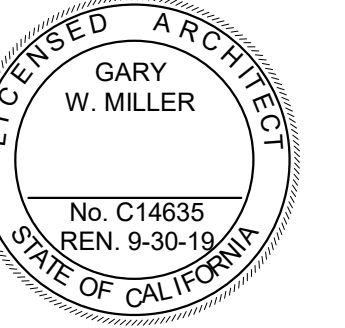
2



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1177 Idaho Street, Suite 200
Redlands, CA 92374
Phone: 909-335-7400
Fax: 909-335-7299
info@miller-aip.com



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revisions/addenda

#	Date	Comment

Haid Residence

1145 WEST HIGHLAND AVE.
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APN: 0175 091 35 0 000

project information

Project Number:	2100034.MK
Drawn By:	CM
Checked By:	GWM
Issue Date:	01/05/22

sheet name

NORTH
ELEVATIONS

sheet number

A-201

Sheet Of Sheets



EAST EXISTING

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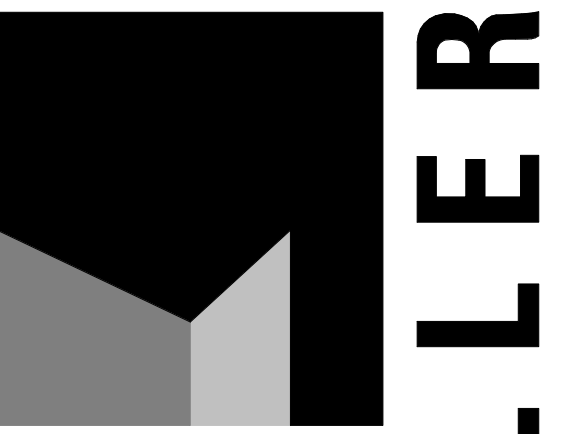
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EAST PROPOSED

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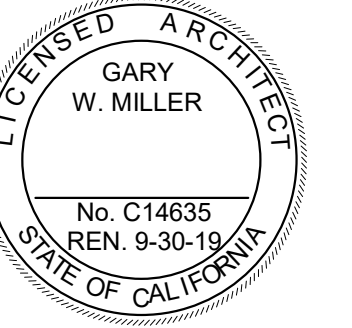
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1177 Idaho Street, Suite 200
Redlands, CA 92374
Phone: 909-335-7400
Fax: 909-335-7299
info@miller-aip.com



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initials	date	phase

revisions/addenda

#	Date	Comment

HAID RESIDENCE

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REDLANDS, CA 92373

APN: 0175 091 35 0 000

project information

Project Number:	2100034.MK
Drawn By:	CM
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Issue Date:	01/05/22

sheet name

EAST
ELEVATIONS

sheet number

A-202

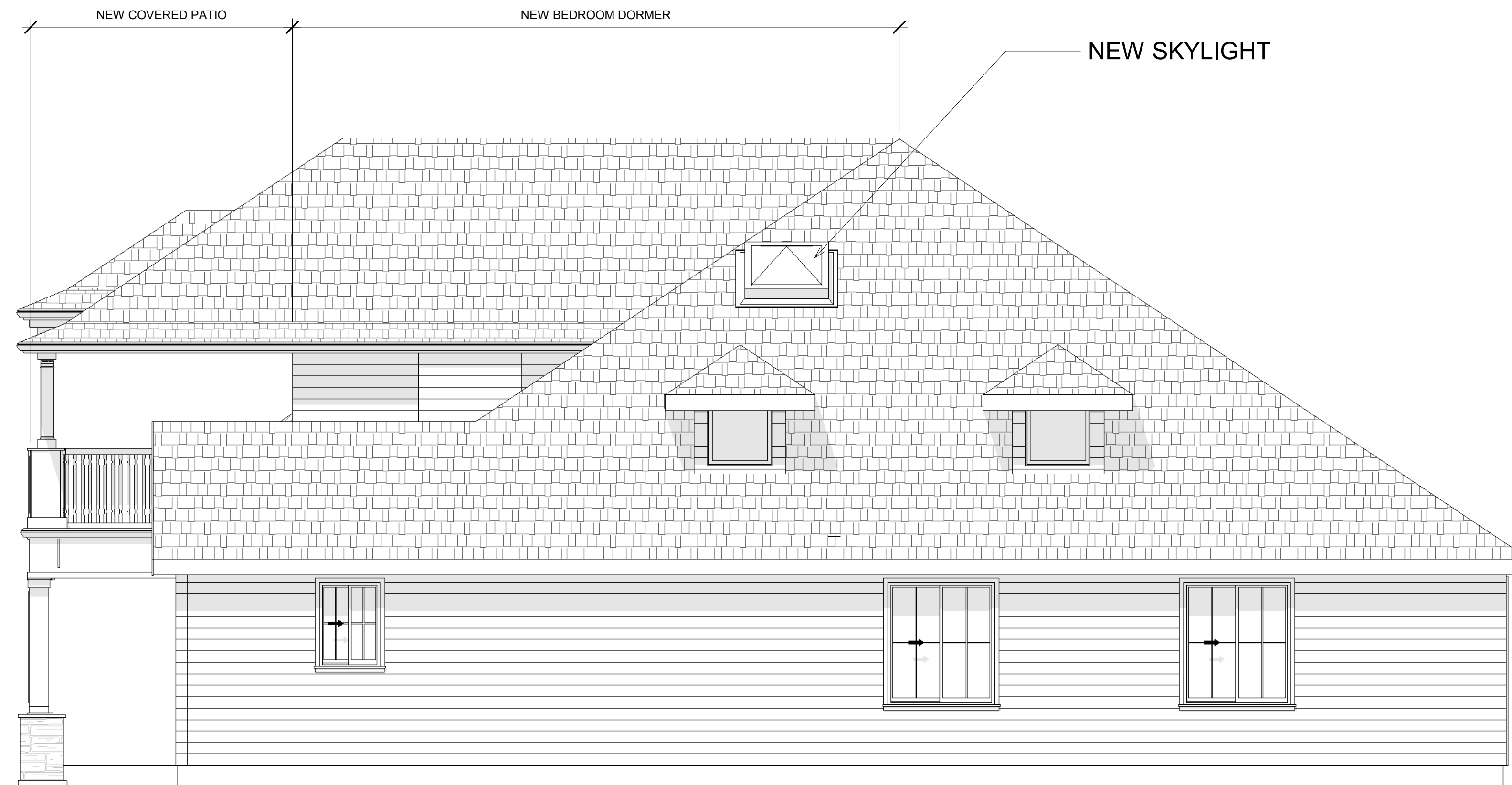
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NO CHANGE TO SOUTH ELEVATION

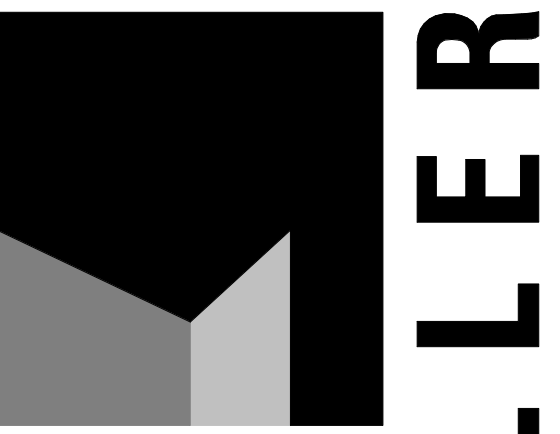
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West

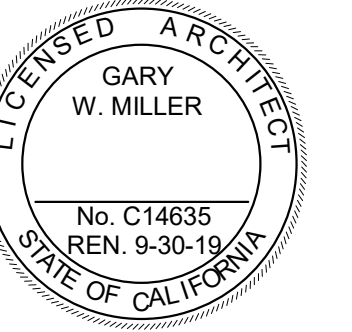
SCALE
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1177 Idaho Street, Suite 200
Redlands, CA 92374
Phone: 909-335-7400
Fax: 909-335-7299
info@miller-aip.com



owner approval

initials date phase

revisions/addenda

Date Comment

Haid Residence

1145 WEST HIGHLAND AVE.
REDLANDS, CA 92373

APN: 0175 091 35 0 000

project information

Project Number: 2100034.MK
Drawn By: CM
Checked By: GWM
Issue Date: 01/05/22

sheet name

SOUTH & WEST
ELEVATIONS

sheet number

A-203

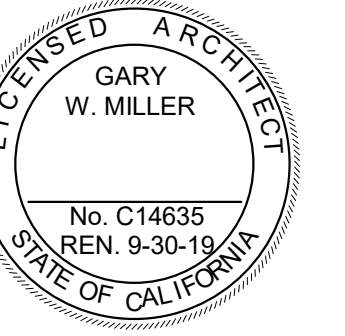
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Redlands, CA 92374
Phone: 909-335-7400
Fax: 909-335-7299
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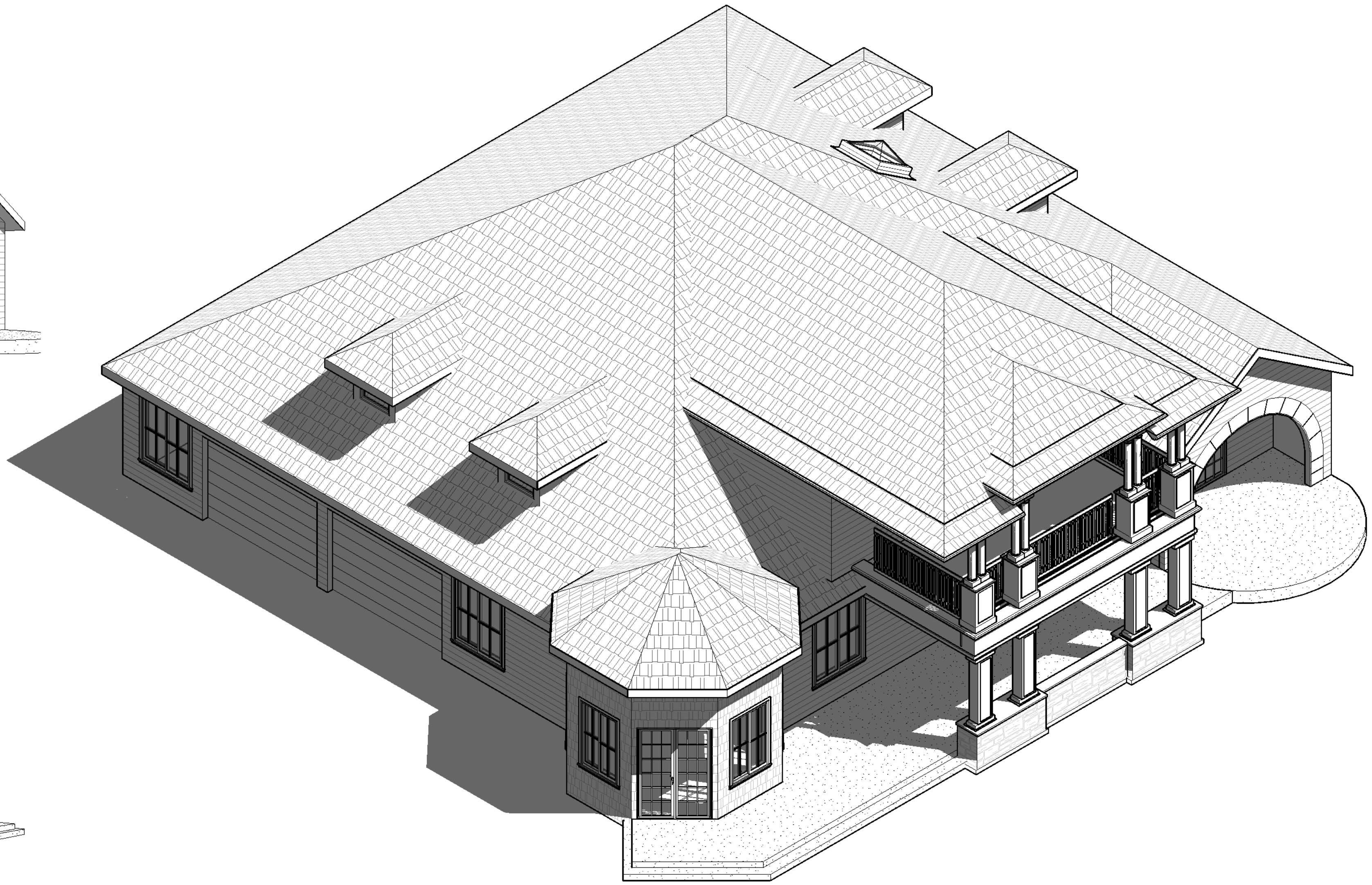


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initials date phase

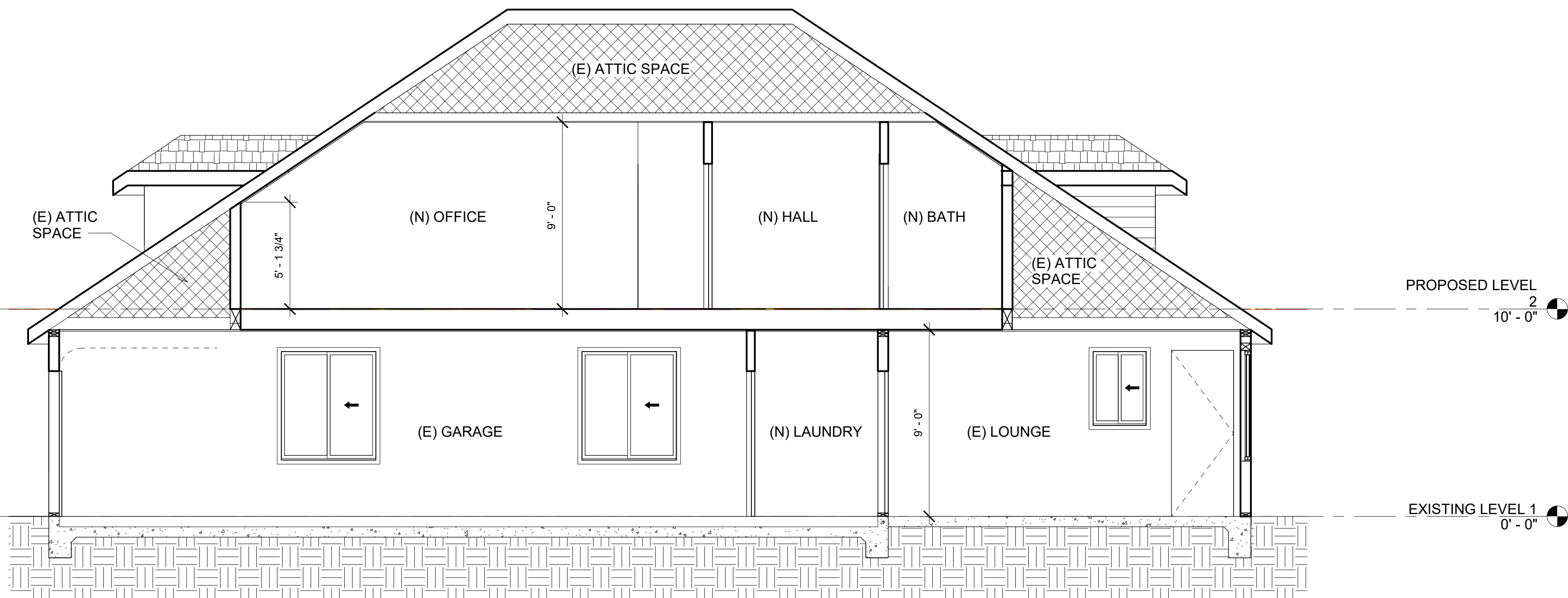
revisions/addenda

Date Comment



3D VIEWS

SCALE 3



SECTION 1

SCALE 1/4" = 1'-0" 4

HAID RESIDENCE

1145 WEST HIGHLAND AVE.
REDLANDS, CA 92373

APN: 0175 091 35 0 000

project information

Project Number: 2100034.MK
Drawn By: CM
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Issue Date: 01/05/22

sheet name

AXON VIEW &
SECTION

sheet number

A-701

Sheet Of Sheets

ATTACHMENT "C"

MATERIAL/COLOR BOARD

HAIID RESIDENCE ADDITION

MATERIALS & COLOR BOARD

(1) ROOFING

*Match Existing

Manufacturer: ELK

Model: Prestique Cool Color Series

Color: Cool Antique Slate



Existing Stone Split Face to Remain:



(2) STONE:

*Match Existing

Manufacturer: Cultured Stone

Model: Cobblefield

Color: Chardonnay

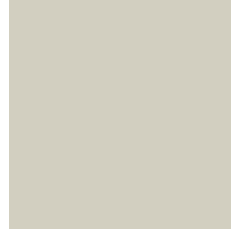


(3) COLUMNS – HANDRAILS & PICKETS

*Compliment color to existing stone

Manufacturer: Dunn Edwards

Color: Almond Latte



(4) SIDING

*Match Existing

Manufacturer: Georgia-Pacific

Model: Cadence Lap 8" Width

Color: Mint Green



(5) WINDOWS / DOORS

*Match Existing

Manufacturer: Anderson Windows

Model: 400 Series

Frame Color: Forest Green



ATTACHMENT "D"

Site Photographs

HAID RESIDENCE ADDITION

MATERIAL & COLOR BOARD

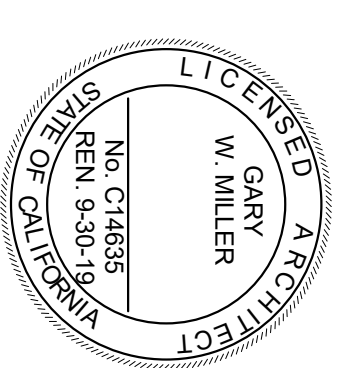




EXISTING MAIN HOUSE



EXISTING ACCESSORY BUILDING



1177 Idaho Street, Suite 200
 Redlands, CA 92374
 Phone: 909-335-7400
 Fax: 909-335-7299
 info@mlr-arp.com

architecture
 interiors
 planning

MILLER

owner approval

Initials	date	phrase

revisions/addenda

#	Date	Comment

HAID RESIDENCE

1145 WEST HIGHLAND AVE.
 REDLANDS, CA 92373

HAID

1145 WEST HIGHLAND AVE.
 REDLANDS, CA 92373

Project Information

Project Number: 2100034.MK
 Drawn By: GMM
 Checked By: GMM
 Issue Date: Issue Date

sheet name

SITE PHOTOGRAPHS

sheet number

AS-102

Sheet _____ Of _____ Sheets

ATTACHMENT "E"

RESOLUTION 2022 – 08 WITH EXHIBIT A (CONDITIONS OF
APPROVAL)

RESOLUTION NO. 2022-08

A RESOLUTION OF THE HISTORIC AND SCENIC PRESERVATION COMMISSION OF THE CITY OF REDLANDS APPROVING CERTIFICATE OF APPROPRIATENESS NO. 646 TO CONSTRUCT A NEW COVERED FRONT CONCRETE PATIO AND SECOND STORY DECK TO AN EXISTING ACCESSORY BUILDING LOCATED AT 1145 W. HIGHLAND AVENUE (APN: 0175-091-35-0000) WITHIN HISTORIC DISTRICT NO. 2 (WEST HIGHLAND AVENUE HISTORIC AND SCENIC PRESERVATION DISTRICT).

WHEREAS, Miller Architectural Corporation, has submitted an application for Certificate of Appropriateness No. 646 to construct a new covered front concrete patio and second story deck to an existing accessory building located at 1145 W. Highland Avenue (APN: 0175-091-35-0000) within Historic District No. 2 (West Highland Avenue Historic and Scenic Preservation District); and

WHEREAS, notice of this Historic and Scenic Preservation Commission public hearing for the Project was duly published in the Redlands Daily Facts by the Secretary to the Historic and Scenic Preservation Commission; and

WHEREAS, on March 3, 2022, 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, Public Resources Code Sections 15301 (Existing Facilities) and 15331 (Historical Resource Restoration and Rehabilitation) provide for exemption from the California Environmental Quality Act, there is no substantial evidence of any potentially significant impacts, and the project qualifies for this exemption.

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

Section 1. The proposed project is exempt from the California Environmental Quality Act per Sections 15301 (Existing Facilities) and 15331 (Historical Resource Restoration and Rehabilitation), and there is no substantial evidence of any potentially significant environmental impacts.

Section 2. This Certificate of Appropriateness is hereby approved subject to the conditions of approval contained in Exhibit A attached hereto.

Section 3. This Resolution shall become effective upon adoption.

ADOPTED, SIGNED AND APPROVED this 3rd day of March, 2022.

Kurt Heidelberg, Chair
Historic & 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 3rd day of March, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda McCasland, Secretary
Historic & Scenic Preservation
Commission

**EXHIBIT A
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

**CONDITIONS OF APPROVAL FOR
CERTIFICATE OF APPROPRIATENESS NO. 646**

Date of Preparation:	November 23, 2021
Historic and Scenic Preservation Commission Date:	December 2, 2021
Applicant:	Redlands Railway District, LLC
Location:	349 Orange Street

Conditions of Approval:

1. This approval is for Certificate of Appropriateness No. 646 to construct a new covered front concrete patio and second story deck to an existing accessory building located at 1145 W. Highland Avenue (APN: 0175-091-35-0000) within Historic District No. 2 (West Highland Avenue Historic and Scenic Preservation District).
2. All plans submitted to the City as part of this Certificate of Appropriateness application shall reflect the plans approved on March 3, 2022 and shall comply with all provisions of the Redlands Municipal Code.
3. Unless construction has commenced pursuant to a building permit, or a time extension is granted in accordance with Code, this application shall expire in eighteen (18) months from the approval date.

Note: This project can be extended by staff per Section 2.62.200(K) for a period not to exceed thirty-six (36) months.

4. 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.

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 with the Development Services Director or his designee.

Loralee Farris, Principal Planner
Historic Preservation Officer