

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

October 4, 2022
6:00 p.m.
City Hall
Donahue Council Chambers
27215 Base Line
Highland, California

STAFF

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

MISSION STATEMENT

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

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

CITY OF HIGHLAND • 27215 BASE LINE • HIGHLAND, CALIFORNIA 92346 • (909) 864-6861 ☎ • (909) 862-3180 📠

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance, please contact the City Clerk's office at (909) 864-6861, ext. 226, at least 72 hours prior to the meeting for any requests for reasonable accommodation to include interpreters.

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 October 4, 2022 to publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the October 4, 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
October 4, 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 October 4, 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 September 20, 2022 Regular Meeting.

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

PUBLIC HEARINGS

2. Conditional Use Permit (CUP 22-009) to permit the development of a contractors equipment rental yard for construction and building equipment that includes a 3,900 square foot warehouse and outdoor storage space. Related entitlements include Design Review Application (DRA 22-012) for the Site Plan, Building Elevations, Grading Plan and Conceptual Landscape Plan, and Parcel Merger (PM 22-001) to combine three (3) parcels into one (1). (APN No.: 1192-641-12, 22, & 23)

RECOMMENDATION: Staff recommends the Planning Commission continue the item to October 18, 2022.

3. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 6956 Palm Ave, Highland, CA 92346, Tax Assessor's Parcel Number 1191-471-62.

RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2022 -____, declaring the existence of a public nuisance on the Property generally located at 6956 Palm Ave, Highland, CA 92346, and order the abatement thereof.

4. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 25191 5th St., San Bernardino, CA 92410, Tax Assessor's Parcel Numbers 0279-162-02, 0279-162-03, & 0279-162-04.

RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2022 -____, declaring the existence of a public nuisance on the Property generally located at 25191 5th St., San Bernardino, CA 92410 and order the abatement thereof.

5. 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 the NW corner of 3rd St. & Central Ave., Highland, CA 92346, Tax Assessor's Parcel Numbers 1192-561-11, 1192-561-15, 1192-561-16, 1192-561-17, 1192-561-18, 1192-561-19, 1192-561-20, and 1192-561-21.

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

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 28th of September 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: September 28, 2022



Camille Goritz Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: October 4, 2022

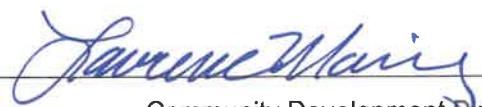
FROM: Lawrence Mainez, Community Development Director

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

SUBJECT: Minutes from the September 20, 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
September 20, 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 6:05 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

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

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

The Pledge of Allegiance was led by Chair Hamerly.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

CONSENT CALENDAR

1. Minutes from the September 6, 2022 Regular Meeting.

A MOTION was made by Commissioner Miller, seconded by Commissioner Sutorus, to approve the minutes as amended. Motion carried, 3-1-1, with Commissioner Amaya being absent and Vice Chair Thomas being absent.

PUBLIC HEARINGS

2. A One-Year Extension of Time (EXT 22-002) for Conditional Use Permit (CUP 17-003) and Design Review Application (DRA 18-005) to accommodate a 33,775 square foot expansion of an existing self-storage facility.

Chair Hamerly recused himself from this agenda item because he previously rented a storage unit in this facility.

Associate Planner Syed presented the staff report.

Commissioner Amaya asked if this was the last Extension of Time (EOT) they can apply for?

Associate Planner Syed stated no, eligible for one more EOT.

Commissioner Amaya asked are the delays due to the permitting or does it take time to construct?

Associate Planner Syed stated it takes time to construct and find a tenant.

Applicant Aysar Helo stated the reason it was delayed is because of the parcel map which took forever to complete, and we just had it recorded 2 months ago and prior to that we were not able to do anything.

Commissioner Miller asked when will you be able to progress forward on the project?

Aysar Helo stated we are working with the city staff right now.

Commissioner Miller asked do you think this extension will be adequate enough to meet your needs?

Aysar Helo stated that he might need one more extension.

Commissioner Miller opened the public hearing.

Commissioner Miller closed the public hearing.

A MOTION was made by Commissioner Amaya, seconded by Sutorus, to adopt Resolution No. 2022-030 approving a one (1) year Extension of Time (EXT-22-002), subject to the Conditions of Approval and Findings of Fact. Motion carried, 3-1-1, with Chair Hamerly abstaining and Vice Chair Thomas being absent.

RESOLUTION NO. 2022-030

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND APPROVING A ONE (1) EXTENSION OF TIME (EXT 22-002) FOR CONDITIONAL USE PERMIT (CUP 17-003) AND DESIGN REVIEW APPLICATION (DRA 18-005), TO ACCOMMODATE A 33,775 SQUARE FOOT EXPANSION OF AN EXISTING SELF-STORAGE FACILITY LOCATED AT 28031 AND 28099 GREENSPOT ROAD, HIGHLAND CA 92346.

3. Conditional Use Permit (CUP 22-003) to permit the development of a 90,532 square foot warehouse and associated improvements. Design Review Application (DRA 22-008) for the Site Plan, Building Elevations, Grading Plan and Conceptual Landscape Plan, Tentative Parcel Map (TPM 22-009) to combine four (4) parcels into one (1), and Variance (VAR 22-003) allowing the warehouse building to exceed the maximum building height permitted in the Business Park Zone by fourteen (14) feet.

Associate Planner Syed presented the staff report.

Commissioner Amaya stated I drove to the site and there is a chain link fence around the entire lot off 6th Street, will there be demolition on all four parcels?

Associate Planner Syed stated yes, all four parcels.

Commissioner Miller asked are all the surrounding areas designated as Industrial/Business Park (BP) for the existing General Plan?

Associate Planner Syed stated yes, to the north, south, and east are all BP which are considered as legal nonconforming residences and to the west across Grape Street is zoned for R1 single family.

Chair Hamerly asked is that only the area that is north of that arrow? (Pointing to the PowerPoint presented) My understanding was BP went down to 6th Street along the corridor.

Associate Planner Syed stated on page 301 it states the zoning designations for that area, the entire western side of Grape Street is zoned for R1 single family.

Chair Hamerly stated regarding the issue of the Variance on page 147 of the staff report for the findings of fact, item 6E, just a point of clarification the basis for the starting point of the calculation that establishes the 43 feet was based on the volume needed to successfully build a warehouse. The way the response is written states the granting of the variance for an additional 14 feet of building height will increase the overall cubic volume of the building. That doesn't read correctly, the roof is basically level, it is the parapet that is increasing another six feet. The variance to establish an 8-foot height increase was necessary for the minimum performance standards needed for the warehouse, but the additional 6 feet for the parapet wasn't based on a volume requirement. My concern is the response is addressing the overall height of 14 feet instead of the 43 feet.

Assistant Community Development Director Stater stated we can modify the findings.

Chair Hamerly opened the public hearing.

Applicant Kevin Rice declined to present a presentation.

Chair Hamerly asked any comments on the site plan?

Commissioner Amaya asked is that wall on west of Grape Street 10 feet?

Associate Planner Syed stated the Applicants architect stated that there is no fence on the west side.

Chair Hamerly stated immediately to the west of the office portion of the building the southwest corner looks like there's a switch back ramp that goes up there. I guess it's a design issue, however I was wondering if there were alternatives that were considered as opposed to having three switchbacks filling in the space between the street right of way and the edge of building at that location?

Representative Kevin Alcantra stated that is why we placed it there, we did not want to place it on our site to take up too much parking space because we are already requesting a variance. If we could take out another four parking spots to put that ramp on site, we're comfortable with the amount of parking to be sufficient.

Chair Hamerly stated I was looking for alternative paths through there. If we went farther to the north, came up and then ran it along the building or offset from the building it would

make more sense, it just seems like a shame that you're spending so much architectural capital at that corner to really dress it up and make it nice.

Chair Hamerly stated on the next item there was a pad that is right in front of the west gate separating the parking and the truck bay. I'm reading that as a transformer pad, and if that is ground mounted equipment it will need to be screened. Planning's Condition of Approval number 14 states that any ground mounted equipment must be completely screened. please make a note of that. There is very tall structure which is over 30 feet, and you are going to need extended firefighting equipment to battle any fire here. My understanding that there would be a minimum of a 15-foot set back required, you have the 26-foot fire access all the way around the perimeter, which is great, but my understanding is they don't want the fire truck too close to the structure. The first project Patriot Partners submitted was the maximum height was calculated from the low point on the building perimeter. On this project it looks like it was calculated from adjacent grade, so we had a 3.5-to-4-foot depression in the truck bay, but that was not the reference elevation that was used for determining max height. I'm fine calculating it that way, but as a matter of record, the first one was calculated from the low point in the truck bay when the variance was processed. That would push us to about a 46.5 at the truck bay to our parapet height, but the 49-foot max height at the southwest corner is correct because that is established from adjacent grade.

Assistant Community Development Director Stater stated that's correct.

Commissioner Miller stated I was looking at the U channel along the south side and there is an overflow for the site that looks like it's planned to spill into that that offsite channel. Based on the plan it looks like there is opportunity for that that U channel running along the south side to spill into the site. I want to make sure that the channel that is along the south side has adequate capacity for that offsite flow, and we provide some type of high point.

Representative Ryan, Civil Engineer stated yes, you are right. In our drainage report, we will address that and make sure we have the right size to collect the water and the overflow going to that U channel is for emergency use.

Chair Hamerly stated on both sections BB and CC, referencing the U channel one is showing that channel along Section B as being 5 feet wide, and it's 3 1/2 feet wide at the southern property line. That's out of a 10-foot planter, and some of the largest specimen trees on site are showing up at the center line. Is there any potential that planting is going to disrupt or potentially damage your U channel?

Representative Ryan stated we will look into it, right now we are estimating U channel size.

Chair Hamerly stated two suggestions would be a serious root barrier device to protect your channel. The second would modify the channel profile to have a consistent volume but make it a little bit narrower and deeper if that works.

Representative Ryan stated we can always have a deeper U channel.

Chair Hamerly stated moving onto building elevations, on the material palette for the building elevations the glass wall makes it look like there's a 2 tone glazing or is that just artistic?

Kevin Alcantra stated it is just artistic.

Chair Hamerly stated since that's artistic, the lines that are non-horizontal that are showing in the glazing. Are those actual muntin's or is that part of the rendering?

Kevin Alcantra stated that is part of the rendering.

Chair Hamerly stated moving on the landscape plans. Noted in the staff report that staff did pick up on the taller columnar trees along the streetscape, I concur with that, especially given that the building is so tall, so close to the street, and it is a narrow street. Are there plan to widen Grape Street at the build out of the BP area?

Assistant Public Works Director Bennett stated Grape Street will be widened. It is going to be widened center line to curb face at 26 feet wide from the northern boundary of this development all the way south to 6th Street. The construction all the way south along 6th Street to Victoria Avenue.

Chair Hamerly asked what is the composition within the right of way at 26 feet? Is a portion of that in parkway or is it all in paving?

Assistant Public Works Director Bennett stated the section I have is 30 feet within right of way for the roadway at 26 feet, plus curb, gutter, a portion of the sidewalk and then we're requiring an additional help. Basically, within the right of way it is 30 feet and plus PUE and sidewalk easement back of that. No portion of the landscaping will be within the right of way, it will be within a portion of the PUE sidewalk easement.

Chair Hamerly stated thank you. Regarding the wall plan, since project on the northern boundary is abiding a bunch of existing non-conforming residential uses. Was there any thought given to making that an 8-foot walls since this typical separation between business and residential would be an 8-foot wall?

Associate Planner Syed stated I considered it, but I selected six. It's technically up to you. We can go up to 10 according to the BP wall standards.

Chair Hamerly stated I understood the thinking because of the adjacency to residential properties because there will be the truck traffic which is mainly concentrated in the southeastern portion of the site, but just didn't understand the difference that has one side of six feet and then another side that is at 10 feet.

Associate Planner Syed started the 10 feet that was based on our discussion on the Cypress Street and Victoria Avenue site. The Conditions of Approval number 14 is being changed to 8 feet. On page 116, we are changing condition number 18 to specify 8 feet.

Chair Hamerly closed the public hearing.

A MOTION was made by Chair Hamerly, seconded by Amaya, to:

1. Adopt Resolution No. 2022 - 031 approving Conditional Use Permit CUP-22-003 for the development of a 90,532 square foot warehouse and associated improvements, subject to the Conditions of Approval, and the Findings of Fact;
2. Adopt Resolution No. 2022- 032 approving Design Review Application (DRA 22-008) for the project's Site Plan, Building Elevations, Grading Plan and Conceptual Landscape Plan, subject to the Conditions of Approval, and the Findings of Fact;
3. Adopt Resolution No. 2022- 033 approving Tentative Parcel Map (TPM 22-009) to combine four (4) parcels into one (1), subject to the Conditions of Approval, and the Findings of Fact;
4. Adopt Resolution No. 2022 – 034 approving Variance (VAR 22-003) to allow the warehouse building to exceed the maximum building height permitted in the Business Park Zone by fourteen (14) feet; and
5. Adopt Resolution No. 2022- 035 certifying the associated Mitigated Negative Declaration (ENV 22-005), and direct staff to file a Notice of Determination with the County Clerk of the Board. Motion carried, 4-1, with Vice Chair Thomas being absent.

RESOLUTION NO. 2022-031

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 22-003) FOR THE DEVELOPMENT OF A 90,532 SQUARE FOOT WAREHOUSE AND ASSOCIATED IMPROVEMENTS ON THE EAST SIDE OF GRAPE STREET, APPROXIMATELY 200 FEET SOUTH OF CYPRESS STREET. RELATED ENTITLEMENTS INCLUDE DESIGN REVIEW APPLICATION (DRA 22-008), VARIANCE (VAR 22-003) AND TENTATIVE PARCEL MAP (TPM 22-009).

RESOLUTION NO. 2022-032

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING DESIGN REVIEW APPLICATION (DRA 22-008) FOR THE SITE PLAN, BUILDING ELEVATIONS, ROUGH GRADING PLAN AND CONCEPTUAL LANDSCAPE PLAN PERTINING TO THE DEVELOPMENT OF A 90,532 SQUARE FOOT WAREHOUSE, LOCATED ON THE EAST SIDE OF GRAPE STREET, APPROXIMATELY 200 FEET SOUTH OF CYPRESS STREET. RELATED ENTITLEMENTS INCLUDE CONDITIONAL USE PERMIT (CUP 22-003), VARIANCE (VAR 22-003), AND TENTATIVE PARCEL MAP (TPM 22-009).

RESOLUTION NO. 2022-033

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (ENV 22-005) FOR THE DEVELOPMENT OF A 90,532 SQUARE FOOT WAREHOUSE ON THE EAST SIDE OF GRAPE STREET,

APPROXIMATELY 200 FEET SOUTH OF CYPRESS STREET. RELATED ENTITLEMENTS INCLUDE CONDITIONAL USE PERMIT (CUP 22-003), DESIGN REVIEW APPLICATION (DRA 22-008), TENTATIVE PARCEL MAP (TPM 22-009), AND VARIANCE (VAR 22-003).

RESOLUTION NO. 2022-034

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP (TPM 22-009) TO MERGE FOUR (4) EXISTING PARCELS INTO ONE (1) PARCEL IN ASSOCIATION WITH CONDITIONAL USE PERMIT (CUP 22-003), DESIGN REVIEW APPLICATION (DRA 22-008), VARIANCE (VAR 22-003) TO DEVELOP A 90,532 SQUARE FOOT INDUSTRIAL WAREHOUSE, LOCATED AT THE SOUTHEAST CORNER OF VICTORIA AVENUE AND CYPRESS STREET.

RESOLUTION NO. 2022-035

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING VARIANCE (VAR 22-003) TO ALLOW AN INCREASE IN THE MAXIMUM BUILDING HEIGHT IN THE BUSINESS PARK ZONE FROM 35 FEET TO 49 FEET IN ASSOCIATION WITH CONDITIONAL USE PERMIT (CUP 22-003), DESIGN REVIEW APPLICATION (DRA 22-008), AND TENTATIVE PARCEL MAP (TPM 22-009) TO CONSTRUCT A 90,532 SQUARE FOOT WAREHOUSE, LOCATED ON THE EAST SIDE OF GRAPE STREET, APPROXIMATELY 200 FEET SOUTH OF CYPRESS STREET.

ANNOUNCEMENTS

The next Planning Commission meeting is scheduled October 4, 2022.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 7:16 p.m.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: October 4, 2022

FROM: Lawrence A. Mainez, Community Development Director

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

PREPARED BY: Ash Syed, Associate Planner *AS*

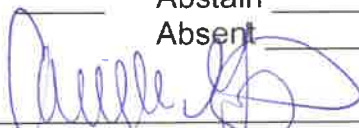
SUBJECT: Conditional Use Permit (CUP 22-009) to permit the development of a contractors equipment rental yard for construction and building equipment that includes a 3,900 square foot warehouse and outdoor storage space. Related entitlements include Design Review Application (DRA 22-012) for the Site Plan, Building Elevations, Grading Plan and Conceptual Landscape Plan, and Parcel Merger (PM 22-001) to combine three (3) parcels into one (1).

LOCATION: A 1.25 acre site on the north side of 3rd Street, approximately 900 feet west of Palm Avenue.
Assessor's Parcel Number(s): 1192-641-12, 22, & 23.

OWNER: CHIPT Highland (American Rentals)

RECOMMENDATION: Staff recommends the Planning Commission continue the item to October 18, 2022.

BACKGROUND: Staff circulated the Public Hearing Notice for this project for the October 4, 2022 Planning Commission meeting. However, the Applicant informed Staff that they would be modifying the site design and orientation of the warehouse building, necessitating additional time for review and preparation of the Staff Report. Staff is requesting to continue this item to the October 18, 2022 Planning Commission meeting.

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



STAFF REPORT

TO THE APPEALS BOARD

DATE: October 04, 2022

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Gary Chambers, Code Compliance Officer *G.C.*

SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 6956 Palm Ave, Highland, CA 92346, Tax Assessor's Parcel Number 1191-471-62.

PROPERTY OWNER: Anwar Tabba

RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2022 - _____, declaring the existence of a public nuisance on the Property generally located at 6956 Palm Ave, Highland, CA 92346, and order the abatement thereof.

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

PUBLIC NOTICE: Pursuant to Chapter 8.32, Public Hearing Notices were mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to the Property Owner(s) on September 15, 2022. (Attached hereto as Exhibit "1" attachment "E" and incorporated herein by reference). In addition, on September 15, 2022, staff posted the Public Hearing Notice at the subject property and the Agenda was posted at three designated locations in accordance with City policy, and a copy of said Agenda was placed on the City's Website (see Affidavit of Posting / Mailing and attached hereto as Exhibit "1" attachment "F" and incorporated herein by reference).

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

**Appeals Board Meeting of
October 4th, 2022**

BACKGROUND:

- Oct. 29, 2019** This case was initiated due to a complaint received regarding a severely deteriorated structure on the subject property generally located at 6956 Palm Ave, Highland, CA 92346, APN: 1191-471-62.
- May. 25, 2021** Code Compliance Officer Gary Chambers was contacted by the Attorney of the previous, deceased, property owner, and informed that the property was sold at a tax lien sale.
- Oct. 06, 2021** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed the building/structure to be severely deteriorated and at risk of collapse. A **Notice of Violation** was mailed to the new property owner's address of record by certified mail.
- Nov. 09, 2021** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and the building/structure to be severely deteriorated and at risk of collapse. Code Compliance Officer Gary Chambers also observed overgrown vegetation on the north side of the property obstructing the use of the public right-of-way/sidewalk. A **2nd Notice of Violation** was mailed to the property owner's address of record by certified mail.
- Jan. 27, 2022** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed the building/structure to be severely deteriorated and at risk of collapse. Code Compliance Officer Gary Chambers also observed overgrown vegetation on the north side of the property obstructing the use of the public right-of-way/sidewalk. A **Warning Citation, #15609**, was mailed to the property owner's address of record by certified mail.
- Feb. 22, 2022** The property owner submitted an application to the City's Planning Division for a Certificate of Appropriateness.
- Jun. 02, 2022** The City's Historic and Cultural Preservation Board held a Public Hearing to consider the property owner's proposed reconstruction of the building/structure. The property owner was instructed to revise their plans and resubmit them.

**Appeals Board Meeting of
October 4th, 2022**

Aug. 08, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed the building/structure to be severely deteriorated and at risk of collapse. Code Compliance Officer Gary Chambers also observed overgrown vegetation on the north side of the property obstructing the use of the public right-of-way/sidewalk. Code Compliance Officer Gary Chambers discussed the case with the City's Associate Planner, Ash Syed. Code Compliance Officer Gary Chambers was informed that the property owner had ceased further communication with the City and had not moved forward with the direction of the City's Historic and Cultural Preservation Board. **Administrative Citation, #15549 (\$100)**, was issued to the property owner. Code Compliance Officer Gary Chambers also 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.

Sep. 15, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed the building/structure to be severely deteriorated and at risk of collapse. Code Compliance Officer Gary Chambers also observed overgrown vegetation on the north side of the property obstructing the use of the public right-of-way/sidewalk. A Public Hearing Notice was posted at the property. A copy of the Public Hearing Notice was mailed to the property owner's address of record by certified mail, return receipt requested.

CONCLUSION: As evidenced by all inspections conducted and the exhibits incorporated herein by reference, the property, identified as APN: 1191-471-62 (6956 Palm Ave., Highland, CA 92346) has been permitted to exist in violation of the following sections of the Highland Municipal & Development Codes, and therefore constitutes a Public Nuisance. Specifically, the properties are in violation of the following provisions of the Municipal & Development Code:

- I. Highland Municipal Code Section 8.32.020 A (A public nuisance is created by every building or structure which: (1) Has become dilapidated, dangerous or at risk of collapse resulting from decay, damage, faulty construction or arrangement, fire, wind, earthquake, flood, old age, or neglect, and (6) is unsafe).
- II. Highland Municipal Code Section 8.32.020 B (A public nuisance is created by any condition or use of a building, structure or property which is detrimental to the property of others. This includes, but is not limited to, (4) Overgrown vegetation which is likely to harbor rodents or vermin, or which obstructs the necessary view of drivers on public streets or private driveways and/or neighboring property(ies).

**Appeals Board Meeting of
October 4th, 2022**

- III. Highland Municipal Code Section 16.32.110 (Duty to keep in good repair; the owner, occupant, or other person in actual charge of a cultural resource or an improvement, building, or structure in a historic district shall keep in good repair all of the exterior portions of such improvement, building, or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature).

The property owner(s) is requested to obtain a Certificate of Appropriateness from the City's Historic and Cultural Preservation Board, obtain any other applicable permits, including, but not limited to, Building & Safety Permits, Fire Permits, and Planning Entitlements, take the necessary steps to prevent the building/structure from further collapse & decay to protect the general public, and cut/trim all overgrown vegetation, including, but not limited to, the palm trees on the north side of the property, which are obstructing the use of the public right-of-way/sidewalk by no later than **sixty (60) days** from the issuance of an order of the Appeals Board in accordance with Chapter 8.32 of title 8 of the Highland Municipal Code.

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

- A. Notice of Violation Letter dated October 06, 2021
- B. Notice of Violation Letter dated November 09, 2021
- C. Warning Citation, #15609, issued January 27, 2022
- D. Administrative Citation, #15549, issued August 08, 2022
- E. Notice of Public Hearing & Public Posting Copy dated September 15, 2022
- F. Notice of Public hearing (Affidavit of Mailing) dated September 15, 2022

Exhibit "2" Aerial/Site Location Map

Exhibit "3" Case photographs dated October 06, 2021

Exhibit "4" Case photographs dated November 09, 2021

Exhibit "5" Case photographs dated January 27, 2022

**Appeals Board Meeting of
October 4th, 2022**

Exhibit “6” Case photographs dated August 08, 2022

Exhibit “7” Case photographs dated September 15, 2022

EXHIBIT “1”

Appeals Board Declaration of Public Nuisance Resolution
No. 2022-____, Inclusive of the following attachments

RESOLUTION NO. 2022-

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS APN 1191-471-62, GENERALLY LOCATED AT 6956 PALM AVE., HIGHLAND, CA 92346, AND ORDERING THE OWNER OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.

(CODE CASE #6642)

A. RECITALS

1. On October 29, 2019, the City received a complaint that the building/structure on the property identified as San Bernardino County APN: 1191-471-62 ("the Property") was deteriorated and at risk of collapse. The Property changed ownership and a new inspection was conducted on October 06, 2021. Inspection revealed the building/structure to be severely deteriorated and at risk of collapse.
2. The City of Highland has since inspected the Property numerous times and discovered the Property being maintained and permitted to exist in violation of multiple sections of the Highland Municipal Code, and therefore constitutes a public nuisance.
3. Administrative Citations were issued/mailed on;

01/27/2022 (Attachment C)
08/08/2022 (Attachment D)
4. 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 September 15th, 2022. A Copy of the notice was also posted at the Properties (Attachment E).

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 October 4th, 2022; that Notice is attached hereto as Attachment F. 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 the northwest corner of 3rd St. and Central Ave, Highland, California 92346, since at least October 06, 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 16.32.110 (Duty to keep in good repair; the owner, occupant, or other person in actual charge of a cultural resource or an improvement, building, or structure in a historic district shall keep in good repair all of the exterior portions of such improvement, building, or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature).
 - b. Highland Municipal Code Section 8.32.020 A (A public nuisance is created by every building or structure which: (1) Has become dilapidated, dangerous or at risk of collapse resulting from decay, damage, faulty construction or arrangement, fire, wind, earthquake, flood, old age, or neglect, and (6) is unsafe).

- c. Highland Municipal Code Section 8.32.020 B (A public nuisance is created by any condition or use of a building, structure or property which is detrimental to the property of others. This includes but is not limited to: (4) Overgrown vegetation which is likely to harbor rodents or vermin, or which obstructs the necessary view of drivers on public streets or private driveways and/or neighboring property(ies).
- 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. Obtain a Certificate of Appropriateness from the City's Historic and Cultural Preservation Board.
 - b. Obtain any other applicable permits, including, but not limited to, Building & Safety permits, Fire permits, and Planning entitlements.
 - c. Consult with a Structural Engineer and the City's Building Official to implement necessary steps to prevent the building/structure from further progressive collapse & decay and protect the general public.
 - d. Cut/trim all overgrown vegetation on the property, including, but not limited to, the overgrown palm trees on the north side of the property, which are obstructing the use of the public right-of-way/sidewalk.
- 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 4th day of October 2022.

Randall Hamerly,
Planning Commission/Appeals Board Chairman

ATTEST:

Lawrence A. Mainez,
Community Development Director

ATTACHMENT "A"

Notice of Violation dated October 06, 2021



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

To: Anwar Tabba

Date: 10/06/2021

Property Located at: 6956 Palm, Highland, CA 92346

532 E. Grant St., Rialto, CA 92376

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 : Permits required</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 **** HIMC 15.04.010/CBC 105.1 - Adoption of California Building Code/Permits required; HIMC 8.32.020 A1 - Has become dilapidated, dangerous or at risk of collapse resulting from decay, damage, faulty construction or arrangement, fire, wind, earthquake, flood, old age, or neglect; Corrective Actions: Obtain permits to repair, replace, or remove the severely dilapidated roof, which is dangerous, at risk of collapse, and is a public safety hazard. Please contact the Planning Division (909) 864-6861 ext. 210 and the Building & Safety Division (909) 864-6861 ext. 232 for any questions concerning plans and permit requirements. Thank you for your prompt attention in resolving this issue.
You have 30 days to complete the abatement of this violation. A reinspection of this property is scheduled for 11/5/2021

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

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

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

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

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

Gary Chambers
Code Compliance Officer

ATTACHMENT “B”

Notice of Violation dated November 09, 2021



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

To: Anwar Tabba

Date: 11/09/2021

Property Located at: 6956 Palm, Highland, CA 92346

532 E. Grant St., Rialto, CA 92376

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 : Permits required</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 **** HMC 15.04.010/CBC 105.1 - Adoption of California Building Code/Permits required; HMC 8.32.020 A1 - Has become dilapidated, dangerous or at risk of collapse resulting from decay, damage, faulty construction or arrangement, fire, wind, earthquake, flood, old age, or neglect; HMC 8.32.020 C - violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California. Corrective Actions: Obtain permits from the Building & Safety Division to repair, replace, or remove the severely dilapidated roof, which is dangerous, at risk of collapse, and is a public safety hazard. Please cut/trim the overgrown palm fronds that are obstructing the use of the sidewalk on the north side of the property. 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 12/10/2021

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

No person shall violate any provision, or fail to comply with any of the requirements to the Municipal Code, unless a different penalty is prescribed for violation of the Municipal Code, every act prohibited is declared unlawful, and every failure to perform an act made mandatory by the Municipal Code is punishable as a misdemeanor. The City Attorney

may specify an accusatory pleading that the offense shall be an infraction. Each person shall be deemed guilty of a separate offense for each, and every day during any provision of the Municipal Code committed, continued, or permitted by such person, and shall be punishable accordingly. City administrative costs may be assessed to the property for noncompliance.

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

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

Gary Chambers
Code Compliance Officer

ATTACHMENT “C”

Warning Citation #15609 issued January 27, 2022



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

CITATION NO. 15609

ADMINISTRATIVE CITATION

Date: 1-27-2022 Time: 10:00 am (Violation Observed)

Final ☒ **WARNING**

☐ 1st Citation - \$ 500.00 ☐ 2nd Citation - \$ 750.00

☐ 3rd Subsequent - \$ 1,000.00

The payment listed above is due by N/A. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 2-21-2022. 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

Tabba, Anwar

DL #:

N/A

DOB:

N/A

MAILING ADDRESS:

532 E. Grant St., Rialto, CA 92376

VIOLATION ADDRESS:

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
<u>HMC</u>	
<u>15.04.010</u>	<u>Adoption of California Building Code</u>
<u>CBC 105.1</u>	<u>Permits Required</u>

CORRECTIONS REQUIRED: Submit application
& plans to restore the deteriorated
structure. Secure the roof to
prevent collapse. Cut overgrown
palm fronds (NW corner) to prevent
encroachment into right-of-way.

[Signature]
Signature of Issuing Officer

1-27-2022
Issued Date

Cory Charters
Printed Name of Issuing Officer

"Nailed"
Acknowledgement or Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “D”

Administrative Citation #15549 issued August 08, 2022



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

#6642

CITATION NO. **15549**

ADMINISTRATIVE CITATION

Date: 8-08-2022 Time: 9:48 am (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 9-02-2022 See reverse side for payment and appeal instructions.

Corrections indicated below are required by 8-29-2022 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 #: Tabba, Anwar DOB: N/A

MAILING ADDRESS:

532 E. Grant St., Rialto, CA 92376

VIOLATION ADDRESS:

6956 Palm Ave. {APN: 1191-471-623} Highland, CA

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
<u>HMC</u> <u>8.32.020 A1</u>	<u>Building dilapidated, dangerous</u>
	<u>or at risk of collapse.</u>
<u>HMC</u> <u>8.32.020 A6</u>	<u>Building is unsafe</u>

CORRECTIONS REQUIRED: Continue the planning process; submit revisions and schedule a meeting with the Historic and Cultural Preservation Board. Obtain permits from the Building & Safety Division to restore the building. Next etc, \$200.

Signature of Issuing Officer [Signature] Issued Date 8-08-2022

Printed Name of Issuing Officer Erin Chambers

Acknowledgment of Receipt (Signature) "Maile"

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “E”

Notice of Public Hearing dated September 15, 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: September 15th, 2022

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE HIGHLAND APPEALS BOARD TO CONSIDER DECLARING THE FOLLOWING DESCRIBED PROPERTY A PUBLIC NUISANCE DUE TO PROPERTY MAINTENANCE VIOLATIONS RELATED TO A DETERIORATED STRUCTURE AT RISK OF COLLAPSE & OVERGROWN VEGETATION.

File Number: APPEALS BOARD PUBLIC NUISANCE HEARING
CASE # 6642

SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Chapter 8.32.060 of the Highland Municipal Code on the following Assessor's Parcel Number: 1191-471-62

PROPERTY OWNER(S): Anwar Tabba

VIOLATION ADDRESS/APN: 1191-471-62, generally located at 6956 Palm Ave., Highland, CA 92346

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

DATE AND TIME OF HEARING: Tuesday October 4th, 2022, at 6:00 PM
(Or soon thereafter)



CITY OF HIGHLAND NOTICE OF PUBLIC HEARING

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

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

This notice is to inform you of a hearing to be held before the City of Highland Appeals Board to determine whether certain conditions and/or uses are existing on property identified as APN 1191-471-62 generally located at 6956 Palm Ave. (referred to hereafter as ("The Property")) continues 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: October 4th, 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:

Property Maintenance; building/structure that has deteriorated and is at risk of collapse. Overgrown vegetation.

You may voluntarily address the nuisance yourself by doing all the following things:

1. Obtain a Certificate of Appropriateness from the City's Historic and Cultural Preservation Board.
2. Obtain any other applicable permits, including, but not limited to, Building & Safety permits, Fire permits, and Planning entitlements.
3. Consult with a Structural Engineer and the City's Building Official to implement necessary steps to prevent the building/structure from further progressive collapse & decay and protect the general public.

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 above, for a prehearing inspection.



Lawrence A. Mainez

Community Development Director

Cc: Code Enforcement File

ATTACHMENT “F”

Notice of Public Hearing (Affidavit of Mailing) dated
September 15, 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 September 15th, 2022, I caused to be served a copy of the attached Public Hearing Notice, Case #6642, Certified Mail, Return Receipt Requested, to the following parties: Anwar Tabba. 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.

Anwar Tabba
532 E. Grant St.
Rialto, CA 92376

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 September 15th, 2022.

Dated: 9-15-2022

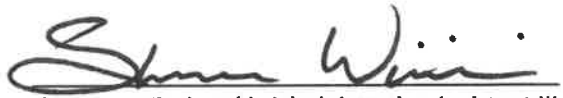

Shannon Wisniewski, Administrative Assistant III
City of Highland

EXHIBIT “2”

Aerial/Site Location Map



6956 Palm Ave.



EXHIBIT “3”

Case photographs dated October 06, 2021





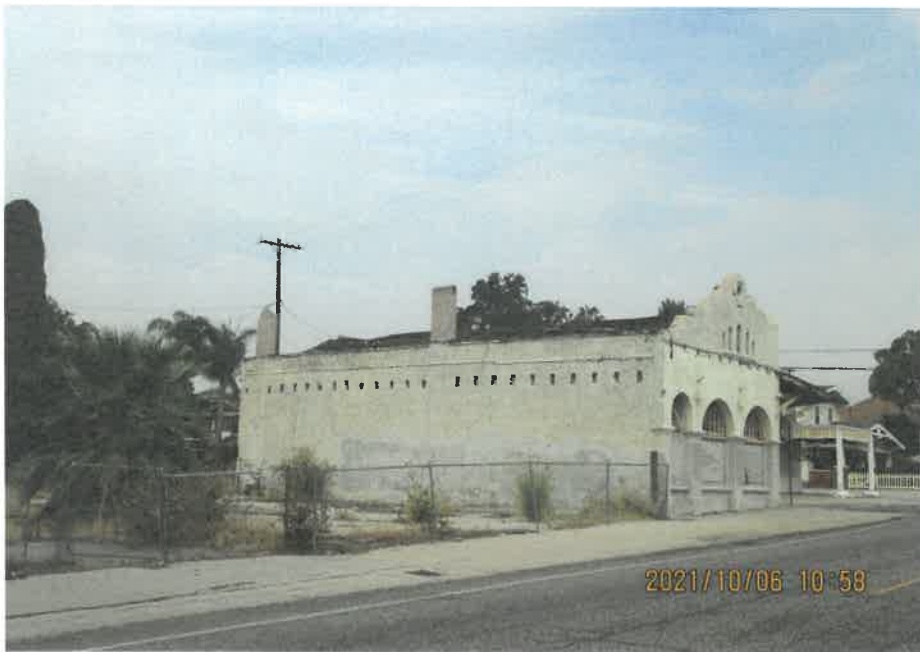


EXHIBIT “4”

Case photographs dated November 09, 2021





EXHIBIT “5”

Case photographs dated January 27, 2022





EXHIBIT “6”

Case photographs dated August 08, 2022

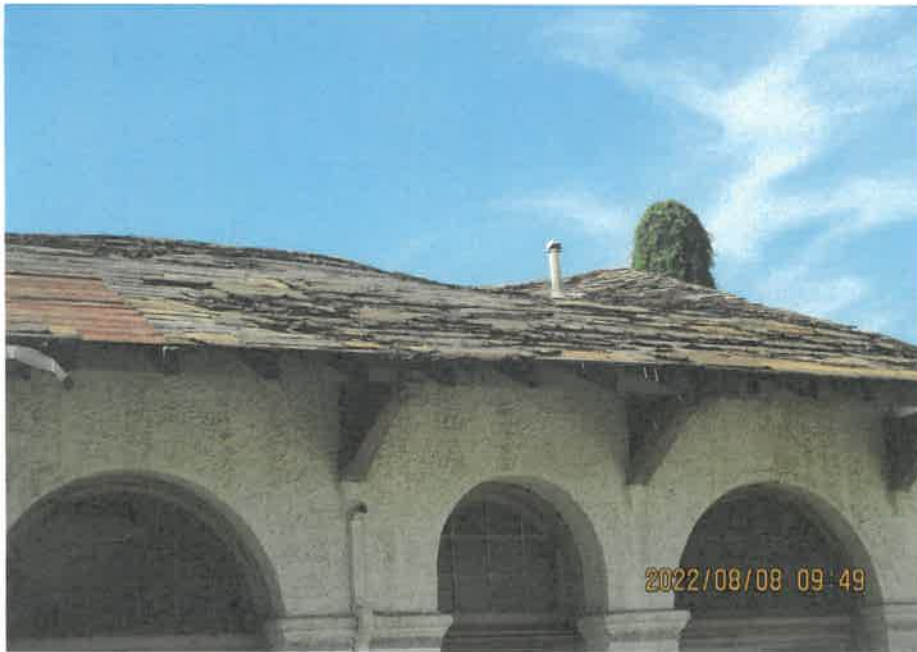




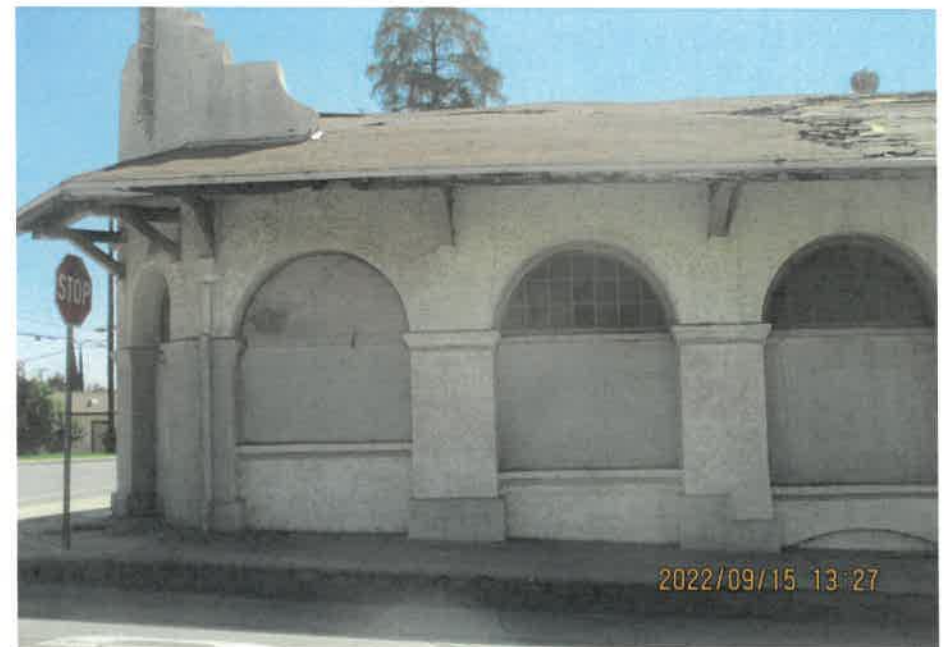


EXHIBIT “7”

Case photographs dated September 15, 2022















STAFF REPORT

TO THE APPEALS BOARD

DATE: October 04, 2022

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Gary Chambers, Code Compliance Officer *S.C.*

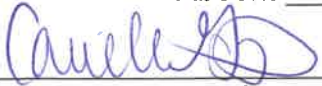
SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 25191 5th St., San Bernardino, CA 92410, Tax Assessor's Parcel Numbers 0279-162-02, 0279-162-03, & 0279-162-04.

PROPERTY OWNER: Fayez Shahatit

RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2022 - _____, declaring the existence of a public nuisance on the Property generally located at 25191 5th St., San Bernardino, CA 92410 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 September 15, 2022. (Attached hereto as Exhibit "1" attachment "D" and incorporated herein by reference). In addition, on September 15, 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 herein by reference).

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

**Appeals Board Meeting of
October 4th, 2022**

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 miscellaneous vehicles on the vacant subject properties generally located at 25191 5th St., San Bernardino, CA 92410, APN'S: 0279-162-02, 0279-162-03, & 0279-162-04.

May 03, 2022

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

Jun. 03, 2022

Code Compliance Officer Gary Chambers arrived at the subject properties to conduct a reinspection and observed that the properties were still being used for the parking or storage of tractor-trailers and other miscellaneous vehicles. A **2nd Notice of Violation** was mailed to the property owners address of record.

Jul. 05, 2022

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

Jul. 11, 2022

The property owner, Fayez Shahatit, came into the City and spoke with Shannon Wisniewski, Administrative Assistant III, regarding the citation. Mr. Shahatit was provided copies of the Notices of Violation, which were issued prior to the Administrative Citation, and case photographs. Mr. Shahatit stated that he would pay for the citation and would proceed with whichever businesses he chooses. Mr. Shahatit was informed that he needed land use approvals and that he had not taken any steps to obtain the required approvals. Mr. Shahatit then proceeded to submit an Administrative Citation Notice of Appeal Request for Hearing.

**Appeals Board Meeting of
October 4th, 2022**

- Aug. 02, 2022** Camille Goritz, Administrative Assistant III, received a phone complaint regarding the subject properties. The complainant stated that the tractor-trailers were being moved around the properties all day long and clouds of dust were going into the surrounding neighborhood.
- Aug. 15, 2022** The property owner, Fayez Shahatit, came into the City to inquire about obtaining approvals or permits for an auto repair shop. Angelica Martinez, Planning Technician II, explained to Mr. Fayez that there was an unpermitted structure on one of the properties and if there was a project proposal, a site plan would need to be submitted. Mr. Shahatit complained about other properties with similar uses. Mr. Shahatit was informed that the storage of tractor-trailers or any other vehicles on vacant properties was not a permitted use.
- Aug. 16, 2022** Code Compliance Officer Gary Chambers arrived at the subject properties to conduct a reinspection and observed the parking or storage of semi-tractors, tractor trailers, and other miscellaneous vehicles without City approval or permits. No further enforcement action was taken due to the appeal of Administrative Citation #15539. On August 16, 2022, at approximately 6:00 p.m., the Planning Commission/Appeals Board conducted the required Public Hearing for the appeal of Administrative Citation No. 15539. The Planning Commission/Appeals Board upheld Administrative Citation No. 15539 and adopted Resolution No. 2022-023.
- Aug. 24, 2022** 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 on October 04, 2022, at 6 p.m. or soon thereafter.
- Sep. 15, 2022** Code Compliance Officer Gary Chambers arrived at the subject properties to conduct a reinspection and observed that the properties were still being used for the parking or storage of semi-tractors, tractor-trailers, and other miscellaneous vehicles without City approval or permits. Code Compliance Officer Gary Chambers posted a copy of the Public Hearing Notice at the properties.

CONCLUSION: As evidenced by all inspections conducted and the exhibits incorporated herein by reference, the properties, identified as APNS: 0279-162-02, 0279-162-03, & 0279-162-04 (25191 5th St., San Bernardino, CA 92410) have been permitted to exist in violation of the following sections of the Highland Municipal & Development Codes, and therefore constitutes a Public Nuisance. Specifically, the properties are in violation of the following provisions of the Municipal & Development Code:

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

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

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

- A. Notice of Violation Letter dated May 03, 2022
- B. Notice of Violation Letter dated June 03, 2022
- C. Administrative Citation, #15539, issued July 05, 2022

**Appeals Board Meeting of
October 4th, 2022**

- D.** Notice of Public Hearing & Public Posting Copy dated September 15, 2022
- E.** Notice of Public hearing (Affidavit of Mailing) dated September 15, 2022

Exhibit "2" Aerial/Site Location Map

Exhibit "3" Case photographs dated May 03, 2022

Exhibit "4" Case photographs dated June 03, 2022

Exhibit "5" Case photographs dated July 05, 2022

Exhibit "6" Case photographs dated August 16, 2022

Exhibit "7" Case photographs dated September 15, 2022

EXHIBIT “1”

Appeals Board Declaration of Public Nuisance Resolution
No. 2022-____, Inclusive of the following attachments

RESOLUTION NO. 2022-

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTIES IDENTIFIED AS APNS: 0279-162-02, 0279-162-03, & 0279-162-04, GENERALLY LOCATED AT 25191 5TH ST., SAN BERNARDINO, CA 92410, AND ORDERING THE OWNERS OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.

(CODE CASE #9085)

A. RECITALS

1. On May 03, 2022, while conducting an inspection at 25191 5th St., San Bernardino, the City observed that the properties identified as San Bernardino County APNS 0279-162-02, 0279-162-03, & 0279-162-04 ("the Properties") were being used for the parking or storage of semi-tractors, tractor-trailers, and other miscellaneous vehicles without City approval or permits.
2. The City of Highland has since inspected the Properties numerous times and discovered that the Properties have been 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;

05/03/2022 (Attachment A)
06/03/2022 (Attachment B)
4. Administrative Citations, were issued/mailed on;

07/05/2022 (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 September 15, 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 October 4th, 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 25191 5th St., San Bernardino, California 9410, since at least May 03, 2022.
6. Specifically, based upon the evidence and testimony presented to the Planning Commission/Appeals Board during the above-referenced Hearing, the Planning Commission/Appeals Board finds as follows;
 - a. Highland Municipal Code Section 16.24.030 (Use Regulations for Employment Districts); There is no use specifically listed for the parking or storage of semi-tractors or tractor-trailers in Employment Districts. Furthermore, the City of Highland's Land Use and Development Code Title 16 is a permissive code, which means if a use is not specifically listed within in the applicable use tables it should be considered a 'not permitted' use. The land use of trucking services and terminals (i.e., tractor-trailers) is only allowed in the BP Zoning District if ancillary to a permanent warehousing or other related business on the property (Table 16.24.030.A (B)(2), Wholesale and Warehousing Uses). The unimproved subject properties being used for the unpermitted parking and storage of trucking services and terminals (i.e., tractor-trailers) not related to and/or ancillary to an on-site warehousing or similar type use constitutes a public nuisance.

- b. Highland Municipal Code Section 5.04.030 A (No person shall conduct any business in the city without first having obtained a business license, paid the appropriate license fee, and complied with any and all applicable provisions of this code).
- 7. The Planning Commission/Appeals Board of the City of Highland hereby finds that the aforementioned Violations constitute a public nuisance, and hereby orders the Property Owner(s) to abate the aforementioned Violations, within sixty (60) days. The Planning Commission/Appeals Board of the City of Highland hereby sets forth the actions necessary to abate the public nuisance from the Properties as follows:
 - a. Remove all unpermitted parking or storage of semi-trucks, 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 4th day of October 2022.

Randall Hamerly,
Planning Commission/Appeals Board Chairman

ATTEST:

Lawrence A. Mainez,
Community Development Director

ATTACHMENT "A"

Notice of Violation 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

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

CA13 Firecode - 505.1

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

Title 10, Chapter 10.20, Section 10.20.040

☐ **Public nuisances - Vehicle Abatement**

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

Please correct conditions by taking the following actions:

**** 1st Notice **** {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 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: 8:31am (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:

APM'S

0279-162-02, 0279-162-03

0279-162-04

Highland, CA

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

HMC

8.32020C

Violation of Highland
Development Code

HMC

16.24.030A

Use regulations for
employment districts

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]

Signature of Issuing Officer

7-05-2022

Issued Date

Cary Chambers

Printed Name of Issuing Officer

"Mailed" "Posted"

Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “D”

Notice of Public Hearing dated September 15, 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: September 15, 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 #9085

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: 0279-162-02, 0279-162-03, & 0279-162-04.

PROPERTY OWNER(S): Fayez Shahatit

VIOLATION ADDRESS/APN: 0279-162-02, 0279-162-03, & 0279-162-04, generally located at 25191 5th 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: Tuesday October 04, 2022, at 6:00 PM
(Or soon thereafter)



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 0279-162-02, 0279-162-03, & 0279-162-04, generally located at 25191 5th St., San Bernardino, CA 92410 (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, October 04, 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 & other vehicles.

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 any 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 above, for a prehearing inspection.



Lawrence A. Mainez

Community Development Director

Cc: Code Enforcement File

ATTACHMENT “E”

Notice of Public Hearing (Affidavit of Mailing) dated
September 15, 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 September 15, 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: Fayeze 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 Party as more fully detailed below.

Fayeze 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 September 15, 2022.

Dated: 9-15-2022


Shannon Wisniewski, Administrative Assistant
III, City of Highland

EXHIBIT “2”

Aerial/Site Location Map



25191 5th St.



EXHIBIT “3”

Case photographs dated May 03, 2022



EXHIBIT “4”

Case photographs dated June 03, 2022



EXHIBIT “5”

Case photographs dated July 05, 2022





EXHIBIT “6”

Case photographs dated August 16, 2022



EXHIBIT “7”

Case photographs dated September 15, 2022









STAFF REPORT

TO THE APPEALS BOARD

DATE: October 04, 2022

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Gary Chambers, Code Compliance Officer *G.C.*

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 the NW corner of 3rd St. & Central Ave., Highland, CA 92346, Tax Assessor's Parcel Numbers 1192-561-11, 1192-561-15, 1192-561-16, 1192-561-17, 1192-561-18, 1192-561-19, 1192-561-20, and 1192-561-21.

PROPERTY OWNER: Patriot USICVI Central 3rd LLC

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

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

Approved _____	Motion _____	Second _____	Agenda Item No. <u>5</u>
Denied _____	Ayes _____		File No. _____
	Noes _____		
Continue _____	Abstain _____		
	Absent _____		
<i>Cauley</i> Recording Secretary		<i>Lawrence Mainez</i> Community Development Director	

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 September 15, 2022. (Attached hereto as Exhibit “1” attachment “C” and incorporated herein by reference). In addition, on September 15, 2022, staff posted the Public Hearing Notice at the subject properties 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 “2” attachment “D” and incorporated herein by reference).

BACKGROUND:

- Mar. 31, 2022** The City’s Assistant Planner, Angela Tafolla, sent a courtesy email to Kevin Rice, Patriot Development Partners, regarding the dumping of trash or debris and a vacant, unsecured, building/structure being occupied by vagrants on the properties generally located at the NW corner of 3rd St. and Central Ave., Highland, CA 92346, APN’S 1192-561-11, 1192-561-15, 1192-561-16, 1192-561-17, 1192-561-18, 1192-561-19, 1192-561-20, & 1192-561-21. The City’s Assistant Planner received a response from Mr. Rice stating that he had forwarded the email to his general contractor to see if he could get the properties cleaned up around the third week of April.
- Jun. 14, 2022** Code Compliance Officer Gary Chambers sent a courtesy email to Kevin Rice, Patriot Development Partners. Mr. Rice was informed that the subject properties continued to remain in violation and that the accumulation of trash or debris was becoming progressively worse. Mr. Rice was also informed that vagrants were occupying the vacant, unsecured, building/structure on the properties. Mr. Rice responded and stated that he would get his team on it.
- Jul. 27, 2022** Due to continued non-compliance on the subject properties, a Code case was opened. Code Compliance Officer Gary Chambers arrived at the subject properties to conduct an inspection and observed large piles of accumulated junk, trash, debris, or rubbish. Code Compliance Officer Gary Chambers also observed a vacant, unsecured, building/structure, which was likely being used by vagrants for shelter. The building/structure was also covered with graffiti. On July 28, 2022, **Administrative Citation #15545 (\$100)**, was issued for the violation of the Highland Municipal and Development Codes. The Citation was emailed to Kevin Rice, Patriot Development Partners. A copy of the Citation was also mailed to the property owner’s address of record.

Appeals Board Meeting of
October 4th, 2022

- Aug. 15, 2022** Code Compliance Officer Gary Chambers conducted a reinspection of the properties and observed large piles of accumulated junk, trash, debris, or rubbish. Code Compliance Officer Gary Chambers also observed a vacant, unsecured, building/structure, which was likely being used by vagrants for shelter. The building/structure was also covered with graffiti. Kim Stater, Assistant Community Development Director, sent a courtesy email to Kevin Rice, Patriot Development Partners, regarding the subject properties, but received no response. A **2nd Administrative Citation, #15400 (\$200)**, was issued for the violation of the Highland Municipal and Development Codes. The Citation was emailed to Kevin Rice, Patriot Development Partners. A copy of the Citation was also mailed to the property owner's address of record.
- Aug. 24, 2022** Lawrence Mainez, Community Development Director, had a meeting with Kevin Rice, Patriot Development Partners. During the meeting, Mr. Rice was informed of the ongoing issues with the subject properties to include, illegal dumping, parking of vehicles, vagrants, and other issues. Mr. Rice was also informed that the City had attempted to reach out to him on several occasions regarding the condition of the properties and that the properties have been allowed to remain in violation. 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 if the properties were permitted to remain in violation.
- Sep. 15, 2022** Code Compliance Officer Gary Chambers conducted a reinspection of the subject properties and observed large piles of accumulated junk, trash, debris, or rubbish. Code Compliance Officer Gary Chambers then contacted and confirmed that there was a homeless female adult living in the vacant, unsecured, building/structure on the west side of the properties. Code Compliance Officer Gary Chambers also observed RV's and vehicles being parked or stored on the properties. Code Compliance Officer Gary Chambers observed that one of the RV's was being used as living quarters. A Public Hearing Notice was posted at the subject properties informing the property owner(s) that a Public Nuisance Hearing was scheduled for October 4th, 2022, at 6p.m., or soon thereafter. A copy of the Public Hearing Notice was also mailed to the property owner(s) address of record by certified mail, return receipt requested. A copy of the Public Hearing Notice was also emailed to Kevin Rice, Patriot Development Partners.

CONCLUSION: As evidenced by all inspections conducted and the exhibits incorporated herein by reference, the properties have been permitted to exist in violation of the following sections of the Highland Municipal & Development Code, and therefore constitutes a public nuisance. Specifically, the properties are in violation of the following provisions of the Highland Municipal & Development Code:

- I. Highland Municipal Code Section 8.32.020 A (A public nuisance is created by every building or structure which: (1) Is likely to shelter vagrants; (5) Allows easy access into a vacant structure through any doorway, window, or other opening because of the failure to close and secure by lock and fails to protect against such entry without the use of substantial force; (6) Is unsafe; (8) Has graffiti or other words, letters or drawings which remain on the exterior of any building or structure and which are visible from a public street for 10 days or more and for which a sign permit has not been issued).
- II. Highland Municipal Code Section 8.32.020 B (5) (Any use of property which creates a noxious smell or creates conditions dangerous to public safety, health, or welfare, adjoining properties, property owners, or property values, which may include, but is expressly not limited to, the dumping of construction and/or landscape material)
- III. 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).

The property owner(s) is requested to remove all junk, trash, debris, or rubbish from the properties, remove or secure the vacant building/structure to prevent unauthorized access, remove all graffiti, remove all parking or storage of vehicles on the properties, secure the properties to prevent unauthorized access, 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 Resolution 2022_____, inclusive of the following attachments:

- A. Administrative Citation, #15545, issued July 28, 2022
- B. Administrative Citation, #15400, issued August 15, 2022
- C. Notice of Public Hearing dated September 15, 2022
- D. Notice of Public Hearing (Affidavit of Mailing) September 15, 2022

Appeals Board Meeting of
October 4th, 2022

Exhibit "2"	Aerial/Site Map
Exhibit "3"	Case photograph dated July 28, 2022
Exhibit "4"	Case photographs dated August 15, 2022
Exhibit "5"	Case photographs dated September 15, 2022

EXHIBIT “1”

Appeals Board Declaration of Public Nuisance Resolution
No. 2022-____, Inclusive of the following attachments

RESOLUTION NO. 2022-

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTIES IDENTIFIED AS APN's 1192-561-11, 1192-561-15, 1192-561-16, 1192-561-17, 1192-561-18, 1192-561-19, 1192-561-20, & 1192-561-21, GENERALLY LOCATED AT THE NORTHWEST CORNER OF 3RD ST. AND CENTRAL AVE. AND ORDERING THE OWNERS OF THE PROPERTIES TO ABATE THE NUISANCE CONTAINED THEREON.

(CODE CASE #9939)

A. RECITALS

1. On July 27, 2022, the City observed that the properties identified as San Bernardino County APN's 1192-561-11, 1192-561-15, 1192-561-16, 1192-561-17, 1192-561-18, 1192-561-19, 1192-561-20, and 1192-561-21 (collectively, "the Properties") were being used for the illegal dumping of junk, trash, or debris. Inspection revealed large amounts of accumulated junk, trash, debris, or rubbish, and a vacant, unsecured, building/structure providing shelter for vagrants.
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. Administrative Citations were issued/mailed on;

07/28/2022 (Attachment A)
08/15/2022 (Attachment B)
4. 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 September 15th, 2022. A Copy of the notice was also posted at the Properties (Attachment C).

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 October 4th, 2022; that Notice is attached hereto as Attachment D. 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 the northwest corner of 3rd St. and Central Ave, Highland, California 92346, since at least July 28th, 2022.
6. Specifically, based upon the evidence and testimony presented to the Planning Commission/Appeals Board during the above-referenced Hearing, the Planning Commission/Appeals Board finds as follows;
 - a. Highland Municipal Code Section 8.32.020 A (A public nuisance is created by every building or structure which: (1) Is likely to shelter vagrants; (5) Allows easy access into a vacant structure through any doorway, window, or other opening because of the failure to close and secure by lock and fails to protect against such entry without the use of substantial force; (6) Is unsafe; (8) Has graffiti or other words, letters or drawings which remain on the exterior of any building or structure and which are visible from a public street for 10 days or more and for which a sign permit has not been issued).
 - b. Highland Municipal Code Section 8.32.020 B 5 (Any use of property which creates a noxious smell or creates conditions dangerous to public safety, health or welfare, adjoining properties, property owners, or property values, which may include, but is expressly not limited to, the dumping of construction and/or landscape material)

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 junk, trash, debris, or rubbish from the properties.
 - b. Remove or secure the vacant building/structure to prevent unauthorized access and remove all graffiti
 - c. Remove all vehicles being parked or stored on the properties. Secure the properties to prevent unauthorized access.
 - d. 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 4th day of October 2022.

Randall Hamerly,
Planning Commission/Appeals Board Chairman

ATTEST:

Lawrence A. Mainez,
Community Development Director

ATTACHMENT “A”

Administrative Citation, #15545, issued July 28, 2022



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

#9399

CITATION NO. 15545

ADMINISTRATIVE CITATION

Date: 7-27-2022 Time: 3:53 pm (Violation Observed)

☐ WARNING

☒ 1st Citation - \$ 100 ☐ 2nd Citation - \$ _____

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 8-22-2022 see reverse side for payment and appeal instructions.

Corrections indicated below are required by 8-13-2022. 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

Patriot USICVI Central 3rd LLC
DL #: n/a DOB: n/a

MAILING ADDRESS:

12126 W. Sunset Blvd., Los Angeles CA 90049
VIOLATION ADDRESS: 1192-561-11 1192-561-17 1192-561-20
3rd & Central 1192-561-15 1192-561-18 1192-561-21
1192-561-16 1192-561-19

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
<u>HMC</u>	<u>Building/structure likely to</u>
<u>8.32.020 A3</u>	<u>Shelter Vagrants</u>
<u>HMC</u>	<u>Has graffiti</u>
<u>8.32.020 AB</u>	<u>Has graffiti</u>
<u>HMC</u>	<u>Conditions dangerous to public safety</u>
<u>8.32.020 B5</u>	<u>dumping of debris or other material</u>

CORRECTIONS REQUIRED: Remove ALL Junk, Trash,
or Debris from the properties. Vagrants
Using substandard building for housing.
Remove all Vagrants from building.
Next cite is \$200 if no compliance.
Remove all graffiti.

[Signature]
Signature of Issuing Officer

7-28-2022
Issued Date

[Signature]
Printed Name of Issuing Officer

"Me. led"
Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

WHITE COPY: FINANCE

ATTACHMENT “B”

Administrative Citation, #15400, issued August 15, 2022



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

CITATION NO. **15400**

ADMINISTRATIVE CITATION

Date: **8-15-2022** Time: **9:37 am** (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$

The payment listed above is due by **09-09-2022** see reverse side for payment and appeal instructions.

Corrections indicated below are required by **8-30-2022** 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

Patriot usicvi Central 3rd LLC

DL #: **N/A** DOB: **N/A**

MAILING ADDRESS:

12126 W. Sunset Blvd, Los Angeles, CA 90049

VIOLATION ADDRESS: **1192-561-11, 1192-561-17, 1192-561-20**

3rd Central 1192-561-15, 1192-561-18, 1192-561-21

MUNI. / STATE CODE SECTION VIOLATED VIOLATION DESCRIPTION

HMC 8.32.020 A3 Building/structure likely to

HMC 8.32.020 A3 Shelter vagrants

HMC 8.32.020 A8 Has graffiti

HMC 8.32.020 B5 Conditions dangerous to public

safety/Dumping of debris or

other material

CORRECTIONS REQUIRED: **Remove all graffiti;**

Remove all junk, trash, or

debris from the properties. Remove all

vagrants from substandard structure of

Secure. IF NO Compliance by 8-30-2022,

Case will be referred to the Appeals Board

for a declaration of Public Nuisance.

Signature of Issuing Officer **8-15-2022**

Gary Chambers Issued Date

Printed Name of Issuing Officer

"Mailed"

Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “C”

Public Hearing Notice dated September 15, 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: September 15TH, 2022

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE HIGHLAND APPEALS BOARD TO CONSIDER DECLARING THE FOLLOWING DESCRIBED PROPERTIES A PUBLIC NUISANCE DUE TO PROPERTY MAINTENANCE VIOLATIONS RELATED TO A VACANT, UNSECURED, STRUCTURE, GRAFFITI, AND JUNK, TRASH, OR DEBRIS.

File Number: APPEALS BOARD PUBLIC NUISANCE HEARING
CASE #9399

SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Chapter 8.32.060 of the Highland Municipal Code on the following Assessor's Parcel Numbers: 1192-561-11, 1192-561-15, 1192-561-16, 1192-561-17, 1192-561-18, 1192-561-19, 1192-561-20, & 1192-561-21

PROPERTY OWNER(S): Patriot USICVI Central 3rd LLC

VIOLATION ADDRESS/APN: 1192-561-11, 1192-561-15, 1192-561-16, 1192-561-17, 1192-561-18, 1192-561-19, 1192-561-20, & 1192-561-21, generally located at the NW corner of 3rd Street & Central Ave., Highland, CA 92346

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

DATE AND TIME OF HEARING: Tuesday October 4TH, 2022, at 6:00 PM
(Or soon thereafter)



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 1192-561-11, 1192-561-15, 1192-561-16, 1192-561-17, 1192-561-18, 1192-561-19, 1192-561-20, & 1192-561-21 generally located at the NW corner of 3rd St. & Central Ave., Highland, CA 92346 (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, October 04, 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:

Property Maintenance Requirements; conditions dangerous to public safety, illegal dumping of junk, trash, or debris, vacant building/structure, which is unsecured, likely to shelter vagrants, and has graffiti.

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

Remove all junk, trash, or debris from the property, remove or secure the vacant building/structure to prevent unauthorized access, remove all graffiti, and secure the property to prevent unauthorized access.

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 above, for a prehearing inspection.



Lawrence A. Mainez

Community Development Director

Cc: Code Enforcement File

ATTACHMENT “D”

Public Hearing Notice (Affidavit of Mailing) dated
September 15, 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 September 15, 2022, I caused to be served a copy of the attached Public Hearing Notice, Case #9399, Certified Mail, Return Receipt Requested, to the following parties: PATRIOT USICVI CENTRAL 3RD LLC. 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 Party as more fully detailed below.

PATRIOT USICVI CENTRAL 3RD LLC
12126 W SUNSET BLVD
LOS ANGELES, CA 90049

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 September 15, 2022.

Dated: 9-15-2022


Shannon Wisniewski, Administrative Assistant
III, City of Highland

EXHIBIT “2”

Aerial/Site Location Map



NW Corner 3rd St. & Central Ave.



EXHIBIT “3”

Case photographs dated July 27, 2022









EXHIBIT “4”

Case photographs dated August 15, 2022











EXHIBIT “5”

Case photographs dated September 15, 2022

