

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

August 16, 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.

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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 72 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: For those wishing to make public comments by email, please submit your comments by email to be read aloud at the meeting. Email comments must be submitted by 5:00 p.m. on August 16, 2022 to publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the August 16, 2022 agenda, please identify the agenda item number in the subject line.

For those wishing to make public comments regarding a public hearing item please identify the agenda item in the subject line. Comments can be submitted any time prior to the meeting, as well as during the meeting up until the close of the public hearing on the corresponding item to be considered part of the record. Please email your comments at publiccomment@cityofhighland.org.

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

**PLANNING COMMISSION
REGULAR MEETING AGENDA
August 16, 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 August 16, 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 August 16, 2022 Regular Meeting.

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

PUBLIC HEARINGS

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 25414 Base Line St., San Bernardino, CA 92410, Tax Assessor's Parcel Numbers 0273-242-20, 0273-242-21, 0273-242-22, & 0273-242-23.

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 25414 Base Line St., San Bernardino, California 92410 (within the corporate boundaries of the City of Highland), and order the abatement thereof.

3. A Public Hearing to Consider the Appeal of Administrative Citation No. 15539 issued due to Land use violations related to the unpermitted parking or storage of semi-tractors & tractor-trailers in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code, at the properties generally located at 25191 5th St., San Bernadino, CA 92410 (within the corporate boundaries of the City of Highland). Tax Assessor's Parcel Numbers 0279-162-02, 0279-162-03, & 0279-162-04. Cited: Fayez Shahatit.

RECOMMENDATION: Staff recommends the Public Nuisance Hearing Board (PNHB) conduct the required Public Hearing and uphold Administrative Citation No. 15539 and adopt Resolution No. 2022 - ____.

4. Conditional Use Permit (CUP-22-004) to construct a 187,870 square foot warehouse and associated improvements, Variance (VAR 22-002) to allow the warehouse building to exceed the maximum building height permitted in the Business Park Zone by 5 feet, Tentative Parcel Map No. 20584 (TPM 22-005) to merge four (4) existing parcels into one (1), and Design Review Application (DRA 22-006) for the project's Site Plan, Landscape Plan, and Building Elevations.

RECOMMENDATION: Staff recommends the Planning Commission continue the item to September 6, 2022.

ANNOUNCEMENTS

ADJOURN

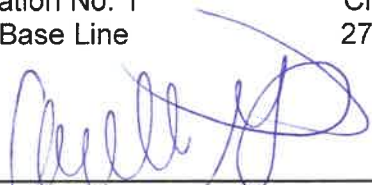
I, Camille Goritz, Administrative Assistant III of the City of Highland, California, certify that I caused to be posted this agenda on or before the 11th of August 2022 by 5:30 p.m. on our website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library
7863 Central Avenue

Fire Station No. 1
26974 Base Line

City Hall
27215 Base Line

Date: August 11, 2022



Camille Goritz Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: August 16, 2022

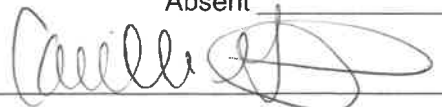
FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Goritz, Administrative Assistant III 

SUBJECT: Minutes from the August 2, 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 _____		
 Recording Secretary		 Community Development Director	

PLANNING COMMISSION REGULAR MEETING MINUTES
July 19, 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
	Vice Chair	Chandra Thomas
	Commissioner	Edward Amaya
	Commissioner	Jarrold Miller

Absent:	Commissioner	Jessica Sutorus
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Staff Present:	Lawrence Mainez, Community Development Director
	Kim Stater, Assistant Community Development Director
	Angela Tafolla, Assistant 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 July 19, 2022 Regular Meeting.

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

PUBLIC HEARING

2. Conditional Use Permit CUP-22-002 to permit the development and operation of a 54,330 square foot warehouse and associated improvements; Variance VAR-22-001 to allow the warehouse building to exceed the maximum building height permitted in the Business Park Zone by 7.5'; Design Review DRA-21-024 for the project's Site Plan, Building Elevations, Rough Grading Plan and Conceptual Landscape Plan; and Tentative Parcel Map 20544/TPM-22-002 to combine eight (8) parcels into one (1). (APN No: 1192-561-11, 1192-561-15 through 21)

Assistant Planner Tafolla presented the staff report.

Commissioner Amaya asked was the elementary school on 5th street notified of the warehouse?

Assistant Planner stated yes, they were.

Commissioner Miller asked of the three residential lots that are north of the project, are there families currently living in those homes and have they been involved in reviewing the elements of this project?

Assistant Planner Tafolla stated they are currently occupied and have been notified of the project.

Chair Hamerly asked regarding the wording of the variance resolution that addresses the height, but not the parking, is the parking a variance or is that packaged in with the Conditional Use Permit (CUP)?

Assistant Community Development Director Stater stated the parking variance can be granted at staff level. We include that in this agenda because we bring everything up to the Planning Commissioners, so it doesn't require a formal action by Planning Commissioners, but it is noted in the actual approval of the CUP.

Chair Hamerly asked is the sewer service on 3rd Street or Central Avenue? The project is proposing septic.

Building Official Wirz stated currently on 3rd Street and Central Avenue there aren't sewer services. The sewer runs through 5th Street, just north of the project. The site proposal on the plans show septic and East Valley Water District has issued a Will-Serve letter. Currently sewer is available, however it is a little hard to get to.

Civil Engineer Johnny Morad stated we worked with East Valley Water District on the sewer availability, and we reviewed what's available. It is very shallow at the intersection of Central Avenue and 5th Street and once we studied and discussed it, we discovered that it is not doable. Therefore, we are proposing a septic system, and we were going through the approval process through the state board.

Chair Hamerly asked what is the invert at 5th Street and how far are you from connecting on Central Avenue running up to 5th Street?

Johnny Murad stated the depth of the sewer is approximately seven feet at the intersection, however, the street falls to the south, so you lose cover over it, and they wanted minimum 7-foot cover, and we can't achieve that. We also studied extending it from Victoria Avenue to 5th Street and that is not possible either because of the channel that is in the way. It is not feasible, and we've tried so many ways and even a variance on the depth of the sewer and they wouldn't accept that.

Applicant, Kevin Rice stated I appreciate you all taking the time to review this project and I also want to thank Assistant Community Development Director Stater, Assistant Planner Tafolla and Assistant Public Works Director Bennett, they've spent a ton of time and energy reviewing the project to the point where we could be here. This is the second time I've had the opportunity in front of this board, we had a project that came through December 2021 and we're going to break ground on that now. We are excited to have the opportunity to bring another project to Highland.

Chair Hamerly asked if the Applicant has read over the Conditions of Approval as written?

Applicant Kevin Rice stated yes.

Chair Hamerly opened the public hearing.

Chair Hamerly stated regarding the Tentative Parcel Map, were there any questions?

Commissioner Miller stated I'm looking at the Conditions of Approval, see that an overflow is being required. It is shown only 8 inches, typically, for an overflow condition you take the unmitigated peak in size. Your overflow conduit or spillway in lieu of upsizing that pipe is currently showing us 8 inches. I think verifying that we have adequate surface conveyance to be able to allow that surface overflow to occur in the event that the system becomes.

Johnny Murad stated ok, I appreciate the comment.

Chair Hamerly regarding the floor plans, on the exterior elevations that starts on A4, the variance request is for a 42.5 foot. I didn't see any description on here about how tall the parapet wall was, is that 4-5 feet to screen the equipment that's on the roof?

Architect Kevin Alcantra stated yes, it will adequately block any units we have near the office, which will be the conditioned space of the unit, but typically the parapet is about a foot and a half above the roof structure.

Chair Hamerly asked it is only a foot and a half above? I guess you're depending on the height of the structure relative to the line of sight.

Kevin Alcantra stated correct, at the office area we have done line of sight exhibits and it is about four feet to block those conditioning units for the office.

Chair Hamerly stated ok, I wanted to make sure we had enough parapet space to adequately screen that.

Chair Hamerly stated typically when there are accessibility ramps that are not part of the average grade around the perimeter of the property you're not measuring from the lowest point on the grade if it occurs on a ramp because it's for access. If you measure from the uninterrupted grade surrounding the structure, that would be the measurement you would take for maximum height. Does that impact the way this variance is worded? It only occurs at the artificial depression that gives us 3.5 feet for the truck ramp, which is the depression for access for the truck phase.

Assistant Community Development Director Stater stated regarding variance itself we are measuring from the adjacent grade at any point around the structure, so wherever that's going to occur at its lowest point to the highest on the building.

Commissioner Miller asked why do we need the additional 7 feet, is it architectural or functionality related of the building?

Kevin Alcanta stated it is functionality of the building. Typically, the market is asking for a certain clear height within the building, it is a spec building so potential tenants could rack a certain height of whatever material they need to store within this.

Commissioner Miller asked has the tenant already been identified?

Kevin Alcanta said not yet.

Chair Hamerly stated the exhibits for the walls on A1.3 and an ancillary tie in on that is the artwork, city monument sign. All the architectural detailing on the project the wall has a dark banding on the top, the light on the lower portion. Visually, I agree with the decision that was made having the dark on the bottom for a wall but, it is a mirror image of the building and the other than color there really isn't any true reference to the building. I was wondering if there are any details you can make to the architecture on the pilaster's that are visible. If it's possible to take some of the angled scoring, or maybe do a diagonal black band replicates the interesting elements that are on the wall façade to make it relate to the architecture.

Kevin Alcanta said yes, we can do that.

Chair Hamerly stated there is a tube steel gate, there might be an opportunity to do something fancy with the detailing and pull in an airplane reference like some wing splines or something that looked like a structure of a wing, or I don't think any prop details would be appropriate since they're not using props anymore. On the public art element, is a monument sign considered public art?

Assistant Community Development Director Stater stated we put that in the hands with the architect kind of early on with this building and suggested if you come up with something that honors the General Plan. This was their proposal, so I don't know that they would be opposed to something different if you had something in mind, but this this was their proposal.

Chair Hamerly stated didn't have anything in mind, but I know that on some of the other corridors within the city we were hoping for something a little bit more than another sign that says you're in Highland now.

Assistant Community Development Director Stater stated we will work with the applicant.

Chair Hamerly stated it is a nicely detailed sign, but for me the sign really isn't in the spirit of public art, it's a public benefit, but I don't know about the art component.

Assistant Community Development Director Stater stated we were trying to balance having something that was useful with a public art piece with something that we know to be cautious like vandalism in the area, pedestrian, and vehicular traffic so we will work with the applicant to do something more distinctive that works in their budget.

Vice Chair Thomas asked was the reason it is called public art was to utilize public art funds?

Assistant Community Development Director Stater stated it was not.

Chair Hamerly stated that is a part of the General Plan, certain types of projects if they're over a threshold, must have an element of public art for public benefit. Regarding the photometrics plan, and there is Conditional of Approvals there are several locations around the perimeter. Most problematic being the southeast corner of the site, and I'm assuming that's parking lot spillover, but we're hitting some half foot candles that go past the property line, which we don't like to see. There are conditions that say you should not have any spillover onto public right away and to control glare. All your park parking lot lighting needs to be shielded. Onto the landscape plan, I would like to congratulate the applicant on getting such a high percentage for landscape on such a small oddly shaped site. Given that we are building over the allowable height limit, it is concerned that we only had two trees that were really within the 3rd street frontage. We have two Chinese Pistache, which are going to Max out at 25 to 35 feet tall at maturity. They're not fast growing, maybe one to two feet a year, and they are going to be about 10 feet less than the overall height of the structure at maturity, I would encourage the applicant to work with staff to get some more dense tree cover along that southern facade of the building. Not particularly at the southeast corner of the building, because I don't want to do anything that's going to block the visual statement at the office. Regarding the procedural application we have the memorandum that was issued for the rationale for how they arrived at the required height, and I think they did a very thorough detailed job of analyzing the different elements that go in and how they arrived at the height, and I appreciate the specificity. For variance finding for staff to decide to support a variance, it states the strict or literal interpretation and enforcement of the specified regulation would result in a practical difficulty or unnecessary hardship, and the key phrase is not otherwise shared by others within the surrounding area or vicinity. On every one of these things which do not generally apply to other properties in the vicinity and under the same zoning classification, enjoyed by owners of other properties in the vicinity and under the same zoning classification. Every single one of those has that same requirement to make a finding of support. My concern is within the Business Park (BP), there was a rationale for the height. There are other areas in the city, and they have analyzed that in the memorandum that in the industrial zone they are allowed 50 and it is under 50. If by granting the variance, it is either spot zoning or it's de facto changing the height limitation for every other property within the BP district, because now every following applicant will be able to request a 42.5-foot maximum height because now they're being deprived of something that's being granted to somebody else in the same zoning area.

Assistant Community Development Director Stater stated correct, granting the variance is what is allowed to other property owners. These are both employment zone zonings whether it's the industrial or BP, both zones, no matter which this user to locate in is permitted by CUP, and one by Design Review. It is different standards, but the Highland Municipal Code (HMC) currently says in the BP zone we are allowed to have this type of use. This is BP and we are going to allow warehousing here, but we're not going to allow it to go to a height that can function purposefully, so that was the reason behind staff supporting the variance at 6th Street and Victoria Avenue.

Chair Hamerly stated I would encourage staff to adopt a policy or something so that it is uniformly applied within the BP district and if there is a warehouse tilt up, use that it's uniformly applied. I don't want to get us into a situation where somebody is going to come and say we just approved this project, but you didn't give us the 42 feet.

Community Development Director Mainez stated technically we would not be able to do a policy so that the mechanism is this minor versus major variance. The specific plan for the

airport is going to mitigate that and so we will get a rush on that quickly. From a procedural matter you're pointing out in the record potential flaws for going forward with the variance, so, I would suggest that you give staff time to go back.

Assistant Community Development Director Stater stated I believe it is in the resolution.

Chair Hamerly stated regarding the parking study. There is a list of warehouses, size, parking provided, and parking required. On page 328 there is an interesting exhibit because on the project that we are looking at right now, is they're seeking to go under the allowable requirement. Every other instance on this table of projects that have been completed, their projects are going over. The highest is the Willow project in Fontana, that is at 2.92 times the required parking and the lowest exceeds it by 1.6 so it's 60% over the required parking. On 6th Street and Victoria Avenue we do just the opposite and we're at 42% are required, but 4 we're still going at 1.091 point. One of the ratios of required spaces to the per 1,000 square feet. My biggest issue with the parking study is nowhere in this study is giving the percentage of occupied use for each of these facilities.

Kevin Alcanta stated there is not a tenant right now, but we wouldn't build a building that wasn't attractive to potential tenants. We feel that this is an adequate amount of parking where we are over 1 to 1000 on parking. Overall, that's not including breakdowns of offices and warehouses, but that's already substantially good amount of parking for this kind of use.

Commissioner Amaya stated there really is not room for parking on 3rd Street for parking.

Assistant Community Development Director Stater stated We could think about adding some parking spaces in the more easterly parking lot and losing a bit of landscaping in the middle. We could pick up four more spaces and lose some landscaping, which is 68, a little closer to 73. We might be able to get four more spaces in the middle.

Chair Hamerly stated my biggest concern is we don't know the future use and they do have a large open office area that potentially could have more people in it.

Kevin Alcantra stated if a use came in with a higher demand for parking, it wouldn't be a user that would have a high demand for distribution. We could show that we can stripe the entire truck court with parking and that would satisfy the need for the tenant.

Chair Hamerly stated I'm comfortable with the capacity for extra parking.

Assistant Community Development Director Stater asked do you want Patriot to adopt the full length or just the remainder of the necessary spaces?

Community Development Director Mainez stated whatever amount of parking spaces the Planning Commission feels adequate.

Vice Chair Thomas asked what was the amount?

Assistant Community Development Director Stater stated 76 parking spaces. Planning Condition number 23 I recommend prior to the issuance of building permit or vice public art proposal shall be approved by the Planning Commission. Regarding Planning

Condition number 24 applicant will stripe an additional 9 parking spaces at the western boundary of the site.

Chair Hamerly closed the public hearing.

A MOTION was made by Commissioner Amaya, seconded by Vice Chair Thomas, to

1. Adopt Resolution No. 2022-017 approving Conditional Use Permit CUP-22-002 for the development of a 54,330 square foot warehouse building and related improvements (Attachment 2);
2. Adopt Resolution No. 2022-018 approving Variance VAR-22-001 allowing an increase in the maximum building height for the subject warehouse from 35' to 42.5' tall, 7.5' greater than permitted in the Business Park Zone (Attachment 3);
3. Adopt Resolution No. 2022-019 approving Design Review Application DRA-21-024 for the Site Plan, Building Elevations, Rough Grading Plan and Conceptual Landscape Plan, subject to the Conditions of Approval, and the Findings of Fact (Attachment 4); and
4. Adopt Resolution No. 2022-20 Approving Tentative Parcel Map 20544 TPM-22-002, creating a single lot for the project, subject to the Conditions of Approval, and the Findings of Fact (Attachment 5).
5. Adopt Resolution No. 2022-21 approving a Mitigated Negative Declaration and direct Staff to File and Notice of Determination with San Bernardino County Clerk of the Board of Supervisors (Attachment 6);

PC RESOLUTION NO. 2022 - 017

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, ADOPTING A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF A 54,330 SQUARE FOOT WAREHOUSE AND ASSOCIATED IMPROVEMENTS AT THE NORTHWEST CORNER OF 3RD STREET AND CENTRAL AVENUE. RELATED ENTITLEMENTS INCLUDE DESIGN REVIEW APPLICATION DRA-21-024, VARIANCE VAR-22-001 AND TENTATIVE PARCEL MAP 20544/TPM-22-002. ASSESSOR'S PARCEL NUMBERS 1192-561-11 and 1192-561-15 THROUGH 21.

RESOLUTION NO. 2022-018

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING VARIANCE VAR-22-001 TO ALLOW AN INCREASE IN THE MAXIMUM BUILDING HEIGHT IN THE BUSINESS PARK ZONE FROM 35' TO 42.5' IN ASSOCIATION WITH CONDITIONAL USE PERMIT CUP-22-002 AND DESIGN REVIEW APPLICATION DRA-21-024 TO CONSTRUCT A 54,330 SQUARE FOOT WAREHOUSE, LOCATED AT THE NORTHWEST CORNER OF 3RD STREET AND CENTRAL AVENUE (APNs: 1192-561-11 AND 1192-561-15 THROUGH 21)

PC RESOLUTION NO. 2022 -019

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING DESIGN REVIEW APPLICATION DRA-21-024 INCLUDING SITE PLAN, BUILDING ELEVATIONS, ROUGH GRADING PLAN AND CONCEPTUAL LANDSCAPE PLAN FOR THE DEVELOPMENT OF A 54,330 SQUARE FOOT WAREHOUSE AT THE NORTHWEST CORNER OF 3rd STREET AND CENTRAL AVENUE. RELATED ENTITLEMENTS INCLUDE CONDITIONAL USE PERMIT CUP-22-002, VARIANCE VAR-22-001 AND TENTATIVE PARCEL MAP 20544/TPM-22-002. ASSESSOR'S PARCEL NUMBERS 1192-561-11 AND 1192-561-15 THROUGH 21.

RESOLUTION NO. 2022-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 20544 (TPM-22-002) TO DECREASE THE NUMBER OF PARCELS FROM EIGHT (8) TO ONE (1) PARCEL IN ASSOCIATION WITH CONDITIONAL USE PERMIT (CUP-22-002) TO DEVELOP A 54,330 SQUARE FOOT INDUSTRIAL WAREHOUSE, LOCATED AT THE NORTHWEST CORNER OF 3RD STREET AND CENTRAL AVENUE (APNs: 1192-561-11 AND 1192-561-15 THROUGH 21)

RESOLUTION NO. 2022-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE DEVELOPMENT OF A 54,330 SQUARE FOOT WAREHOUSE AND ASSOCAITED IMPROVEMENTS AT THE NORTHWEST CORNER OF 3rd STREET AND CENTRAL AVENUE. RELATED ENTITLEMENTS INCLUDE CONDITIONAL USE PERMIT CUP-22-002, DESIGN REVIEW APPLICATION DRA-21-024, VARIANCE VAR-22-001 AND TENTATIVE PARCEL MAP 20544/TPM-22-002. ASSESSOR'S PARCEL NUMBERS 1192-561-11 AND 1192-561-15 THROUGH 21.

ANNOUNCEMENTS

The next Planning Commission meeting is scheduled August 16, 2022.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 7:21 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: August 16, 2022

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Gary Chambers, Code Compliance Officer 

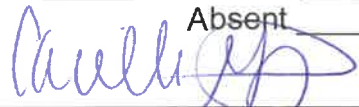
SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Properties generally located at 25414 Base Line St., San Bernardino, CA 92410, Tax Assessor's Parcel Numbers 0273-242-20, 0273-242-21, 0273-242-22, & 0273-242-23.

PROPERTY OWNER: Laila Darwish; Laila Darwish Separate Property Trust

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 25414 Base Line 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 28, 2022. (Attached hereto as Exhibit "1" attachment "D" and incorporated herein by reference). In addition, on July 29, 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 "E" and incorporated

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

herein by reference).

BACKGROUND:

- Feb. 24, 2021** This case was originally initiated due to a complaint received regarding the unpermitted parking or storage of semi-tractors & tractor-trailers on the properties generally located at 25414 Base Line St., San Bernardino, CA 92410, APNS: 0273-242-20, 0273-242-21, 0273-242-22, & 0273-242-23 (within the corporate boundaries of the City of Highland).
- Feb. 25, 2021** Code Compliance Officer Justin Ramirez arrived at the properties and observed semi-trucks and tractor-trailers being parked or stored on the properties without City approval or permits. On February 26, 2021, a **Notice of Violation** was mailed to the property owner's address of record.
- Mar. 02, 2021** The business owner of the trucks came into City Hall to discuss the case with Code Compliance Officer Justin Ramirez and the Planning Division. The business owner was told that the properties must remain vacant until the Planning Division approved any kind of structures or businesses on the properties. The business owner requested a couple of months to have everything removed from the properties.
- Mar. 03, 2021 -
Aug. 03, 2021** Code Compliance Officer Justin Ramirez conducted several additional reinspection's and observed the continued parking or storage of semi-tractors and tractor-trailers on the properties without City approval or permits.
- Aug. 04, 2021** Lawrence Mainez, Community Development Director, had a meeting with Jodi Scott, representing the property owner, and Angela Tafolla, Planning Technician III, regarding the subject properties. Ms. Scott was informed that the parking of semi-tractors and tractor-trailers could not be permitted. Lawrence Mainez, Community Development Director, instructed Code Compliance Officer Justin Ramirez to give the property owner an additional six months to remove all unpermitted parking or storage of semi-tractors and tractor-trailers from the properties.
- Nov. 20, 2021** Case reassigned to Code Compliance Officer Gary Chambers.
- Feb. 07, 2022** Code Compliance Officer Gary Chambers arrived at the subject properties to conduct a reinspection and observed the parking or storage of semi-tractors and tractor-trailers without City approval or permits. **Administrative Citation #1, 15617**

(\$100), was issued for the violation of the Highland Municipal & Development Codes. A copy of the citation was mailed to the property owner's address of record by certified mail. On February 8, 2022, a copy of the citation was posted at the subject properties.

Mar. 03, 2022

The property owner, Ammar Darwish, came into the City to discuss the case with Code Compliance Officer Gary Chambers. Mr. Darwish requested that he be allowed to keep the semi-tractors and tractor-trailers on the subject properties for one additional year. Code Compliance Officer Gary Chambers explained to Mr. Darwish that he did not have the authority to grant his request. Mr. Darwish requested to speak with Lawrence Mainez, Community Development Director. Code Compliance Officer Gary Chambers informed Mr. Darwish that his request would be passed on to Lawrence Mainez, Community Development Director.

Mar. 09, 2022

Code Compliance Officer Gary Chambers contacted the property owner, Mr. Darwish, by phone. Code Compliance Officer Gary Chambers informed Mr. Darwish that a conversation was had with Lawrence Mainez, Community Development Director, regarding the subject properties. Code Compliance Officer Gary Chambers informed Mr. Darwish that a six-month extension had already been granted and his request for an additional one-year extension had been denied. Code Compliance Officer Gary Chambers explained to Mr. Darwish that if the semi-tractors and tractor-trailers remained on the properties, further enforcement action would be continued.

Mar. 26, 2022

Code Compliance Officer Gary Chambers arrived at the subject properties to conduct a reinspection and observed the continued parking or storage of semi-tractors and tractor-trailers without city approval or permits. **Administrative Citation #2, 15638 (\$200)**, was issued for the violation of the Highland Municipal & Development Codes. A copy of the citation was mailed to the property owner's address of record by certified and regular mail. On March 28, 2022, a copy of the citation was posted at the subject properties.

May 16, 2022

Code Compliance Officer Gary Chambers arrived at the subject properties to conduct a reinspection at the request of the property owner, Ammar Darwish. Code Compliance Officer Gary Chambers observed that all semi-tractors and tractor-

trailers had been removed from the properties. Due to compliance, the case was closed complied.

Jun. 30, 2022

During routine patrol, Code Compliance Officer Gary Chambers observed that the semi-tractors and tractor trailers were back on the subject properties being parked or stored without City approval or permits. The case (#7806) was re-opened. Code Compliance Officer Gary Chambers contacted the property owner, Mr. Darwish, by phone. Mr. Darwish stated that he received the okay to continue the unpermitted parking or storage of semi-tractors and tractor-trailers on the properties, no name was provided. Code Compliance Officer Gary Chambers discussed the case with Lawrence Mainez, Community Development Director. A decision was made to refer the case to the Planning Commission/Appeals Board for a Declaration of Public Nuisance.

Jul. 18, 2022

The property owner, Ammar Darwish, contacted Code Compliance Officer Gary Chambers by phone. Mr. Darwish apologized for the misunderstanding and stated that the business owner would be relocating the semi-trucks as soon as possible. Code Compliance Officer Gary Chambers explained to Mr. Darwish that the case was going to be referred to the Planning Commission/Appeals Board for a declaration of Public Nuisance on August 16, 2022, at 6 pm, or soon thereafter. Code Compliance Officer Gary Chambers explained to Mr. Darwish that if all semi-tractors and tractor-trailers were removed from the properties by August 16, 2022, the item would be pulled from the Planning Commission/Appeals Board agenda.

July 28, 2022

Code Compliance Officer Gary Chambers mailed a copy of the Public Hearing Notice to the property owner's address of record by certified mail, return receipt requested. On July 29, 2022, a copy of the Public Hearing Notice was also posted at the subject properties.

CONCLUSION: As evidenced by all inspections conducted and the exhibits incorporated herein by reference, the properties, identified as APN'S: 0273-242-20, 0273-242-21, 0273-242-22, & 0273-242-23 (identified as 25414 Base Line 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 property is in violation of the following provisions of the Municipal & Development Codes:

- 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 General Commercial (CG) 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 properties and obtain land use approvals or any other applicable permits prior to the establishment of any future uses on the properties 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 February 25, 2021
- B. Administrative Citation, #15617, issued February 07, 2022
- C. Administrative Citation, #15638, issued March 26, 2022
- D. Notice of Public Hearing and Public Posting Copy dated July 28, 2022
- E. Notice of Public hearing (Affidavit of Mailing) dated July 28, 2022

Exhibit "2" Aerial/Site Location Map

Exhibit “3” Case photographs dated February 25, 2021

Exhibit “4” Case photographs dated February 07, 2022

Exhibit “5” Case photographs dated March 26, 2022

Exhibit “6” Case photographs dated May 16, 2022

Exhibit “7” Case photographs dated June 30, 2022

Exhibit “8” Case photographs dated July 29, 2022

EXHIBIT “1”

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

RESOLUTION NO. 2022-

A RESOLUTION OF THE PLANNING COMMISSION/APEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTIES IDENTIFIED AS APN's 0273-242-20, 0273-242-21, 0273-242-22, & 0273-242-23, GENERALLY LOCATED AT 25414 Base Line ST., SAN BERNARDINO, CA 92410 (WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF HIGHLAND), AND ORDERING THE OWNERS OF THE PROPERTIES TO ABATE THE NUISANCE CONTAINED THEREON.

(CODE CASE #7806)

A. RECITALS

1. On February 24, 2021, the City received a complaint that the properties identified as San Bernardino County APN'S 0273-242-20, 0273-242-21, 0273-242-22, & 0273-242-23 (collectively, "the Properties") were being used for the unpermitted parking and storage of semi-tractors and tractor-trailers. Inspection revealed 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 Violations were mailed/posted on;
02/25/2021 (Attachment A)
4. Administrative Citations, were issued/mailed on;
02/07/2022 (Attachment B)
03/26/2022 (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 March 31, 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 May 03, 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 Properties generally located at 25414 Base Line St., San Bernardino, California 92410, since at least February 25, 2021.
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-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 properties being used for the unpermitted parking and storage of trucking services and terminals (i.e., tractor-trailers) is not Listed in the General Commercial (CG) Zone District 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 16th day of August 2022.

Randall Hamerly,
Planning Commission/Appeals Board Chairman

ATTEST:

Lawrence A. Mainez,
Community Development Director

ATTACHMENT "A"

Notice of Violation dated February 25, 2021



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

To: Laila Darwish, Laila Darwish Separate Property Trust Date: 02/25/2021
Property Located at: 0273-242-22-0000, San Bernardino, CA 92410

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:

SPEAK WITH PLANNING DEPARTMENT ABOUT 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 3/11/21

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"

Administrative Citation, #15617, issued February 07, 2022



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

CITATION NO. 15617

ADMINISTRATIVE CITATION

Date: 02-07-2022 Time: 9:47am (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 02-04-2022. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 02-28-2022. 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 #: Darwish, Laika DOB: N/A

MAILING ADDRESS:

VIOLATION ADDRESS: 25408 Base Line St, San Bernardino, CA 92410

MUNI / STATE CODE SECTION VIOLATED

VIOLATION DESCRIPTION

8.32.020C Violation of Highland Development

16.20.030 Commercial use regulations

CORRECTIONS REQUIRED: Remove all

unpermitted parking or storage
of tractor-trailers and any
other vehicles from the properties.

Signature of Issuing Officer [Signature] Issued Date 02-07-2022

Printed Name of Issuing Officer [Signature]

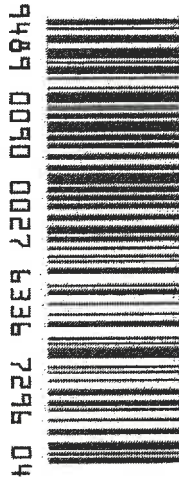
Acknowledgement of Receipt (Signature) [Signature]

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

GREEN: FILE

MAIL CODE: 4600

**City of
HIGHLAND**
Inc. 1987
27215 Base Line
Highland, CA 92346



Label 890-PB, Oct. 2015
Piney Bowes

UNITED STATES
POSTAL SERVICE
CERTIFIED MAIL

Laika Darwish
25408 Base Line St.
San Bernardino, CA 92410

ATTACHMENT "C"

Administrative Citation, #15638, issued March 26, 2022

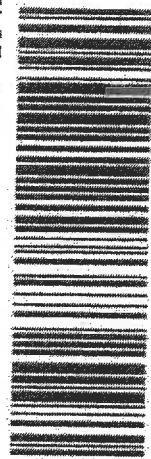
MAIL CODE: 4600

27215 Base Line
Highland, CA 92346

City of
HIGHLAND
Inc. 1987



9449 0090 0027 6336 7230 77



Label 890-PB, Oct. 2015
Pitney Bowes

Laila Darwish
25408 Base Line St.
San Bernardino, CA 92410

CERTIFIED MAIL

Case # 7806

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

CITATION NO.

15838

ADMINISTRATIVE CITATION

Date: 3-25-2022 Time: 6:57 am (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$

The payment listed above is due by 4-20-2022. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 4-25-2022. 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 #

DOB:

MAILING ADDRESS:

VIOLATION ADDRESS:

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

Vehicle Code	Violation on a Vehicle
Vehicle Code	Vehicle Code
Vehicle Code	Vehicle Code
Vehicle Code	Vehicle Code
Vehicle Code	Vehicle Code
Vehicle Code	Vehicle Code

CORRECTIONS REQUIRED:

Remove all vehicles from the area
Remove all vehicles from the area
Remove all vehicles from the area
Remove all vehicles from the area
Remove all vehicles from the area
Remove all vehicles from the area

Signature of Issuing Officer

Issued Date

Printed Name of Issuing Officer

Acknowledgement of Receipt (Signature)

READ REVERSE SIDE
FOR IMPORTANT INFORMATION

ATTACHMENT “D”

Notice of Public Hearing dated July 28, 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 properties identified as APN's 0273-242-20, 0273-242-21, 0273-242-22, & 0273-242-23 generally located at 25414 Base Line 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, August 16, 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 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 28, 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 #7806

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: 0273-242-20, 0273-242-21, 0273-242-22, & 0273-242-23

PROPERTY OWNER(S): Laila Darwish, Laila Darwish Separate Property Trust

VIOLATION ADDRESS/APN: 0273-242-20, 0273-242-21, 0273-242-22, & 0273-242-23, generally located at the 25414 Base Line St., San Bernardino, CA 92410 (within the corporate boundaries of the City of Highland)

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

DATE AND TIME OF HEARING: August 16, 2022, at 6:00 PM
(Or soon thereafter)

ATTACHMENT “E”

Notice of Public Hearing (Affidavit of Mailing) dated
July 28, 2022

AFFIDAVIT OF MAILING

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

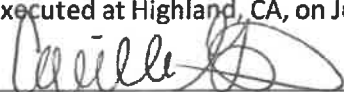
I am employed in the County of San Bernardino, State of California. I am over the age of 18 and not a party to the within action. My business address is City of Highland, 27215 Base Line, Highland, CA 92346.

On July 28, 2022, I caused to be served a copy of the attached Public Hearing Notice, Case #7806, Certified Mail, Return Receipt Requested, to the following parties: Laila Darwish, Laila Darwish Separate Property Trust. 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.

Laila Darwish, Laila Darwish Separate Property Trust
25408 Base Line St.
San Bernardino, CA 92410

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 28, 2022.

Dated: 7/28/2022



Camille Goritz, Administrative Assistant III
City of Highland

EXHIBIT “2”

Aerial/Site Location Map



25414 Base Line St.



EXHIBIT “3”

Case photographs dated February 25, 2021



EXHIBIT “4”

Case photographs dated February 07, 2022



EXHIBIT “5”

Case photographs dated March 26, 2022

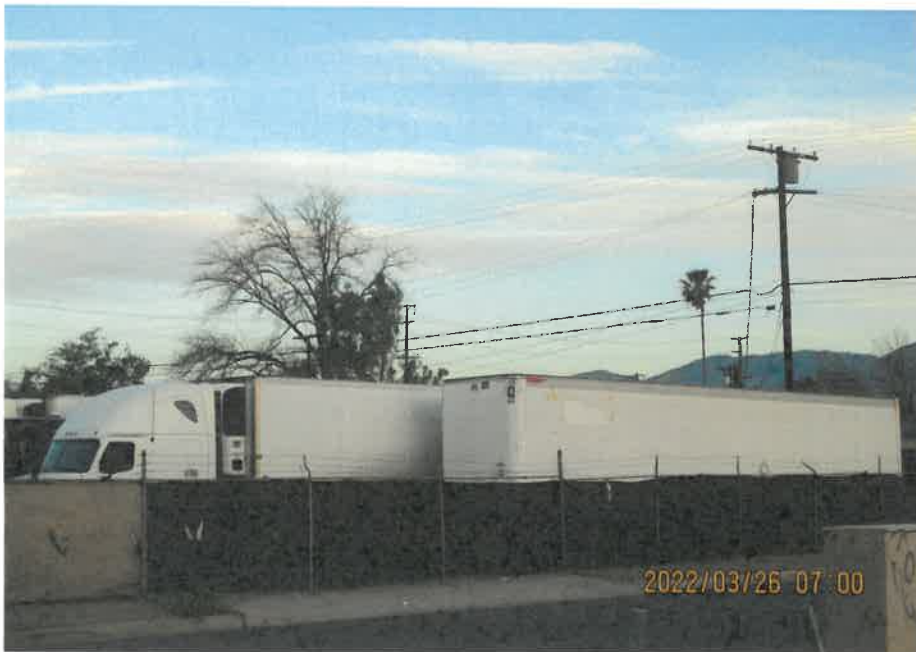




EXHIBIT “6”

Case photographs dated May 16, 2022





EXHIBIT “7”

Case photographs dated June 30, 2022



EXHIBIT “8”

Case photographs, Public Hearing Notice, dated July 29, 2022





STAFF REPORT

TO THE APPEALS BOARD

DATE: August 16, 2022

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Gary Chambers, Code Compliance Officer *GC*

SUBJECT: A Public Hearing to Consider the Appeal of Administrative Citation No. 15539 issued due to Land use violations related to the unpermitted parking or storage of semi-tractors & tractor-trailers in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code, at the properties generally located at 25191 5th St., San Bernadino, CA 92410 (within the corporate boundaries of the City of Highland). Tax Assessor's Parcel Numbers 0279-162-02, 0279-162-03, & 0279-162-04. Cited: Faye Shahatit.

PROPERTY OWNER: Faye Shahatit

RECOMMENDATION: Staff recommends the Public Nuisance Hearing Board (PNHB) conduct the required Public Hearing and uphold Administrative Citation No. 15539 and adopt Resolution No. 2022 - _____.

FISCAL IMPACT: There is no fiscal impact related to this Project, other than City Staffs time to research the individual projects / properties and to prepare the report.

PUBLIC NOTICE: Pursuant to Chapter 2.56, Public Hearing Notices were mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to Faye Shahatit on July 29, 2022 (attached hereto as Attachment "E" and incorporated herein by reference). In addition, on July 29, 2022, staff posted the Public Hearing Notice in the three designated posting locations, and a copy of said Notice was placed on the City's Website (see Affidavit of Posting / Mailing and attached hereto as Attachment "F" and incorporated herein by reference).

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

BACKGROUND:

May 02, 2022

This case was initiated due to a complaint received regarding the unpermitted parking or storage of semi-tractors, tractor-trailers, and other vehicles on the properties generally located at 25191 5th St., San Bernardino, CA 92410 (within the corporate boundaries of the City of Highland), Parcel numbers: 0279-162-02, 0279-162-03, & 0279-162-04.

May 03, 2022

Code Compliance Officer Gary Chambers arrived at the properties to conduct an inspection and observed the parking or storage of semi-tractors, tractor-trailers, and other vehicles without City approval or permits. A **Notice of Violation** was mailed to the property owner's address of record by certified & regular mail.

Jun. 03, 2022

Code Compliance Officer Gary Chambers arrived at the properties to conduct a reinspection and observed that the properties were still being used for the parking or storage of tractor-trailers and other vehicles without City Approval or permits. A **2nd Notice of Violation** was mailed to the property owner's address of record by certified & regular mail.

Jul. 05, 2022

Code Compliance Officer Gary Chambers arrived at the properties to conduct a reinspection and observed that the properties were still being used for the parking or storage of semi-tractors, tractor-trailers, & other vehicles without City approval or permits. **Administrative Citation #15539 (\$100)** was issued for the violation of the Highland Municipal & Development Codes. A copy of the Citation was mailed to the property owner's address of record by certified and regular mail. A copy of the citation was also posted at the property.

CONCLUSION:

As evidenced by all inspections conducted and the exhibits incorporated herein by reference, Staff recommends the Appeals Board uphold Administrative Citation No. 15539 and approve Resolution No. 2022-_____. Specifically, the Administrative Citation was issued for the following violations of the Highland 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 A (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 violation.

Exhibit "1" Appeals Board Resolution 2022-_____, inclusive of the following attachments:

- A. Notice of Violation Letter dated May 03, 2022
- B. Notice of Violation Letter dated June 03, 2022
- C. Administrative Citation, #15539, issued July 05, 2022
- D. Notice of Appeal, Request for Hearing, dated July 11, 2022
- E. Notice of Public Hearing dated July 28, 2022
- F. Notice of Public hearing (Affidavit of Mailing) dated July 28, 2022

Exhibit "2" Case photographs dated May 03, 2022

Exhibit "3" Case photographs dated June 03, 2022

Exhibit "4" Case photographs dated July 05, 2022

Exhibit "5" Case photographs, Posted Public Hearing Notice, dated July 29, 2022

EXHIBIT “1”

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

RESOLUTION NO. 2022-

A RESOLUTION OF THE PUBLIC NUISANCE HEARING BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT THE VIOLATION EXISTED ON THE PROPERTIES IDENTIFIED AS APN: 0279-162-02, 0279-162-03, & 0279-162-04, GENERALLY LOCATED AT 25191 5TH St., SAN BERNARDINO, CA 92410, ON JULY 05, 2022, THEREBY UPHOLDING ADMINISTRATIVE CITATION NO 15539.

WHEREAS, on, July 05, 2022, Highland Staff issued Administrative Citation No. 15539 which is attached hereto and incorporated herein by this reference, for violations of the Highland Municipal & Development Code on the property located at 25191 5th St., San Bernardino, California (within the corporate boundaries of the City of Highland), and,

WHEREAS, Highland Staff served the Citation on July, 05, 2022 to Fayez Shahatit, who is the Property Owner, (" Appellant") by way of mail, which is attached hereto and incorporated herein by this reference, and,

WHEREAS, the Appellant timely submitted a Request for Hearing Form in order to appeal the Citation to the Public Nuisance Hearing Board, and,

WHEREAS, the Appellant timely submitted the Public Nuisance Hearing Board Administrative Hearing Fee for the citation.

NOW THEREFORE, it is hereby found, determined, and resolved by the Public Nuisance Hearing 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 Appellant that the Public Nuisance Hearing Board would be holding a Public Hearing on August 16, 2022, via certified mail; that Notice is attached hereto and incorporated herein by this reference, The Public Nuisance Hearing Board held a Public Hearing on that Hearing Date, at which time, with all written and oral evidence and testimony from the Appellant, the Public and Staff were considered.
3. Based upon the evidence and testimony presented to the Public Nuisance Hearing Board during the above -referenced Hearing, the Public Nuisance Hearing Board finds that violations of the Highland Municipal & Development Code Sections 8.32.020(C) & 16.24.030(A) existed on the Property on the Citation Date, as follows:

- A. The Code Compliance Officer arrived at the properties on July 05, 2022, to conduct a reinspection. The Code Compliance Officer observed the parking or storage of semi-tractors, tractor-trailers, and other vehicles on the properties without City approval or permits.

The aforementioned constitutes a Violation of the Highland Municipal & Development Code, and thus the Public Nuisance Hearing Board hereby upholds Administrative Citation No. 15539 and orders Appellant to abate the Violation.

Pursuant to Highland Municipal Code Section 2 56 130, Appellant may appeal this decision to the City Council within ten (10) days of the Public Nuisance Hearing Board's decision, by submitting an Administrative Citation Notice of Appeal Request for Hearing.

PASSED, APPROVED AND ADOPTED this 16th day of August 2022

AYES

NOES:

ABSENT:

ATTEST

Randall Hamerly
Planning Commission/Appeals Board Chairman

Lawrence Mainez
Community Development Director

Attachment(s):

Administrative Citation No. 15539

Notice of Violation Letter dated May 03, 2022

Notice of Violation Letter dated June 03, 2022

ATTACHMENT “A”

Notice of Violation Letter dated May 03, 2022



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

To: Shahatit Fayeze

Date: 05/03/2022

Property Located at: 25191 5th St. {#0279-162-02, 0279-162-03, 0279-162-04}, San Bernardino, CA 92410

28793 Beattie St. 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 : Land use regulations</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 **** {Parcel #'s 0279-162-02, 0279-162-03, 0279-162-04} 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 16.24.030 - Use regulations for employment districts Corrective Actions: There are no land use approvals for this property. Remove all unpermitted parking or storage of tractor-trailers and any other vehicles from the properties. Remove all storage or debris from the properties. Obtain Land use approvals and any other applicable permits prior to the establishment of any future uses on the properties. To avoid additional notices and/or citations, please comply by 06/02/2022. Contact the Planning Division with any questions regarding land use regulations. Thank you for your prompt attention and cooperation in resolving this issue.

You have 30 days to complete the abatement of this violation. A reinspection of this property is scheduled for 06/03/2022

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 “B”

Notice of Violation Letter dated June 03, 2022



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

To: Shahatit Fayeze

Date: 06/03/2022

Property Located at: 25191 5th St. {#0279-162-02, 0279-162-03, 0279-162-04}, San Bernardino, CA
92410

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 regulations</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 **** {Parcel #'s 0279-162-02, 0279-162-03, 0279-162-04} 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 16.24.030 - Use regulations for employment districts Corrective Actions: There are no land use approvals for this property. Remove all unpermitted parking or storage of tractor-trailers and any other vehicles from the properties. Remove all storage or debris from the properties. Obtain Land use approvals and any other applicable permits prior to the establishment of any future uses on the properties. To avoid citations and/or a Public Nuisance Hearing, please comply by 07/03/2022. Contact the Planning Division with any questions regarding land use regulations. Thank you for your prompt attention and cooperation in resolving this issue.

You have 30 days to complete the abatement of this violation. A reinspection of this property is scheduled for 07/04/2022

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, #15539, issued July 05, 2022



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

#9085

CITATION NO. 15539

ADMINISTRATIVE CITATION

Date: 7-05-2022 Time: 8:31 am (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 7-30-2022 See reverse side for payment and appeal instructions.

Corrections indicated below are required by 7-20-2022. 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

Shahatit, Faye Z
DL #: N/A DOB: N/A

MAILING ADDRESS:

28793 Beattie St., Highland, CA 92346

VIOLATION ADDRESS: 0279-162-02, 0279-162-03, 0279-162-04 Highland, CA
APM'S

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
<u>HMC</u> <u>8.32020 C</u>	<u>Violation of Highland</u> <u>Development Code</u>
<u>HMC</u> <u>16.24.030 A</u>	<u>Use regulations for</u> <u>employment districts</u>

CORRECTIONS REQUIRED: Remove ALL unpermitted
parking or storage of semi-tractors, tractor
trailers, or any other vehicles which
constitute a public nuisance from
the properties. Next cite is \$200
IF NO Compliance.

[Signature] 7-05-2022
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**

City of
HIGHLAND
Inc. 1987

27215 Base Line
Highland, CA 92346

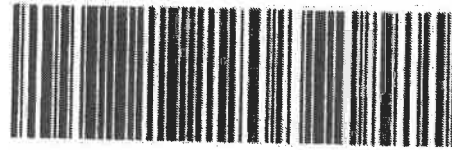


MAIL CODE: 4600



UNITED STATES
POSTAL SERVICE

CERTIFIED MAIL®



9489 0090 0027 6261 9059 82

Label 890-PB, Oct. 2015
Pinney Bowes

Fayez Shahatit
28793 Beattie St.
Highland, CA 92346

City of
HIGHLAND
Inc. 1987

27215 Base Line
Highland, CA 92346



MAIL CODE: 4600



Fayez Shahatit
28793 Beattie St.
Highland, CA 92346

ATTACHMENT “D”

Notice of Appeal, Request for Hearing, dated July 11, 2022



Copy To CLE
Finance LD

RECEIVED

JUL 11 2022

CITY OF HIGHLAND

City of Highland
Administrative Citation Notice of Appeal
Request for Hearing

In regards to property located at: 25191 E 5th St CA 92416, Highland, California, an Appeal is hereby made relative to Administrative Citation No. 15539 (the "Citation"). It is my desire to Appeal this Citation.

Please select one:

- ☒ This is my first Appeal, so I am appealing to the Public Nuisance Hearing Board.

I understand that I have the right to Appeal the Citation within ten (10) calendar days from the date of service of the Citation. The date the Citation was personally issued to me is the date of service. Service by Registered or Certified Mail is deemed effective on the date it is served; service by United States Mail is deemed effective three (3) days after the date of deposit. If I was served in multiple ways, I understand that the earliest service date will prevail.

- ☐ The Public Nuisance Hearing Board has already heard my Appeal, so I am appealing to the City Council.

I understand that my Appeal must be filed within ten (10) days from the date that the Public Nuisance Hearing Board made its determination on my first appeal.

I understand that if I do not properly file this Appeal by the appropriate deadline listed above; I have waived my right to an Administrative Hearing and accept that I must pay the total amount of the fine.

To process this Appeal, I am submitting this completed form, along with the following payment.

Select one:

- ☒ This is my first appeal, so I am submitting the advance deposit of the Citation fine and the \$25.00 Administrative Hearing Fee for the first appeal.
- ☐ This is my first appeal, but I am unable to pay the advance deposit of the Citation fine and the \$25.00 Administrative Hearing Fee, so I am filing an Administrative Citation Hardship Waiver Request.
- ☐ This is my second appeal, and I have already submitted the advance deposit of the Citation fine and the \$25.00 first Administrative Hearing Fee, so I am submitting the \$25.00 Administrative Hearing Fee for the second appeal.
- ☐ This is my second appeal, and I have already been granted an Administrative Citation Hardship Waiver, so I do not need to submit any further payments.

I understand that payment should be made by personal check, cashier's check, or money-order payable to the City of Highland. I have written the Citation number on my check or money order. I further understand that the advance deposit of the Citation fine is refundable, if the case is decided in my favor.

I understand that without paying the appropriate payment option listed above, my Appeal cannot be processed. I further understand that I do not make that full payment by the appropriate deadline listed above; I have waived my right to an Administrative Hearing and accept that I may pay the total amount of the fine.

Basis or reason for this appeal? Trucks has current registration
and the two cars. Not sure what permit I need.

I am delivering or mailing all my documents to:

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

Today's Date: 7-11-2022

Name of Appellant: Fayez Shahhatit / Nader shahhatit

Address: 28793 Beattie St
Highland, CA 92346

Signature of Appellant: 



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

CITATION NO. **15539**

ADMINISTRATIVE CITATION

Date: 7-05-2022 Time: 8:31 am (Violation Observed)

☒ **WARNING**

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

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 7-30-2022. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 7-20-2022. 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

Shahatit, Fayer

DL #: N/A DOB: N/A

MAILING ADDRESS:

28702 Beattie St, Highland, CA 92346

VIOLATION ADDRESS:

AD-15 50277-162-02, 0277-162-03, 11/11

MUNI. / STATE CODE SECTION VIOLATED

VIOLATION DESCRIPTION

MMC 832020C Violated Highland

Development Code

MMC 1624.030A Use regulatory for

employment districts

CORRECTIONS REQUIRED:

Remove all unpermitted
parking or storage of semi-trailers, trailers,
trucks, or any other vehicles which
constitute a public nuisance from
the property. Next fine is \$200
if no compliance.

Signature of Issuing Officer

Issued Date

Printed Name of Issuing Officer

Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

Copy To C/E
Finance LD

City of Highland-Finance
27215 Base Line
(909)-864-6861

City Of Highland 5 / 93806
07/11/2022 10:32:42.000 Reg CASHIER
Validation Receipt
Payor: SHAHATIT, NADER F
CHARGES-

5218 \$ 100.00

ADMIN CITE#15539

001.1450.8202

5218 \$ 25.00

ADMIN CITE#15539 APPEAL

001.1450.8202

Sub-total \$*****125.00

PAYMENT-
Charge \$ 125.00

Change \$*****0.00

ATTACHMENT “E”

Notice of Public Hearing dated July 28, 2022



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 28, 2022

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE HIGHLAND APPEALS BOARD TO CONSIDER THE APPEAL OF ADMINISTRATIVE CITATION NO. 15539 ISSUED FOR THE FOLLOWING DESCRIBED PROPERTIES DUE TO LAND USE VIOLATIONS RELATED TO UNPERMITTED PARKING OR STORAGE OF TRACTOR TRAILERS.

File Number: APPEALS BOARD ADMINISTRATIVE CITATION
HEARING CASE # 9085

SUBJECT: A Public Hearing to consider the Appeal of Administrative Citation No. 15539 issued for the unpermitted parking or storage of semi-tractors & tractor-trailers in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code on the following Assessor's Parcel Numbers: 0279-162-02, 0279-162-03, & 0279-162-04

PROPERTY OWNER(S): Fayez Shahatit

VIOLATION ADDRESS/APN: 25191 5th St., San Bernardino, CA 92410, Parcel numbers 0279-162-02, 0279-162-03, & 0279-162-04 (within the corporate boundaries of the City of Highland)

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

DATE AND TIME OF HEARING: Tuesday August 16, 2022, at 6:00 PM
(Or soon thereafter)

ATTACHMENT “F”

Notice of Public Hearing (Affidavit of Mailing) dated
July 28, 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 28, 2022, I caused to be served a copy of the attached Public Hearing Notice, Case #9085, Certified Mail, Return Receipt Requested, to the following parties: Faye Shahatit. 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.

Faye Shahatit
28793 Beattie 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 28, 2022.

Dated: 7/28/2022



Camille Goritz, Administrative Assistant III
City of Highland

EXHIBIT “2”

Case photographs dated May 03, 2022



EXHIBIT “3”

Case photographs dated June 03, 2022



EXHIBIT “4”

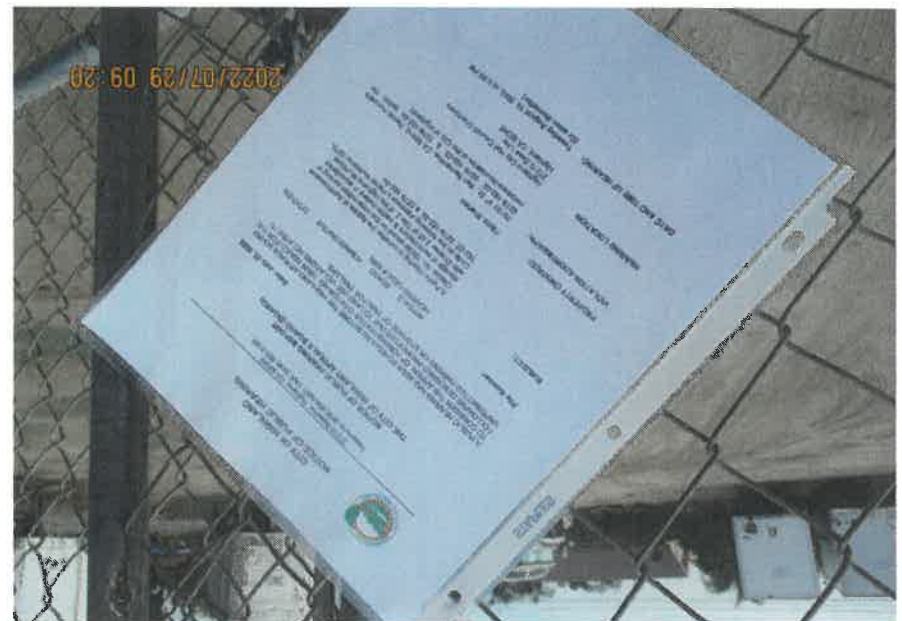
Case photographs dated July 05, 2022





EXHIBIT “5”

**Case photographs, posted copy of Public Hearing Notice,
dated July 29, 2022**





STAFF REPORT

TO THE PLANNING COMMISSION

DATE: August 16, 2022

FROM: Lawrence A. Mainez, Community Development Director

REVIEWED BY: Kim Stater, Assistant Community Development Director *KS*

PREPARED BY: Ash Syed, Associate Planner *AS*

SUBJECT: Conditional Use Permit (CUP-22-004) to construct a 187,870 square foot warehouse and associated improvements, Variance (VAR 22-002) to allow the warehouse building to exceed the maximum building height permitted in the Business Park Zone by 5 feet, Tentative Parcel Map No. 20584 (TPM 22-005) to merge four (4) existing parcels into one (1), and Design Review Application (DRA 22-006) for the project's Site Plan, Landscape Plan, and Building Elevations.

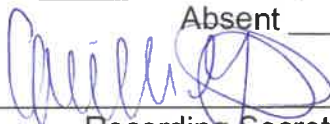
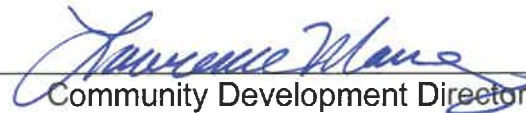
LOCATION: A 8.78 acre site at the southeast corner of Victoria Avenue and Cypress Street. Assessor's Parcel Number(s): 1192-491-01, 02, 49, & 50

OWNER: Patriot Partners, LLC

REPRESENTATIVE: Herdman Architecture & Design

RECOMMENDATION: Staff recommends the Planning Commission continue the item to September 6, 2022.

Staff had originally circulated the Public Hearing Notice for this project for the August 16, 2022 Planning Commission meeting. However, due to unforeseen delays regarding the availability of environmental documents, Staff is requesting to continue this item to the September 6, 2022 Planning Commission hearing.

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