

REQUEST FOR HISTORIC AND SCENIC PRESERVATION COMMISSION ACTION

VI.A. DKC ARCHITECTS, INC., APPLICANT (PROJECT PLANNER: JOCELYN TORRES)

PUBLIC HEARING to consider **Demolition Permit No. 341** to demolish an approximately 1,650 square foot single-family residence and a 600 square foot garage over 50 years of age located at 1702 West Park Avenue within the EV/IC (Commercial Industrial) District of the East Valley Corridor Specific Plan (APN: 0292-155-22-0000). The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(L)(1) and L(4) (Existing Facilities) of the CEQA Guidelines.

HISTORIC AND SCENIC PRESERVATION MEETING: MARCH 4, 2021

Planner: Jocelyn Torres, Assistant 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 structure is not designated as a historic resource, nor is it located within a historic district, negative by the City of Redlands, the State of California, or the United States Government.
2. Existing Land Use: Zoning: EV/IC (Commercial Industrial) District of the East Valley Corridor Specific Plan
General Plan: Commercial/ Industrial
3. Historic and Scenic Preservation Commission submittal dates:
 - (A) Submittal Dates: November 14, 2019
 - (B) Date Deemed Complete: November 27, 2019
 - (C) Historic and Scenic Preservation Commission Meeting: March 4, 2021

4. Attachments:

- (A) Aerial Photograph
- (B) Site Photographs
- (C) Preliminary Environmental Checklist
- (D) Resolution No. 2021-05 with Exhibit A (Conditions of Approval)

PROPOSAL / BACKGROUND

On May 15, 2019, the applicant filed a Commission Review & Approval application for the construction of a 7,198 square-foot multi-tenant building for office uses (e.g., medical, professional) and retail/commercial uses on a 32,466 square-foot parcel. The proposed project consists of the following:

- Commission Review & Approval No. 907 - A request to construct a 7,198 square-foot multi-tenant building for office uses (medical/professional) and retail/commercial uses, and related on-site improvements including a parking lot, landscaping, lighting, and utility connections.
- Lot Line Adjustment No. 638 - A request to combine two parcels into one single for development located at 1702 West Park Avenue.
- Street Vacation No. 170 – A request to vacate a 7-foot wide portion of street frontage, approximately 168 linear feet in length, of excess public right-of-way on the west side of Iowa Street.
- Commission Sign Review No. 457 – A request for a Uniform Sign Program for a 7,198 square-foot multi-tenant building with four tenant suites.

On February 6, 2020, the Historic and Scenic Preservation Commission reviewed the project as an informational item and did not express concerns regarding the proposed project or regarding the proposed demolition. On July 28, 2020, the Planning Commission reviewed the project and made a recommendation to City Council recommending approval of Commission Review & Approval No. 907, Lot Line Adjustment No. 638, Street Vacation No. 170, and Commission Sign Review No. 457. On December 15, 2020, the City Council approved Commission Review & Approval No. 907 and the associated entitlements, which is for the construction of a 7,198 square-foot multi-tenant building. To construct the proposed project, the applicant will need to demolish the existing structures which require review and approval of a demolition permit by the Historic & Scenic Preservation Commission.

SUMMARY

The building permit records for this property do not indicate the year built for the single-family residence or the garage. The San Bernardino County Assessor Office estimates 1958 as the year the house was constructed. In addition, historic aerial photographs show the presence of the residence in 1959 and the Sanborn Maps show the property in 1960. In addition, an aerial photograph from 1968 shows the existence of the detached garage. The property and the detached garage are at least fifty (50) years of age based on aerial images. The building is not listed as a designated historic resource and is not located within any registered Historic or Scenic District.

The single-family residential dwelling has a Ranch Style architectural style with a smooth stucco finish, gabled roof, and a brown window trim on all exterior windows. The detached garage is located at the rear of the single-family residence and has exterior colors and finishes that match the architectural style of the house. Both the residence and the garage have a simple design and do not have any unique features that distinguish this property from other Ranch Style residences within the city.

The applicant proposes to construct a 7,198 square foot masonry building with associated parking lot, landscape areas, and related site improvements on an approximately 32,466 square foot parcel. The project site is located north of West Park Avenue and west of Iowa Street, in the Commercial/Industrial land use designation and is within the EV/IC (Commercial Industrial) District of the East Valley Corridor Specific Plan. The proposed multi-tenant building will be developed as an office (medical and/or professional) and/or commercial (retail) building to accommodate a range of office and retail related uses.

ENVIRONMENTAL REVIEW

City staff prepared a Preliminary Environmental Checklist for the proposed project in accordance with Section 15.44.060 of the Redlands Municipal Code which requires an environmental checklist be prepared for all demolition permit applications involving structures over fifty (50) years old. This checklist provides an environmental analysis of the project that confirms that, with the Commission's concurrence that the structure is not considered a "historic resources" nor an "eligible resource," that demolition of the structure would qualify for a Notice of Exemption pursuant to Section 15301 of the California Environmental Quality Act Guidelines.

Section 15301 (L) of the California Environmental Quality Act states that the demolition and removal of individual small structure (one-single family residence) is exempt from environmental review. In addition, Section 15064.5 of the California Environmental Quality Act refers to the California Public Resource Code, which provides guidance as

to what is considered a “historic resource” or “eligible resource”. The criteria consists of the following:

- It is associated with events which have made a significant contribution to California’s history and cultural heritage.
- It is associated with the lives of persons important to our past.
- The architecture embodies distinctive characteristics of a type, period, region, or method of construction or possesses high artistic values.
- The potential to yield any information important to history or pre-history.

After conducting research on the subject parcel, staff concluded that there is no evidence that the site or structure is associated with any historical event or person that contributes to the history of the United States, California, San Bernardino County, or the City of Redlands. In addition, the structure does not embody any distinctive characteristics of a type, period, region, method of construction or high artistic value, nor does the structure present any potential to yield any information important to history or pre-history. Further details of this analysis are included in the Preliminary Environmental Checklist Form (Attachment C).

ANALYSIS

The procedures outlined in RMC Section 2.24.090 through Section 2.24.140 apply to the demolition of property recorded in the City of Redlands List of Historic Resources. The subject property is not recorded in the list of local historic resources and is not subject to the procedures in Section 2.24 of the Redlands Municipal Code. However, Section 15.44.070 requires that prior to the demolition of any structure over 50 years old, the Historic and Scenic Preservation Commission is required to determine whether the structure is historically significant. Section 2.62.170 establishes the City’s criteria for historic significance. Below, each City criteria is listed with justification as to why this structure is not historically significant.

Local Criteria for Significance

Section 2.62.170.A.: It has significant character, interest, or value as part of the development, heritage or cultural characteristics of the City of Redlands, State of California, or the United States.

Response: The building permit records for this property do not indicate the year the house was originally constructed. The building permit records that are associated to the subject property include an electrical permit from 1991 and 2016. The San Bernardino

County Assessor Office estimates 1958 as the year the house was originally constructed. Additionally, the Sanborn Maps display aerial images of the single-family residence from 1960 and historic aerial photographs show that the property existed in 1959. Furthermore, the detached garage is shown on aerial photographs from 1968. Based on aerial images, the dwelling and the detached garage are at least fifty (50) years of age.

The placement of the dwelling that is shown on the Sanborn Maps corresponds to the current placement of the existing residence. Based on aerial images and building permit records, there do not appear to be any additions that are associated to the subject property. The newspaper search and research conducted at the A.K. Smiley Library Heritage Room did not have any information associated to this property. Therefore, there is no evidence that this structure makes a significant contribution to the development, heritage or cultural characteristics of the City, State, or County.

Section 2.62.170.B.: It is the site of a significant historic event.

Response: Based on the research conducted by staff through local and regional newspaper database searches, building records, and ownership history, it has been determined that the land on which the building is located is not the site of a significant historic event.

Section 2.62.170.C.: It is strongly identified with a person or persons who significantly contributed to the culture, history or development of the city.

Response: Staff conducted research at the A.K. Smiley Library Heritage Room and through newspaper.com. Staff was not able to find the subject property listed in the City Directories or information of the residents associated to the subject property through the research conducted at the A.K. Smiley Library Heritage Room or through the newspapers search. Therefore, staff does not have the list of residents that are associated to the subject property.

Section 2.62.170.D.: It is one of the few remaining examples in the City possessing distinguishing characteristics of an architectural type or specimen.

Response: The single family residential dwelling has a Ranch Style architectural style with a smooth stucco beige finish, a brick chimney, a gabled roof, and a brown window trim on the exterior windows and roof fascia. The detached garage is located at the rear of the single-family residence and has exterior colors and finishes that match the architectural style of the house. The Ranch Style architectural style house and the detached garage are not one of the few remaining examples in the City possessing distinguishing characteristics of this architectural type or specimen.

Section 2.62.170.E.: It is a notable work of an architect or master builder whose individual work has significantly influenced the development of the city.

Response: A local and regional newspaper records database search was conducted for the subject site. The city's building permits do not indicate the year the property was constructed and the builder and/or architects name is also not indicated on the building permit.

Section 2.62.170.F.: It embodies elements of architectural design, detail, materials, or craftsmanship that represents a significant architectural innovation.

Response: As discussed under Section 2.62.170.D above, the dwelling has a Ranch Style architectural style. The dwelling is a one-story residence with minimal architectural characteristics and does not have any unique features that distinguish this property from other Ranch Style architectural style residences in the city. Additionally, the detached garage has similar architectural features as the dwelling such as the smooth stucco beige finish and the extended roof eaves. Overall, the dwelling and the detached garage do not embody elements of architectural detail and material that represents significant architectural innovation of its time.

Section 2.62.170.G.: It has a unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, or the city.

Response: The property is located at 1702 West Park Avenue which is north of West Park Avenue and west of Iowa Street. At the time the single-family dwelling was developed the subject property was surrounded by orange groves. The surrounding parcels have been development with light industrial, office or commercial land uses, while the parcel to the south is vacant. Overall, the property is not located within a unique location and the structure is not a familiar visual feature of the neighborhood, community, or city. The surrounding properties are as follows:

	General Plan	Zoning	Land Use
North:	Commercial/Industrial	Commercial Industrial	Retail building
South:	Commercial/Industrial	Commercial Industrial	Vacant Lot
West:	Commercial/Industrial	Commercial Industrial	Offices
East:	Commercial/Industrial	Commercial Industrial	Business Park

The site is not located within any registered Historic and Scenic Districts and is not listed as a designated historic resource.

Section 2.62.170.H.: It has unique design or detailing.

Response: The dwelling has a Ranch Style architectural style. The single-story residence has a smooth stucco beige finish, a brick chimney, a gabled roof, extended roof eaves, as well as other features. The detached garage has similar architectural characteristics as the main residence such as the smooth stucco finish with a brown roof fascia detail. The architectural features that are incorporated into the dwelling and the garage are common features and are not unique to the overall design of the subject property.

Section 2.62.170.I.: It is a particularly good example of a period or style.

Response: The dwelling has a Ranch Style architectural style. The architectural characteristics of the residence and the garage do not embody distinctive features that represent a particularly good example of a period or style. The dwelling incorporates simplistic features such as the exterior finishes and window trims. At the time the dwelling was constructed, the surrounding parcels were orange groves which have now been developed to light industrial, commercial, or office uses. The city has a wide variety of homes that illustrate better examples of the period or style. The City's Historic Context Statement indicates that the bar of significance would be significantly higher; therefore, the structure which has limited unique architectural features would not be considered a particular good example or one of the best examples of this style within Redlands.

Section 2.62.170.J.: It contributes to the historical or scenic heritage or historical or scenic properties of the city (to include, but not be limited to, landscaping, light standards, trees, curbing, and signs).

Response: The dwelling does not contribute in any way to a group of historic or scenic properties within the City. The existing landscape within the project site includes orange trees, palm trees, and shrubs. No light standards, curbing or signs that could be considered significant are present on site.

Section 2.62.170.K.: It is located within a historic and scenic or urban conservation district, being a geographically definable area possessing a concentration of historic or scenic properties which contribute to each other and are unified aesthetically by plan or physical development.

Response: Refer to the response under 2.62.170.J above. The site is not located within any historic district.

CEQA Criteria for Significance

In addition to the City of Redlands criteria, California Public Resources Code Section 5024.1 (Title 14 CCR, Section 4852) also has findings for determining if a building has "Historic Significance." Each of those findings is identified within the Preliminary Environmental Checklist Form (Attachment C) with justification as to why this structure is not historically significant.

A. Associated with events have made a significant contribution to the broad patterns of California History and cultural heritage.

Response: A thorough record search of local newspapers and City directories did not indicate that this property is associated with any specific events that may have contributed to California's history or cultural heritage.

B. Is associated with the lives of persons important in our past.

Response: Please refer to the response provided under Section 2.62.170.C, above. The structures are not associated with the lives of persons important in our past.

C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

Response: Please refer to the response provided under Section 2.62.170.D, above. The structures do not embody distinctive characteristics of any type, period, region, or method of construction, nor does it represent the work of an important creative individual, nor possess high artistic values.

D. Has yielded, or may be likely to yield, information in prehistory or history.

Response: The buildings and site have not yielded any information regarding prehistory or history. Based on the review of the criteria above as it relates to the demolition of the structure, it is not historically significant and approval of the proposed project will not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.

Conclusion of Analysis

Based on the listed criteria and their associated responses, staff has determined that the residential building and the detached garage are not considered historically significant.

The Historic and Scenic Preservation Commission is authorized to determine the potential historical significance of the structure and the need for any further environmental review, and subsequently approve, condition or deny the demolition permit application. If the Commission determines that the structure has no historical significance and the permit application is approved, the application is exempt from further review by the City unless an appeal is made to the City Council. If no appeal is filed within the time provided, the Development Services Department may issue the demolition permit in accordance with the Redlands Municipal Code.

If the Commission determines that the structure has historical significance, the Commission would then direct staff to conduct additional environmental review and subsequently approve, condition, or deny the application.

STAFF RECOMMENDATION

Staff recommends that the Historic and Scenic Preservation Commission approve Demolition No. 341 based on the facts presented in this staff report and subject to the recommended Conditions of Approval.

MOTIONS

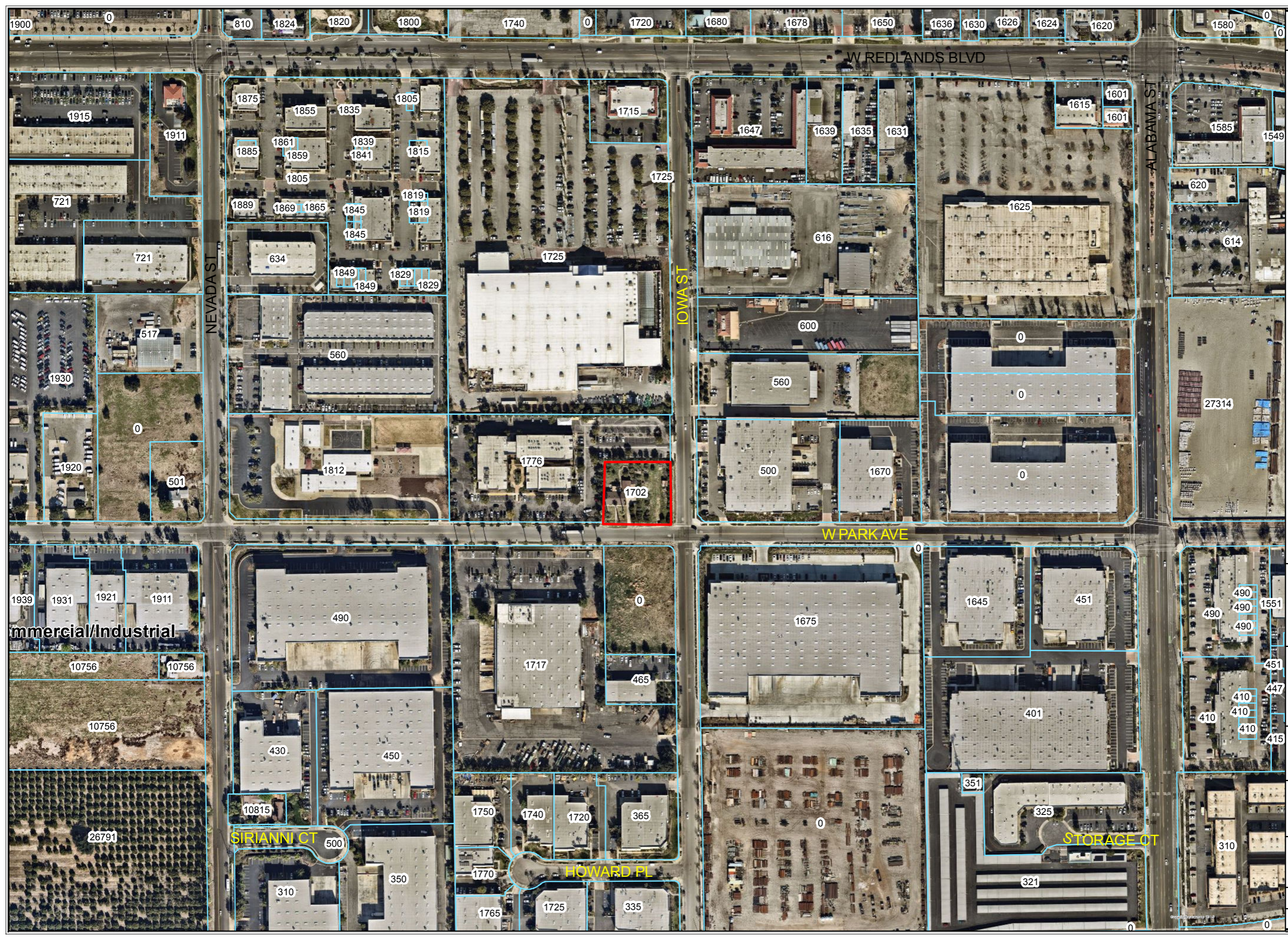
“I move that the Historic and Scenic Preservation Commission adopt Resolution No. 2021-05 approving Demolition Permit No. 341, based on the facts within this staff report and subject to the Conditions of Approval.”

ATTACHMENT "A"

LOCATION MAP AND AERIAL PHOTOGRAPHS

Location Map

1702 W. Park Avenue



Commercial/Industrial

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 22, 2021

OneStop.mxd



Aerial Photo

1702 W. Park Avenue

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February 22, 2021

OneStop.mxd

ATTACHMENT "B"

SITE PHOTOGRAPHS



EAST SIDE



NORTH SIDE



SOUTH SIDE



WEST SIDE



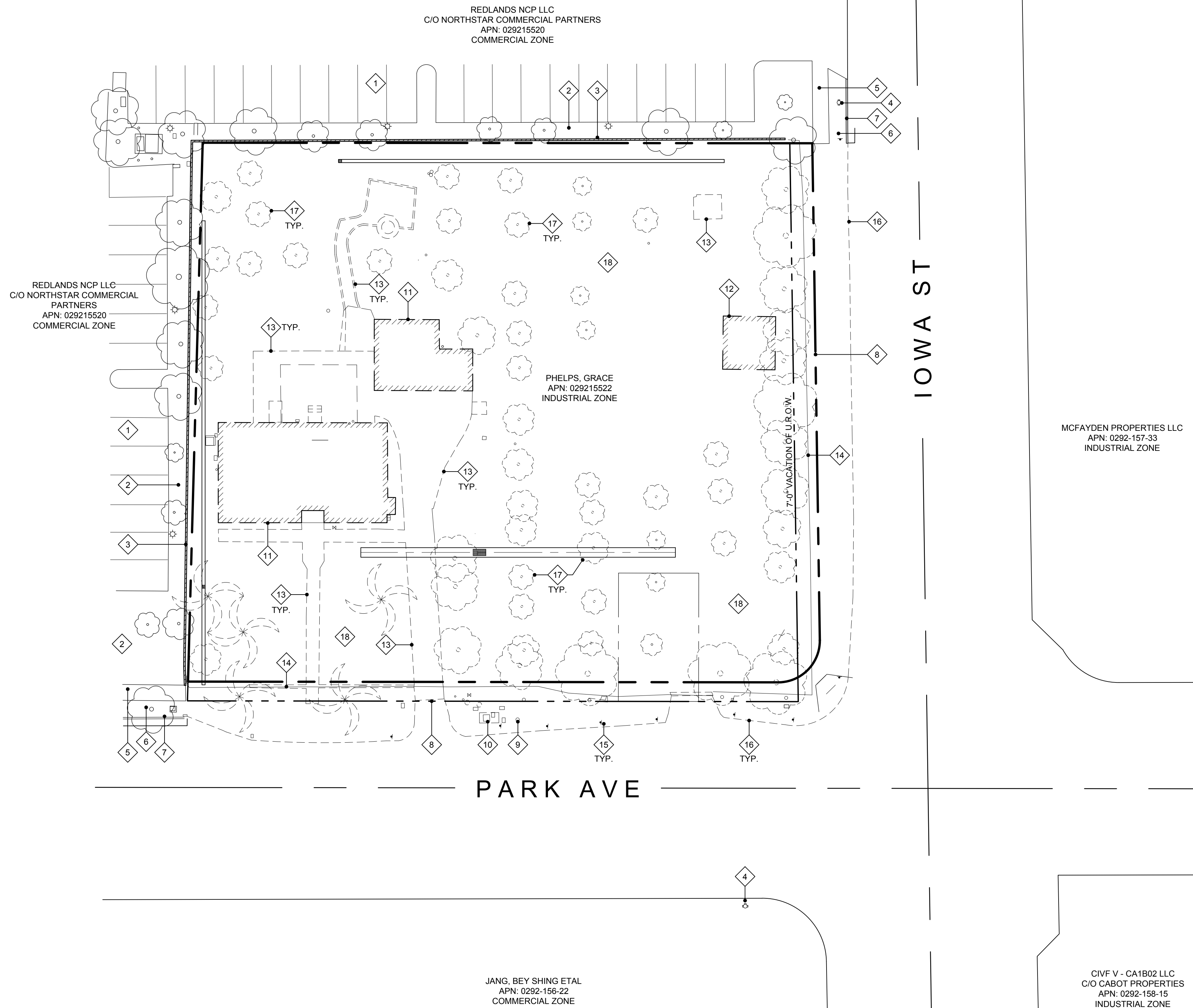




ATTACHMENT "C"

PROJECT PLANS

DRAWING NAME: K170470499 - PHELPS NEW OFFICE BLDG DRAWING12 - DESIGN DEVELOPMENT DRAWINGS AS102 - DEMO SITE PLAN - PLANNING DWG ▶ DATE/TIME: 2019-07-10 2:13 PM ▶ PLOTTED BY: BEN MILLETT



◆ SITE PLAN KEYNOTES:

1. (E) ADJACENT PARKING LOT
2. (E) PLANTER
3. (E) CMU WALL
4. (E) FIRE HYDRANT
5. (E) CITY SIDEWALK
6. (E) CITY PARKWAY
7. (E) CURB AND GUTTER
8. (E) PROPERTY LINE
9. RELOCATE (E) POWER POLE
10. RELOCATE (E) UTILITIES
11. DEMO AND REMOVE (E) BUILDING
12. DEMO AND REMOVE (E) STRUCTURE
13. DEMO AND REMOVE (E) CONCRETE
14. DEMO AND REMOVE (E) FENCE
15. DEMO AND REMOVE (E) REFLECTOR SIGN
16. DEMO AND REMOVE (E) ASPHALT CURB
17. DEMO AND REMOVE (E) TREES
18. DEMO AND REMOVE (E) LANDSCAPING

SITE SUMMARY:

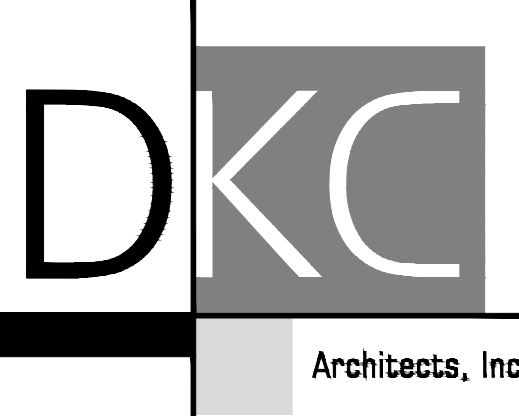
ASSESSORS PARCEL NUMBER: 0292-155-22
LOT SIZE:
ZONING: INDUSTRIAL
STREET ADDRESS:
RECORD OF SURVEY:
 BEING A PORTION OF BLOCK 11, BARTON RANCH, SHOWN ON THE MAP ON FILE IN BOOK 6, PAGE 19, OF MAPS, RECORDS OF SAID COUNTY.
BASIS OF BEARINGS:
 BEING THE CENTERLINE OF IOWA STREET BETWEEN PARK AVENUE & THE NE CORNER OF SE 1/4 BLOCK 11, BEARING BEING N00°52'00"W PER PM 219/16-17
BENCHMARK: CITY OF REDLANDS BM R-55
 BRASS DISK IN TOP SOUTH END OF HEADWALL OF BRIDGE WEST SIDE NEVADA STREET NEAR INTERSECTION OF NEVADA STREET & CITRUS AVENUE. ELEVATION=1202.078'

GENERAL NOTES:

1. CONTRACTOR SHALL REMOVE EXCESS SOIL, CONSTRUCTION SPOILS AND PAVING TO AN APPROVED DUMPSITE AND DISPOSE OF IN A LEGAL PROPER MANNER.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR PATCHING AND REPAIRING ANY AREAS WHICH ARE EXCAVATED AND/OR DAMAGED BY HIS OPERATIONS. IN ADDITION, THE CONTRACTOR SHALL RESTORE TO THEIR ORIGINAL CONDITION ALL PLANTED AREAS DAMAGED BY HIS OPERATIONS.
3. CONTRACTOR SHALL BE MINDFUL OF EXISTING UTILITIES. WHEN IN THIS AREA, EXTREME CAUTION SHALL BE EXERCISED, LOCATION AND DEPTHS OF UTILITIES ARE UNKNOWN.
4. GRATINGS LOCATED IN THE SURFACE OF ANY PEDESTRIAN WAY IN THE PATH OF TRAVEL. GRID/OPENINGS IN GRATINGS SHALL BE LIMITED TO 1/4" MAXIMUM IN THE DIRECTION OF TRAFFIC FLOW. IF SUCH CONDITIONS OCCUR, PROVIDE MANUFACTURERS CUT SHEETS OF GRATE FOR REVIEW.
5. ALL NEW CONCRETE SHALL BE REINFORCED UNLESS NOTED OTHERWISE.
6. PARK'G. SPACE STRIPING PER SECT. 87.0605 (g) CITY OF YUCAIPA DEVELOPMENT CODE.

SITE PLAN LEGEND:

- PROPOSED BUILDINGS
- PROPERTY LINE
- SETBACK LINE



DARRYL K. CARTOZIAN A.I.A.

ARCHITECTS
 DKC ARCHITECTS, INC.
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 YUCAIPA, CALIFORNIA 92399
 Ph. (909) 798-7900
 website: dkcarch.com

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CONSULTANT:

CLIENT:

PLANNING

PROJECT NAME:

New Office Building

1702 PARK AVE
 REDLANDS, CA. 92374
 APN: 0292-155-22

OWNER:

GRACE PHELPS

APPROVALS:

REVISIONS:

△ DATE:
 △ DATE:
 △ DATE:
 CHECKED BY: D.K.C. P.M.: D.K.C.
 DATE: JULY 01, 2019

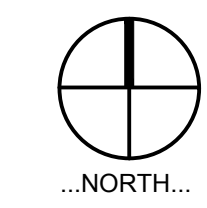
SHEET TITLE:

DEMO SITE PLAN

SHEET NO:

AS102

70499 / AS102 - DEMO SITE PLAN - PLANNING



ATTACHMENT "D"

RESOLUTION 2021 – 05 WITH EXHIBIT A (CONDITIONS OF
APPROVAL)

RESOLUTION NO. 2021-05

A RESOLUTION OF THE HISTORIC AND SCENIC PRESERVATION COMMISSION OF THE CITY OF REDLANDS APPROVING DEMOLITION NO. 341, TO DEMOLISH AN APPROXIMATELY 1,650 SQUARE FOOT SINGLE-FAMILY RESIDENCE AND A 600 SQUARE FOOT GARAGE OVER 50 YEARS OF AGE LOCATED AT 1702 WEST PARK AVENUE WITHIN THE EV/IC (COMMERCIAL INDUSTRIAL) DISTRICT OF THE EAST VALLEY CORRIDOR SPECIFIC PLAN (APN: 0292-155-22-0000).

WHEREAS, DKC Architects, Inc., has submitted an application for Demolition No. 341 to demolish an approximately 1,650 square-foot single-family residence and a 600 square foot garage over 50 years of age, located at 1702 West Park Avenue within the EV/IC (Commercial Industrial) District of the East Valley Corridor Specific Plan (APN: 0292-155-22-0000); and,

WHEREAS, notice of this Historic and Scenic Preservation Commission public hearing was provided in accordance with Redlands Municipal Code Section 15.44; and

WHEREAS, on March 04, 2021, 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 Section 15301 (Existing Facilities) provides for exemption the California Environmental Quality Act, and the project qualifies for this exemptions; and,

WHEREAS, following the public hearing for the Demolition, the Historic and Scenic Preservation Commission determined that the structure does not have historical significance and is exempt from the preparation of a negative declaration or environmental impact report under the California Environmental Quality Act.

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 the California Environmental Quality Act per Section 15301 (L) (1) (Existing Facilities), and there is no substantial evidence of any potentially significant impacts.

Section 2. The proposed Demolition is hereby approved subject to the conditions of approval contained in Exhibit A attached to this Resolution.

Section 3. This Resolution shall become effective upon adoption, and will be subject to a ten day appeal period.

ADOPTED, SIGNED AND APPROVED this 4th day of March, 2021.

Kurt Heidelberg, Historic and Scenic
Preservation Commission Chair

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 March, 2021

AYES:

NOES:

ABSENT:

ABSTAINED:

Linda McCasland, Historic and
Scenic Preservation Commission
Secretary

**EXHIBIT A
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

**CONDITIONS OF APPROVAL FOR
DEMOLITION NO. 341**

Date of Preparation:	February 22, 2021
Historic and Scenic Preservation Commission Date:	March 04, 2021
Applicant:	DKC Architects, Inc.
Location:	1702 West Park Avenue

1. This approval is to demolish an approximately 1,650 square-foot single-family residence and a 600 square foot garage over 50 years of age, located at 1702 West Park Avenue within the EV/IC (Commercial Industrial) District of the East Valley Corridor Specific Plan (APN: 0292-155-22-0000).
2. Prior to demolition, a building permit shall be obtained from the Development Services Department.
3. The issuance of any permits shall comply with all provisions of the Redlands Municipal Code, including Section 15.44 which regulates the demolition of structures.
4. Unless demolition 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.
5. All demolition activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Saturday and prohibited on Sundays and Federal Holidays.
6. 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.

End of Conditions