

CITY OF HIGHLAND REGULAR MEETING OF THE PLANNING COMMISSION AGENDA

MEMBERS

Randall Hamerly, Chair
Chandra Thomas, Vice Chair
Edward Amaya, Commissioner
Jarrod Miller, Commissioner
Jessica Sutorus, Commissioner

REGULAR MEETING

July 19, 2022
6:00 p.m.
City Hall
Donahue Council Chambers
27215 Base Line
Highland, California

STAFF

Lawrence A. Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Ash Syed, Associate Planner
Angela Tafolla, Assistant Planner
Angelica Martinez, Planning Technician II
Camille Goritz, Administrative Assistant III

MISSION STATEMENT

Highland is dedicated to the betterment of the individual, the family, the neighborhood and the community. The City Council and the staff of Highland are dedicated to providing the quality of public facilities and services that its citizens are willing to fund and will do so as efficiently as possible.

Visit the City's Website at: www.cityofhighland.org

The City of Highland complies with the Americans with Disabilities Act of 1990. If you require special assistance to attend or participate in this meeting, please call the City Clerk's Office at (909) 864-6861 Ext. 226, at least 48 hours prior to the meeting.

Pursuant to Government Code Section 54957.5, any disclosable public records related to an open session item on a regular meeting agenda and distributed by the City of Highland to all or a majority of the Planning Commission, less than 72 hours prior to that meeting, are available for public inspection at Highland City Hall, 27215 Base Line, Highland, CA 92346, during normal business hours.

Submission of Public Comments: To limit the number of persons in the Council Chambers, the public is encouraged to make public comments by email rather than in person. For those wishing to make public comments by email to be read aloud at the meeting by the Community Development Administrative Assistant. Email comments must be submitted by 5:00 p.m. on July 19, 2022 to publiccomment@cityofhighland.org.

Members of the public will be permitted to make public comments in person.

**PLANNING COMMISSION
REGULAR MEETING AGENDA
July 19, 2022 - 6:00 P.M.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

To address the Planning Commission, please complete a speaker form located at the entrance and give it to the Administrative Assistant prior to the beginning of the meeting. Your name will be called when it is your turn to speak. Individual speakers are limited to three minutes each. Comments received via email by July 19, 2022, 5:00 p.m., will be read into the record, provided that the reading shall not exceed three (3) minutes.

CONSENT CALENDAR

1. Minutes from the July 5, 2022 Regular Meeting.

RECOMMENDATION: That the Planning Commission approve the minutes, as submitted.

PUBLIC HEARING

2. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Properties generally located at 27059 5th St. & 27048 3rd St., Highland, CA 92346.

Tax Assessor's Parcel Numbers 1192-631-10, 1192-631-11, 1192-631-24, 1192-631-25, & 1192-631-26.

RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2022 -____, declaring the existence of a public nuisance on Properties generally located at 27059 5th St. & 27048 3rd St., Highland, CA 92346, and order the abatement thereof.

3. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 26562 3rd St., Highland, CA 92346, Tax Assessor's Parcel Number 1192-551-07.

RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2022 -____, declaring the existence of a public nuisance on the Property generally located at 26562 3rd St., Highland, CA 92346 and order the abatement thereof.

4. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Properties generally located at 25112 3rd St., San Bernardino, CA 92410, Tax Assessor's Parcel Numbers 0279-151-14.

RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2022 -____, declaring the existence of a public nuisance on Properties generally located at 25112 3rd St., San Bernardino, California 92410 (within the corporate boundaries of the City of Highland), and order the abatement thereof.

ANNOUNCEMENTS

ADJOURN

I, Camille Goritz, Administrative Assistant III of the City of Highland, California, certify that I caused to be posted this agenda on or before the 14th of July 2022 by 5:30 p.m. on our website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library
7863 Central Avenue

Fire Station No. 1
26974 Base Line

City Hall
27215 Base Line

Date: July 14, 2022



Camille Goritz Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: July 19, 2022

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Goritz, Administrative Assistant III *CG*

SUBJECT: Minutes from the July 5, 2022 Planning Commission Regular Meeting.

RECOMMENDATION: Staff recommends the Planning Commission approve the Minutes as submitted.

PUBLIC NOTICE: The agenda for this item was posted at the three locations per Resolution No. 2011-047 and on the City's website.

Approved _____	Motion _____	Second _____	Agenda Item No. <u>1</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
<i>Camille Goritz</i> Recording Secretary		<i>Lawrence Mainez</i> Community Development Director	

PLANNING COMMISSION REGULAR MEETING MINUTES
July 5, 2022 – 6:00 P.M.

CALL TO ORDER

The regular meeting of the Planning Commission of the City of Highland was called to order at 6:00 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present:	Chair	Randall Hamerly
	Commissioner	Edward Amaya
	Commissioner	Jarrold Miller
	Commissioner	Jessica Sutorus

Absent:	Vice Chair	Chandra Thomas
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Staff Present: Kim Stater, Assistant Community Development Director
Ash Syed, Associate Planner
Matt Bennett, Assistant Public Works Director
Matt Wirz, Building Official
Scott Rice, City Landscape Architect
Camille Goritz, Administrative Assistant III

The Pledge of Allegiance was led by Chair Hamerly.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None

CONSENT CALENDAR

1. Minutes from the May 3, 2022 Regular Meeting.

A MOTION was made by Commissioner Miller, seconded by Commissioner Amaya, to approve the minutes as amended. Motion carried, 4-0-1, with Vice Chair Thomas being absent.

PUBLIC HEARING

2. Specific Plan Revision (SPR 22-001) proposing an amendment to the Greenspot Village & Marketplace Specific Plan (SPR 06-001) to increase the total dwelling unit count from 800 dwelling units to 946 dwelling units and Design Review Application (DRA 22-004) proposing the construction of 546 multi-family residential units, a 7,500 square foot leasing office, recreation areas, and outdoor courtyards on a vacant site. (APN: 1201-341-30)

Associate Planner Syed presented the staff report.

Commissioner Amaya asked are these units going to be a for rent complex?

Associate Planner Syed stated correct.

Commissioner Amaya asked what is the difference between a garden flat and a townhome?

Associate Planner Syed stated it's mostly within the floor plans, but on the exterior the buildings look slightly different. Townhomes, for example, are like single family attached living with an attached garage with direct access and the garden flats are traditional apartment living and cars are parked at a different location.

Commissioner Miller stated under Public Resources Code Section 2166, it lists some allowances and substantial changes that are proposed in the project on page 8. There was an environmental document that was developed to support the original Specific Plan (SP) and now we are looking to change that specific plan, but we don't want to go and revise the environmental impact report, correct?

Associate Planner Syed stated correct.

Commissioner Miller asked why do we have to increase 700 to the 846 units? Why do we need to allow this change to occur?

Associate Planner Syed stated there's a unit cap in the specific plan of 800 and there is a range for PA area 2 and right now in the entire specific plan at 800, we already have 400 that are approved. Approving those 400 would only get us to a density of 18 or 17 dwellings per unit, which is below what the density called for the specific plan, so we have to raise that unit cap to meet that density requirement to at least 20.

Commissioner Miller asked what if the Planning Commission didn't allow this change to occur? How would that impact this project?

Associate Planner Syed stated the design itself is contingent upon a Specific Plan Revision (SPR). They would have to apply for a project that isn't consistent with the SP in some way.

Commissioner Miller asked is it the city's standpoint that the changes that are being proposed based on these new density numbers that none of those changes warrant an update to the Environmental Impact Report (EIR)?

Assistant Community Development Director Stater stated it is an offsetting impact, so overall, in the SP PA 1, 2, 3 it shows the unit count and the commercial square footage. When this plan was adopted in 2014 it had ranges because the city and the developer didn't know exactly what was going to develop first, what the footprint was going to look like, and so it was allowed to have some flexibility. The 546 number that you see was something that we've seen in the plan for a long time and what happened between 2014 and now is PA 3 number had a range from 100 to 300. When TREH Partners came in and did the Specific Plan Amendment, they were allowed to amend that and come down, increase the residential footprint of their ownership and that took part of PA 2, which wasn't originally planned for residential. The project overall and the SP, the whole 104 acres, the impacts analyzed appropriately to cover this type of change which is the 800 to the 946 and we determined was a reduced square footage in the commercial portion from the TREH Partners portion. We also looked at the cumulative traffic, and overall, for the 104 acres was a reduction.

Chair Hamerly stated the biologic and noise study supplemental reports that are going to be submitted, wouldn't those typically be available for public hearing consumption?

Assistant Community Development Director Stater stated there was a supplemental 2019 report and when the first EIR was adopted in 2014 it was the opinion of staff and our consultants that there were not any kangaroo rats on this site. Come to find out that circumstance was not correct, so in 2019 that was updated, and the site was surveyed adjacent to this property in kangaroo rats were found. When that supplemental EIR was certified, there was a mitigation measure that says in the future when development is proposed, there needs to be a presence absence survey conducted on any future development site. If they do come upon some kangaroo rats, then there's they'll start consultation with the appropriate agencies and that will be that we worked out between those agencies.

Chair Hamerly stated regarding the parking issue, there is a lot of units, so it's reasonable to assume that there's going to be a few guests visiting those residents, so it potentially reduces the availability of guest parking by 109 spaces. It would be reasonable to assume that it covered or enclosed parking space would be the exclusive use of a specific residence.

Associate Planner Syed stated if you look at the what's considered covered spaces, there's 267 garaged spaces, which would be private locked and dedicated to a specific unit, but the other ones that are covered are carports. If the management team wanted to assign a certain number of carports that are technically openly accessible to anybody, they could be dedicated guest parking as well so.

Chair Hamerly asked the 372 would not necessarily be dedicated to a specific unit, they could be open to guest spaces?

Associate Planner Syed stated correct. Some of them will be dedicated to a specific unit and some would be reserved for guest parking.

Jonas Bronk, Applicant gave a presentation on Alliance Development Services and the project that is being proposed.

Commissioner Miller stated regarding the drainage patterns on the side, it looks like historically this land is drained west to City Creek and it is running along the site's western boundary is going to be the TREH Partners property. Is the plan to drain through TREH Partners or are you going to alter the existing drainage patterns?

Mark Bertone Civil Engineer stated in 2014 the City of Highland widened Greenspot Road, and with that was a regional storm drain system which provided 3 laterals stepping up to the north. First one was stubbed in roughly at the TREH Partners entry that has a capacity of 50 CFS moving east at the Chevron Gas Station intersection. That lateral has a capacity of 100 CFS and then continuing down to Calhoun Road, that lateral has capacity of 50 CFS. We've looked at this a couple different ways and the best option for us is to extend the Chevron Gas Station lateral 100 CFS northerly up to our southern track boundary. It would be about 26 acres of retail on PA 1, and 80-90 CFS coming off PA 2 and some of those two is going to be roughly somewhere between 160 and 170 CFS.

Chair Hamerly stated the primary point of access is coming in from Greenspot Road up through the heart of the project there's a gap in there between the REXCO development and where the southern boundary of your project is. How much of that infrastructure is your project going to be responsible for building out to maintain access and it just roadway, or does it include any landscape features?

Jonas Bronk stated it is it is roadway, and there's a median in there, but yes that is a part of our project.

Christina Jenkerson Ali, Public Speaker stated I have been a resident of a City of Highland over 30 years now. As a resident of Calhoun Road and Eucalyptus Avenue, our family has lived here for many years and have been aware of the proposed project throughout its many different forms. This latest revision gives us cause for concern and opportunity for the developer and the city to address those concerns. Firstly, we would we were only made aware of this latest revision in a mailed notice received by us on July 1, 2022 we have reviewed this revision and note several changes in PA 2 to that directly or indirectly affects our properties as well as of our neighbors. In the previous plan, approved by the City Council, the area closest to our properties was depicted as a parking and other less intense uses of our property lines. The new revisions indicate 3 story residential rental units that will be adjacent to our side yard areas, so our concerns are outlined as follows. I provided a copy for you all and would also like a written response to my questions. She listed the concerns to the Planning Commission and asked for answers following her questions provided.

Chair Hamerly asked Mrs. Ali to use the pointer to point to specifically where their property is on this map.

Assistant Community Development Director Stater stated that the letter Mrs. Ali provided are at the back table at the entry for those in the public that wish to have a copy.

Associate Planner Syed stated regarding the top left of the development, it specifies that 6-foot-tall tubular steel fencing is proposed along the perimeter of the site. There's going to be vines and such to make it a little bit decorative for added privacy. Were your concerns excessive lights shining onto your property?

Christina Jenkerson Ali is using the pointer to show the property line of her house and stated it is not the lights, it's the privacy of the home.

Associate Planner Syed stated in our Highland Municipal Code (HMC) it states zero-foot candles at the property line for residential development. So, there should be zero light shining onto your property. Also, your property is included to the SP, your property was already there before the SP was established, but it is included.

Linda Schubert, Public Speaker asked what is adjoining her property is that just wire or is that block?

Associate Planner Syed stated it is tubular steel.

Linda Schubert what's the green square at the end of Calhoun Road?

Associate Planner Syed stated it is landscaping.

Linda Schubert asked if it will be a play yard?

Associate Planner Syed stated it will be a patch of grass. Will you please clarify question number 4 on the letter?

Christina Jenkerson Ali stated you answered that question, it was specifically if we are not a part of SP, but you answered we are a part of the plan.

Assistant Community Development Director Stater stated regarding question number 7, and this properties in the Redlands Unified School District, they are exceptional in their future facilities planning. They talked to us every single year and they have a list of all our proposed projects, approved projects, how many units, when they're online or they under construction. This project has been on their catalog of future projects for a long time, but we do update them every year on where the proposed construction time starts.

Assistant Public Works Director Matt Bennett stated I will answer question 5 and 6. There are indications that Eucalyptus and Calhoun will be widened with the future improvements. If it's a residential single family residential, it's potentially going to be obligated for that individual property to develop. A future annexation to Calhoun to Eucalyptus is not likely. As far as the question of who will pay for and reimburse the property loss, fence and driveways, that is dependent on whether it's an individual single-family redeveloping, or if a developer is coming in and purchasing those properties and making those improvements, so that would be the compensation. Some of the homes are still on septic, and East Valley Water District (EVWD) and it possible to have sewer provided just south of Calhoun that might be readily available for future connection.

Associate Planner Syed regarding landscape there will be denser plants and trees to shield that view into your backyard.

Jonas Bronk stated I think we can find a good way to screen those backyards is not too complicated. In terms of the properties is in the SP area, but no, nothing that we're doing is a part of this project that would affect your properties. We are not doing the street widening of Calhoun. There will be putting up with the wall, we won't be taking down your fences if they're on your side of the property line, we'll leave them there. If there's trees that are on our side of the property line that we can accommodate, we don't like cutting down trees, we'll keep everything that we can, and we will put in a block wall if the Planning Commission allows it up to six feet and you know some screening elements there as well. What we are talking about today does not affect your properties.

Bahah Ali, Public Speaker stated I grew up in City of Highland since second grade. I want you each one of you just think of yourself as me right here and the rest of us are here. A wrought iron fence looking into our residence with a three-story building, I can no longer even sunbathe if I wanted to. Hypothetically, I can't even do any single thing that I want to do because I've always got eyes on me, someone is always invading my privacy. I've been there for a very long time throughout the chicken coop era. I would love Highland to keep moving forward and I see it moving forward, I'm really grateful for that. We were known for our sleepy town forever, which is good and bad in the same sense. I'm on Eucalyptus, you have got three stories literally a stone's throw away, which is initially my backyard. I ask you guys a 6-foot wall. I'm glad that they're putting really big trees, but last I recall trees

do shed. I want to know what kind of trees you're putting out if you're putting synthetic trees, great. The second thing we're growing vines on iron fences, and we're trying to conserve water. What I want to see is I want to work with developer and the city. My last question to you is these are apartments and overheard saying we might sell off to a second party or third party. That sounds more like we're going to build something, and if we don't build a revenue, we're going to walk away from it and give it to whomever who's to say in the future decision become government Section 8 housing. We don't know that we don't know what the future holds and we're only relying on what today's economy is doing. That's one of our main concerns, if we got apartments constantly around us, this constant rotation of residents coming in and out, so I ask is for privacy. If we could do something about that and respecting all of us as a little community, I would greatly appreciate it and thank you all.

Salman Ali, Public Speaker stated if we're including a site SP, and are saying there's 20 units per acre. Now I'm on about 1/2 acre, does that mean I can put up 10 apartments at that point?

Chair Hamerly stated yes, that is what it means.

Salman Ali asked pointed at the site plan and asked if those apartments on the eastern side were two or three stories?

Associate Planner Syed stated the townhomes are three stories.

Salman Ali stated I would like to see is I go back to a carport and give us that buffer and brick wall to give us a little bit of privacy. If we can turn that back into a parking carport and move those buildings back further. It is a small family community, technically there are seven houses, however there are three families that own them.

Chair Hamerly stated we are now going to go over site plan, site layout, and site features. Since the western access to the site has been modified, will we be seeing a modified site plan at any point coming back through that shows how that's connecting? Or will we see that when the commercial component develops?

Jonas Bronk stated we can provide that as part of the package for the City Council hearing or prior if you prefer.

Chair Hamerly stated on the northern property boundary the separation between the small units that are kind of on the central property line to the east of Calhoun, is that a 25-foot set back along there? It looks like it is about 1/2 an inch on our plan.

Jonas Bronk stated 20 feet.

Chair Hamerly asked are those all carport structures along the northern property line?

Jonas Bronk yes, there is a graphic representation that's slightly different for the carports. First, the freestanding garages, there is about 20 garages and I do believe they are along that location.

Chair Hamerly asked are those enclosed garages there?

Jonas Bronk stated correct.

Chair Hamerly asked I know for the city it is usually a standard requirement that the perimeter is a masonry wall. Was there a specific reason that it was abandoned for this project?

Associate Planner Syed stated in the specific plan, it does give an option to use either wrought iron fencing or a block wall. They just chose tubular steel.

Chair Hamerly stated I know on the on the TREH Partners project at the northern extremity we required that they went to an 8-foot-high wall just for extra security because it was a vulnerable area right next to the wash.

Jonas Bronk stated we were looking at page 220. The specific plan that highlights different types of walls.

Chair Hamerly stated the perimeter theme wall was really a frontage along Boulder and that is why they went with the stone veneer with the cap and the pilasters. So, that would be a feature wall against the landscape properties that is going up against it. What is the preference of the Commission to go with the solid wall or wrought iron?

Commissioner Miller, Amaya, and Sutorus stated solid wall.

Chair Hamerly stated ok in the staff report where there's a discussion of the percentage of landscape which was referencing 40% as being the compliance measure of those being met.

Associate Planner Syed stated yes. They met the 40% with the paseo.

Chair Hamerly stated regarding planning Conditions of Approval item 12, it not showing it as being open space. If we have 20 to 25 feet, there is a walkway that goes through there, could it be counted towards landscape areas since that's one of the areas where we're asking for additional screening along the northern boundary?

Jonas Bronk stated we did not call it as an open space, but it is a landscape area.

City Landscape Architect Scott Rice stated regarding that landscape area on the south end of existing Calhoun. It has been referred to as grass a few times, and on the landscape plan it has a light green hatch and that hatch represents a mixture of shrubs, ground cover and trees and just a general landscape. There is a separate shade for the grass areas and there are grass areas shown within the plan. It is not intended to be an open long space.

Chair Hamerly asked if the Fire Department has signed off on not having hammer heads or any three points at the end of some of those? It looks like they are pushing the envelope, but the length of dead end.

Assistant Public Works Director Matt Bennett stated regarding Condition number 15 that we discuss with the Fire Department there was a provided hammer head for fire truck turn around and then there was a gate provided for Edison 24-hour access. We conditioned it

after discussing with the Fire Department that this emergency egress or ingress for fire access is a convenient location.

Mark Bertone stated if you look at the red lines that run down those fire alleys, the intent was to demonstrate that you can get 150-foot hose poles from a fire truck that is parked in the shaded alleyways. They would not be driving a truck down there, so from either direction or pulling 150 feet, which is their standard.

Chair Hamerly stated I wanted to make sure that fire had signed off on all the extended length alleys through there. Now, lets go through elevations and color boards.

Commissioner Sutorus stated it was mentioned that it was going to be shingles. Was that because earlier you said the solar was just on the carports and is the solar intended to be on the rooftops as well?

Serafin Maranan, Architect it is our intent to have the photovoltaic panels on top of the carports. In the Monterrey design guidelines, that is one of the acceptable roof material choices.

Chair Hamerly stated I think that the end facades, the fact that there's minimal openings, is respectful of the neighbors, so I think they will appreciate that, but on the south facing ones, I think it's really important to make those as attractive as the longer facades if you can achieve that. You had mentioned two styles, one was the Mediterranean, and what was the second?

Serafin Maranan stated Spanish Colonial.

Chair Hamerly asked if that is the one with the decorative styles on it?

Serafin Maranan stated that is correct.

Chair Hamerly stated I did not see any of the decorative tiles called out at the pedestrian level where the main entries are, some of the arched openings. I did not see it called out on the colored elevations. I saw it was connecting the second and third floor windows.

Serafin Maranan stated we did not call it out, but if you were to look at for example, 820, those arches at the ground floor would tiles surround over the arches. Which is important for us because we want to make sure that if we were to do some decorative tile work, it is something that is more visible, and it does draw everyone's attention. Regarding the shutters the pattern that we were trying to create was that whenever it is a cantilevered gabled element we would have the shutters at the second floor, but if they are laid back and are at the same plane as the garage doors, they would be at the 3rd story.

Chair Hamerly stated at the left hand of the facade that is shown on A10, the pop out that has the gable, so there are shutters on the second level, but then you have the recessed element and there are not shutters at all on that one.

Serafin Maranan stated regarding garage elevations the idea was that whenever we have a gabled element that is cantilevered over the majority of the plane, our shutters would be at the second floor.

Chair Hamerly stated ok, so, that is why there's no shutters on that entire end element where there's four windows.

Serafin Maranan stated correct.

Chair Hamerly stated regarding the clubhouse elevation on A26 I am reading the round top opening that is right of the tower, is that the main door that's going into the clubhouse?

Serafin Maranan stated yes.

Chair Hamerly stated within that style of architecture, if it is referencing the townhome architectural style, would it be appropriate to incorporate some of the accent tiles into that feature since it's the main door?

Serafin Maranan stated yes, we can look at that since it's our main entry.

Chair Hamerly stated regarding the roofing materials and there were multiple references in the staff report to S style tiles. I for one completely missed the fact that all the notes in the plan said composite shake or shingle. Given the style of the architecture, it seems like the S style, or a mission style tile would be a more appropriate way to go.

Serafin Maranan stated on the Monterey style as an example, one of the roof elements that we recommended would be the shingle flat tile. I am looking at the design guidelines now, and in the Spanish colonial, which is one of our architectural types, it did state that the roof would be just the S barrel tile.

Chair Hamerly stated if you wanted to break it up, use the same color, however, use a different profile and go with the flat terracotta or clay tile, which is appropriate the Monterey style.

All 4 Planning Commissioners voted unanimously on clay tiles.

Chair Hamerly stated regarding the landscape plans, in the modified Conditions of Approval they are calling for additional tree cover along the northern boundary and it was represented about 5 feet between the north face of the garage and the property line. Are you anticipating that is where the additional plant material cover would go or are you going to be putting more trees into the gaps between the garage and carport structures?

Dan Delle, Landscape Architect stated we can put them in the gap behind all those carports, I think that would be the best option.

Chair Hamerly asked do you have any recommendations? Not sure if we should use the existing plant palette is appropriate. Most of them look like you know low-profile trees.

Dan Delle stated the Afghan pine would be a good option on that north edge, so you get that vertical height.

Chair Hamerly stated overall, I thought the landscaping on the on the plan was a strong concept.

Commissioner Miller stated for the dog park, it is called out as synthetic turf with washdown system. Can you speak to the washdown system and what that consists of it?

Dan Delle stated synthetic turf we find is the best surface. This is because of the use which is bark, mulch, or anything kind of gets muddy. Those types of things the washdown system that we use is kind of belts and suspenders, so the number one thing is drainage on the synthetic turf, so it has a high flow base to it and the backing of the turf is mesh as opposed to like the flat with the holes. The wash down system is an overhead spray system which has a fertilizer injector that you have put in sanitizer, and it will be run every night to keep that down and maintenance will hose it down periodically, about twice a month.

Chair Hamerly asked by the clubhouse, are there any layering of the landscape elements in there where there is going to be hedges or any mounding or any perennials?

Dan Delle stated the concept is we have the Swan Hill Olives lining the Parkway that comes all the way around and then going to the backside. The Swan Hills is going to be smaller than the oaks.

Chair Hamerly stated regarding the Conditions of Approval, we had the wall and the language on the tenant verification. It looked like the areas of concern were on the northeast side because the carports and garages are going to kind of have a natural barrier right there. I did not see any elevation exhibits on the garages, but I'm assuming that there's no windows given their proximity to the property line would be on the backside of the garage. That is going to give us some natural screening in addition to the trees.

Linda Schubert stated they will still be able to see into our backyard. I am on the west side of Calhoun. I really do not want people hopping the fence because we do have a transient problem out there, and I think that's why an 8-foot fence would work better so they are not coming into my yard.

Assistant Community Development Director Stater stated the whole northerly perimeter, split face block, 6 or 8 feet?

All 4 Planning Commissioners voted unanimously on an 8-foot wall.

Kim Buckey Applicant stated if we may request to have a zero set back there so the garage is effectively the wall and then in between you have the wall, right? So, you have garage, wall, garage if there is an in-between space, so the garage is acting both as the use the garage and the wall.

Chair Hamerly stated except that one of the conditions we were asking for additional tree cover just to screen and buffer the structures that were on that north property line so, we are kind of painting ourselves into a corner here with multiple directives.

City Landscape Architect Scott Rice stated let me offer some clarification on the condition. Where the garage would be the zero set back, the garage would be a single-story element or as long as it is a single-story element the additional space away from the taller buildings would provide a little bit more of that buffer. Where there is the residential buildings that are multiple stories closer to the north property line is where the additional trees would be.

The buffer would be the distance from the zero-set back side of the garage buildings across the drive isle until you were to the taller building.

Jonas Bronk stated how about a continuous 6-foot block wall with a landscaping screening on our side of the wall that goes higher than six feet?

Chair Hamerly stated that works. We have Condition number 28 which is the solid wall north perimeter, and that is continuous.

Associate Planner Syed stated the 6-foot solid block wall shall be installed along northern perimeter of the site.

Chair Hamerly stated correct.

Assistant Community Development Director Stater stated we have added condition for the crime free multifamily housing, it was not there so we will add that as well as Condition number 29.

Chair Hamerly stated we are amending Condition number 27. We had the entry statements at Calhoun and Boulder, but the signage goes with that so instead of solely by the City's Landscape Architect, the signage is coming back, and those entry statements are being revised. That would come back to the Planning Commission.

Chair Hamerly closed the public hearing.

RECOMMENDATION: Staff recommends the Planning Commission adopt Resolution No. 2022-013, recommending the City Council:

- 1) Make a finding under Public Resources Code Section 21166 and the corresponding CEQA Guidelines Section 15162 that there are no substantial changes or new information of considerable importance that would require the preparation of a subsequent Environmental Impact Report and further finding that the project is exempt from further environmental review under Government Code Section 65457;
- 2) Adopt Ordinance No. _____, to amend the Greenspot Village & Marketplace Specific Plan (SPR 22-001)
- 3) Adopt City Council Resolution No. 2022-_____ to approve Design Review Application (DRA 22-004), subject to the modified Conditions of Approval Number 27, 28, and 29 and Findings of Fact. Motion carried, 4-0-1, with Vice Chair Thomas being absent.

RESOLUTION NO. 2022 - 013

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, RECOMMENDING THE CITY COUNCIL 1) ADOPT AN ORDINANCE APPROVING SPECIFIC PLAN REVISION (SPR 22-001) TO INCREASE THE TOTAL DWELLING UNIT COUNT WITHIN THE GREENSPOT VILLAGE & MARKETPLACE SPECIFIC PLAN FROM 800 DWELLING UNITS TO 946 DWELLING UNITS, 2) ADOPT A RESOLUTION TO APPROVE DESIGN REVIEW APPLICATION (DRA 22-004) TO CONSTRUCT 546 MULTI-FAMILY RESIDENTIAL UNITS, A 7,500 SQUARE FOOT LEASING OFFICE, TWO (2) RECREATION AREAS, AND OUTDOOR COURTYARDS ON A VACANT 25 ACRE SITE, AND 3) MAKE A DETERMINATION THAT THE ADOPTION OF THE ORDINANCE IS EXEMPT FROM FURTHER CEQA REVIEW UNDER CEQA GUIDELINES SECTION 15162, PUBLIC RESOURCES CODE SECTION 21666 AND GOVERNMENT CODE SECTION 65457

ANNOUNCEMENTS

Administrative Assistant Goritz announced that there will be a meeting scheduled on July 19, 2022.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 8:35 p.m.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission



STAFF REPORT

TO THE APPEALS BOARD

DATE: July 19, 2022

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Gary Chambers, Code Compliance Officer 

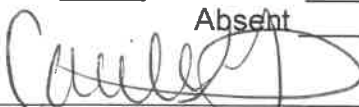
SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Properties generally located at 27059 5th St. & 27048 3rd St., Highland, CA 92346, Tax Assessor's Parcel Numbers 1192-631-10, 1192-631-11, 1192-631-24, 1192-631-25, & 1192-631-26.

PROPERTY OWNER: CHIPT Highland 210 LP

RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2022 - _____, declaring the existence of a public nuisance on Properties generally located at 27059 5th St. & 27048 3rd St., Highland, CA 92346, and order the abatement thereof.

FISCAL IMPACT: The full cost to the city regarding the abatement of the Public Nuisance is currently unknown. Staff has accounted for its time in its attempt to abate the nuisance conditions on the Properties. Staff will present the Property Owner(s) of record with the cost of the City's efforts to abate the violations at the time all violations are remedied. If the Property Owner(s) elect not to pay for the City's cost to abate the violations, a Public Hearing will be held to assess the property for the cost of the abatement process.

PUBLIC NOTICE: Pursuant to Chapter 8.32, Public Hearing Notices were mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to the Property Owner(s) on July 01, 2022. (Attached hereto as Exhibit "1" attachment "I" and incorporated herein by reference). In addition, on July 01, 2022, staff posted the Public Hearing Notice at the subject property and the Agenda was posted at three designated locations in accordance with City policy, and a copy of said Agenda was placed on the City's Website (see Affidavit of Posting / Mailing and attached hereto as Exhibit "1" attachment "J" and incorporated herein by reference).

Approved _____	Motion _____	Second _____	Agenda Item No. <u>2</u>
Denied _____	Ayes _____		File No. _____
	Noes _____		
Continue _____	Abstain _____		
	Absent _____		
 Recording Secretary		 Community Development Director	

BACKGROUND:

Oct. 28, 2020

This case was initiated due to a complaint received regarding the unpermitted parking or storage of semi-tractors and tractor-trailers on the properties generally located at 27059 5th St. & 27048 3rd St, Highland, CA 92346, APN: 1192-631-10, 1192-631-11, 1192-631-24, 1192-631-25 & 1192-631-26. Code Compliance Officer Gary Chambers arrived at the properties to conduct an inspection and observed the unpermitted parking or storage of numerous semi-tractors & tractor-trailers. A **Notice of Violation** was mailed to the property owner's address of record. The property owner was given 60-days to remove all unpermitted parking or storage of semi-tractors & tractor-trailers from the properties.

Jan. 18, 2021

Code Compliance Officer Gary Chambers conducted a reinspection of the subject properties and observed no change in the condition of the properties. The properties were still being utilized for the unpermitted parking or storage of tractor-trailers. A **2nd Notice of Violation** was mailed to the property owners address of record. The property owner was given 30-days to remove all unpermitted parking or storage of semi-tractors & tractor-trailers from the properties.

Feb. 02, 2021

The property owner, William Morgan, contacted Code Compliance Officer Gary Chambers and stated that he had obtained a Law Firm to assist him with a zoning change. The Planning Division mailed Mr. Morgan a copy of the Zone Change Application and a summary of the process.

Apr. 22, 2021

Code Compliance Officer Gary Chambers conducted a reinspection of the subject properties and observed no change in the condition of the properties. The properties were still being utilized for the unpermitted parking or storage of tractor-trailers. Code Compliance Officer Gary Chambers was informed by the Planning Division that the property owner, Mr. Morgan, had not submitted the Zoning Change Application. A **3rd Notice of Violation** was mailed to the property owners address of record. The property owner was given 30-days to remove all unpermitted parking or storage of semi-tractors & tractor-trailers from the properties.

May 12, 2021

Lawrence Mainez, Community Development Director, and Paul Toomey, a representative of Mr. Morgan, had a meeting to

discuss a proposal transitioning Mr. Morgan's current land use to one more suitable to the current Land Use District. Mr. Toomey was given 90-days to provide a sketch of the proposed development.

Jul. 27, 2021

The property owner, William Morgan, contacted Code Compliance Officer Gary Chambers and stated that he was selling the properties and was currently under contract with the buyer to close escrow by December 31, 2021.

Oct. 05, 2021

Code Compliance Officer Gary Chambers conducted a reinspection of the subject properties and observed no change in the condition of the properties. The properties were still being utilized for the unpermitted parking or storage of semi-tractors and tractor-trailers. **Administrative Citation, #15560 (\$100)** was issued for the violation of the Highland Municipal and Development codes. One copy of the Citation was mailed to the property owner's address of record and an additional copy was posted at the properties.

Nov. 06, 2021

Code Compliance Officer Gary Chambers conducted a reinspection of the subject properties and observed no change in the condition of the properties. The properties were still being utilized for the unpermitted parking or storage of semi-tractors and tractor-trailers. **Administrative Citation, #15570 (\$200)** was issued for the violation of the Highland Municipal and Development codes. One copy of the Citation was mailed to the property owner's address of record and an additional copy was posted at the properties.

Nov. 23, 2021

Code Compliance Officer Gary Chambers arrived at the subject properties to conduct a reinspection and observed that the properties were still being utilized for the unpermitted parking or storage of semi-tractors and tractor-trailers. A **Pending Notice of Non-Compliance/Public Nuisance Hearing** was mailed to the property owner(s) address of record. A copy of the notice was also posted at the properties.

Jan. 25, 2022

Code Compliance Officer Gary Chambers conducted a reinspection of the subject properties and observed no change in the condition of the properties. The properties were still being utilized for the unpermitted parking or storage of semi-tractors and tractor-trailers. Code Compliance Officer Gary Chambers confirmed that the property owner, William Morgan, had sold the properties to AG CRG Highland Owner LLC. **Administrative Citation, #15608 (\$100)** was issued to the new

property owner for the violation of the Highland Municipal and Development codes. One copy of the Citation was mailed to the property owner's address of record and an additional copy was posted at the properties.

Feb. 15, 2022

The City received a letter from the previous property owner, William Morgan, requesting a temporary use permit, so that he could continue to use the properties for the parking or storage of semi-tractors and tractor trailers until the properties were developed by the new owner. Lawrence Mainez, Community Development Director, denied the request. Code Compliance Officer Gary Chambers contacted Bob Kubicheck, a representative of the property owner, and informed him that the request had been denied and that Mr. Morgan would need to remove all unpermitted parking or storage of semi-tractors and tractor-trailers immediately.

Apr. 25, 2022

Code Compliance Officer Gary Chambers conducted a reinspection of the subject properties and observed no change in the condition of the properties. The properties were still being utilized for the unpermitted parking or storage of semi-tractors and tractor-trailers. **Administrative Citation, #15508 (\$200)** was issued for the violation of the Highland Municipal and Development codes. One copy of the Citation was mailed to the property owner's address of record and an additional copy was posted at the properties.

May 24, 2022

Code Compliance Officer Gary Chambers conducted a reinspection of the subject properties and observed no change in the condition of the properties. The properties were still being utilized for the unpermitted parking or storage of semi-tractors and tractor-trailers. Code Compliance Officer Gary Chambers confirmed that the property owner, AG CRG Highland Owner LLC, had sold the properties to a new property owner, CHIPT Highland Owner LP. Code Compliance Officer Gary Chambers contacted Jorge Garcia, a representative of Crow Holdings, the new property owner. Mr. Garcia stated that he was aware of the issues at the properties and that all occupants of the properties were to vacate by September 2022 so that they could begin demolition. **Administrative Citation, #15522 (\$100)** was issued for the violation of the Highland Municipal and Development codes. One copy of the Citation was mailed to the new property owner's address of record and an additional copy was emailed to Jorge Garcia, a representative of Crow Holdings.

CONCLUSION: As evidenced by all inspections conducted and the exhibits incorporated herein by reference, the properties, identified as APN: 1192-631-10, 1192-631-11, 1192-631-24, 1192-631-25, & 1192-631-26 (identified as 27059 5th St. and 27048 3rd St.), have been permitted to exist in violation of the following sections of the Highland Municipal & Development Code, and therefore constitutes a Public Nuisance. Specifically, the properties are in violation of the following provisions of the Municipal & Development Code:

- I. Highland Municipal Code Section 8.32.020 C (A public nuisance is created by any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California).
- II. Highland Municipal Code Section 16.24.030 (Use Regulations for Employment Districts); There is no use specifically listed for the parking and storage of semi-tractors or tractor-trailers in Employment Districts. Furthermore, the City of Highland's Land Use and Development Code Title 16 is a permissive code, which means if a use is not specifically listed within in the applicable use tables it should be considered a 'not permitted' use. The land use of trucking services and terminals (i.e. tractor-trailers) is only allowed in the BP Zoning District if ancillary to a permanent warehousing or other related business on the property (Table 16.24.030.A (B)(2), Wholesale and Warehousing Uses). The unimproved subject properties being used for the unpermitted parking and storage of trucking services and terminals (i.e. tractor-trailers) not related to and/or ancillary to an on-site warehousing or similar type use constitutes a public nuisance.
- III. Highland Municipal Code Section 5.04.030 A (No person shall conduct any business in the city without first having obtained a business license, paid the appropriate license fee, and complied with any and all applicable provisions of this code).

The property owner(s) is requested to remove all unpermitted parking or storage of Semi-trucks and tractor-trailers from the property(ies) and obtain land use approvals or any other applicable permits prior to the establishment of any future uses on the property(ies) by no later than sixty (60) days from the issuance of an order of the Appeals Board in accordance with Chapter 8.32 of title 8 of the Highland Municipal Code.

Exhibit "1" Appeals Board Declaration of Public Nuisance Resolution 2022_____, inclusive of the following attachments:

- A. Notice of Violation Letter dated October 29, 2020

- B. Notice of Violation Letter dated January 18, 2021
- C. Notice of Violation Letter dated April 23, 2021
- D. Administrative Citation, #15560, issued October 05, 2021
- E. Administrative Citation, #15570, issued November 06, 2021
- F. Administrative Citation, #15608, issued January 25, 2022
- G. Administrative Citation, #15508, issued April 25, 2022
- H. Administrative Citation, #15522, issued May 25, 2022
- I. Notice of Public Hearing & Public Posting Copy dated July 01, 2022
- J. Notice of Public hearing (Affidavit of Mailing) dated July 01, 2022

Exhibit "2" Pending Notice of Non-Compliance/Public Nuisance Hearing dated May 24, 2022

Exhibit "3" Notice of Non-Compliance/Public Nuisance Hearing dated June, 16, 2022

Exhibit "4" Aerial/Site Location Map

Exhibit "5" Case photographs dated October 28, 2020

Exhibit "6" Case photographs dated January 18, 2021

Exhibit "7" Case photographs dated April 22, 2021

Exhibit "8" Case photographs dated October 05, 2021

Exhibit "9" Case photographs dated November 06, 2021

Exhibit "10" Case photographs dated November 23, 2021

Exhibit "11" Case photographs dated January 25, 2022

Exhibit "12" Case photographs dated April 25, 2022

Exhibit "13" Case photographs dated May 24, 2022

EXHIBIT "1"

**Appeals Board Resolution, inclusive of the following
attachments**

RESOLUTION NO. 2022-

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTIES IDENTIFIED AS APN's 1192-631-10, 1192-631-11, 1192-631-24, 1192-631-25, and 1192-631-26, GENERALLY LOCATED 27059 5th St. and 27048 3rd St. AND ORDERING THE OWNERS OF THE PROPERTIES TO ABATE THE NUISANCE CONTAINED THEREON.

(CODE CASE #3910)

A. RECITALS

1. On October 28, 2020, the City responded to a complaint that the properties identified as San Bernardino County APN's 1192-631-10, 1192-631-11, 1192-631-24, 1192-631-25, and 1192-631-26 (collectively, "the Properties") were being used for the unpermitted parking and storage of semi-tractors and tractor-trailers. Inspection revealed numerous semi-tractors and tractor-trailers being parked/stored on the properties without approval from the city.
2. The City of Highland has since inspected the Properties numerous times and discovered the Properties being maintained and permitted to exist in violation of multiple sections of the Highland Municipal Code, and therefore constitutes a public nuisance.
3. Notices of Violation were mailed/posted on;

10/29/2020 (Attachment A)
01/18/2021 (Attachment B)
04/23/2021 (Attachment C)
4. Administrative Citations, were issued/mailed on;

10/05/2021, #15560, (Attachment D)
11/06/2021, #15570, (Attachment E)
01/25/2022, #15608, (Attachment F)
04/25/2022, #15508, (Attachment G)
05/25/2022, #15522, (Attachment H)
5. Pursuant to Chapter 8.32 of the Highland Municipal Code, a Notice of Public Hearing was mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to the property owner(s) on July 1st, 2021. A copy of the notice was also posted at the Properties (Attachment I).

B. RESOLUTION

NOW THEREFORE, it is hereby found, determined, and resolved by the Planning Commission/Appeals Board of the City of Highland as follows:

1. All of the facts set forth in the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution by this reference.
2. Staff timely notified the owners of the Properties that the Planning Commission/Appeals Board would be holding a Public Hearing on July 19th, 2022; that Notice is attached hereto as Attachment J. The Appeals Board held a Public Hearing on that Hearing Date, at which time, all written and oral evidence and testimony from the owner of the Properties, the Public, and Staff were considered.
3. All necessary hearings and opportunities for testimony, and comment have been conducted in compliance with the Municipal Code of the City of Highland.
4. The Public Nuisance Hearing has independently considered all relevant information of both the public, and Staff testimony, written and oral, including the Staff Report and its exhibits which are incorporated herein by this reference.

Order Finding and Ordering Abatement of Public Nuisance

5. Based upon substantial evidence in the record, the Planning Commission/Appeals Board hereby declares that a public nuisance, as defined by Highland Municipal Code 8.32.020, has been allowed to exist on the Properties generally located at 27059 5th St. and 27048 3rd St., Highland, California 92346, since at least October 28th, 2020.
6. Specifically, based upon the evidence and testimony presented to the Planning Commission/Appeals Board during the above-referenced Hearing, the Planning Commission/Appeals Board finds as follows;
 - a. Highland Municipal Code Section 16.24.030 (Use Regulations for Employment Districts); There is no use specifically listed for the parking or storage of semi-tractors or tractor-trailers in Employment Districts. Furthermore, the City of Highland's Land Use and Development Code Title 16 is a permissive code, which means if a use is not specifically listed within in the applicable use tables it should be considered a 'not permitted' use. The land use of trucking services and terminals (i.e., tractor-trailers) is only allowed in the BP Zoning District if ancillary to a permanent warehousing or other related business on the property (Table 16.24.030.A (B)(2), Wholesale and Warehousing Uses). The unimproved subject properties being used

for the unpermitted parking and storage of trucking services and terminals (i.e., tractor-trailers) not related to and/or ancillary to an on-site warehousing or similar type use constitutes a public nuisance.

- b. Highland Municipal Code Section 5.04.030 A (No person shall conduct any business in the city without first having obtained a business license, paid the appropriate license fee, and complied with any and all applicable provisions of this code).
7. The Planning Commission/Appeals Board of the City of Highland hereby finds that the aforementioned Violations constitute a public nuisance, and hereby orders the Property Owner(s) to abate the aforementioned Violations, **within sixty (60) days**. The Planning Commission/Appeals Board of the City of Highland hereby sets forth the actions necessary to abate the public nuisance from the Properties as follows:
- a. Remove all unpermitted parking or storage of buses, tractor-trailers, and any other vehicles from the properties.
 - b. Obtain Land use approvals and any other applicable permits prior to the establishment of any future uses on the properties.
8. The administrative and incidental costs and expenses incurred in abating the nuisance, which are proved in accordance with provision of Highland Municipal Code Section 8.32.180, shall be assessed against the Properties and shall result in a lien until paid.
9. Pursuant to Highland Municipal Code Section 8.32.110, the Planning Commission/Appeals Board of the City of Highland authorizes the abatement of the public nuisance by the city as follows:
- (a) If the owner, agent of the owner, lessee, occupant, or person in possession of the Properties who are served with a notice of the final decision of the Planning Commission/Appeals Board finding and ordering the abatement of a public nuisance, shall fail to take the required action within sixty (60) days as specified above, the City shall commence with the lawful procedures to have the Properties abated.
 - (b) The costs and expenses of demolition, removal, and abatement by the City, including any additional administrative and legal and incidental expenses, pursuant to Highland Municipal Code Section 8.32.110, shall also be assessed and result in a lien upon the Properties until paid.
10. Any owner, occupant, or other party who has a legal or equitable interest in the Properties may appeal the final order of the Planning

Commission/Appeals Board finding and ordering the abatement of a public nuisance pursuant to Highland Municipal Code Section 8.32.210. The appeal must be in writing and must be filed with the City Council no later than 10 days from the date of service of this Planning Commission/Appeals Board Resolution finding and ordering the abatement of a public nuisance. After 10 days from the date of service of the Planning Commission/Appeals Board resolution finding and ordering the abatement of the public nuisance, the order is deemed final and may no longer be appealed.

11. A property owner also has a right to appeal the order ordering liability incidental and administrative expenses incurred and ordering the abatement of a public nuisance

PASSED, APPROVED AND ADOPTED this 19th day of July 2022.

Randall Hamerly,
Planning Commission/Appeals Board Chairman

ATTEST:

Lawrence A. Mainez,
Community Development Director

ATTACHMENT "A"

Notice of Violation Letter dated October 29, 2020



**City of Highland
Community Development Department
Notice of Violation
Public Nuisance Violations**

To: William & Eden Morgan

Date: 10/29/2020

Property Located at: 1192-631-24 /1192-631-25 3rd St

PO Box 7490, Redlands, CA 92375

YOUR PROPERTY IS IN VIOLATION OF THE CITY OF HIGHLAND MUNICIPAL CODE

- | | |
|--|---|
| <ul style="list-style-type: none">☐ Title 16, Chapter 52, Section, 16.52.060 B.4.b.i
Parking on unimproved/landscaped areas is prohibited☐ Title 16, Chapter 52, Section, 16.52.060 B.4.a.iii
Any vehicle parked in plain view, must be currently registered to operation a street or road way.☐ Title 8, Chapter 32, Section, 8.32.020 B.3
Trash containers shall generally be placed out of direct public view.☐ 8.32.020 Declaration of public nuisance
A public nuisance is created by every building or structure which:<ul style="list-style-type: none">☐ Dilapidation, dangerous or at risk of collapse from neglect☐ Is a breeding place for rodents, vermin, or vagrants☐ Is boarded up, abandoned, destroyed and is allowed to remain in a state of partial construction☐ Allows access through doors, windows, into vacant structure | <ul style="list-style-type: none">☐ Title 6, Chapter 6.04, Section, 6.04.020C/SBCC 32.0209
Every Resident in the City who owns, who has an interest, harbors feeds, takes care of, charge or custody of shall be required to obtain a city Dog license at 4 months of age☐ Title 16, Chapter 44, Section, 16.44.040.D.1.a
All lots smaller than 20,000 square feet-each residential parcel shall not exceed (4) four adult dogs or four (4) adult cats, or a combination totaling not more than four adult animals.☐ Title 15, Chapter 15.52.040, Section, 15.52.040
Residential rental without a business license.☐ Other :☒ Violation of condition of site approval or conditional use permit☐ Has overgrown weeds, trash accumulation, has noxious smell☐ Is unsafe, has graffiti, is left unpainted☐ Attractive nuisance to children |
|--|---|

CA13 Firecode - 505.1

- ☐ **Premises Identification** - 4" minimum address numbers. Numbers shall be placed on front of the building, said numbers shall be on contrasting background.

- ☐ **CA13 Electrical Code 590.3 B** - Temporary Installations (Holiday Lights)

Title 10, Chapter 10.20, Section 10.20.040

- ☐ **Public nuisances - Vehicle Abatement**

The accumulation and storage of dismantled, wrecked, inoperative, junked, abandoned vehicles or parts thereof, on private or public property is found to create a condition tending to reduce the value of private or public property, to promote blight and deterioration, invite plundering, to create fire hazards, to constitute an attractive nuisance, creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare of the public.

Please correct conditions by taking the following actions:

**** 1st Notice **** (1) Tractor-trailers cannot be stored on this property. For any questions concerning the land use requirements for your property contact the Planning Division at (909) 864-6861 ext. 258

You have 30 days to complete the abatement of this violation. A reinspection of this property is scheduled for 12/01/2020

Failure to correct the existing condition will result in further action. You may be charged for any corrective action taken by the City if you fail to correct the violation.

No person shall violate any provision, or fail to comply with any of the requirements to the Municipal Code, unless a different penalty is prescribed for violation of the Municipal Code, every act prohibited is declared unlawful, and every failure to perform an act made mandatory by the Municipal Code is punishable as a misdemeanor. The City Attorney may specify an accusatory pleading that the offense shall be an infraction. Each person shall be deemed guilty of a separate offense for each, and every day during any provision of the Municipal Code committed, continued, or permitted by such person, and shall be punishable accordingly. City administrative costs may be assessed to the property for noncompliance.

The City of Highland appreciates your cooperation. If you have any questions, contact a Code Compliance officer, at

Phone: (909) 864-8732 Ext. 220 Fax (909) 862-3180

Accepted By: _____
Thank You,
City of Highland, 27215 Base Line, Highland, CA 92346

Gary Chambers
Code Compliance Officer

ATTACHMENT "B"

Notice of Violation Letter dated January 18, 2021



City of Highland
Community Development Department
Notice of Violation
Public Nuisance Violations

To: Graw James E Tr Mc

Date: 01/18/2021

Property Located at: 1192-631-24 3rd, 1192-631-25 3rd

PO Box 7490, Redlands, CA 92375

YOUR PROPERTY IS IN VIOLATION OF THE CITY OF HIGHLAND MUNICIPAL CODE

- | | |
|---|---|
| <p>☐ Title 16, Chapter 52, Section, 16.52.060 B.4.b.i
Parking on unimproved/landscaped areas is prohibited</p> <p>☐ Title 16, Chapter 52, Section, 16.52.060 B.4.a.iii
Any vehicle parked in plain view, must be currently registered to operation a street or road way.</p> <p>☐ Title 8, Chapter 32, Section, 8.32.020 B.3
Trash containers shall generally be placed out of direct public view.</p> <p>☐ 8.32.020 Declaration of public nuisance
A public nuisance is created by every building or structure which:</p> <ul style="list-style-type: none">☐ Dilapidation, dangerous or at risk of collapse from neglect☐ Is a breeding place for rodents, vermin, or vagrants☐ Is boarded up, abandoned, destroyed and is allowed to remain in a state of partial construction☐ Allows access through doors, windows, into vacant structure | <p>☐ Title 6, Chapter 6.04, Section, 6.04.020C/SBCC 32.0209
Every Resident in the City who owns, who has an interest, harbors feeds, takes care of, charge or custody of shall be required to obtain a city Dog license at 4 months of age</p> <p>☐ Title 16, Chapter 44, Section, 16.44.040.D.1.a
All lots smaller than 20,000 square feet-each residential parcel shall not exceed (4) four adult dogs or four (4) adult cats, or a combination totaling not more than four adult animals.</p> <p>☐ Title 15, Chapter 15.52.040, Section, 15.52.040
Residential rental without a business license.</p> <p>☐ Other :</p> <p>☒ Violation of condition of site approval or conditional use permit</p> <p>☐ Has overgrown weeds, trash accumulation, has noxious smell</p> <p>☐ Is unsafe, has graffiti, is left unpainted</p> <p>☐ Attractive nuisance to children</p> |
|---|---|

CA13 Firecode - 505.1

- ☐ **Premises Identification** - 4" minimum address numbers. Numbers shall be placed on front of the building, said numbers shall be on contrasting background.

- ☐ **CA13 Electrical Code 590.3 B** - Temporary Installations (Holiday Lights)

Title 10, Chapter 10.20, Section 10.20.040

- ☐ **Public nuisances - Vehicle Abatement**

The accumulation and storage of dismantled, wrecked, inoperative, junked, abandoned vehicles or parts thereof, on private or public property is found to create a condition tending to reduce the value of private or public property, to promote blight and deterioration, invite plundering, to create fire hazards, to constitute an attractive nuisance, creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare of the public.

Please correct conditions by taking the following actions:

**** Final Notice **** (Both Parcels; APNS: 1192-631-25-0000 & 1192-631-24-0000) HIMC B1 - Violation of any condition of a site approval or conditional use permit; Corrective Actions: Tractor-trailers cannot be stored on this property. Property must be clear of all tractor-trailers, vehicles, outside storage & debris. For any questions concerning the land use requirements for your property contact the Planning Division at (909) 864-6861 ext. 258. If these violations are not corrected by the next inspection date, citations will be issued.

You have 30 days to complete the abatement of this violation. A reinspection of this property is scheduled for 02/19/2021

Failure to correct the existing condition will result in further action. You may be charged for any corrective action taken by the City if you fail to correct the violation.

No person shall violate any provision, or fail to comply with any of the requirements to the Municipal Code, unless a different penalty is prescribed for violation of the Municipal Code, every act prohibited is declared unlawful, and every failure to perform an act made mandatory by the Municipal Code is punishable as a misdemeanor. The City Attorney may specify an accusatory pleading that the offense shall be an infraction. Each person shall be deemed guilty of a separate offense for each, and every day during any provision of the Municipal Code committed, continued, or permitted by such person, and shall be punishable accordingly. City administrative costs may be assessed to the property for

noncompliance.

The City of Highland appreciates your cooperation. If you have any questions, contact a Code Compliance officer, at
Phone: (909) 864-8732 Ext. 220 Fax (909) 862-3180

Accepted By: "MAILED"

Thank You,

City of Highland, 27215 Base Line, Highland, CA 92346

Gary Chambers

Code Compliance Officer

ATTACHMENT "C"

Notice of Violation Letter dated April 23, 2021



City of Highland
Community Development Department
Notice of Violation
Public Nuisance Violations

To: William Morgan; Eden Morgan

Date: 04/23/2021

Property Located at: 1192-631-24 3rd, 1192-631-25 3rd, 1192-631-10 3rd, 1192-631-11 3rd

PO BOX 7490, Redlands, CA 92375

YOUR PROPERTY IS IN VIOLATION OF THE CITY OF HIGHLAND MUNICIPAL CODE

- | | |
|---|---|
| <p>☐ Title 16, Chapter 52, Section, 16.52.060 B.4.b.i
Parking on unimproved/landscaped areas is prohibited</p> <p>☐ Title 16, Chapter 52, Section, 16.52.060 B.4.a.iii
Any vehicle parked in plain view, must be currently registered to operation a street or road way.</p> <p>☐ Title 8, Chapter 32, Section, 8.32.020 B.3
Trash containers shall generally be placed out of direct public view.</p> <p>☐ 8.32.020 Declaration of public nuisance
A public nuisance is created by every building or structure which:</p> <ul style="list-style-type: none">☐ Dilapidation, dangerous or at risk of collapse from neglect☐ Is a breeding place for rodents, vermin, or vagrants☐ Is boarded up, abandoned, destroyed and is allowed to remain in a state of partial construction☐ Allows access through doors, windows, into vacant structure | <p>☐ Title 6, Chapter 6.04, Section, 6.04.020C/SBCC 32.0209
Every Resident in the City who owns, who has an interest, harbors feeds, takes care of, charge or custody of shall be required to obtain a city Dog license at 4 months of age</p> <p>☐ Title 16, Chapter 44, Section, 16.44.040.D.1.a
All lots smaller than 20,000 square feet-each residential parcel shall not exceed (4) four adult dogs or four (4) adult cats, or a combination totaling not more than four adult animals.</p> <p>☐ Title 15, Chapter 15.52.040, Section, 15.52.040
Residential rental without a business license.</p> <p>☒ Other : Land Use</p> <p>☐ Violation of condition of site approval or conditional use permit</p> <p>☐ Has overgrown weeds, trash accumulation, has noxious smell</p> <p>☐ Is unsafe, has graffiti, is left unpainted</p> <p>☐ Attractive nuisance to children</p> |
|---|---|

CA13 Firecode - 505.1

- ☐ **Premises Identification** - 4" minimum address numbers. Numbers shall be placed on front of the building, said numbers shall be on contrasting background.

- ☐ **CA13 Electrical Code 590.3 B** - Temporary Installations (Holiday Lights)

Title 10, Chapter 10.20, Section 10.20.040

- ☐ **Public nuisances - Vehicle Abatement**

The accumulation and storage of dismantled, wrecked, inoperative, junked, abandoned vehicles or parts thereof, on private or public property is found to create a condition tending to reduce the value of private or public property, to promote blight and deterioration, invite plundering, to create fire hazards, to constitute an attractive nuisance, creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare of the public.

Please correct conditions by taking the following actions:

**** Final Courtesy Notice **** (APN'S #1192-631-10-0000, 1192-631-11-0000, 1192-631-24-0000, & 1192-631-25-0000)
HMC 8.32.020 C - violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California. Corrective Actions: Tractor-trailers cannot be stored/parked on this property(ies). Property(ies) must be clear of all tractor-trailers, vehicles, outside storage & debris of any kind. For any questions concerning land development or approvals contact the Planning Division at (909) 864-6861 ext. 258. To avoid citations or a Public Nuisance hearing, please comply by 05/26/2021.

You have 30 days to complete the abatement of this violation. A reinspection of this property is scheduled for 05/26/2021

Failure to correct the existing condition will result in further action. You may be charged for any corrective action taken by the City if you fail to correct the violation.

No person shall violate any provision, or fail to comply with any of the requirements to the Municipal Code, unless a different penalty is prescribed for violation of the Municipal Code, every act prohibited is declared unlawful, and every failure to perform an act made mandatory by the Municipal Code is punishable as a misdemeanor. The City Attorney may specify an accusatory pleading that the offense shall be an infraction. Each person shall be deemed guilty of a separate offense for each, and every day during any provision of the Municipal Code committed, continued, or permitted

by such person, and shall be punishable accordingly. City administrative costs may be assessed to the property for noncompliance.

The City of Highland appreciates your cooperation. If you have any questions, contact a Code Compliance officer, at Phone: (909) 864-8732 Ext. 220 Fax (909) 862-3180

Accepted By: "MAILED"
Thank You,
City of Highland, 27215 Base Line, Highland, CA 92346

Gary Chambers
Code Compliance Officer

ATTACHMENT "D"

Administrative citation, #15560, issued October 5, 2021



CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

CITATION NO. **15560**

ADMINISTRATIVE CITATION

Date: 10-05-2021 Time: 11:09am (Violation Observed)

☐ WARNING

☒ 1st Citation - \$ 100.00 ☐ 2nd Citation - \$ _____

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 10-30-2021. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 11-5-2021. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

DL #: N/A DOB: N/A
Morgan, William

MAILING ADDRESS:

PO Box 7490, Redlands, CA 92375

VIOLATION ADDRESS:

APN #1192-631-10-0000, #1192-631-11-0000, #1192-631-24-0000, #1192-631-25-0000

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
<u>HMC 832.020 C</u>	<u>Violation of Highland Development Code.</u>
<u>HMC 1624.030</u>	<u>Violation of local regulations for employment districts.</u>

CORRECTIONS REQUIRED: Remove all unpermitted parking/storage of tractor-trailers from your properties including all overflow. Storage/parking of tractor-trailers on properties identified as APN #1192-631-27-0000, 1192-631-28-0000, and APN #1192-641-15-0000.

Signature of Issuing Officer [Signature] Issued Date 10-05-2021

Printed Name of Issuing Officer Casey Anderson

Acknowledgement of Receipt (Signature) "Marked"

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT "E"

Administrative citation, #15570, issued November 06, 2021



CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

CITATION NO. 15570

ADMINISTRATIVE CITATION

Date: 11-06-2021 Time: 12:36pm (Violation Observed)

☐ WARNING

☐ 1st Citation - \$ ☒ 2nd Citation - \$ 200.00

☐ 3rd Subsequent - \$

The payment listed above is due by 12-01-2021. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 11-22-2021. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

McGowan, William

DL #: N/A DOB: N/A

MAILING ADDRESS:

PO Box 7490, Belland, CA 92375

VIOLATION ADDRESS: (Parcel) # 1192-631-10-0000

1192-631-11-0000, # 1192-631-24-0000, # 1192-631-25-0000

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
<u>HMC</u> <u>8-32.020 C</u>	<u>Violation of Highland Development</u> <u>Code.</u>
<u>HMC</u> <u>11-24.030</u>	<u>Violation of use regulations</u> <u>for employment districts.</u>

CORRECTIONS REQUIRED:

Remove all unpermitted
parking/storage of tractor-trailers from
properties. A Public Hearing will be scheduled tentatively for
December 21, 2021, if no compliance
by 11-22-2021.

Signature of Issuing Officer [Signature] Issued Date 11-06-2021

Printed Name of Issuing Officer Carol Chambers

Acknowledgement of Receipt (Signature) "Mailed /" posted"

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT "F"

Administrative citation, #15608, issued January 25, 2022



CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

CITATION NO. 15608

ADMINISTRATIVE CITATION

Date: 1-25-2022 Time: 10:06am (Violation Observed)

☐ WARNING

☒ 1st Citation - \$ 100.00 ☐ 2nd Citation - \$ _____

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 2-19-2022. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 2-19-2022. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

AG CNG Highland Owner LLC

DL #: N/A DOB: N/A

MAILING ADDRESS:

245 Park Ave. FL #24, New York, NY 10167

VIOLATION ADDRESS: 1192-631-10-0000 1192-631-11-0000

Packages 1192-631-24-0000 1192-631-25-0000

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
<u>HMC</u> <u>8.32-020C</u>	<u>Violation of Highland Development</u>
<u>HMC</u> <u>16.24.030</u>	<u>Code</u> <u>Use Regulations for</u> <u>Employment Districts</u>

CORRECTIONS REQUIRED: Remove all unpermitted

parking/storage of tractor-trailers

from the properties

Obtain landscape approvals

for any other applicable permits prior to the

reestablishment of any future uses on the properties

Signature of Issuing Officer [Signature] Issued Date 1-25-2022

Printed Name of Issuing Officer Barry Chambers

Acknowledgement of Receipt (Signature) "Marked" "Posted"

READ REVERSE SIDE
FOR IMPORTANT INFORMATION

ATTACHMENT "G"

Administrative citation, #15508, issued April 25, 2022



CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

CITATION NO. **15508**

ADMINISTRATIVE CITATION

Date: **4-25-2022** Time: **1:12 PM** (Violation Observed)

☐ WARNING

☐ 1st Citation - \$ ☒ 2nd Citation - \$ **200.00**

☐ 3rd Subsequent - \$

The payment listed above is due by **5-20-2022**. See reverse side for payment and appeal instructions.

Corrections indicated below are required by **5-20-2022**. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

AG ERG Highland Owner LLC

DL #:

N/A

DOB:

N/A

MAILING ADDRESS:

245 Park Ave, FL 24, New York, NY 1016

VIOLATION ADDRESS:

Parcels 1192-631-10, 1192-631-11, 1192-631-24, 1192-631-25

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

HMC

832.020 C

Violation of Highland Development Code

HMC

16.24.030

Use regulations for Employment districts

CORRECTIONS REQUIRED:

Remove all unpermitted parking or storage of semi-tractors & tractor-trailers from the properties. Obtain land use approvals & any other applicable permits prior to the establishment of any future uses on the properties.

Signature of Issuing Officer

4-25-2022
Issued Date

Printed Name of Issuing Officer

Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT "H"

Administrative citation, #15522, issued May 25, 2022

#3910



CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

CITATION NO. 15522**ADMINISTRATIVE CITATION**Date: 5-24-2022 Time: 10:23am (Violation Observed)☐ **WARNING**☒ 1st Citation - \$ 100.00 ☐ 2nd Citation - \$ _____☐ 3rd Subsequent - \$ _____The payment listed above is due by 6-19-2022. See reverse side for payment and appeal instructions.Corrections indicated below are required by 6-15-2022. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

CHIPT Highland 210 LP
DL #: N/A DOB: N/A

MAILING ADDRESS:

527 W 7TH St. #200, Los Angeles, CA 90014

VIOLATION ADDRESS: 1192-631-10, 1192-631-11
3rd 15th St Highland, CA 1192-631-24, 1192-631-25

MUN. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

<u>HMC</u> <u>8.32.020 C</u>	<u>Violation of Highland Development Code</u>
<u>HMC</u> <u>16.24.030</u>	<u>Use regulations for employment districts</u>

CORRECTIONS REQUIRED: Remove all unpermitted parking or storage of semi-trucks, tractor-trailers, or any other vehicles which constitute a public nuisance from the properties.

Signature of Issuing Officer

5-25-2022
Issued Date

Printed Name of Issuing Officer

"Mailed"
Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT "I"

Notice of Public Hearing & Public Posting Copy dated
July 01, 2022



CITY OF HIGHLAND NOTICE OF PUBLIC HEARING

**27215 Baseline, Highland, CA 92346
Telephone (909) 864-6861 FAX: (909) 862-3180**

CITY OF HIGHLAND NOTICE OF PUBLIC HEARING BEFORE THE CITY OF HIGHLAND APPEALS BOARD (BOARD)

This notice is to inform you of a hearing to be held before the City of Highland Appeals Board to determine whether certain conditions and/or uses are existing on property identified as APNS 1192-631-10, 1192-631-11, 1192-631-24, 1192-631-25, & 1192-631-26, generally located at 27059 5th St. & 27048 3rd St. (referred to hereafter as ("The Properties")) continue to constitute a public nuisance pursuant to the Highland Municipal Code & Ordinances of the City of Highland at the following place, date, and time.

TIME AND DATE OF HEARING: Tuesday, July 19, 2022, at 6:00PM

**LOCATION OF HEARING: City Hall Council Chambers 27215 Base
Line Highland, CA 92346**

You may bring any witnesses, pictures, photographs, reports, or any other exhibits to this hearing which you feel will establish or prove the Property is not a public nuisance. You may be represented by an attorney. You will have an opportunity to examine all evidence and witnesses testifying against you.

If the Appeals Board determines at the end of the hearing, that this Property is in fact a public nuisance, you will be ordered to abate the public nuisance or the condition thereof and your property will be assessed the City's administrative and incidental costs incurred up to that stage in the abatement process. This assessment will result in a lien upon your property until paid. Thereupon, if you fail to obey the Appeals Board's order to abate this nuisance, the City may do so for you, in accordance with applicable statutes [HMC Section 8.28.010 (A)(B)]. The costs and expense of abating the nuisance including the City's incidental and administrative expenses, may be recovered in an appropriate civil action, and will result in a lien upon the Property until it is paid. (HMC Section 8.28.020).

VIA CERTIFIED MAIL
RETURN SERVICE REQUESTED AND
FIRST CLASS MAIL

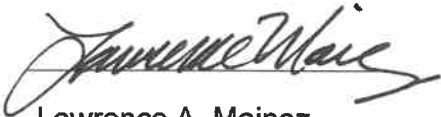
The conditions of the Property constituting a public nuisance are as follows:

Unapproved/Unpermitted land use, storage of semi-tractors & tractor-trailers.

You may voluntarily abate the nuisance yourself by doing the following things:

Stop all operation of unapproved/unpermitted land use, remove all tractor-trailers, as well as other vehicles associated with this public nuisance.

If you choose to voluntarily abate this nuisance prior to this hearing, you may notify the Community Development Director at least three (3) days prior to the date of hearing set below, for a prehearing inspection.



Lawrence A. Mainez

Community Development Director Cc:

Code Enforcement File



CITY OF HIGHLAND NOTICE OF PUBLIC HEARING

27215 Baseline, Highland, CA 92346
Telephone (909) 864-6861 FAX: (909) 862-3180

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF HIGHLAND APPEALS BOARD (BOARD)

Date: July 01, 2022

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE HIGHLAND APPEALS BOARD TO CONSIDER DECLARING THE FOLLOWING DESCRIBED PROPERTIES A PUBLIC NUISANCE DUE TO LAND USE VIOLATIONS RELATED TO UNPERMITTED STORAGE OF TRACTOR TRAILERS.

File Number: APPEALS BOARD PUBLIC NUISANCE HEARING CASE # 3910

SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Chapter 8.32.060 of the Highland Municipal Code on the following Assessor's Parcel Numbers: 1192-631-10, 1192-631-11, 1192-631-24, 1192-631-25, & 1192-631-26

PROPERTY OWNER(S): CHIPT Highland 210 LP

VIOLATION ADDRESS/APN: 27059 5th St. & 27048 3rd St., Highland, CA 92346, Parcel #'s 1192-631-10, 1192-631-11, 1192-631-24, 1192-631-25, & 1192-631-26

HEARING LOCATION: Highland City Hall Council Chambers
27215 Base Line
Highland, CA 92346

DATE AND TIME OF HEARING: Tuesday, July 19, 2022, at 6:00 PM
(Or soon thereafter)

ATTACHMENT “J”

Notice of Public Hearing (Affidavit of Mailing) dated
July 01, 2022

AFFIDAVIT OF MAILING

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

I am employed in the County of San Bernardino, State of California. I am over the age of 18 and not a party to the within action. My business address is City of Highland, 27215 Base Line, Highland, CA 92346.

On July 01, 2022, I caused to be served a copy of the attached Public Hearing Notice, Case #3910, Certified Mail, Return Receipt Requested, to the following parties: CHIPT Highland 210 LP. Said service was made by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail, at Highland, California, and addressed to the Parties as more fully detailed below.

CH IPT Highland 210 LP
527 W 7th St. STE 200
Los Angeles, CA 90014

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and this Declaration was executed at Highland, CA, on July 01, 2022.

Dated: July 1, 2022


Shannon Wisniewski, Administrative Assistant III
City of Highland

EXHIBIT “2”

Pending Notice of Non-Compliance/Public Nuisance Hearing
dated May 24, 2022



May 24, 2022

CHIPT Highland 210 LP

527 W 7th St. STE 200

Los Angeles, CA 90014

RE: Pending Notice of Non-Compliance/Public Nuisance Hearing {Parcel #'s 1192-631-10, 1192-631-11, 1192-631-24, & 1192-631-25 (Highland, CA)}

The City of Highland has exhausted all efforts to bring the properties into compliance with the City of Highland Municipal & Development Code's, specifically, unapproved/unpermitted land use, parking or storage of semi-tractors & tractor-trailers. A Public Nuisance Hearing will be scheduled to declare the subject properties a public nuisance. You should expect to receive an official Public Nuisance Hearing Notice soon.

If you wish to avoid having the properties declared a public nuisance, please remove all unpermitted parking or storage of semi-tractors & tractor-trailers from the properties and obtain land use approvals and any other applicable permits prior to the establishment of any future uses on the properties.

Sincerely,

Gary Chambers

Code Compliance Officer, City of Highland, California

Phone: (909) 864-6861 ext. 220

CC: Lawrence Mainez, Community Development Director

CC: AG CRG Highland Owner LLC

Mayor
Larry McCallon

Mayor Pro Tem
Penny Lilburn

City Council
Jesse Chavez

City Council
Anaeli Solano

City Council
John P. Timmer

City Manager
Joseph A. Hughes

27215 Base Line • Highland, CA 92346

Tel: 909.864.6861 • Fax: 909.864.3180 • www.cityofhighland.org



EXHIBIT “3”

**Notice of Non-Compliance/Public Nuisance Hearing dated
June 16, 2022**



June 16, 2022

CHIPT Highland 210 LP

527 W 7th St. STE 200
Los Angeles, CA 90014

RE: Notice of Non-compliance/Public Nuisance Hearing; {27059 5th St. & 27048 3rd St., Highland, CA (APN'S 1192-631-10, 1192-631-11, 1192-631-24, 1192-631-25, & 1192-631-26)}

Dear CHIPT Highland 210 LP

The City of Highland has made every effort to bring the properties into compliance with the City of Highland Municipal & Development Code's, specifically, unapproved/unpermitted land use, parking and storage of semi-tractors and tractor-trailers. A Public Nuisance Hearing has been scheduled to declare the subject properties a public nuisance on July 19th, 2022, at 6:00 pm or soon thereafter. If you wish to avoid having the properties declared a public nuisance, please remove all unpermitted parking or storage of tractor-trailers and commercial trucks from the properties and contact the Planning Division as soon as possible.

Thank you for your prompt attention and cooperation in resolving this matter,

Sincerely,

Gary Chambers

Code Compliance Officer, City of Highland, California

Phone: (909) 864-6861 ext. 220

CC: Lawrence Mainez, Community Development Director

CC: Angela Tafolla, Assistant Planner

Mayor
Larry McCallon

Mayor Pro Tem
Penny Lilburn

City Council
Jesse Chavez

City Council
Anaeli Solano

City Council
John P. Timmer

City Manager
Joseph A. Hughes

27215 Base Line • Highland, CA 92346

Tel: 909.864.6861 • Fax: 909.840.3180 • www.cityofhighland.org



EXHIBIT “4”
Aerial/Site location Map



27059 5th St. & 27048 3rd St.



EXHIBIT “5”

Case photographs dated October 28, 2020





EXHIBIT “6”

Case photographs dated January 18, 2021



EXHIBIT "7"

Case photographs dated April 22, 2021

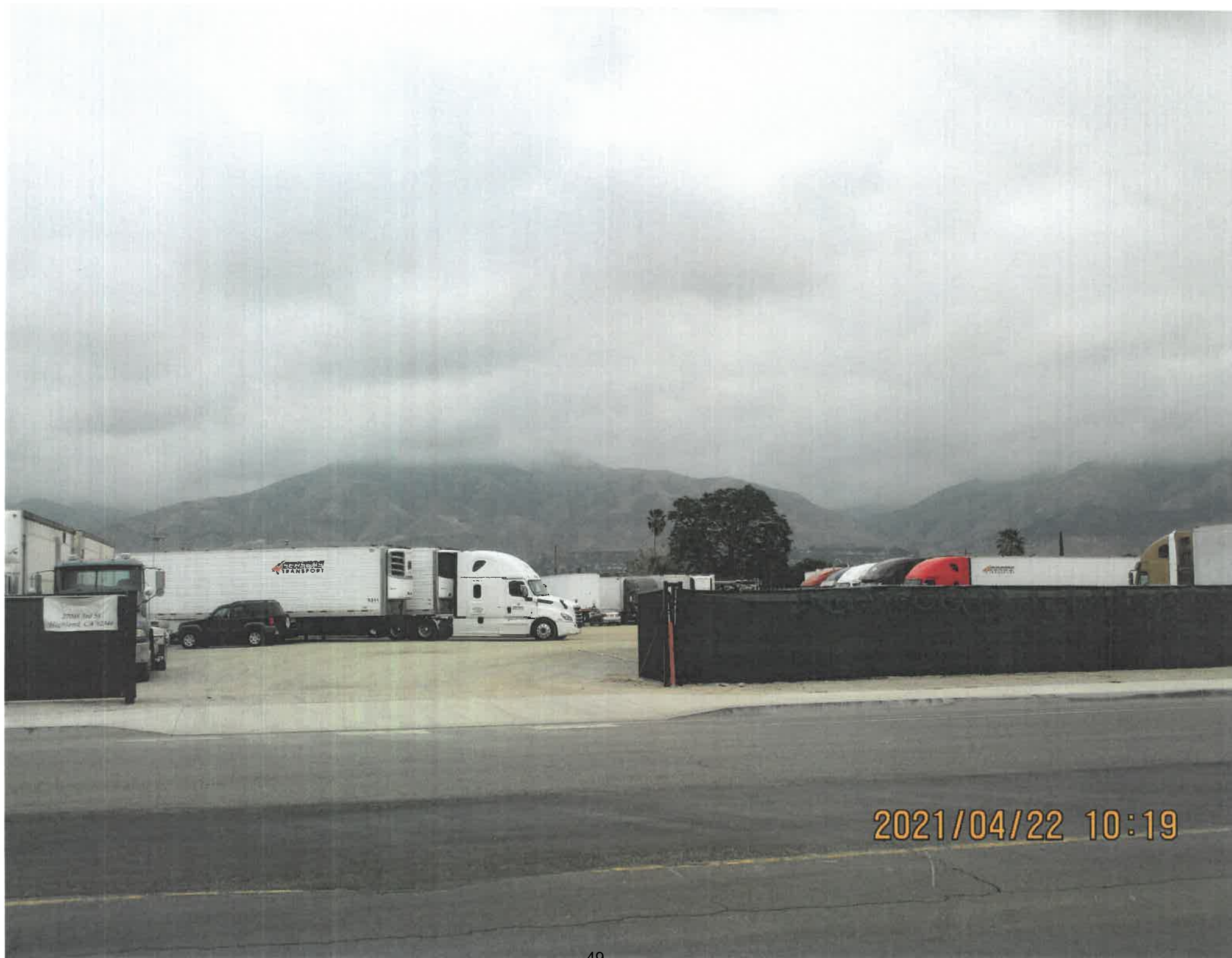


EXHIBIT "8"

Case photographs dated October 05, 2021







EXHIBIT “9”

Case photographs dated November 06, 2021







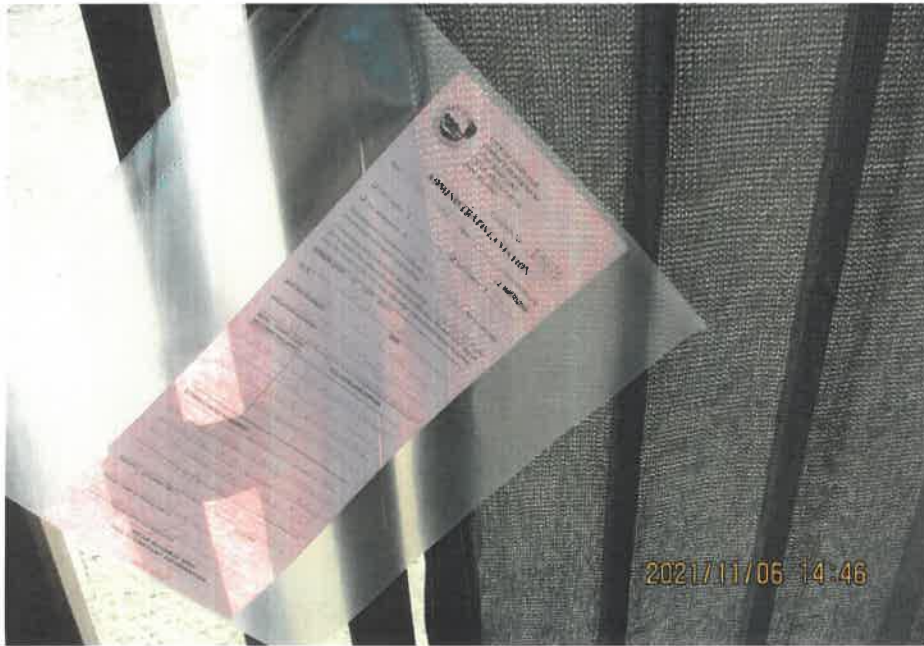
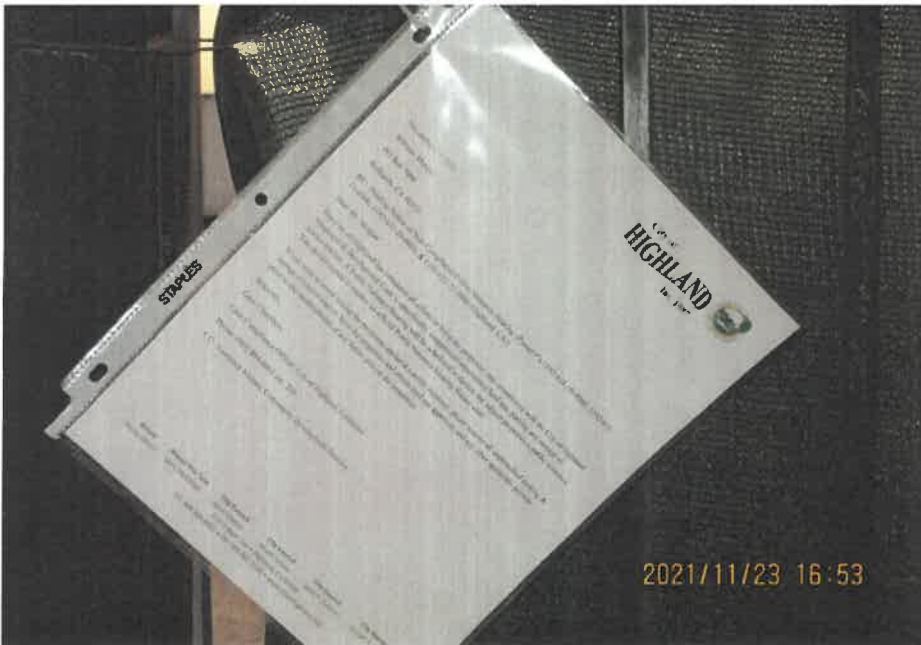




EXHIBIT “10”

Case photographs dated November 23, 2021





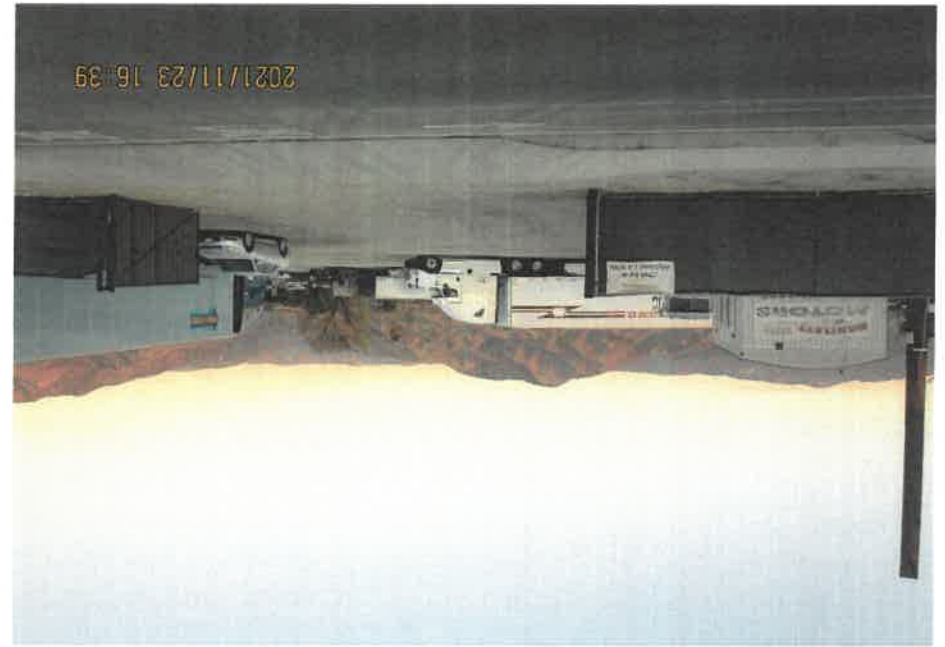


EXHIBIT “11”

Case photographs dated January 25, 2022







EXHIBIT “12”

Case photographs dated April 25, 2022



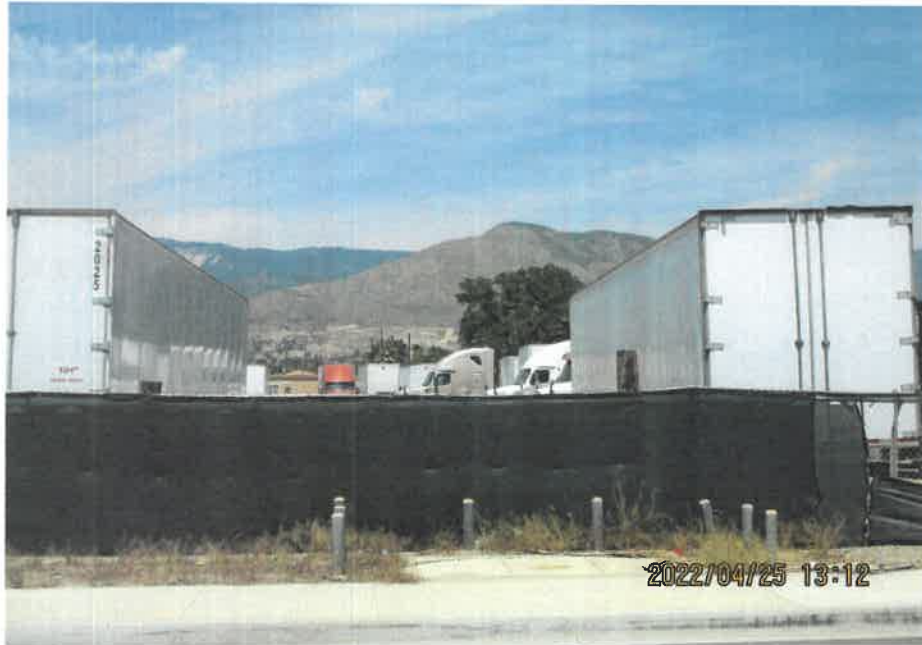


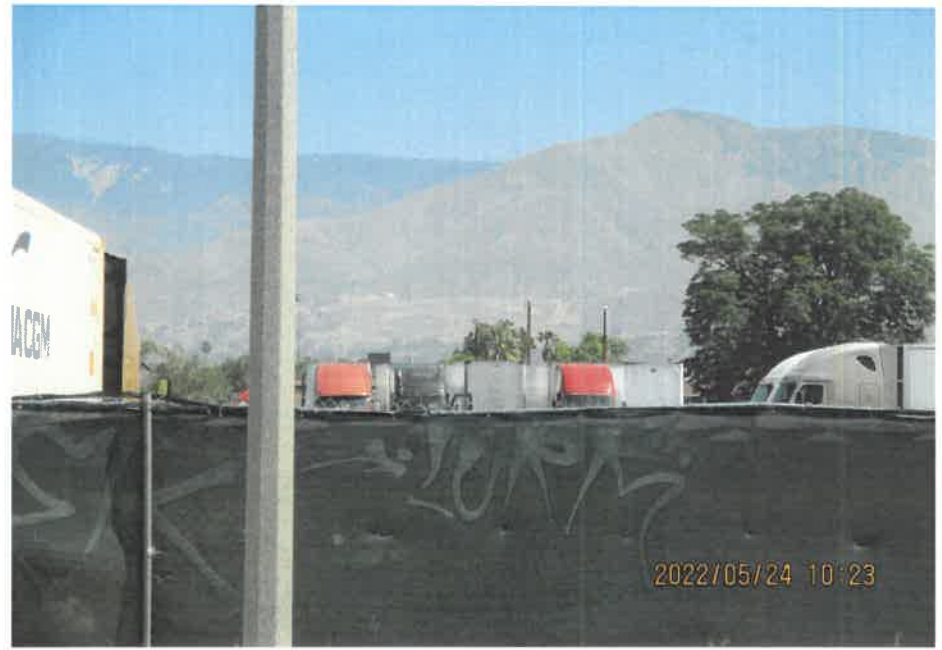




EXHIBIT "13"

Case photographs dated May 24, 2022









STAFF REPORT

TO THE APPEALS BOARD

DATE: July 19, 2022

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Gary Chambers, Code Compliance Officer 

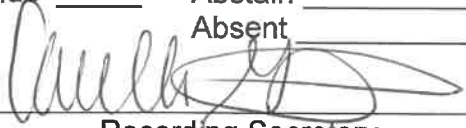
SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 26562 3rd St., Highland, CA 92346, Tax Assessor's Parcel Number 1192-551-07.

PROPERTY OWNER: Daniel Villarruel, Aurora Serrano Zacarias

RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2022 - _____, declaring the existence of a public nuisance on the Property generally located at 26562 3rd St., Highland, CA 92346 and order the abatement thereof.

FISCAL IMPACT: The full cost to the city regarding the abatement of the Public Nuisance is currently unknown. Staff has accounted for its time in its attempt to abate the nuisance conditions on the Properties. Staff will present the Property Owner(s) of record with the cost of the City's efforts to abate the violations at the time all violations are remedied. If the Property Owner(s) elect not to pay for the City's cost to abate the violations, a Public Hearing will be held to assess the property for the cost of the abatement process.

PUBLIC NOTICE: Pursuant to Chapter 8.32, Public Hearing Notices were mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to the Property Owner(s) on July 01, 2022. (Attached hereto as Exhibit "1" attachment "E" and incorporated herein by reference). In addition, on July 01, 2022, staff posted the Public Hearing Notice at the subject property and the Agenda was posted at three designated locations in accordance with City policy, and a copy of said Agenda was placed on the City's Website (see Affidavit of Posting / Mailing and attached hereto as Exhibit "1" attachment "F" and incorporated herein by reference).

Approved _____	Motion _____	Second _____	Agenda Item No. <u>3</u>
Denied _____	Ayes _____		File No. _____
	Noes _____		
Continue _____	Abstain _____		
	Absent _____		
 Recording Secretary		 Community Development Director	

BACKGROUND:

Dec. 20, 2020

This case was initiated due to a complaint received regarding the unpermitted parking and storage of commercial vehicles and tractor-trailers on the property generally located at 26562 3rd St., Highland, CA 92346, APN: 1192-551-07 (**Reference case #7645**).

Dec. 28, 2020

Code Compliance Officer Justin Ramirez arrived at the property to conduct an inspection and observed the parking or storage of several commercial vehicles and tractor-trailers without city approval or permits. A **Notice of Violation** was mailed to the property owner's address of record.

Feb. 03, 2021

Code Compliance Officer Justin Ramirez conducted a reinspection of the subject property and observed no change in the condition of the property. The property was still being utilized for the unpermitted parking and storage of commercial vehicles and tractor-trailers. A **2nd Notice of Violation** was mailed to the property owners address of record.

May 19, 2021

The Property Owner, Daniel Villarruel, came into the city to speak with the Planning Division. Mr. Villarruel wanted to keep his trucks parked on the property and it was explained to Mr. Villarruel that it was not a permitted use.

Aug. 24, 2021

Lawrence Mainez, Community Development Director, had a phone conversation with the Property Owner, Daniel Villarruel. Mr. Villarruel requested additional time to remove the commercial vehicles and tractor-trailers from the property. The request was declined, and it was explained to Mr. Villarruel that if there was no further attempt to comply, the case would be presented to the Planning Commission/Appeals Board for a Declaration of Public Nuisance. Mr. Villarruel was informed that he could make a request for additional time with the Planning Commission/Appeals Board.

Nov. 18, 2021

The case was reassigned to Code Compliance Officer Gary Chambers. Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed that the property was still being utilized for the unpermitted parking and storage of commercial vehicles and tractor-trailers. Code Compliance Officer Gary Chambers contacted the Property Owner, Daniel Villarruel, by phone. Code Compliance Officer Gary Chambers informed Mr. Villarruel that the case had

been discussed with Lawrence Mainez, Community Development Director, and at this time another meeting would be unproductive as all efforts by the Planning Division had been exhausted. I informed Mr. Villarruel that I would grant him an additional 2 weeks to remove the commercial vehicles and tractor trailers before issuing a citation. It was explained to Mr. Villarruel that he could present his case to the Planning Commission/Appeals Board. Mr. Villanueva thanked me and stated he would have the vehicles removed in two weeks.

Feb. 03, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed that the commercial vehicles and tractor trailers had been removed from the property. The case was subsequently closed.

Apr. 23, 2022

During routine patrol, Code Compliance Officer Gary Chambers observed the parking and storage of semi-tractors and tractor-trailers on the property without city approval or permits. Due to previous case history, **Administrative Citation #15505 (\$100)** was issued for the violation of the Highland Municipal and Development codes. One copy of the Citation was mailed to the property owner's address of record and an additional copy was posted at the property. While Code Compliance Officer Gary Chambers was posting a copy of the citation at the property, Mr. Villarruel approached him, and asked why he was at the property. Code Compliance Officer Gary Chambers explained that a citation had been issued due to the unapproved parking and storage of semi-tractors and tractor-trailers on the property. It was explained to Mr. Villarruel that he knew the regulations, which had previously been explained to him, and that he had previously complied. Mr. Villarruel stated that he was in the process of selling the property and would not move the trucks until the property was sold.

Apr. 25, 2022

The Property Owner, Daniel Villarruel, came in and spoke with the Planning Division regarding the \$100 citation he received. Mr. Villarruel stated that he was in escrow to sell his property and has brought back his trucks while the property is in escrow. Mr. Villarruel also stated that he was not going to pay the citation and wanted to complain about all the other trucks parked on properties near him that have not been posted to have trucks removed.

May 25, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed no progress

towards compliance. Code Compliance Officer Gary Chambers observed that semi-tractors and tractor-trailers were still being parked and stored on the property without city approval or permits. **Administrative Citation #15523 (\$200)** was issued for the violation of the Highland Municipal and Development codes. One copy of the Citation was mailed to the property owner's address of record and an additional copy was posted at the property.

CONCLUSION:

As evidenced by all inspections conducted and the exhibits incorporated herein by reference, the property, identified as APN: 1192-551-07 (26562 3rd St., Highland, CA) has been permitted to exist in violation of the following sections of the Highland Municipal & Development Code, and therefore constitutes a Public Nuisance. Specifically, the property is in violation of the following provisions of the Municipal & Development Code:

- I. Highland Municipal Code Section 8.32.020 C (A public nuisance is created by any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California)
- II. Highland Municipal Code Section 16.24.030 (Use Regulations for Employment Districts); There is no use specifically listed for the parking and storage of semi-tractors or tractor-trailers in Employment Districts. Furthermore, the City of Highland's Land Use and Development Code Title 16 is a permissive code, which means if a use is not specifically listed within in the applicable use tables it should be considered a 'not permitted' use. The land use of trucking services and terminals (i.e. tractor-trailers) is only allowed in the BP Zoning District if ancillary to a permanent warehousing or other related business on the property (Table 16.24.030.A (B)(2), Wholesale and Warehousing Uses). The unimproved subject properties being used for the unpermitted parking and storage of trucking services and terminals (i.e. tractor-trailers) not related to and/or ancillary to an on-site warehousing or similar type use constitutes a public nuisance.
- III. Highland Municipal Code Section 5.04.030 A (No person shall conduct any business in the city without first having obtained a business license, paid the appropriate license fee, and complied with any and all applicable provisions of this code).

The property owner(s) is requested to remove all unpermitted parking or storage of Semi-trucks and tractor-trailers from the property and obtain land use approvals or any other applicable permits prior to the establishment of any future uses on the property by no later than sixty (60) days from the issuance of an order of the Appeals Board in

accordance with Chapter 8.32 of title 8 of the Highland Municipal Code.

Exhibit "1" Appeals Board Declaration of Public Nuisance Resolution 2022_____, inclusive of the following attachments:

- A. Notice of Violation Letter dated December 28, 2020
- B. Notice of Violation Letter dated February 03, 2021
- C. Administrative Citation, #15505, issued April 03, 2022
- D. Administrative Citation, #15523, issued May 25, 2022
- E. Notice of Public Hearing & Public Posting Copy dated July 01, 2022
- F. Notice of Public hearing (Affidavit of Mailing) dated July 01, 2022

Exhibit "2" Notice of Non-Compliance/Public Nuisance Hearing dated June 16, 2022

Exhibit "3" Aerial/Site Location Map

Exhibit "4" Case photographs dated December 28, 2020

Exhibit "5" Case photographs dated February 03, 2021

Exhibit "6" Case photographs dated April 23, 2022

Exhibit "7" Case photographs dated May 25, 2022

Exhibit "8" Case photographs, Posted Public Hearing Notice, dated July 01, 2022

EXHIBIT "1"

**Appeals Board Resolution, inclusive of the following
attachments**

RESOLUTION NO. 2022-

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS APN: 1192-551-07, GENERALLY LOCATED AT 26562 3rd ST., HIGHLAND, CA 92346, AND ORDERING THE OWNERS OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.

(CODE CASE #9069)

A. RECITALS

1. On December 28, 2020, while conducting an inspection at 26562 3rd St., Highland, the City observed that the property identified as San Bernardino County APN 1192-551-07, ("the Property") was being used for the parking and storage of commercial vehicles, semi-tractors, and tractor-trailers. Further research revealed that the commercial vehicles, semi-tractors, and tractor-trailers were being parked/stored on the property without approval or permits from the city.
2. On February 03, 2022, the Property Owner complied, and the case was subsequently closed.
3. On April 23, 2022, a new case was opened (Code Case #9069) due to the continued parking and storage of commercial vehicles, semi-tractors, and tractor-trailers on the property without city approval or permits.
4. The City of Highland has since inspected the Property numerous times and discovered the Property has been maintained and permitted to exist in violation of multiple sections of the Highland Municipal Code, and therefore constitutes a public nuisance.
5. Notices of Violations were mailed/posted on;

12/28/2020 (Attachment A)
02/03/2021 (Attachment B)
6. Administrative Citations, were issued/mailed on;

04/23/2022 (Attachment C)
05/25/2022 (Attachment D)
7. Pursuant to Chapter 8.32 of the Highland Municipal Code, a Notice of Public Hearing was mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to the property owner(s) on July 01, 2022. A copy of the notice was also posted at the Properties (Attachment F).

B. RESOLUTION

NOW THEREFORE, it is hereby found, determined, and resolved by the Planning Commission/Appeals Board of the City of Highland as follows:

1. All of the facts set forth in the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution by this reference.
2. Staff timely notified the owners of the Properties that the Planning Commission/Appeals Board would be holding a Public Hearing on July 19th, 2022; that Notice is attached hereto as Attachment E. The Appeals Board held a Public Hearing on that Hearing Date, at which time, all written and oral evidence and testimony from the owner of the Properties, the Public, and Staff were considered.
3. All necessary hearings and opportunities for testimony, and comment have been conducted in compliance with the Municipal Code of the City of Highland.
4. The Public Nuisance Hearing has independently considered all relevant information of both the public, and Staff testimony, written and oral, including the Staff Report and its exhibits which are incorporated herein by this reference.

Order Finding and Ordering Abatement of Public Nuisance

5. Based upon substantial evidence in the record, the Planning Commission/Appeals Board hereby declares that a public nuisance, as defined by Highland Municipal Code 8.32.020, has been allowed to exist on the Property generally located at 26562 3rd St., Highland, California 92346, since at least December 28, 2020.
6. Specifically, based upon the evidence and testimony presented to the Planning Commission/Appeals Board during the above-referenced Hearing, the Planning Commission/Appeals Board finds as follows;
 - a. Highland Municipal Code Section 16.24.030 (Use Regulations for Employment Districts); There is no use specifically listed for the parking or storage of semi-tractors or tractor-trailers in Employment Districts. Furthermore, the City of Highland's Land Use and Development Code Title 16 is a permissive code, which means if a use is not specifically listed within in the applicable use tables it should be considered a 'not permitted' use. The land use of trucking services and terminals (i.e., tractor-trailers) is only allowed in the BP Zoning District if ancillary to a permanent warehousing or other related

business on the property (Table 16.24.030.A (B)(2), Wholesale and Warehousing Uses). The unimproved subject properties being used for the unpermitted parking and storage of trucking services and terminals (i.e., tractor-trailers) not related to and/or ancillary to an on-site warehousing or similar type use constitutes a public nuisance.

- b. Highland Municipal Code Section 5.04.030 A (No person shall conduct any business in the city without first having obtained a business license, paid the appropriate license fee, and complied with any and all applicable provisions of this code).
7. The Planning Commission/Appeals Board of the City of Highland hereby finds that the aforementioned Violations constitute a public nuisance, and hereby orders the Property Owner(s) to abate the aforementioned Violations, **within sixty (60) days**. The Planning Commission/Appeals Board of the City of Highland hereby sets forth the actions necessary to abate the public nuisance from the Properties as follows:
 - a. Remove all unpermitted parking or storage of semi-trucks, commercial trucks, tractor-trailers, or any other vehicles which constitute a public nuisance from the properties.
 - b. Obtain Land use approvals and any other applicable permits prior to the establishment of any future uses on the properties.
8. The administrative and incidental costs and expenses incurred in abating the nuisance, which are proved in accordance with provision of Highland Municipal Code Section 8.32.180, shall be assessed against the Properties and shall result in a lien until paid.
9. Pursuant to Highland Municipal Code Section 8.32.110, the Planning Commission/Appeals Board of the City of Highland authorizes the abatement of the public nuisance by the city as follows:
 - (a) If the owner, agent of the owner, lessee, occupant, or person in possession of the Properties who are served with a notice of the final decision of the Planning Commission/Appeals Board finding and ordering the abatement of a public nuisance, shall fail to take the required action within **sixty (60) days** as specified above, the City shall commence with the lawful procedures to have the Properties abated.
 - (b) The costs and expenses of demolition, removal, and abatement by the City, including any additional administrative and legal and incidental expenses, pursuant to Highland Municipal Code Section 8.32.110, shall also be assessed and result in a lien upon the Properties until paid.

10. Any owner, occupant, or other party who has a legal or equitable interest in the Properties may appeal the final order of the Planning Commission/Appeals Board finding and ordering the abatement of a public nuisance pursuant to Highland Municipal Code Section 8.32.210. The appeal must be in writing and must be filed with the City Council no later than 10 days from the date of service of this Planning Commission/Appeals Board Resolution finding and ordering the abatement of a public nuisance. After 10 days from the date of service of the Planning Commission/Appeals Board resolution finding and ordering the abatement of the public nuisance, the order is deemed final and may no longer be appealed.
11. A property owner also has a right to appeal the order ordering liability incidental and administrative expenses incurred and ordering the abatement of a public nuisance

PASSED, APPROVED AND ADOPTED this 19th day of July 2022.

Randall Hamerly,
Planning Commission/Appeals Board Chairman

ATTEST:

Lawrence A. Mainez,
Community Development Director

ATTACHMENT "A"

Notice of Violation, dated December 28, 2020



City of Highland
Community Development Department
Notice of Violation
Public Nuisance Violations

To: Parker Family Trust 3 30 95

Date: 12/28/2020

Property Located at: 26562 3rd Street, Highland, CA 92346

YOUR PROPERTY IS IN VIOLATION OF THE CITY OF HIGHLAND MUNICIPAL CODE

- | | |
|---|---|
| <p>☐ Title 16, Chapter 52, Section, 16.52.060 B.4.b.i
Parking on unimproved/landscaped areas is prohibited</p> <p>☐ Title 16, Chapter 52, Section, 16.52.060 B.4.a.iii
Any vehicle parked in plain view, must be currently registered to operation a street or road way.</p> <p>☐ Title 8, Chapter 32, Section, 8.32.020 B.3
Trash containers shall generally be placed out of direct public view.</p> <p>☐ 8.32.020 Declaration of public nuisance
A public nuisance is created by every building or structure which:</p> <ul style="list-style-type: none">☐ Dilapidation, dangerous or at risk of collapse from neglect☐ Is a breeding place for rodents, vermin, or vagrants☐ Is boarded up, abandoned, destroyed and is allowed to remain in a state of partial construction☐ Allows access through doors, windows, into vacant structure | <p>☐ Title 6, Chapter 6.04, Section, 6.04.020C/SBCC 32.0209
Every Resident in the City who owns, who has an interest, harbors feeds, takes care of, charge or custody of shall be required to obtain a city Dog license at 4 months of age</p> <p>☐ Title 16, Chapter 44, Section, 16.44.040.D.1.a
All lots smaller than 20,000 square feet-each residential parcel shall not exceed (4) four adult dogs or four (4) adult cats, or a combination totaling not more than four adult animals.</p> <p>☐ Title 15, Chapter 15.52.040, Section, 15.52.040
Residential rental without a business license.</p> <p>☐ Other :</p> <p>☒ Violation of condition of site approval or conditional use permit</p> <p>☐ Has overgrown weeds, trash accumulation, has noxious smell</p> <p>☐ Is unsafe, has graffiti, is left unpainted</p> <p>☐ Attractive nuisance to children</p> |
|---|---|

CA13 Firecode - 505.1

- ☐ **Premises Identification - 4" minimum address numbers.** Numbers shall be placed on front of the building, said numbers shall be on contrasting background.

- ☐ **CA13 Electrical Code 590.3 B - Temporary Installations (Holiday Lights)**

Title 10, Chapter 10.20, Section 10.20.040

- ☐ **Public nuisances - Vehicle Abatement**

The accumulation and storage of dismantled, wrecked, inoperative, junked, abandoned vehicles or parts thereof, on private or public property is found to create a condition tending to reduce the value of private or public property, to promote blight and deterioration, invite plundering, to create fire hazards, to constitute an attractive nuisance, creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare of the public.

Please correct conditions by taking the following actions:

REMOVE ALL COMMERCIAL VEHICLES THAT ARE BEING STORED AT THE PROPERTY. COMMERCIAL VEHICLES ARE NOT ZONED TO BE STORED ON THE PROPERTY.

You have 10 days to complete the abatement of this violation. A reinspection of this property is scheduled for 1/18/21

Failure to correct the existing condition will result in further action. You may be charged for any corrective action taken by the City if you fail to correct the violation.

No person shall violate any provision, or fail to comply with any of the requirements to the Municipal Code, unless a different penalty is prescribed for violation of the Municipal Code, every act prohibited is declared unlawful, and every failure to perform an act made mandatory by the Municipal Code is punishable as a misdemeanor. The City Attorney may specify an accusatory pleading that the offense shall be an infraction. Each person shall be deemed guilty of a separate offense for each, and every day during any provision of the Municipal Code committed, continued, or permitted by such person, and shall be punishable accordingly. City administrative costs may be assessed to the property for noncompliance.

The City of Highland appreciates your cooperation. If you have any questions, contact a Code Compliance officer, at

Phone: (909) 864-8732 Ext. 222 Fax (909) 862-3180

Accepted By: _____
Thank You,
City of Highland, 27215 Base Line, Highland, CA 92346

Justin Ramirez _____
Code Compliance Officer

ATTACHMENT "B"

Notice of Violation, dated February 03, 2021



City of Highland
Community Development Department
Notice of Violation
Public Nuisance Violations

To: Parker Family Trust 3 30 95

Date: 02/03/2021

Property Located at: 26562 3rd Street, Highland, CA 92346

YOUR PROPERTY IS IN VIOLATION OF THE CITY OF HIGHLAND MUNICIPAL CODE

- | | |
|---|--|
| <p>☐ Title 16, Chapter 52, Section, 16.52.060 B.4.b.i
Parking on unimproved/landscaped areas is prohibited</p> <p>☐ Title 16, Chapter 52, Section, 16.52.060 B.4.a.iii
Any vehicle parked in plain view, must be currently registered to operation a street or road way.</p> <p>☐ Title 8, Chapter 32, Section, 8.32.020 B.3
Trash containers shall generally be placed out of direct public view.</p> <p>☐ 8.32.020 Declaration of public nuisance
A public nuisance is created by every building or structure which:</p> <ul style="list-style-type: none">☐ Dilapidation, dangerous or at risk of collapse from neglect☐ Is a breeding place for rodents, vermin, or vagrants☐ Is boarded up, abandoned, destroyed and is allowed to remain in a state of partial construction☐ Allows access through doors, windows, into vacant structure | <p>☐ Title 6, Chapter 6.04, Section, 6.04.020C/SBCC 32.0209
Every Resident in the City who owns, who has an interest, harbors feeds, takes care of, charge or custody of shall be required to obtain a city Dog license at 4 months of age</p> <p>☐ Title 16, Chapter 44, Section, 16.44.040.D.1.a
All lots smaller than 20,000 square feet-each residential parcel shall not exceed (4) four adult dogs or four (4) adult cats, or a combination totaling not more than four adult animals.</p> <p>☐ Title 15, Chapter 15.52.040, Section, 15.52.040
Residential rental without a business license.</p> <p>☐ Other :</p> <ul style="list-style-type: none">☒ Violation of condition of site approval or conditional use permit☐ Has overgrown weeds, trash accumulation, has noxious smell☐ Is unsafe, has graffiti, is left unpainted☐ Attractive nuisance to children |
|---|--|

CA13 Firecode - 505.1

- ☐ **Premises Identification** - 4" minimum address numbers. Numbers shall be placed on front of the building, said numbers shall be on contrasting background.
- ☐ **CA13 Electrical Code 590.3 B** - Temporary Installations (Holiday Lights)

Title 10, Chapter 10.20, Section 10.20.040

☐ **Public nuisances - Vehicle Abatement**

The accumulation and storage of dismantled, wrecked, inoperative, junked, abandoned vehicles or parts thereof, on private or public property is found to create a condition tending to reduce the value of private or public property, to promote blight and deterioration, invite plundering, to create fire hazards, to constitute an attractive nuisance, creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare of the public.

Please correct conditions by taking the following actions:

CONTACT PLANNING DEPARTMENT REGARDING THE ALLOWANCE OF STORING COMMERCIAL VEHICLES ON THE PROPERTY.

You have 10 days to complete the abatement of this violation. A reinspection of this property is scheduled for 2/17/21

Failure to correct the existing condition will result in further action. You may be charged for any corrective action taken by the City if you fail to correct the violation.

No person shall violate any provision, or fail to comply with any of the requirements to the Municipal Code, unless a different penalty is prescribed for violation of the Municipal Code, every act prohibited is declared unlawful, and every failure to perform an act made mandatory by the Municipal Code is punishable as a misdemeanor. The City Attorney may specify an accusatory pleading that the offense shall be an infraction. Each person shall be deemed guilty of a separate offense for each, and every day during any provision of the Municipal Code committed, continued, or permitted by such person, and shall be punishable accordingly. City administrative costs may be assessed to the property for noncompliance.

The City of Highland appreciates your cooperation. If you have any questions, contact a Code Compliance officer, at

Phone: (909) 864-8732 Ext. 222 Fax (909) 862-3180

Accepted By: _____
Thank You,
City of Highland, 27215 Base Line, Highland, CA 92346

Justin Ramirez

Code Compliance Officer

ATTACHMENT "C"

Administrative citation, #15505, issued April 23, 2022



CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

9069

CITATION NO. 15505

ADMINISTRATIVE CITATION

Date: 4-23-2022 Time: 8:10 am (Violation Observed)

☐ WARNING

☒ 1st Citation - \$ 100.00 ☐ 2nd Citation - \$ _____

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 5-18-2022. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 5-8-2022. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

Villarruel, Daniel
DL #: N/A DOB: N/A

MAILING ADDRESS:

256 26566 E. 3rd St., Highland, CA 92346

VIOLATION ADDRESS:

26562 E. 3rd St., Highland, CA 92346

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
<u>HMC</u> <u>8.32.020 C</u>	<u>Violation of Highland</u> <u>Development Code</u>
<u>HMC</u> <u>16.24.030</u>	<u>Use regulations for</u> <u>employment districts</u>

CORRECTIONS REQUIRED: Remove all unpermitted
parking or storage of semi-trailers
& tractor-trailers from the properties.
Obtain land use approvals & any
other applicable permits.

[Signature] 4-23-2022
Signature of Issuing Officer Issued Date

Craig Chambers
Printed Name of Issuing Officer

"Mailed" "Posted"
Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT "D"

Administrative citation, #15523, issued May 25, 2022

Case # 9069



CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

CITATION NO. 15523

ADMINISTRATIVE CITATION

Date: 5-25-2022 Time: 2:51 pm (Violation Observed)

☐ WARNING

☐ 1st Citation - \$ ☒ 2nd Citation - \$ 200.00

☐ 3rd Subsequent - \$

The payment listed above is due by 6-19-2022. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 6-15-2022. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

DL #: Villanuel, Daniel DOB: N/A

MAILING ADDRESS:

26566 E 8th St., Highland, CA 92346

VIOLATION ADDRESS:

26562 3rd St., Highland, CA 92346

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
<u>HMC</u> <u>8.32.020 C</u>	<u>Violation of Highland</u> <u>Development Code</u>
<u>HMC</u> <u>16.24.050</u>	<u>Use regulations for employment</u> <u>districts</u>

CORRECTIONS REQUIRED: Remove all unpermitted
parking or storage of semi-tractors,
tractor-trailers, commercial vehicles, or any
other vehicles which constitute a
public nuisance from the properties.

Signature of Issuing Officer

5-25-2022
Issued Date

Printed Name of Issuing Officer

"Ma. Led"
Acknowledgement of Receipt (Signature)

READ REVERSE SIDE
FOR IMPORTANT INFORMATION

ATTACHMENT “E”

Notice of Public Hearing & Public Posting Copy dated
July 01, 2022



CITY OF HIGHLAND NOTICE OF PUBLIC HEARING

**27215 Baseline, Highland, CA 92346
Telephone (909) 864-6861 FAX: (909) 862-3180**

CITY OF HIGHLAND NOTICE OF PUBLIC HEARING BEFORE THE CITY OF HIGHLAND APPEALS BOARD (BOARD)

This notice is to inform you of a hearing to be held before the City of Highland Appeals Board to determine whether certain conditions and/or uses are existing on property identified as APN 1192-551-07 generally located at 26562 3rd St. (referred to hereafter as ("The Property")) continue to constitute a public nuisance pursuant to the Highland Municipal Code & Ordinances of the City of Highland at the following place, date, and time.

TIME AND DATE OF HEARING: Tuesday, July 19, 2022, at 6:00PM

**LOCATION OF HEARING: City Hall Council Chambers 27215 Base
Line Highland, CA 92346**

You may bring any witnesses, pictures, photographs, reports, or any other exhibits to this hearing which you feel will establish or prove the Property is not a public nuisance. You may be represented by an attorney. You will have an opportunity to examine all evidence and witnesses testifying against you.

If the Appeals Board determines at the end of the hearing, that this Property is in fact a public nuisance, you will be ordered to abate the public nuisance or the condition thereof and your property will be assessed the City's administrative and incidental costs incurred up to that stage in the abatement process. This assessment will result in a lien upon your property until paid. Thereupon, if you fail to obey the Appeals Board's order to abate this nuisance, the City may do so for you, in accordance with applicable statutes [HMC Section 8.28.010 (A)(B)]. The costs and expense of abating the nuisance including the City's incidental and administrative expenses, may be recovered in an appropriate civil action, and will result in a lien upon the Property until it is paid. (HMC Section 8.28.020).

VIA CERTIFIED MAIL
RETURN SERVICE REQUESTED AND
FIRST CLASS MAIL

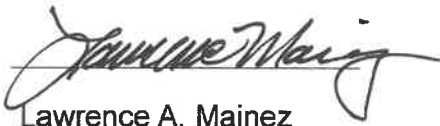
The conditions of the Property constituting a public nuisance are as follows:

Unapproved/Unpermitted land use, storage of semi-tractors & tractor-trailers.

You may voluntarily abate the nuisance yourself by doing the following things:

Stop all operation of unapproved/unpermitted land use, remove all tractor-trailers,
as well as other vehicles associated with this public nuisance.

If you choose to voluntarily abate this nuisance prior to this hearing, you may notify the Community Development Director at least three (3) days prior to the date of hearing set below, for a prehearing inspection.



Lawrence A. Mainez

Community Development Director Cc:

Code Enforcement File



CITY OF HIGHLAND NOTICE OF PUBLIC HEARING

27215 Baseline, Highland, CA 92346
Telephone (909) 864-6861 FAX: (909) 862-3180

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF HIGHLAND APPEALS BOARD (BOARD)

Date: July 01, 2022

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE HIGHLAND APPEALS BOARD TO CONSIDER DECLARING THE FOLLOWING DESCRIBED PROPERTIES A PUBLIC NUISANCE DUE TO LAND USE VIOLATIONS RELATED TO UNPERMITTED STORAGE OF TRACTOR TRAILERS.

File Number: APPEALS BOARD PUBLIC NUISANCE HEARING CASE # 9069

SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Chapter 8.32.060 of the Highland Municipal Code on the following Assessor's Parcel Number: 1192-551-07

PROPERTY OWNER(S): Daniel Villarruel, Aurora Serrano Zacarias

VIOLATION ADDRESS/APN: 26562 3rd St., Highland, CA 92346, Parcel #1192-551-07

HEARING LOCATION: Highland City Hall Council Chambers
27215 Base Line
Highland, CA 92346

DATE AND TIME OF HEARING: Tuesday, July 19, 2022, at 6:00 PM
(Or soon thereafter)

ATTACHMENT "F"

Notice of Public Hearing (Affidavit of Mailing) dated
July 01, 2022

AFFIDAVIT OF MAILING

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

I am employed in the County of San Bernardino, State of California. I am over the age of 18 and not a party to the within action. My business address is City of Highland, 27215 Base Line, Highland, CA 92346.

On July 01, 2022, I caused to be served a copy of the attached Public Hearing Notice, Case #9069, Certified Mail, Return Receipt Requested, to the following parties: Daniel Villarruel and Aurora Serrano Zacarias. Said service was made by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail, at Highland, California, and addressed to the Parties as more fully detailed below.

Daniel Villarruel, Aurora Serrano Zacarias
26562 3rd St.
Highland, CA 92346

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and this Declaration was executed at Highland, CA, on July 01, 2022.

Dated: July 1, 2022


Shannon Wisniewski, Administrative Assistant III
City of Highland

EXHIBIT "2"

**Notice of Non-Compliance/Public Nuisance Hearing dated
June 16, 2022**

}



June 16, 2022

Daniel Villarruel & Aurora Serrano Zacarias

26562 3rd St.
Highland, CA 92346

RE: Notice of Non-compliance/Public Nuisance Hearing; {26562 3rd St., Highland, CA (1192-551-07)}

Dear Mr. Villarruel & Ms. Zacarias

The City of Highland has made every effort to work with you in an attempt to bring the property into compliance with the City of Highland Municipal & Development Code's, specifically, unapproved/unpermitted land use, parking and storage of semi-tractors and tractor-trailers. A Public Nuisance Hearing has been scheduled to declare the subject property a public nuisance on July 19th, 2022, at 6:00 pm or soon thereafter. If you wish to avoid having the property declared a public nuisance, please remove all unpermitted parking and storage of semi-tractors and tractor-trailers from the property and contact the Planning Division as soon as possible.

Thank you for your prompt attention and cooperation in resolving this matter,

Sincerely,

Gary Chambers

Code Compliance Officer, City of Highland, California

Phone: (909) 864-6861 ext. 220

CC: Lawrence Mainez, Community Development Director

CC: Angela Tafolla, Assistant Planner



EXHIBIT “3”
Aerial/Site location Map



26562 3rd St.



EXHIBIT “4”

Case photographs dated December 28, 2020



EXHIBIT "5"

Case photographs dated February 03, 2021



EXHIBIT “6”

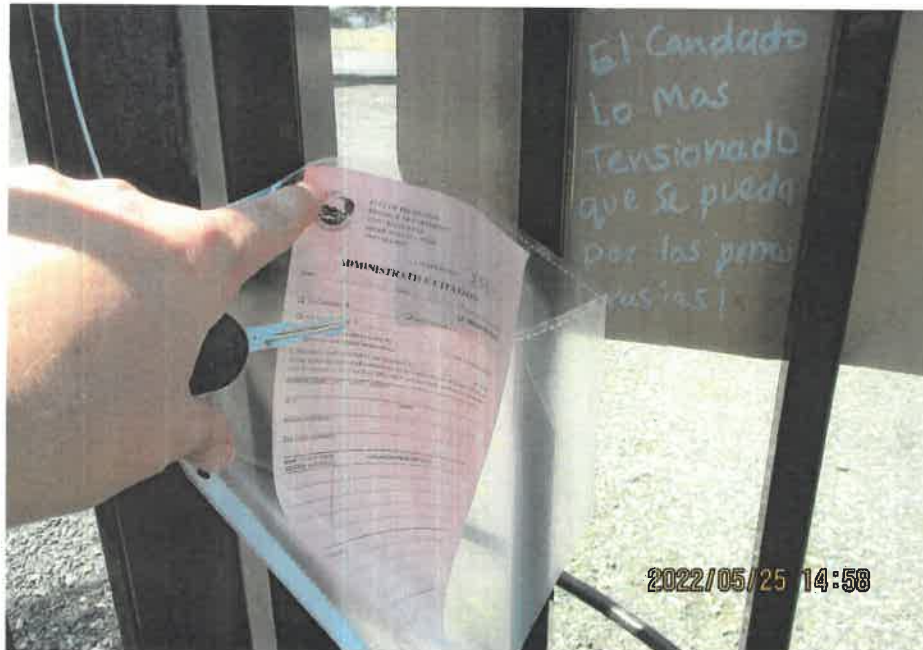
Case photographs dated April 23, 2022





EXHIBIT "7"

Case photographs dated May 25, 2022







STAFF REPORT

TO THE APPEALS BOARD

DATE: July 19, 2022

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Gary Chambers, Code Compliance Officer 

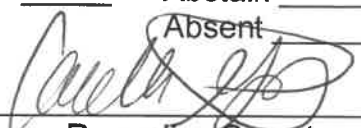
SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Properties generally located at 25112 3rd St., San Bernardino, CA 92410, Tax Assessor's Parcel Numbers 0279-151-14.

PROPERTY OWNER: Jose Luis Ojeda

RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2022 - _____, declaring the existence of a public nuisance on Properties generally located at 25112 3rd St., San Bernardino, California 92410 (within the corporate boundaries of the City of Highland), and order the abatement thereof.

FISCAL IMPACT: The full cost to the city regarding the abatement of the Public Nuisance is currently unknown. Staff has accounted for its time in its attempt to abate the nuisance conditions on the Properties. Staff will present the Property Owner(s) of record with the cost of the City's efforts to abate the violations at the time all violations are remedied. If the Property Owner(s) elect not to pay for the City's cost to abate the violations, a Public Hearing will be held to assess the property for the cost of the abatement process.

PUBLIC NOTICE: Pursuant to Chapter 8.32, Public Hearing Notices were mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to the Property Owner(s) on July 01, 2022. (Attached hereto as Exhibit "1" attachment " " and incorporated herein by reference). In addition, on July 01, 2022, staff posted the Public Hearing Notice at the subject property and the Agenda was posted at three designated locations in accordance with City policy, and a copy of said Agenda was placed on the City's Website (see Affidavit of Posting / Mailing and attached hereto as Exhibit "1" attachment " " and incorporated herein by reference).

Approved _____	Motion _____	Second _____	Agenda Item No. <u>4</u>
Denied _____	Ayes _____		File No. _____
Continue _____	Noes _____		
	Abstain _____		
	Absent _____		
 Recording Secretary		 Community Development Director	

BACKGROUND:

Apr. 15, 2021

This case was originally initiated due to a complaint received regarding unpermitted improvements on the vacant property generally located at 25112 3rd St., San Bernardino, CA 92410, APN: 0279-151-14 (within the corporate boundaries of the City of Highland). Code Compliance Officer Gary Chambers arrived at the property and observed two large piles of ground cover on the north side of the property, approximately 80 percent of the property had been covered. A **Notice of Violation** was posted at the property and a copy mailed to the property owner's address of record (**Reference Case #7970**). Code Compliance Officer Gary Chambers contacted the property owner by phone. Mr. Ojeda stated that he would come in and speak with the Planning Division. Mr. Ojeda came into the City to discuss the property with the Planning Division. Mr. Ojeda informed the Planning Division that he laid the ground cover for weed control only. Mr. Ojeda was then informed that he needed city approval for anything else concerning the property and that truck parking was not permitted.

**Apr. 29, 2021 -
Jun. 01, 2021**

Code Compliance Officer Gary Chambers conducted several re-inspections of the Property, no further activity was observed, and the case was subsequently closed.

Oct. 07, 2022

During routine patrol, Code Compliance Officer Gary Chambers observed that a large metal storage container was being stored on the vacant property without city approval or permits. Code Compliance Officer Gary Chambers contacted the property owner, Mr. Ojeda, by phone. I informed Mr. Ojeda that he would need to obtain approval to store the cargo container on the property or remove it. Mr. Ojeda stated that he would speak to the Planning Division. Mr. Ojeda contacted the Planning Division regarding the cargo container on the property and stated that he was using it to store his personal tools. The Planning Division advised Mr. Ojeda that he could not keep the cargo container on the property and that there was no temporary permit the Planning Division could give him to keep it. Mr. Ojeda Stated that he wanted to speak to Lawrence Mainez, Community Development Director. A **Notice of Violation** was posted at the property on October 8, 2021 (**Reference Case #8446**).

Oct. 26, 2021

Code Compliance Officer Gary Chambers discussed the case

with Lawrence Mainez, Community Development Director. It was decided that Mr. Ojeda would be given until December 31, 2021, to remove the cargo container from the property.

Dec. 04, 2021

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed that the metal storage container was still being stored on the property without city approval or permits. Code Compliance Officer Gary Chambers also observed several tractor-trailers being parked or stored on the property without city approval or permits.

Jan. 3, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed that the metal storage container was still being stored on the property without city approval or permits. No tractor-trailers were observed on the property. Code Compliance Officer Gary Chambers contacted the property owner by phone. Mr. Ojeda was informed that he had until December 31, 2021, to remove the cargo container. Mr. Ojeda stated that he needed several more months to remove the cargo container from the property. I informed Mr. Ojeda that he would only be granted two additional weeks to remove the cargo container, or an administrative citation would be issued.

Jan. 12, 2022

Code Compliance Officer Gary Chambers arrived at the subject properties and observed that the cargo container had been removed from the property, no other violations were observed, and the case was subsequently closed.

Apr. 23, 2022

During routine patrol, Code Compliance Officer Gary Chambers observed the unpermitted parking and storage of semi-tractors and tractor-trailers at the property. Due to the case history with the property owner **Administrative Citation #15503 (\$100)** was issued for the violation of the Highland Municipal and Development codes (**Reference Case #9068**). One copy of the Citation was mailed to the property owner's address of record and an additional copy was posted at the properties.

May. 03, 2022

Code Compliance Officer Gary Chambers returned the property owner's phone call. Mr. Ojeda stated that he would pay for the citation and wanted to request an additional 6 months to remove the tractor-trailers from the property. Mr. Ojeda stated that the tractor-trailers belonged to his cousin and that he let his cousin store them at the property because his cousin was no longer able to store them at the facility he was using. Code Compliance Officer Gary Chambers informed Mr. Ojeda that he

did not have the authority to grant a 6-month extension and that the case would need to be discussed with Lawrence Mainez, Community Development Director.

Jun. 03, 2022

Code Compliance Officer Gary Chambers arrived at the property to conduct a reinspection and observed the continued parking and storage of semi-tractors and tractor-trailers without city approval or permits. Code Compliance Officer Gary Chambers contacted the property owner by phone. It was explained to Mr. Ojeda that a 6-month extension could not be granted and that if there was no further attempt to comply, the case would be presented to the Planning Commission/Appeals Board for a Declaration of Public Nuisance. Code Compliance Officer Gary Chambers informed Mr. Ojeda that he could request additional time from the Planning Commission/Appeals Board.

Jun. 21, 2022

A meeting was held at City Hall with Mr. Ojeda, Jesse Chavez, Council Member, District 1, Lawrence Mainez, Community Development Director, and Code Compliance Officer Gary Chambers. During the meeting Mr. Ojeda reiterated that the tractor-trailers belonged to his cousin and requested at least 6 months to relocate them. Lawrence Mainez, Community Development Director informed Mr. Ojeda that the Code Enforcement team has been very generous with him in terms of a timeline to achieve compliance, noting that the original case was opened back in April 2021. Lawrence Mainez, Community Development Director, also informed Mr. Ojeda that the case would need to go before the Planning Commission/Appeals Board for a Public Nuisance Hearing and any request for additional time to comply would be at the discretion of the Planning Commission/Appeals Board. During the meeting Mr. Ojeda accused the city of practicing selective enforcement and requested a list of current open cases for semi-tractor, tractor-trailer, and cargo container cases. Lawrence Mainez informed Mr. Ojeda that we would open a public records request on his behalf.

CONCLUSION: As evidenced by all inspections conducted and the exhibits incorporated herein by reference, the property, identified as APN: 0279-151-14 (identified as 25112 3rd St.), has been permitted to exist in violation of the following sections of the Highland Municipal & Development Code, and therefore constitutes a Public Nuisance. Specifically, the property is in violation of the following provisions of the Municipal & Development Code:

- I. Highland Municipal Code Section 8.32.020 C (A public nuisance is created by any building, structure, or property that is in violation of any provision of the Highland

Municipal Code, including the Highland Development Code, or the statutes of the state of California).

- II. Highland Municipal Code Section 16.20.030 (Commercial use regulations); There is no use specifically listed for the parking or storage of semi-trucks or tractor-trailers in Commercial Districts (Table 16.20.030.A). Furthermore, the City of Highland's Land Use and Development Code Title 16 is a permissive code, which means if a use is not specifically listed within in the applicable use tables it should be considered a 'not permitted' use. The land use of trucking services and terminals (i.e. tractor-trailers) is only allowed in the Business Park (BP) and Industrial (I) Zoning Districts if ancillary to a permanent warehousing or other related business on the property (Table 16.24.030.A (B)(2), Wholesale and Warehousing Uses). The unimproved subject property being used for the unpermitted parking and storage of trucking services and terminals (i.e. tractor-trailers) is not Listed in the Planned Commercial (PC) Zone District and is not related to and/or ancillary to an on-site warehousing or similar type use, which constitutes a public nuisance.

- III. Highland Municipal Code Section 5.04.030 A (No person shall conduct any business in the city without first having obtained a business license, paid the appropriate license fee, and complied with any and all applicable provisions of this code).

The property owner(s) is requested to remove all unpermitted parking or storage of Semi-trucks and tractor-trailers from the property and obtain land use approvals or any other applicable permits prior to the establishment of any future uses on the property by no later than sixty (60) days from the issuance of an order of the Appeals Board in accordance with Chapter 8.32 of title 8 of the Highland Municipal Code.

Exhibit "1" Appeals Board Declaration of Public Nuisance Resolution 2022_____, inclusive of the following attachments:

- A. Notice of Violation Letter dated April 15, 2021
- B. Notice of Violation Letter dated October 07, 2021
- C. Administrative Citation, #15503, issued April 23, 2022
- D. Notice of Public Hearing and Public Posting Copy dated July 01, 2022
- E. Notice of Public hearing (Affidavit of Mailing) dated July 01, 2022

Exhibit "2" Notice of Non-Compliance/Public Nuisance Hearing dated June 16, 2022

Exhibit "3" Aerial/Site Location Map

Exhibit "4" Case photographs dated April 15, 2021

Exhibit "5" Case photographs dated October 07, 2021

Exhibit "6" Case photographs dated December 04, 2021

Exhibit "7" Case photographs dated January 03, 2022

Exhibit "8" Case photographs dated April 23, 2022

Exhibit "9" Case photographs dated June 03, 2022

EXHIBIT “1”

**Appeals Board Resolution, inclusive of the following
attachments**

RESOLUTION NO. 2022-

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS APN 0279-151-14, GENERALLY LOCATED AT 25112 3rd ST., SAN BERNARDINO, CA 92410 (WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF HIGHLAND), AND ORDERING THE OWNER OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.
(CODE CASE #9068)

A. RECITALS

1. On April 15th, 2021, while conducting an inspection at 25112 3rd St., San Bernardino, CA 92410, the City observed that the property identified as San Bernardino County APN 0279-151-14, ("the Property") was being improved without city approval or permits. On October 07, 2021, the City observed that a large metal cargo container was being stored on the property without city approval or permits. On April 23, 2022, the City observed the parking and storage of semi-tractors and tractor-trailers on the property without city approval or permits.
2. The City of Highland has since inspected the Properties numerous times and discovered the Property being maintained and permitted to exist in violation of multiple sections of the Highland Municipal Code, and therefore constitutes a public nuisance.
3. Notices of Violations were mailed/posted on;

04/15/2021 (Attachment A)
10/07/2021 (Attachment B)
4. Administrative Citations, were issued/mailed on;

04/23/2022 (Attachment C)
5. Pursuant to Chapter 8.32 of the Highland Municipal Code, a Notice of Public Hearing was mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to the property owner(s) on July 01, 2022. A copy of the notice was also posted at the Properties (Attachment D).

B. RESOLUTION

NOW THEREFORE, it is hereby found, determined, and resolved by the Planning Commission/Appeals Board of the City of Highland as follows:

1. All of the facts set forth in the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution by this reference.
2. Staff timely notified the owners of the Properties that the Planning Commission/Appeals Board would be holding a Public Hearing on July 19th, 2022; that Notice is attached hereto as Attachment E. The Appeals Board held a Public Hearing on that Hearing Date, at which time, all written and oral evidence and testimony from the owner of the Properties, the Public, and Staff were considered.
3. All necessary hearings and opportunities for testimony, and comment have been conducted in compliance with the Municipal Code of the City of Highland.
4. The Public Nuisance Hearing has independently considered all relevant information of both the public, and Staff testimony, written and oral, including the Staff Report and its exhibits which are incorporated herein by this reference.

Order Finding and Ordering Abatement of Public Nuisance

5. Based upon substantial evidence in the record, the Planning Commission/Appeals Board hereby declares that a public nuisance, as defined by Highland Municipal Code 8.32.020, has been allowed to exist on the Property generally located at 25112 3rd St., San Bernardino, California 92410, since at least April 23, 2022.
6. Specifically, based upon the evidence and testimony presented to the Planning Commission/Appeals Board during the above-referenced Hearing, the Planning Commission/Appeals Board finds as follows;
 - a. Highland Municipal Code Section 16.20.030 (Commercial use regulations); There is no use specifically listed for the parking or storage of semi-tractors or tractor-trailers in Commercial Districts (Table 16.20.030.A) Furthermore, the City of Highland's Land Use and Development Code Title 16 is a permissive code, which means if a use is not specifically listed within in the applicable use tables it should be considered a 'not permitted' use. The land use of trucking services and terminals (i.e., tractor-trailers) is only allowed in the BP Zoning District if ancillary to a permanent warehousing or other related business on the property (Table 16.24.030.A (B)(2), Wholesale and Warehousing Uses). The subject property being used for the unpermitted parking and storage of trucking services and terminals (i.e., tractor-trailers) is not in the Business Park (BP) and is not related to and/or ancillary to an on-site warehousing or similar type use, which constitutes a public nuisance.

- b. Highland Municipal Code Section 5.04.030 A (No person shall conduct any business in the city without first having obtained a business license, paid the appropriate license fee, and complied with any and all applicable provisions of this code).
- 7. The Planning Commission/Appeals Board of the City of Highland hereby finds that the aforementioned Violations constitute a public nuisance, and hereby orders the Property Owner(s) to abate the aforementioned Violations, within sixty (60) days. The Planning Commission/Appeals Board of the City of Highland hereby sets forth the actions necessary to abate the public nuisance from the Properties as follows:
 - a. Remove all unpermitted parking or storage of semi-trucks, commercial trucks, tractor-trailers, or any other vehicles which constitute a public nuisance from the properties.
 - b. Obtain Land use approvals and any other applicable permits prior to the establishment of any future uses on the properties.
- 8. The administrative and incidental costs and expenses incurred in abating the nuisance, which are proved in accordance with provision of Highland Municipal Code Section 8.32.180, shall be assessed against the Properties and shall result in a lien until paid.
- 9. Pursuant to Highland Municipal Code Section 8.32.110, the Planning Commission/Appeals Board of the City of Highland authorizes the abatement of the public nuisance by the city as follows:
 - (a) If the owner, agent of the owner, lessee, occupant, or person in possession of the Properties who are served with a notice of the final decision of the Planning Commission/Appeals Board finding and ordering the abatement of a public nuisance, shall fail to take the required action within sixty (60) days as specified above, the City shall commence with the lawful procedures to have the Properties abated.
 - (b) The costs and expenses of demolition, removal, and abatement by the City, including any additional administrative and legal and incidental expenses, pursuant to Highland Municipal Code Section 8.32.110, shall also be assessed and result in a lien upon the Properties until paid.
- 10. Any owner, occupant, or other party who has a legal or equitable interest in the Properties may appeal the final order of the Planning Commission/Appeals Board finding and ordering the abatement of a public nuisance pursuant to Highland Municipal Code Section 8.32.210. The

appeal must be in writing and must be filed with the City Council no later than 10 days from the date of service of this Planning Commission/Appeals Board Resolution finding and ordering the abatement of a public nuisance. After 10 days from the date of service of the Planning Commission/Appeals Board resolution finding and ordering the abatement of the public nuisance, the order is deemed final and may no longer be appealed.

11. A property owner also has a right to appeal the order ordering liability incidental and administrative expenses incurred and ordering the abatement of a public nuisance

PASSED, APPROVED AND ADOPTED this 19th day of July 2022.

Randall Hamerly,
Planning Commission/Appeals Board Chairman

ATTEST:

Lawrence A. Mainez,
Community Development Director

ATTACHMENT "A"

Notice of Violation dated April 15, 2021



NOTICE OF VIOLATION

City of Highland
CALIFORNIA
Community Development Dept.
Code Compliance Division
27215 E. Base Line
Highland, CA 92346
(909) 864-6861

Defendant Jose Luis Ojeda
Address 25112 3rd St., San Bernardino, CA 92410
D.L. # N/A
D.O.B. N/A

THIS IS TO INFORM YOU that you are in VIOLATION of one or more Sections of the Municipal Code as indicated:

- ☐ HI MC 15.04.010 UBC Sec. 106.1 Permits Required
☐ HI MC 15.04.010 UBC Sec. 104.2.4 Stop Work Order
☐ HI MC 5.04.370.A Non-Permitted Yard Sale

☒ Other 8.32.020(c) - Violation of Highland Development Code

Required Action: CEASE Laying ANY Ground cover.
Contact the Planning Division AT (909) 864-6861
Ext. 258 For questions concerning development
Standards of LAND USE.

Failure to take "Required Action" within 15 days will result in referral of this matter for legal action under the provisions of the Municipal Code.

Each day that the violation continues constitutes a new and separate offense.

FOR FURTHER INFORMATION TELEPHONE Gary Chambers
CODE COMPLIANCE OFFICER
(909) 864-6861 Ext. 220

"Posted"

4-15-2021

I acknowledge receipt of this NOTICE OF VIOLATION of the Municipal Code

Date

ATTACHMENT "B"

Notice of Violation dated October 7, 2021



**City of Highland
Community Development Department
Notice of Violation
Public Nuisance Violations**

To: Jose Luis Ojeda

Date: 10/07/2021

Property Located at: 25112 E. 3rd St., San Bernardino, CA 92408

738 E Norman Rd., San Bernardino, CA 92408

YOUR PROPERTY IS IN VIOLATION OF THE CITY OF HIGHLAND MUNICIPAL CODE

- | | |
|---|---|
| <p>☐ Title 16, Chapter 52, Section, 16.52.060 B.4.b.i
Parking on unimproved/landscaped areas is prohibited</p> <p>☐ Title 16, Chapter 52, Section, 16.52.060 B.4.a.iii
Any vehicle parked in plain view, must be currently registered to operation a street or road way.</p> <p>☐ Title 8, Chapter 32, Section, 8.32.020 B.3
Trash containers shall generally be placed out of direct public view.</p> <p>☐ 8.32.020 Declaration of public nuisance
A public nuisance is created by every building or structure which:</p> <ul style="list-style-type: none">☐ Dilapidation, dangerous or at risk of collapse from neglect☐ Is a breeding place for rodents, vermin, or vagrants☐ Is boarded up, abandoned, destroyed and is allowed to remain in a state of partial construction☐ Allows access through doors, windows, into vacant structure | <p>☐ Title 6, Chapter 6.04, Section, 6.04.020C/SBCC 32.0209
Every Resident in the City who owns, who has an interest, harbors feeds, takes care of, charge or custody of shall be required to obtain a city Dog license at 4 months of age</p> <p>☐ Title 16, Chapter 44, Section, 16.44.040.D.1.a
All lots smaller than 20,000 square feet-each residential parcel shall not exceed (4) four adult dogs or four (4) adult cats, or a combination totaling not more than four adult animals.</p> <p>☐ Title 15, Chapter 15.52.040, Section, 15.52.040
Residential rental without a business license.</p> <p>☒ Other : Land use</p> <p>☐ Violation of condition of site approval or conditional use permit</p> <p>☐ Has overgrown weeds, trash accumulation, has noxious smell</p> <p>☐ Is unsafe, has graffiti, is left unpainted</p> <p>☐ Attractive nuisance to children</p> |
|---|---|

CA13 Firecode - 505.1

- ☐ **Premises Identification** - 4" minimum address numbers. Numbers shall be placed on front of the building, said numbers shall be on contrasting background.
- ☐ **CA13 Electrical Code 590.3 B** - Temporary Installations (Holiday Lights)

Title 10, Chapter 10.20, Section 10.20.040

☐ **Public nuisances - Vehicle Abatement**

The accumulation and storage of dismantled, wrecked, inoperative, junked, abandoned vehicles or parts thereof, on private or public property is found to create a condition tending to reduce the value of private or public property, to promote blight and deterioration, invite plundering, to create fire hazards, to constitute an attractive nuisance, creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare of the public.

Please correct conditions by taking the following actions:

**** 1st Notice ** HMC 8.32.020 C** - Any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California; HMC 16.40.500 - Cargo Container regulations; Corrective Actions: Remove the large metal cargo container from the vacant property. Contact the Planning Division to obtain land use approvals or any other applicable permits prior to the establishment of any future uses on the property. Thank you for your cooperation in resolving this matter. To avoid citations, please comply by 11/06/2021.

You have 30 days to complete the abatement of this violation. A reinspection of this property is scheduled for 11/06/2021

Failure to correct the existing condition will result in further action. You may be charged for any corrective action taken by the City if you fail to correct the violation.

No person shall violate any provision, or fail to comply with any of the requirements to the Municipal Code, unless a different penalty is prescribed for violation of the Municipal Code, every act prohibited is declared unlawful, and every failure to perform an act made mandatory by the Municipal Code is punishable as a misdemeanor. The City Attorney may specify an accusatory pleading that the offense shall be an infraction. Each person shall be deemed guilty of a separate offense for each, and every day during any provision of the Municipal Code committed, continued, or permitted

- by such person, and shall be punishable accordingly. City administrative costs may be assessed to the property for noncompliance.

The City of Highland appreciates your cooperation. If you have any questions, contact a Code Compliance officer, at Phone: (909) 864-8732 Ext. 220 Fax (909) 862-3180

Accepted By: "MAILED"
Thank You,
City of Highland, 27215 Base Line, Highland, CA 92346

Gary Chambers
Code Compliance Officer

ATTACHMENT "C"

Administrative Citation issued April 23, 2022

9068



CITY OF HIGHLAND
FINANCE DEPARTMENT
27215 BASE LINE
HIGHLAND, CA 92346
(909) 864-6861

CITATION NO. 15503**ADMINISTRATIVE CITATION**Date: 4-23-2022 Time: 8:03 am (Violation Observed)☐ WARNING☒ 1st Citation - \$ 100.00 ☐ 2nd Citation - \$ _____☐ 3rd Subsequent - \$ _____The payment listed above is due by 5-10-2022. See reverse side for payment and appeal instructions.Corrections indicated below are required by 5-8-2022. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

Ojeda, Jose Luis
DL #: N/A DOB: N/A

MAILING ADDRESS:

738 E. Norman Rd., San Bernardino, CA 92408

VIOLATION ADDRESS:

25112 E 3rd St., San Bernardino, CA 92408MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

HMC
8.32.020CViolation of the Highland
Development CodeHMC
16.24.030Use regulations for
employment districts.

CORRECTIONS REQUIRED:

Remove all unpermitted
parking or storage of semi-trailers &
tractor-trailers from the property.
Obtain Land use approvals & any other
applicable permits.

Signature of Issuing Officer

4-23-2022
Issued Date

Printed Name of Issuing Officer

Gary Chambers
"Mailed" "Posted"

Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT "D"

Notice of Public Hearing & Public Posting Copy dated
July 01, 2022



CITY OF HIGHLAND NOTICE OF PUBLIC HEARING

**27215 Baseline, Highland, CA 92346
Telephone (909) 864-6861 FAX: (909) 862-3180**

CITY OF HIGHLAND NOTICE OF PUBLIC HEARING BEFORE THE CITY OF HIGHLAND APPEALS BOARD (BOARD)

This notice is to inform you of a hearing to be held before the City of Highland Appeals Board to determine whether certain conditions and/or uses are existing on property identified as APN 0279-151-14 generally located at 25112 3rd St. (referred to hereafter as ("The Property")) continue to constitute a public nuisance pursuant to the Highland Municipal Code & Ordinances of the City of Highland at the following place, date, and time.

TIME AND DATE OF HEARING: Tuesday, July 19, 2022, at 6:00PM

**LOCATION OF HEARING: City Hall Council Chambers 27215 Base
Line Highland, CA 92346**

You may bring any witnesses, pictures, photographs, reports, or any other exhibits to this hearing which you feel will establish or prove the Property is not a public nuisance. You may be represented by an attorney. You will have an opportunity to examine all evidence and witnesses testifying against you.

If the Appeals Board determines at the end of the hearing, that this Property is in fact a public nuisance, you will be ordered to abate the public nuisance or the condition thereof and your property will be assessed the City's administrative and incidental costs incurred up to that stage in the abatement process. This assessment will result in a lien upon your property until paid. Thereupon, if you fail to obey the Appeals Board's order to abate this nuisance, the City may do so for you, in accordance with applicable statutes [HMC Section 8.28.010 (A)(B)]. The costs and expense of abating the nuisance including the City's incidental and administrative expenses, may be recovered in an appropriate civil action, and will result in a lien upon the Property until it is paid. (HMC Section 8.28.020).

VIA CERTIFIED MAIL
RETURN SERVICE REQUESTED AND
FIRST CLASS MAIL

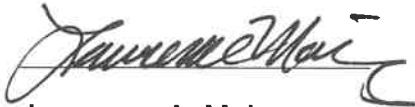
The conditions of the Property constituting a public nuisance are as follows:

Unapproved/Unpermitted land use, storage of semi-tractors & tractor-trailers.

You may voluntarily abate the nuisance yourself by doing the following things:

Stop all operation of unapproved/unpermitted land use, remove all tractor-trailers,
as well as other vehicles associated with this public nuisance.

If you choose to voluntarily abate this nuisance prior to this hearing, you may notify the Community Development Director at least three (3) days prior to the date of hearing set below, for a prehearing inspection.



Lawrence A. Mainez

Community Development Director Cc:

Code Enforcement File



CITY OF HIGHLAND NOTICE OF PUBLIC HEARING

27215 Baseline, Highland, CA 92346
Telephone (909) 864-6861 FAX: (909) 862-3180

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF HIGHLAND APPEALS BOARD (BOARD)

Date: July 01, 2022

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE HIGHLAND APPEALS BOARD TO CONSIDER DECLARING THE FOLLOWING DESCRIBED PROPERTIES A PUBLIC NUISANCE DUE TO LAND USE VIOLATIONS RELATED TO UNPERMITTED STORAGE OF TRACTOR TRAILERS.

File Number: APPEALS BOARD PUBLIC NUISANCE HEARING CASE # 9068

SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Chapter 8.32.060 of the Highland Municipal Code on the following Assessor's Parcel Number: 0279-151-14

PROPERTY OWNER(S): Jose Luis Ojeda

VIOLATION ADDRESS/APN: 25112 3rd St., San Bernardino, CA 92410,
Parcel #0279-151-14

HEARING LOCATION: Highland City Hall Council Chambers
27215 Base Line
Highland, CA 92346

DATE AND TIME OF HEARING: Tuesday, July 19, 2022, at 6:00 PM
(Or soon thereafter)

ATTACHMENT "E"

Notice of Public Hearing (Affidavit of Mailing) dated
July 01, 2022

AFFIDAVIT OF MAILING

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

I am employed in the County of San Bernardino, State of California. I am over the age of 18 and not a party to the within action. My business address is City of Highland, 27215 Base Line, Highland, CA 92346.

On July 01, 2022, I caused to be served a copy of the attached Public Hearing Notice, Case #9068, Certified Mail, Return Receipt Requested, to the following parties: Jose Luis Ojeda. Said service was made by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail, at Highland, California, and addressed to the Parties as more fully detailed below.

Jose Luis Ojeda
738 E Norman Rd.
San Bernardino, CA 92408

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and this Declaration was executed at Highland, CA, on July 01, 2022.

Dated: July 1, 2022


Shannon Wisniewski, Administrative Assistant III
City of Highland

EXHIBIT "2"

**Notice of Non-Compliance/Public Nuisance Hearing dated
June 16, 2022**



June 16, 2022

Jose Luis Ojeda

738 E Norman Rd.
San Bernardino, CA 92408

RE: Notice of Non-compliance/Public Nuisance Hearing; {25112 3rd St., San Bernardino, CA 92410 (0279-151-14)}

Dear Mr. Ojeda

The City of Highland has made every effort to work with you in an attempt to bring the property into compliance with the City of Highland Municipal & Development Code's, specifically, unapproved/unpermitted land use, parking and storage of semi-tractors & tractor-trailers. A Public Nuisance Hearing has been scheduled to declare the subject property a public nuisance on July 19th, 2022, at 6:00 pm or soon thereafter. If you wish to avoid having the properties declared a public nuisance, please remove all unpermitted parking and storage of semi-tractors and tractor-trailers from the property and contact the Planning Division as soon as possible.

Thank you for your prompt attention and cooperation in resolving this matter,

Sincerely,

Gary Chambers

Code Compliance Officer, City of Highland, California

Phone: (909) 864-6861 ext. 220

CC: Lawrence Mainez, Community Development Director

CC: Angela Tafolla, Assistant Planner



EXHIBIT “3”
Aerial/Site Location Map



25112 3rd St.

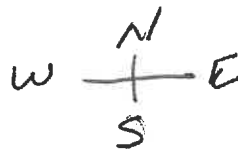


EXHIBIT “4”

Case photographs dated April 15, 2021



EXHIBIT "5"

Case photographs dated October 07, 2021



EXHIBIT "6"

Case photographs dated December 04, 2021



EXHIBIT "7"

Case photographs dated January 03, 2022



EXHIBIT "8"

Case photographs dated April 23, 2022





EXHIBIT “9”

Case photographs dated June 03, 2022

