

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

November 1, 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 November 1, 2022 to publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the November 1, 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
November 1, 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 November 1, 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 October 18, 2022 Regular Meeting.

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

PUBLIC HEARINGS

2. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 6815 Grove Ave, Highland, CA 92346, Tax Assessor's Parcel Number 1200-251-47.

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 6815 Grove Ave, Highland, CA 92346, and order the abatement thereof.

3. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 7466 Seine Ave, Highland, CA 92346, Tax Assessor's Parcel Number 1201-101-24.

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 7466 Seine 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 7057 Buchanan Ave, San Bernardino, CA 92404, Tax Assessor's Parcel Number 1191-161-05.

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 7057 Buchanan Ave, San Bernardino, CA 92404 (within the corporate boundaries of the City of Highland), and order the abatement thereof.

ANNOUNCEMENTS

ADJOURN

I, Camille Goritz, Administrative Assistant III of the City of Highland, California, certify that I caused to be posted this agenda on or before the 26th of October 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: October 26, 2022



Camille Goritz Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: November 1, 2022

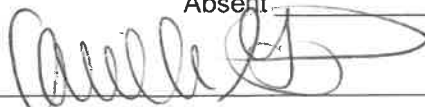
FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Goritz, Administrative Assistant III 

SUBJECT: Minutes from the October 18, 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
October 18, 2022 – 6:00 P.M.

CALL TO ORDER

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

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

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Matt Bennett, Assistant Public Works Director
Matt Wirz, Building Official
Camille Goritz, 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 October 4, 2022 Regular Meeting.

A MOTION was made by Vice Chair Thomas, seconded by Commissioner Miller, to approve the minutes as amended. Motion carried, 3-2, with Commissioner Amaya and Commissioner Sutorus abstaining.

PUBLIC HEARING

2. Conditional Use Permit (CUP 22-009) to permit the development of a contractor's equipment rental business for construction and building equipment that includes a 3,900 office and shop/warehouse as well as outdoor storage. 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). Continued from October 4, 2022. (Owner/Applicant: Crow Holdings Industrial/American Rentals, APN No. 1192-641-12, 22, & 23)

Assistant Community Development Director Stater presented the staff report.

Chair Hamerly asked regarding the modified Engineering Condition #22, is the modification to the last sentence because that it is a through lot and it would pertain to both 3rd Street and 5th Street?

Assistant Public Works Matt Bennett stated originally, I assumed the drainage was going to go to 3rd Street. It's going to outlet to 5th Street, the condition has been corrected to say discharge the city right of way as necessary.

Commissioner Miller stated it looks like they're proposing underground infiltration and the equipment yard is going to be uncovered. Some significant sources of contamination there, hydrocarbons, heavy metals, and particulates. Will there be a requirement for pretreatment prior to the infiltration?

Assistant Public Works Director Bennett stated there should be. I don't know if I had that specifically within the WQMP, but that would be expected for that type of use as you mentioned, without coverage.

Commissioner Miller stated the property immediately across the street downstream where you can see the large grey area where the trucks are parked is an old landfill. There is recent testing from the Regional Board in 2017 that found significant amount of PFA's in that area, and we would be infiltrating upstream and probably promoting groundwater movement under the landfill site. Was this considered in the environmental documentation by Partner Engineering Services Incorporated that did the phase one site assessment?

Assistant Community Development Director Stater stated the consultants are not present in this meeting tonight. I know they looked at the area sources with updated information. There was a comprehensive study that did look specifically at that and was considered in the WQMP.

Commissioner Miller stated the type of conditions where there is existing groundwater contamination immediately adjacent is a constraint to consider a biofiltration or bioretention. Would it be an option to look at the landscaping that's proposed in the site?

Assistant Public Works Director Bennett stated this site not being a large site, it did not flag as problematic. There are areas just south to take the drainage to infiltration, and groundwater is one challenge. To take drainage out to the storm drain to City Creek is another challenge, because it is going downstream towards the base, so we have one or the other alternatives in this location. The infiltration is the chosen option, and we've had that discussion with CASC Engineering.

Chair Hamerly opened the public hearing.

Applicant, Deirdre McCollister stated I would just like to thank you for hearing our case and hopefully approving the project. We do accept the Conditions of Approval as revised with Public Works. We have George Garcia with Crow Holdings, but we do not have the design team here tonight.

Chair Hamerly stated lets go over the site plan. Is there a separation requirement between an electrical transformer and a good-sized propane tank? Are there any constraints?

Building Official Matt Wirz stated I'm not aware of any separation requirements other than working clearances from electrical transformers. I will check our Fire Marshal because there might be for fire prevention.

Chair Hamerly asked on the access points was the site plan designed to preserve the existing curb cuts or are they completely reconfiguring that?

Developer George Garcia with Crow Holdings stated the location of the driveways depends on the circulation. It was preferable truck access and tried to avoid conflicts with the street catch basins and minimize impacts along the street.

Chair Hamerly stated if you were trying to minimize the turning and maneuvering on site. I like the fact that it's a through access, so you can basically drive in, hitch up and keep going. The jog coming in looks like it could present a little bit of a challenge if it went straight through, it seems to be a more efficient layout. There are two 48-inch tree specimens that are at both right of ways, would that impact the decision to locate the driveways?

George Garcia stated the two 48-inch specimens, I cannot answer, but we can look into that.

Chair Hamerly stated that would shift the 5th Street a little bit to the north and it would shift the 3rd Street a little bit to the south.

George Garcia stated the main thing that was concerned on 5th Street was the width of the catch basin, it's significantly large. To move that around has presented a challenge at the beginning and that is where we kind of had to make a best fit there.

Chair Hamerly stated it would shift the driveway on 5th Street to the east because that's the point of the greatest jog. If we are trying to straighten it out it is a wash on the front yard landscaping. The area of landscaping is going to be either on the east or the west side of the drive isle. Why was the jog as far as it was on the one side.

Assistant Public Works Director Bennett stated there is no room to move east unless you relocate that catch basin, it is a 21-footer. If we can take down the set back to 15 or something to that effect.

Chair Hamerly stated we will now move onto the landscape plan. I would like clarification, on the notes, it states to add taller columnar species to the background along east and west boundaries.

City Landscape Architect Scott Rice stated it is a side yard condition. We are trying to be a good neighbor and screen whatever gets developed on the other side.

Chair Hamerly asked was the screening entirety the eastern and western boundaries?

Scott Rice stated the submitted landscape plan shows landscape along the sides. We are trying to shape the purpose of that landscape just to give it a bit of intention instead of just putting plants there. If they plant more ground cover it's going to stay low, so we're trying to promote some growth to it.

Chair Hamerly asked was there thought to taller, denser, and hedge type species?

Scot Rice stated we would be amenable to changing the wording to reflect the ultimate growth would be something that can be sheared like a hedge.

Assistant Community Development Director Stater stated ok, this would be Planning Condition #20, Applicant to strike the tall columnar trees and add hedge species to background scrubs to break up the landscape areas along property lines on east and west boundaries.

Chair Hamerly stated on the elevations, both in staff report and elevations there are awnings noted over the main entry. There isn't a note for #5 which is the Alucobond reference pointing to a specific location.

Assistant Community Development Director Stater stated it is on the materials board, but it is not here.

Chair Hamerly stated there's only one eyebrow that's over the entry, and it's showing as item #3, which is the dark accent color, even though it looks like it's light. That is the only eyebrow detail I see on the plan. Is there another one that's intersecting the glazing?

Assistant Community Development Director Stater stated no, that's the only one.

Chair Hamerly asked can you walk me through the breakdown of the height? We have an overall height of 28 feet, we have a clear height of 18 feet on the interior which leaves another 10 feet vertically. How is that being utilized, how much of that is in parapet and in structure?

George Garcia stated I do not have that answer for you right now.

Chair Hamerly stated I ask this question because of the north elevation, the way that the facade is broken up. It is coming across very tall and it is suffering because of the dark mass that is on the eastern side of that facade, it makes it look even taller and narrow. Is there a different way to articulate that, or if there's a way of stepping down that edge of the building so that it's not so tall and skinny?

George Garcia stated we can look into that.

Assistant Community Development Director Stater stated I would like to ask for clarification on the suggestion to not approve the Design Review Application (DRA) because the DRA also includes portions other than the building elevations. Could we add a condition while approving the DRA itself that the building elevations have to come back for the Planning Commission's review and approval in advance of future permits by the city?

Chair Hamerly asked is this already scheduled for submittal?

George Garcia stated not yet; however, we have been in contact with our consultants with preparing the construction documents.

Chair Hamerly stated I was suggesting pulling the building elevations for resubmittal. They can bring it back in two weeks if they're ready for that, but not doing anything to encumber their Conditional Use Permit (CUP) or any other actions.

Assistant Community Development Director Stater stated being one resolution, it's going to be difficult to pull it apart tonight to still approve the CUP and not the DRA. It's a little easier to add a condition requiring it to come back to you before the project proceeds. Chair Hamerly stated ok, that works.

Assistant Community Development Director Stater stated I would recommend adding Planning Condition #29 to state revised building elevations shall be submitted for review and approval by the Planning Commission in advance of building or grading permit issuance.

Community Development Director Mainez stated I do not believe the owner is going to want to reduce height because I remember something about stacking the material and there's requirements for exposure to the fire suppression system.

Chair Hamerly stated it is 18 feet and I am assuming that is the maximum volume that they need in the interior which leaves an additional 10 feet.

Vice Chair Thomas asked is it the color difference that is giving the elongated look is because it has the darker color?

Chair Hamerly stated yes, on the north facade, it is split vertically on a very narrow facade, and it is 25 feet wide, 28 feet tall, however it is 30 feet on the darker accent color.

Vice Chair Thomas asked could it be solved instead of going down in height by changing the color? Would it still have that same elongated?

Chair Hamerly stated if that color extended across the entire north facade, it would lessen the vertical elongation, but it is a very narrow facade and it is splitting it down the middle with two very contrasting colors that makes it look even taller and thinner.

Vice Chair Thomas asked if the applicant could do a color change? Is that something you guys have considered?

George Garcia stated we can look into that.

Assistant Community Development Director Stater asked are you recommending the phantom mist, the darker grey color that appears on the plan to be to span the entire width of the north elevation?

Vice Chair Thomas asked what is on the north elevation?

Assistant Community Development Director Stater stated number one is the silver feather.

George Garcia stated that is something we can look into.

Chair Hamerly stated moving onto the grading plan. The bold grey dashed line that's on 5th Street coming off diagonally, that is the location of the storm drain infrastructure.

Assistant Public Works Director Bennett replied yes.

Chair Hamerly stated the modifications of the engineering approval that was going for the 8-inch curb, I'm assuming that's an 8-inch vertical?

Assistant Public Works Director Bennett stated I thought it was a 6-inch vertical, however it is an 8-inch curb out there that they're joining, so that was the correction.

Chair Hamerly asked is this site going to sheet flow in general from south to north towards the storm drain? Is it capable of sheet flowing without a sump or if any one of those drains gets saturated or plugged, is it going to naturally flow all the way through the storm drain?

Assistant Public Works Director Bennett stated I haven't looked at as one sump to the next sump, and whether it's overflowing, but that would typically be the site condition. If we have a drain blocked or otherwise not working well, it is going to drain northerly into the drainage system, catch basin on site.

Chair Hamerly asked is it the catch basins at the eastern side of the site that are going to pick everything up, deposit it into the underground basin?

Assistant Public Works Director Bennett replied correct.

Chair Hamerly stated moving onto conceptual landscape plan. Do we have any kind of an indication on what the streetscape plant palette is for either the 3rd Street or the 5th Street corridor?

Scott Rice stated that's something that they're still working on, they have a palette, but they haven't assigned that palette to specific streets. As the Specific Plan gets into a more final format, that's one thing that we've been trying to be involved with, but there are multi agencies involved.

Chair Hamerly closed the public hearing.

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

1. Adopt Resolution No. 2022- 039 approving Conditional Use Permit CUP 22-009, Design Review Application DRA 22-021, and Parcel Merger PM 22-001 for the development of a contractor's equipment rental business, related site improvement plans and lot line adjustment, subject to the Conditions of Approval as amended per staff's recommendations, and Findings of Fact;
2. Direct staff to file a Notice of Exemption with the County Clerk of the Board. Motion carried, 5-0.

RESOLUTION NO. 2022-039

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 22-009) FOR A CONTRACTOR'S EQUIPMENT RENTAL BUSINESS THAT INCLUDES A 3,900 SQUARE FOOT BUILDING AND OUTDOOR STORAGE;

DESIGN REVIEW APPLICATION (DRA-22-012) FOR THE SITE PLAN, BUILDING ELEVATIONS, PRELIMINARY GRADING PLAN AND CONCEPTUAL LANDSCAPE PLAN; AND PARCEL MERGER (PM-22-001) TO CONSOLIDATE THREE PARCELS INTO ONE LOCATED ON A 1.25 ACRE SITE ON THE SOUTH SIDE OF 5TH STREET, 900 FEET WEST OF PALM AVENUE.

ANNOUNCEMENTS

The next Planning Commission meeting is scheduled November 1, 2022.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 7:19 p.m.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission



STAFF REPORT

TO THE APPEALS BOARD

DATE: November 01, 2022

FROM: Lawrence Mainez, Community Development Director

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

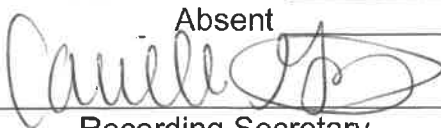
SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 6815 Grove Ave, Highland, CA 92346, Tax Assessor's Parcel Number 1200-251-47.

PROPERTY OWNER: Wendy Coser

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 6815 Grove 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 October 13th, 2022. (Attached hereto as Exhibit "1" attachment "F" and incorporated herein by reference). In addition, on October 17th, 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 "G" and incorporated herein by reference).

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

BACKGROUND:

- Oct. 11, 2021** This case was initiated due to a complaint received regarding property maintenance violations on the subject property generally located at 6815 Grove Ave, Highland, CA 92346, APN: 1200-251-47. An **Initial Contact Letter** was mailed to the property owner's address of record by regular mail.
- Oct. 21, 2021-
Nov. 15, 2021** Code Compliance Officer Gary Chambers made numerous phone calls to Aaron Hodges, Occupant. The initial inspection was rescheduled multiple times due to Mr. Hodges availability.
- Nov. 22, 2021** Code Compliance Officer Gary Chambers arrived at the subject property to conduct an inspection and observed outside storage or debris being stored in the driveway and in public view. Code Compliance Officer Gary Chambers also observed an accumulation of outside storage, junk, trash, debris, or rubbish being stored in the rear yard of the property as well as an accessory structure/canopy larger than 120 square feet without city approval or permits. Code Compliance Officer Gary Chambers granted Mr. Hodges 60 days to correct the violations due to amount of cleanup needed. A **Notice of Violation** was mailed to the property owner's address of record by certified mail.
- Jan. 26, 2022** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection. Code Compliance officer Gary Chambers contacted Mr. Hodges. Mr. Hodges stated that he had not been able to make any improvement in cleaning up the property and had not receive the Notice of Violation that was mailed on November 22, 2022. Mr. Hodges was granted an extension until February 27, 2022. A **2nd Notice of Violation** was mailed to the property owner's address of record by certified mail. On January 27, 2022, Code Compliance Officer Gary Chambers hand delivered the Notice of Violation to Mr. Hodges.

**Appeals Board Meeting of
November 1st, 2022**

- Mar. 11, 2022** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed outside storage or debris being stored in the driveway and in public view. Code Compliance Officer Gary Chambers also observed an accumulation of outside storage, junk, trash, debris, or rubbish being stored in the rear yard of the property as well as an accessory structure/canopy larger than 120 square feet without city approval or permits. An **Administrative Citation, #15632 (\$100)**, was issued and mailed to the property owner's address of record by certified and regular mail.
- May. 06, 2022** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed outside storage or debris being stored in the driveway and in public view. Code Compliance Officer Gary Chambers also observed an accumulation of outside storage, junk, trash, debris, or rubbish being stored in the rear yard of the property as well as an accessory structure/canopy larger than 120 square feet without city approval or permits. A **2nd Administrative Citation, #15512 (\$200)**, was issued and mailed to the property owner's address of record by certified and regular mail.
- May 31, 2022** Mr. Hodges came into the city to discuss the case. Mr. Hodges stated that he had ordered a shed but wasn't sure when the shed would arrive. Mr. Hodges requested an additional two weeks to get the property into compliance, the request was granted. Mr. Hodges also asked if he needed to pay for the citations and he was advised that he needed to pay for all citations. Mr. Hodges then made a payment for Administrative Citation #15512 in the amount of \$200.
- Aug. 18, 2022** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed outside storage or debris being stored in the driveway and in public view. Code Compliance Officer Gary Chambers also observed an accumulation of outside storage, junk, trash, debris, or rubbish being stored in the rear yard of the property.
- Oct. 17, 2022** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed a utility trailer with debris being parked or stored in the driveway in public view. Code Compliance Officer Gary Chambers also observed an accumulation of outside storage, junk, trash, debris, or rubbish being stored in the rear yard of the property and a cargo trailer parked on the unimproved surface. A Public Hearing Notice was posted on the front entry door informing the Property Owner that a Public Nuisance Hearing had been scheduled for November 1st, 2022, at 6 pm, or soon thereafter. A Public Hearing Notice had also been mailed to the Property Owner on October 13th, 2022, by certified and regular

mail.

CONCLUSION: As evidenced by all inspections conducted and the exhibits incorporated herein by reference, the property, identified as APN: 1200-251-47 (6815 Grove 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 Code:

- I. 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: (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).
- II. 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).
- III. Highland Municipal Code Section 8.32.020 (E) (A public nuisance is created by the accumulation and storage of dismantled, wrecked, inoperable, junked, abandoned vehicles or parts thereof on private property).
- IV. Highland Municipal Code Section 8.32.020 (F) (The storage of abandoned, discarded or unused objects or equipment, including, but not limited to, lumber, metal, recyclables, scrap wood, vegetation, junk, trash, or debris (hereinafter referred to as "materials"), including, but not limited to, such storage in containers such as cardboard boxes, bags, vehicles, trailers, mobile storage units, or in permanent storage facilities in the front yard or side-yard setbacks of residential properties where such containers and/or materials are visible from the street, for a period in excess of 48 hours, except as specifically permitted by city ordinance, shall constitute a public nuisance).
- V. Highland Municipal Code Section 16.52.080 (E) (off-street parking, parking and storage standards of recreational vehicles: (4) Parking and storage of all motorized and nonmotorized recreational vehicles which contain an engine shall only occur on a paved surface of asphalt or concrete. Parking and storage of all nonmotorized recreational vehicles which do not contain and/or carry an engine shall occur on asphalt, concrete, gravel or pavers. Preventative measures shall be taken by the property owner to ensure gasoline, motor oils, or other hazardous fluids do not leak onto the ground or run off into the storm drain system).

**Appeals Board Meeting of
November 1st, 2022**

The property owner(s) is requested to remove all dismantled, wrecked, inoperable, junked, abandoned vehicles or parts thereof from the property, park or store the cargo trailer in the rear yard on asphalt, concrete, gravel, or pavers, and remove all outside storage, junk, trash, debris, or rubbish from the property, which is a fire hazard, creates a harborage for rodents and insects, and is injurious to the health, safety and general welfare of the public 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.** Initial Contact Letter dated October 11, 2021
- B.** Notice of Violation Letter dated November 22, 2021
- C.** Notice of Violation Letter dated January 27, 2022
- D.** Administrative Citation, #15632, issued March 11, 2022
- E.** Administrative Citation, #15512, issued May 06, 2022
- F.** Notice of Public Hearing & Public Posting Copy dated October 13, 2022
- G.** Notice of Public hearing (Affidavit of Mailing) dated October 13, 2022

Exhibit "2" Aerial/Site Location Map

Exhibit "3" Case photographs dated November 11, 2021

Exhibit "4" Case photographs dated March 11, 2022

Exhibit "5" Case photographs dated May 06, 2022

Exhibit "6" Case photographs dated August 18, 2022

Exhibit "7" Case photographs dated October 17, 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
1200-251-47, GENERALLY LOCATED AT 6815 GROVE AVE.,
HIGHLAND, CA 92346, AND ORDERING THE OWNER OF THE
PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.
(CODE CASE #8465)

A. RECITALS

1. On October 11, 2021, the City received a complaint regarding property maintenance violations on the property identified as San Bernardino County APN: 1200-251-47 ("the Property"). An inspection of the property revealed the storage of dismantled, wrecked, inoperable, junked, abandoned vehicles or parts thereof and an accumulation of outside storage, junk, trash, debris, or rubbish.
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. Notices of Violations were mailed/posted on;

11/24/2021 (Attachment B)
01/27/2022 (Attachment C)
4. Administrative Citations were issued/mailed on;

03/11/2022 (Attachment D)
05/06/2022 (Attachment E)
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 October 13th, 2022. A copy of the notice was also posted at the Property (Attachment F).

B. RESOLUTION

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

1. All of the facts set forth in the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution by this reference.

2. Staff timely notified the owners of the Property that the Planning Commission/Appeals Board would be holding a Public Hearing on November 1st, 2022; that Notice is attached hereto as Attachment G. 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 Property, the Public, and Staff were considered.
3. All necessary hearings and opportunities for testimony, and comment have been conducted in compliance with the Municipal Code of the City of Highland.
4. The Public Nuisance Hearing has independently considered all relevant information of both the public, and Staff testimony, written and oral, including the Staff Report and its exhibits which are incorporated herein by this reference.

Order Finding and Ordering Abatement of Public Nuisance

5. Based upon substantial evidence in the record, the Planning Commission/Appeals Board hereby declares that a public nuisance, as defined by Highland Municipal Code 8.32.020, has been allowed to exist on the Property generally located at 6815 Grove Ave., Highland, CA 92346, since at least October 11, 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 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: (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).
 - b. 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).

- c. Highland Municipal Code Section 8.32.020 (E) (A public nuisance is created by the accumulation and storage of dismantled, wrecked, inoperable, junked, abandoned vehicles or parts thereof on private property).
 - d. Highland Municipal Code Section 8.32.020 (F) (The storage of abandoned, discarded or unused objects or equipment, including, but not limited to, lumber, metal, recyclables, scrap wood, vegetation, junk, trash, or debris (hereinafter referred to as "materials"), including, but not limited to, such storage in containers such as cardboard boxes, bags, vehicles, trailers, mobile storage units, or in permanent storage facilities in the front yard or side-yard setbacks of residential properties where such containers and/or materials are visible from the street, for a period in excess of 48 hours, except as specifically permitted by city ordinance, shall constitute a public nuisance).
 - e. Highland Municipal Code Section 16.52.080 (E) (off-street parking, parking and storage standards of recreational vehicles: (4) Parking and storage of all motorized and nonmotorized recreational vehicles which contain an engine shall only occur on a paved surface of asphalt or concrete. Parking and storage of all nonmotorized recreational vehicles which do not contain and/or carry an engine shall occur on asphalt, concrete, gravel or pavers. Preventative measures shall be taken by the property owner to ensure gasoline, motor oils, or other hazardous fluids do not leak onto the ground or run off into the storm drain system).
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 Property as follows:
- a. Remove all dismantled, wrecked, inoperable, junked, abandoned vehicles or parts thereof from the property
 - b. Remove all outside storage, junk, trash, debris, or rubbish from the property
 - c. Park or store the cargo trailer in the rear yard on asphalt, concrete, gravel, or pavers.

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 Property 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 Property 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 Property 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 Property until paid.
10. Any owner, occupant, or other party who has a legal or equitable interest in the Property 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 1st day of November 2022.

Randall Hamerly,
Planning Commission/Appeals Board Chairman

ATTEST:

Lawrence A. Mainez,
Community Development Director

ATTACHMENT “A”

Initial Contact Letter dated October 11, 2021



City of Highland
Community Development Department
Code Enforcement Division
27215 Base Line St.
Highland, CA 92346
Telephone: (909) 864-6861
Fax: (909) 862-3180

October 11, 2021

Resident
6815 Grove Ave
Highland Ca 92346-0000

Subject: Case Number: 8465, Address: 6815 Grove Ave

To Whom It May Concern:

The City of Highland has been, and is continually involved in an effort to improve the physical environment through many programs, one of which is through voluntary code compliance. Recently, this office received information that the condition of the subject property located at 6815 Grove Ave may constitute a violation of the Highland Municipal Code regarding the property containing:

Outside storage, junk, trash, debris, and inoperable vehicles stored in the rear yard of the property creating a public nuisance. Please call me to schedule inspection by 10/26/2021. Thank you for your cooperation in resolving this matter.

If the alleged condition does exist, we respectfully ask that you take corrective action as quickly as possible to remove or eliminate the above referenced violation(s). Please contact this office when appropriate corrective measures have been taken so that we may close our case on this matter.

Please notify this office if you feel this complaint has been filed in error, or if the alleged conditions do not exist. Kindly refer to the case number listed above for proper handling. A site inspection will be conducted after 14 days to determine if further enforcement action may be necessary.

Thank you for your prompt attention to this matter. Your anticipated cooperation and help to protect, Highland property values and to preserve neighborhood integrity is appreciated. Should you have any questions, please feel free to contact our office at (909) 864-6861, Ext. 220.

Sincerely,

Gary Chambers
Code Enforcement Division Team

ATTACHMENT “B”

Notice of Violation dated November 22, 2021



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

To: Wendy Coser

Date: 11/22/2021

Property Located at: 6815 Grove Ave., Highland, CA 92346

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

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

CA13 Firecode - 505.1

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

Title 10, Chapter 10.20, Section 10.20.040

☒ **Public nuisances - Vehicle Abatement**

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

Please correct conditions by taking the following actions:

**** 1st Notice **** 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 8.32.020 B5 - 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; HMC 8.32.020 E - A public nuisance is created by the accumulation and storage of dismantled, wrecked, inoperable, junked, abandoned vehicles or parts thereof on private property. HMC 5.12.020 A1 - Home Occupation/Unpermitted business HMC 16.16.030 A - Use regulations for residential districts HMC 15.14.010 / R105.1 - Adoption of California Building Code/Permits required Corrective Actions: Remove all outside storage and debris, including, but not limited to, the vehicle chassis, discarded automobile parts, cement mixer, and other miscellaneous debris on the south side of the house in public view. Remove all outside storage, junk, or debris from the rear yard of the property. Remove all inoperable vehicles or parts there of from the property, or repair them, or store them in a permitted enclosed structure. Cease conducting any unapproved/unpermitted business activities from the property. Obtain a permit for the accessory structure in the rear yard that is over 120 sq. ft. or remove. To avoid additional notices, citations, or a Public Nuisance Hearing, Please comply by 01/21/2022. Thank you for your prompt attention and cooperation in resolving this matter.

You have 60 days to complete the abatement of this violation. A reinspection of this property is scheduled for 01/21/2022

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: "MAIELD"

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

Gary Chambers

Code Compliance Officer

ATTACHMENT "C"

Notice of Violation dated January 27, 2022



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

To: Wendy Coser

Date: 01/27/2022

Property Located at: 6815 Grove Ave., Highland, CA 92346

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

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

CA13 Firecode - 505.1

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

Title 10, Chapter 10.20, Section 10.20.040

☒ **Public nuisances - Vehicle Abatement**

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

Please correct conditions by taking the following actions:

**** Notice **** HMC 8.32.020 C - Any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California. HMC 8.32.020 B5 - 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; HMC 8.32.020 E - A public nuisance is created by the accumulation and storage of dismantled, wrecked, inoperable, junked, abandoned vehicles or parts thereof on private property. HMC 5.12.020 A1 - Home Occupation/Unpermitted business HMC 16.16.030 A - Use regulations for residential districts HMC 15.14.010 / R105.1 - Adoption of California Building Code/Permits required Corrective Actions: Remove all outside storage and debris, including, but not limited to, the vehicle chassis, discarded automobile parts, cement mixer, and other miscellaneous debris on the south side of the house in public view. Remove all outside storage, junk, or debris from the rear yard of the property. Remove all inoperable vehicles or parts there of from the property, or repair them, or store them in a permitted enclosed structure. Cease conducting any unapproved/unpermitted business activities from the property. Obtain a permit for the accessory structure in the rear yard that is over 120 sq. ft. or remove. To avoid additional notices, citations, or a Public Nuisance Hearing, Please comply by 02/27/2022. Thank you for your prompt attention and cooperation in resolving this matter.

You have 30 days to complete the abatement of this violation. A reinspection of this property is scheduled for 02/28/2022

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 “D”

Administrative Citation, #15632, issued March 11, 2022



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

CITATION NO. 15632

ADMINISTRATIVE CITATION

Date: 3-11-2022 Time: 2:37 pm (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$

The payment listed above is due by 4-2-2022. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 3-29-2022. 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 #:

DOB:

MAILING ADDRESS:

6815 Grove Ave, Highland, CA 92346

VIOLATION ADDRESS:

"SAME"

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

HMC

B.32.020 C

Any violation of the Highland Municipal & Development Codes

HMC

S. 2070 F

Outside Storage, Junk, trash, or debris in public view

HMC

B.32.070 RS

Conditions dangerous to Public Safety health or well-being, adjoining properties

HMC

S.14.010

Adoption California Residential Code

CORRECTIONS REQUIRED:

Remove accumulation of storage, junk, trash, debris, equipment from rear yard. Remove all storage of equipment, junk, debris from front of house. Remove dismantled vehicle chassis. Obtain permit for accessory structure over 170sq ft

Signature of Issuing Officer

Issued Date

Printed Name of Issuing Officer

Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “E”

Administrative Citation, #15512, issued May 06, 2022

8465



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

CITATION NO. 15512**ADMINISTRATIVE CITATION**Date: 5-6-2022 Time: 10:54 am 1:27 pm (Violation Observed)☐ WARNING☐ 1st Citation - \$ ☒ 2nd Citation - \$ 200.00☐ 3rd Subsequent - \$

The payment listed above is due by 5-31-2022. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 5-31-2022. 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 #: Coser, Wendy DOB: N/A

MAILING ADDRESS:

6815 Grove Ave, Highland, CA 92346

VIOLATION ADDRESS:

"SAME"

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
<u>HMC</u> <u>8.32.020 C</u>	<u>Any Violation of the Highland</u> <u>Municipal or Development Code</u>
<u>HMC</u> <u>8.32.020 BS</u>	<u>Conditions dangerous to Public Safety,</u> <u>Health, or Welfare</u>
<u>HMC</u> <u>8.32.020 F</u>	<u>Storage, junk, debris in Public View</u>

CORRECTIONS REQUIRED: Remove all outside storage,
junk, trash, or debris from front of rear
yard. Remove dismantled vehicle chassis
from property or store it in a permitted
structure/garage. Obtain a permit for
Accessory structure in rear yard.

Signature of Issuing Officer

5-6-2022
Issued Date

Gary Chambers
Printed Name of Issuing Officer

"Mailed"
Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “F”

Notice of Public Hearing & Public Posting Copy dated
October 13, 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: October 13th, 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 OUTSIDE STORAGE/DEBRIS IN PUBLIC VIEW AND OUTSIDE STORAGE/DEBRIS IN REAR YARD CREATING CONDITIONS DANGEROUS TO PUBLIC SAFETY, HEALTH OR WELFARE, ADJOINING PROPERTIES, PROPERTY OWNERS, OR PROPERTY VALUES.

File Number: APPEALS BOARD PUBLIC NUISANCE HEARING
CASE # 8465

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: 1200-251-47

PROPERTY OWNER(S): Wendy Coser

VIOLATION ADDRESS/APN: 6815 Grove Ave., Highland, CA 92346,
APN: 1200-251-47.

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

DATE AND TIME OF HEARING: Tuesday November 1st, 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 1200-251-47 located at 6815 Grove Ave. (referred to hereafter as ("The Property")) continue to constitute a public nuisance pursuant to the Highland Municipal Code & Ordinances of the City of Highland at the following place, date, and time.

TIME AND DATE OF HEARING: Tuesday, November 1st, 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 violations related to outside storage/debris in public view
and outside storage/debris in the rear yard creating conditions dangerous to
public safety, health, or welfare.

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

Remove all outside storage, debris, or rubbish from the front and rear yard of the
property or store it in a permitted enclosed structure.

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



Lawrence A. Mainez

Community Development Director Cc:

Code Enforcement File

ATTACHMENT “G”

Notice of Public Hearing (Affidavit of Mailing) dated
October 13, 2022

AFFIDAVIT OF MAILING

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

I am a citizen of the United States, over the age of eighteen years of age, not a party to this action, and I am a resident of and or employed in San Bernardino County where the mailing took place. My business address is City of Highland, 27215 Base Line, Highland, CA 92346.

On October 13, 2022 I caused to be served a copy of the attached Public Hearing Certified Mail, Return Receipt Requested, to the following parties: Wendy Coser. 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.

Wendy Coser
6815 Grove Avenue
Highland, CA 92346

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 10/13/2022


Shannon Wisniewski,
Administrative Assistant III
City of Highland

EXHIBIT “2”

Aerial/Site Location map



6815 Grove Ave



© 2022 Digital Map Products. All rights reserved.

EXHIBIT “3”

Case photographs dated November 11, 2021













EXHIBIT “4”

Case photographs dated March 11, 2022









EXHIBIT “5”

Case photographs dated May 06, 2022





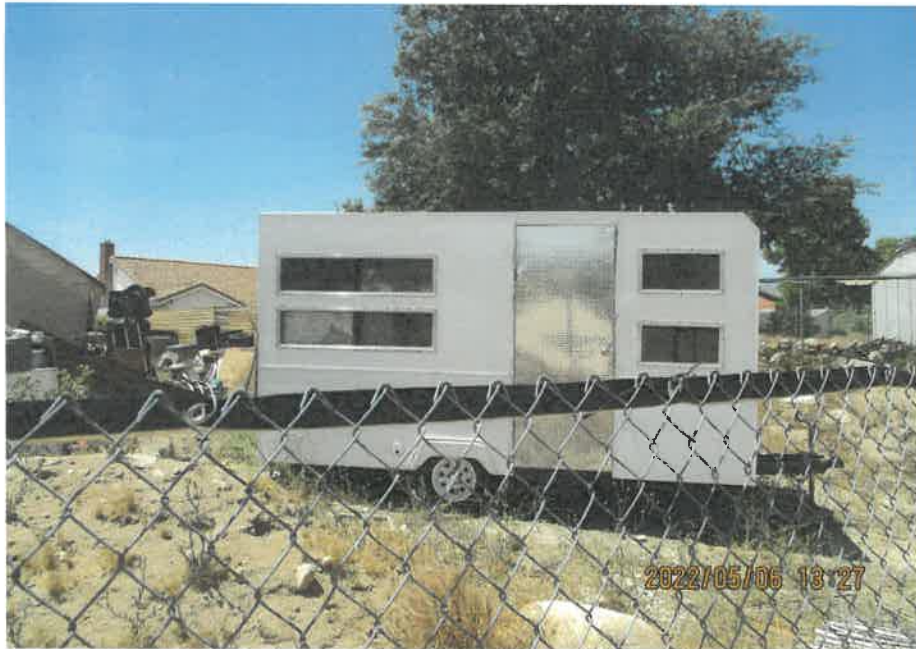


EXHIBIT “6”

Case photographs dated August 18, 2022







EXHIBIT “7”

Case photographs dated October 17, 2022











STAFF REPORT

TO THE APPEALS BOARD

DATE: November 01, 2022

FROM: Lawrence Mainez, Community Development Director

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

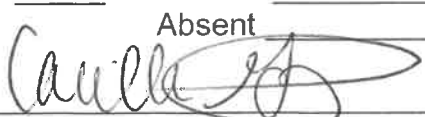
SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 7466 Seine Ave, Highland, CA 92346, Tax Assessor's Parcel Number 1201-101-24.

PROPERTY OWNER: Michael Robert Estrada

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 7466 Seine 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 October 13th, 2022, (Attached hereto as Exhibit "1" attachment "I" and incorporated herein by reference). In addition, on October 13th, 2022, staff posted the Public Hearing Notice at the subject property and the Agenda was posted at three designated locations in accordance with City policy, and a copy of said Agenda was placed on the City's Website (see Affidavit of Posting / Mailing and attached hereto as Exhibit "1" attachment "J" and incorporated herein by reference).

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

BACKGROUND:

- Oct. 05, 2021** This case was initiated due to a complaint received regarding an unpermitted structure on the subject property generally located at 7466 Seine Ave, Highland, CA 92346, APN: 1201-101-24.
- Oct. 06, 2021** Code Compliance Officer Gary Chambers arrived at the subject property to conduct an inspection and observed patio cover additions on the north and south side of the house. Further research revealed that the Property Owner, Michael Robert Estrada, acquired the property on or around July 24, 2003. Further research revealed that the patio cover addition on the south side of the house was constructed sometime after 2012 and the north patio cover addition was constructed sometime after 2020. Both patio cover additions had been constructed without city approval or permits. An **Initial Contact Letter** was mailed to the property owner's address of record by regular mail.
- Oct. 21, 2021** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed patio cover additions on the north and south side of the house constructed without city approval or permits. A **Notice of Violation** was mailed to the property owner's address of record by certified mail.
- Nov. 22, 2021** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed patio cover additions on the north and south side of the house constructed without city approval or permits. A **2nd Notice of Violation** was mailed to the property owner's address of record by certified mail.
- Feb. 01, 2022** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed patio cover additions on the north and south side of the house constructed without city approval or permits. A **Warning Citation, #15614,** was issued and mailed to the property owner's address of record by certified mail.

**Appeals Board Meeting of
November 1st, 2022**

- Feb. 28, 2022** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed patio cover additions on the north and south side of the house constructed without city approval or permits. An **Administrative Citation, #15626 (\$500)**, was issued and mailed to the property owner's address of record by certified and regular mail.
- Mar. 31, 2022** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed patio cover additions on the north and south side of the house constructed without city approval or permits. A **2nd Administrative Citation, #15640 (\$750)**, was mailed to the property owner's address of record by certified and regular mail.
- Apr. 27, 2022** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed patio cover additions on the north and south side of the house constructed without city approval or permits. A **3rd Administrative Citation, #15509 (\$1000)**, was mailed to the property owner's address of record by certified and regular mail.
- May 24, 2022** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed patio cover additions on the north and south side of the house constructed without city approval or permits. Code Compliance Officer Gary Chambers was able to contact the property owner, Michael Estrada, at the property. Code Compliance Officer Gary Chambers explained to Mr. Estrada that the patio cover additions would require approvals and permits to legalize them and if approvals could not be obtained, a demo permit would be needed to demolish them. Mr. Estrada stated that he would obtain the approvals and permits to legalize the patio cover additions within 30 days.
- Jun. 27, 2022** Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed patio cover additions on the north and south side of the house constructed without city approval or permits. The property owner had not made any attempt to obtain city approval or permits to legalize the unpermitted patio cover additions. A **Pending Notice of Non-Compliance/Public Nuisance Hearing** was mailed to the property owner's address by certified mail.

**Appeals Board Meeting of
November 1st, 2022**

Oct. 13, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed patio cover additions on the north and south side of the house constructed without city approval or permits. The property owner has not made any attempt to obtain city approval or permits to legalize the unpermitted patio cover additions. A **Public Hearing Notice** was posted on the front entry door informing the property owner that a Public Nuisance Hearing was scheduled for November 1st, 2022, at 6 pm, 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.

CONCLUSION: As evidenced by all inspections conducted and the exhibits incorporated herein by reference, the property, identified as APN: 1201-101-24 (7466 Seine 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 property is in violation of the following provisions of the Municipal & Development Code:

- I. Highland Municipal Code Section 8.32.020 (C) (A public nuisance is created by any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California).
- II. Highland Municipal Code Section 15.14.010 (Adoption of the California Residential Code).
- III. California Residential Code Section R105.1, Permits Required (Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit).

The property owner(s) is requested to obtain approvals and any applicable permits 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.

**Appeals Board Meeting of
November 1st, 2022**

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

- A.** Initial Contact Letter dated October 06, 2021
- B.** Notice of Violation Letter dated October 21, 2021
- C.** Notice of Violation Letter dated November 22, 2021
- D.** Warning Citation, #15614, issued February 01, 2022
- E.** Administrative Citation, #15626, issued February 28, 2022
- F.** Administrative Citation, #15640, issued March 31, 2022
- G.** Administrative Citation, #15509, issued April 27, 2022
- H.** Notice of Non-Compliance/Public Nuisance Hearing dated June 27, 2022
- I.** Notice of Public Hearing & Public Posting Copy dated October 13, 2022
- J.** Notice of Public hearing (Affidavit of Mailing) dated October 13, 2022

Exhibit ”2” Aerial/Site Location Maps

Exhibit “3” Case photographs dated October 06, 2021

Exhibit “4” Case photographs dated November 22, 2021

Exhibit “5” Case photographs dated February 01, 2022

Exhibit “6” Case photographs dated March 31, 2022

Exhibit “7” Case photographs dated June 27, 2022

Exhibit ”8” Case photographs dated October 13, 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
1201-101-24, GENERALLY LOCATED AT 7466 SEINE AVE.,
HIGHLAND, CA 92346, AND ORDERING THE OWNER OF THE
PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.
(CODE CASE #8429)

A. RECITALS

1. On October 05, 2021, the City received a complaint regarding an unpermitted structure on the property identified as San Bernardino County APN: 1201-101-24 ("the Property"). An inspection and research of the property revealed two patio cover additions constructed without city approval or permits.
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. Notices of Violations were mailed/posted on;

10/21/2021 (Attachment B)
11/22/2021 (Attachment C)
4. Administrative Citations were issued/mailed on;

02/01/2022 (Attachment D)
02/28/2022 (Attachment E)
03/31/2022 (Attachment F)
04/27/2022 (Attachment G)
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 October 13th, 2022. A copy of the notice was also posted at the Property (Attachment I).

B. RESOLUTION

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

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

Order Finding and Ordering Abatement of Public Nuisance

5. Based upon substantial evidence in the record, the Planning Commission/Appeals Board hereby declares that a public nuisance, as defined by Highland Municipal Code 8.32.020, has been allowed to exist on the Property generally located at 7466 Seine Ave., Highland, CA 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 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).
 - b. Highland Municipal Code Section 15.14.010 (Adoption of the California Residential Code).

- c. California Residential Code Section R105.1, Permits Required (Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit).
- 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 Property as follows:
 - a. Submit the required application and site plan to the Planning Division for approval.
 - b. Obtain the required permits from the Building & Safety Division.
 - c. If the unpermitted patio cover additions cannot be approved, obtain the required demo permit, and demolish.
- 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 Property 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 Property 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 Property 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 Property until paid.

10. Any owner, occupant, or other party who has a legal or equitable interest in the Property 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 1st day of November 2022.

Randall Hamerly,
Planning Commission/Appeals Board Chairman

ATTEST:

Lawrence A. Mainez,
Community Development Director

ATTACHMENT “A”

Initial Contact Letter dated October 06, 2021



City of Highland
Community Development Department
Code Enforcement Division
27215 Base Line St.
Highland, CA 92346
Telephone: (909) 864-6861
Fax: (909) 862-3180

October 06, 2021

Resident
7466 Seine Ave
Highland Ca 92346-0000

Subject: Case Number: 8429, Address: 7466 Seine Ave

To Whom It May Concern:

The City of Highland has been, and is continually involved in an effort to improve the physical environment through many programs, one of which is through voluntary code compliance. Recently, this office received information that the condition of the subject property located at 7466 Seine Ave may constitute a violation of the Highland Municipal Code regarding the property containing:

Unpermitted patio cover additions/structures. Please contact the Building & Safety Division as soon as possible to avoid additional notification and/or citations.

If the alleged condition does exist, we respectfully ask that you take corrective action as quickly as possible to remove or eliminate the above referenced violation(s). Please contact this office when appropriate corrective measures have been taken so that we may close our case on this matter.

Please notify this office if you feel this complaint has been filed in error, or if the alleged conditions do not exist. Kindly refer to the case number listed above for proper handling. A site inspection will be conducted after 14 days to determine if further enforcement action may be necessary.

Thank you for your prompt attention to this matter. Your anticipated cooperation and help to protect, Highland property values and to preserve neighborhood integrity is appreciated. Should you have any questions, please feel free to contact our office at (909) 864-6861, Ext. 220.

Sincerely,

Gary Chambers
Code Enforcement Division Team

ATTACHMENT “B”

Notice of Violation Letter dated October 21, 2021



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

To: Michael Estrada

Date: 10/21/2021

Property Located at: 7466 Seine, Highland, CA 92346

"SAME"

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 : Construction without permit</p> <p>☐ Violation of condition of site approval or conditional use permit</p> <p>☐ Has overgrown weeds, trash accumulation, has noxious smell</p> <p>☐ Is unsafe, has graffiti, is left unpainted</p> <p>☐ Attractive nuisance to children</p> |
|---|--|

CA13 Firecode - 505.1

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

Title 10, Chapter 10.20, Section 10.20.040

☐ **Public nuisances - Vehicle Abatement**

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

Please correct conditions by taking the following actions:

**** 1st Notice **** HMC 15.14.010/CRC R105.1 - Adoption of California Residential Code; Permits required; Corrective Actions: According to the City's records the attached patio covers on the south & north side of the house were constructed without permits as well as an unpermitted addition/patio cover attached to the rear/west side of the house measuring approximately 18 x 16 ft. (288 sq. ft.) The current property owner is responsible for all unpermitted construction on the property. Please call to discuss the best possible options for compliance. To avoid additional notices and/or citations, please comply by 11/20/2021. Failure to comply with the California Building Codes can result in citations of \$500, \$750, & \$1,000. Thank you for your prompt attention and cooperation in resolving this matter.

You have 30 days to complete the abatement of this violation. A reinspection of this property is scheduled for 11/20/2021

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

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

separate offense for each, and every day during any provision of the Municipal Code committed, continued, or permitted by such person, and shall be punishable accordingly. City administrative costs may be assessed to the property for noncompliance.

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

Accepted By: "MAILED"

Thank You,

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

Gary Chambers

Code Compliance Officer

ATTACHMENT "C"

Notice of Violation Letter dated November 22, 2021



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

To: Michael Estrada

Date: 11/22/2021

Property Located at: 7466 Seine, Highland, CA 92346

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

- | | |
|---|---|
| <p>☐ Title 16, Chapter 52, Section, 16.52.060 B.4.b.i
Parking on unimproved/landscaped areas is prohibited</p> <p>☐ Title 16, Chapter 52, Section, 16.52.060 B.4.a.iii
Any vehicle parked in plain view, must be currently registered to operation a street or road way.</p> <p>☐ Title 8, Chapter 32, Section, 8.32.020 B.3
Trash containers shall generally be placed out of direct public view.</p> <p>☐ 8.32.020 Declaration of public nuisance
A public nuisance is created by every building or structure which:</p> <ul style="list-style-type: none">☐ Dilapidation, dangerous or at risk of collapse from neglect☐ Is a breeding place for rodents, vermin, or vagrants☐ Is boarded up, abandoned, destroyed and is allowed to remain in a state of partial construction☐ Allows access through doors, windows, into vacant structure | <p>☐ Title 6, Chapter 6.04, Section, 6.04.020C/SBCC 32.0209
Every Resident in the City who owns, who has an interest, harbors feeds, takes care of, charge or custody of shall be required to obtain a city Dog license at 4 months of age</p> <p>☐ Title 16, Chapter 44, Section, 16.44.040.D.1.a
All lots smaller than 20,000 square feet-each residential parcel shall not exceed (4) four adult dogs or four (4) adult cats, or a combination totaling not more than four adult animals.</p> <p>☐ Title 15, Chapter 15.52.040, Section, 15.52.040
Residential rental without a business license.</p> <p>☒ Other : 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 15.14.010/CRC R105.1 - Adoption of California Residential Code; Permits required; Corrective Actions: According to the City's records the attached patio covers on the south & north side of the house were constructed without permits as well as an unpermitted addition/patio cover attached to the rear/west side of the house measuring approximately 18 x 16 ft. (288 sq. ft.) The current property owner is responsible for all unpermitted construction on the property. Please call to discuss the best possible options for compliance. To avoid citations and or a Public Nuisance Hearing, please comply by 12/22/2021. Failure to comply with the California Building Codes can result in citations of \$500, \$750, & \$1,000. Thank you for your prompt attention and cooperation in resolving this matter.

You have 30 days to complete the abatement of this violation. A reinspection of this property is scheduled for 12/22/2021

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

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

separate offense for each, and every day during any provision of the Municipal Code committed, continued, or permitted by such person, and shall be punishable accordingly. City administrative costs may be assessed to the property for noncompliance.

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

Accepted By: "MAILED"

Thank You,

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

Gary Chambers

Code Compliance Officer

ATTACHMENT “D”

Warning Citation, #15614, issued February 01, 2022



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

CITATION NO. 15614

ADMINISTRATIVE CITATION

Date: 2-1-2022 Time: 9:26am (Violation Observed)

~~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 02/23/2022. 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 #: Estrada, Michael DOB: n/a

MAILING ADDRESS:

7466 Seine Ave., Highland, CA 92346

VIOLATION ADDRESS:
"SAME"

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
<u>HMC 15.14.010</u> <u>CRC 2105.1</u>	<u>Adoption of California Residential Code / Permits Required.</u>

CORRECTIONS REQUIRED: Obtain permits from the Building & Safety Div. for all unpermitted patio cover additions or a demo permit to Remove.
IF NO Compliance by 02/23/2022, a \$500 cite will be issued.

Signature of Issuing Officer [Signature] Issued Date 2-1-2022

Printed Name of Issuing Officer Greg Chambers

Acknowledgement of Receipt (Signature) "Michael"

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “E”

Administrative Citation, #15626, issued February 28, 2022

Case # 8424



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

CITATION NO. 15626**ADMINISTRATIVE CITATION**Date: 2-28-2022 Time: 10:03 am (Violation Observed)☐ **WARNING**☒ 1st Citation - \$ 500.00 ☐ 2nd Citation - \$ _____☐ 3rd Subsequent - \$ _____The payment listed above is due by 3-25-2022. See reverse side for payment and appeal instructions.Corrections indicated below are required by 3-21-2022. 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

Estrada, Michael

DL #:

n/a

DOB:

n/a

MAILING ADDRESS:

7466 Seine Ave., Highland, CA 92346

VIOLATION ADDRESS:

"SAME"MUNI. / STATE CODE
SECTION VIOLATEDHMC 15.14.010
R105.1

VIOLATION DESCRIPTION

Adoption of California Residential
Code / Permits required.

CORRECTIONS REQUIRED:

Contact the Building
& Safety Division. Obtain permits
to legalize the unpermitted patio cover
additions or a demo permit to
remove. Next cite, \$750.00.

Signature of Issuing Officer

2-28-2022
Issued Date

Printed Name of Issuing Officer

"Mailed"

Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “F”

Administrative Citation, #15640, issued March 31, 2022



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

Case #8429

CITATION NO. **15640**

ADMINISTRATIVE CITATION

Date: 3-31-2022 Time: 8:29am (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$

The payment listed above is due by 4-25-2022 See reverse side for payment and appeal instructions.

Corrections indicated below are required by 4-25-2022. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

DL #:

Estrada, Michael

DOB:

n/a

n/a

MAILING ADDRESS:

7466 Seine Ave, Highland, CA 92346

VIOLATION ADDRESS:

"SAME"

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

HMC

15.14.010

Adoption California Residents
Code

CORRECTIONS REQUIRED:

Obtain permits to
legalize the unpermitted patio
cover additions on the south &
north side of the house on a
demo permit to demolish. Next
cite is \$1,000 if no compliance.

Signature of Issuing Officer

Issued Date

Printed Name of Issuing Officer

Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “G”

Administrative Citation, #15509, issued April 27, 2022



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

CITATION NO. 15509

ADMINISTRATIVE CITATION

Date: 04-27-2022 Time: 12:49 pm (Violation Observed)

☐ WARNING

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

☒ 3rd Subsequent - \$ 1,000.00

The payment listed above is due by 5-22-2022. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 5-22-2022. 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 #: Estrada, Michael DOB: N/A

MAILING ADDRESS:

7466 Seine Ave, Highland, CA 92346

VIOLATION ADDRESS:

"SAME"

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

<u>HMC</u> <u>15.04.010</u>	<u>Adoption of the California</u> <u>Residential Code.</u>

CORRECTIONS REQUIRED:

Obtain permits to
legalize the unpermitted patio
cover additions on the South & North
sides of the house as a demo permit
to demolish. IF NO compliance by 5-22-2022
This case will be referred to a Public Hearing
Hearings.

Signature of Issuing Officer

Issued Date

Printed Name of Issuing Officer

Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “H”

Notice of Non-Compliance/Public Nuisance Hearing
dated June 27, 2022



June 27, 2022

Michael Estrada

7466 Seine Ave.

Highland, CA 92346

RE: Pending Notice of Non-Compliance/Public Nuisance Hearing {7466 Seine Ave., Highland, CA 92346, Parcel #1201-101-24}

Dear Mr. Estrada

The City of Highland has exhausted all efforts to bring the property into compliance with the City of Highland Municipal & Development Code's, specifically, the California Residential Code; unpermitted construction. A Public Nuisance Hearing will be scheduled to declare the subject property a public nuisance. You should expect to receive an official Public Nuisance Hearing Notice soon.

If you wish to avoid having the property declared a public nuisance, please obtain a permit from the Building & Safety Division for the patio cover addition on the north side of the house and remove the patio cover addition on the south side of the house by 07/18/2022, I have included forms for your convenience. Should you have any questions or need any assistance please contact me at the number below.

Sincerely,

Gary Chambers

Code Compliance Officer, City of Highland, California

Phone: (909) 864-6861 ext. 220

CC: Lawrence Mainez, Community Development Director

Mayor
Larry McCallon

Mayor Pro Tem
Penny Lilburn

City Council
Jesse Chavez

City Council
Anaëli Solano

City Council
John P. Timmer

City Manager
Joseph A. Hughes

27215 Base Line • Highland, CA 92346

Tel: 909.864.6861 • Fax: 909.862.3180 • www.cityofhighland.org



ATTACHMENT “I”

Notice of Public Hearing & Public Posting Copy
dated October 13, 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: October 13th, 2022

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE HIGHLAND APPEALS BOARD TO CONSIDER DECLARING THE FOLLOWING DESCRIBED PROPERTY A PUBLIC NUISANCE DUE TO UNPERMITTED CONSTRUCTION RELATED TO PATIO COVER ADDITIONS.

File Number: APPEALS BOARD PUBLIC NUISANCE HEARING
CASE # 8429

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: 1201-101-24

PROPERTY OWNER(S): Michael Robert Estrada

VIOLATION ADDRESS/APN: 7466 Seine Ave., Highland, CA 92346.
APN: 1201-101-24

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

DATE AND TIME OF HEARING: Tuesday November 1st, 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 1201-101-24 generally located at 7466 Seine Ave. (referred to hereafter as ("The Property")) continue to constitute a public nuisance pursuant to the Highland Municipal Code & Ordinances of the City of Highland at the following place, date, and time.

TIME AND DATE OF HEARING: Tuesday, November 1st, 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:

Unpermitted construction related to patio cover additions on the south and north side of the house.

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

Obtain Building & Safety permits to legalize the patio cover additions on the north and south side of the house or obtain a demo permit to demolish.

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



Lawrence A. Mainez

Community Development Director Cc:

Code Enforcement File

ATTACHMENT “J”

Notice of Public Hearing (Affidavit of Mailing)
dated October 13, 2022

AFFIDAVIT OF MAILING

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

I am a citizen of the United States, over the age of eighteen years of age, not a party to this action, and I am a resident of and or employed in San Bernardino County where the mailing took place. My business address is City of Highland, 27215 Base Line, Highland, CA 92346.

On October 13, 2022 I caused to be served a copy of the attached Public Hearing Notice Certified Mail, Return Receipt Requested, to the following parties: Michael Estrada. 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.

Michael Estrada
7466 Seine
Highland, CA 92346

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 10/13/2022



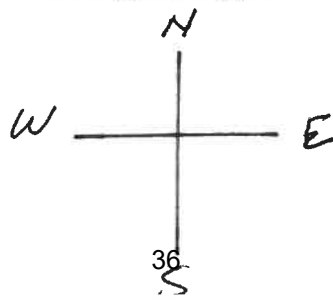
Shannon Wisniewski,
Administrative Assistant III
City of Highland

EXHIBIT “2”

Aerial/Site Location maps



7466 Seine Ave.



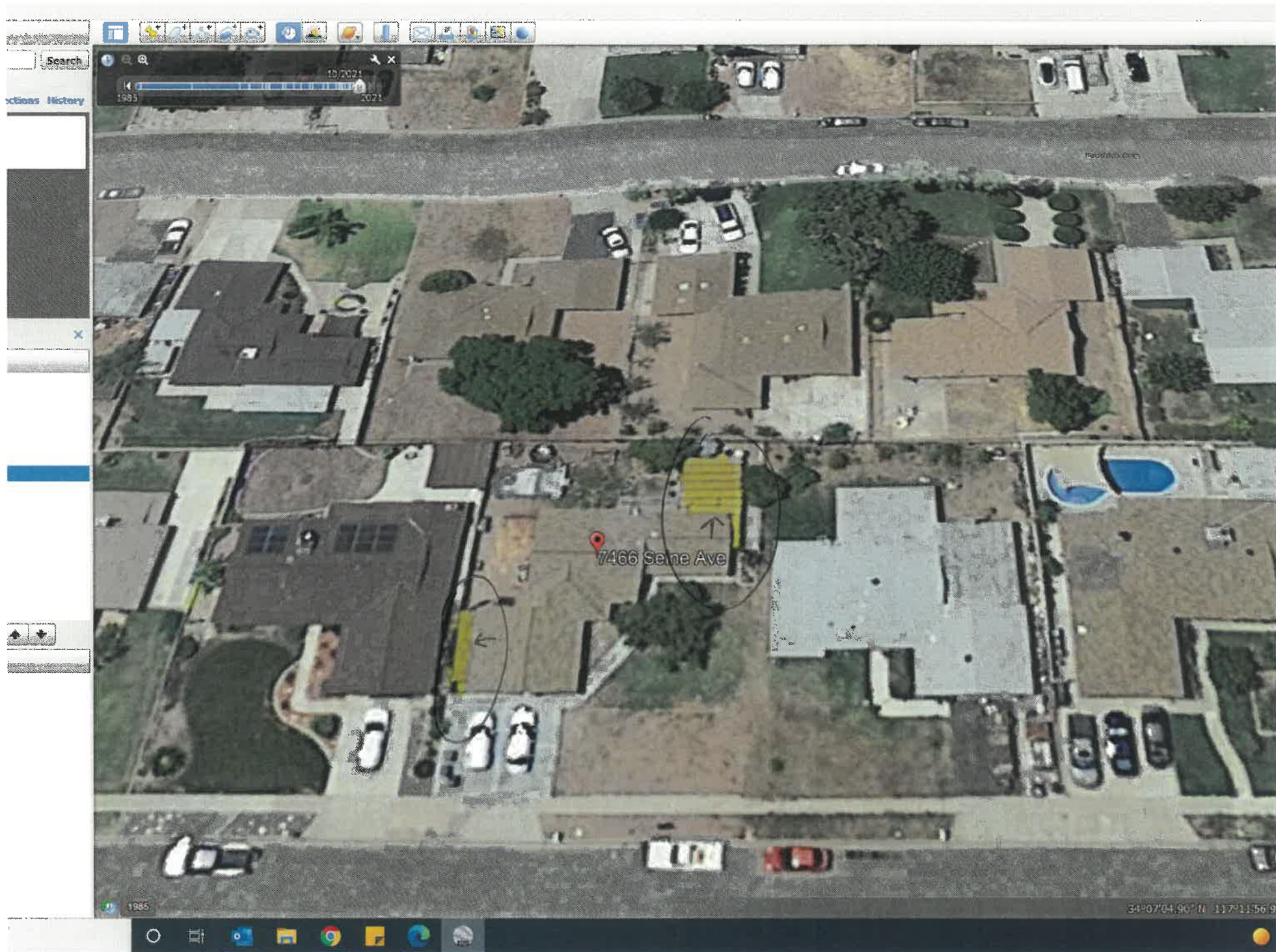


EXHIBIT “3”

Case Photographs dated October 06, 2021



EXHIBIT “4”

Case Photographs dated November 22, 2021



EXHIBIT “5”

Case Photographs dated February 01, 2022



EXHIBIT “6”

Case Photographs dated March 31, 2022



EXHIBIT “7”

Case Photographs dated June 27, 2022



EXHIBIT “8”

Case Photographs dated October 13, 2022







STAFF REPORT

TO THE APPEALS BOARD

DATE: November 01, 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 7057 Buchanan Ave, San Bernardino, CA 92404, Tax Assessor's Parcel Number 1191-161-05.

PROPERTY OWNER: Cheri Lynn Jeffries

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 7057 Buchanan Ave, San Bernardino, CA 92404 (within the corporate boundaries of the City of Highland), and order the abatement thereof.

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

Approved _____	Motion _____	Second _____	Agenda Item No. <u>4</u>
Denied _____	Ayes _____		File No. _____
	Noes _____		
Continue _____	Abstain _____		
	Absent _____		
_____ 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 October 13, 2022. (Attached hereto as Exhibit "1" attachment "G" and incorporated herein by reference). In addition, on October 13, 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 "H" and incorporated herein by reference).

BACKGROUND:

Jan. 04, 2022

This case was initiated due to a complaint received regarding junk, trash, or debris being stored in public view and a boat being parked or stored on the unimproved surface of the front yard on the subject property generally located at 7057 Buchanan Ave, San Bernardino, CA 92404 (within the corporate boundaries of the City of Highland), APN: 1191-161-05.

Jan. 05, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct an inspection and observed the accumulation of outside storage, junk, trash, or debris being stored in public view. Code Compliance Officer Gary Chambers also observed a boat and two pickup trucks being parked or stored on the unimproved surface of the front yard. One of the trucks was observed to be inoperable. A **Notice of Violation** was mailed to property owner's address of record by certified mail.

Feb. 01, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed the accumulation of outside storage, junk, trash, or debris being stored in public view. Code Compliance officer Gary Chambers also observed a boat and a pickup truck being parked or stored on the unimproved surface of the front yard. The pickup truck was observed to be inoperable. A **2nd Notice of Violation** was mailed to the property owner's address of record by certified mail.

**Appeals Board Meeting of
November 1st, 2022**

Feb. 25, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed the accumulation of outside storage, junk, trash, or debris being stored in public view. Code Compliance Officer Gary Chambers also observed a boat being parked or stored on the city street and two pickup trucks being parked or stored on the unimproved surface of the front yard. One of the trucks was observed to be inoperable. **Warning Citation, #15624**, was issued and mailed to the property owner's address of record by certified mail.

Mar. 22, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed the accumulation of outside storage, junk, trash, or debris being stored in public view. Code Compliance Officer Gary Chambers also observed a pickup truck being parked or stored on the unimproved surface of the front yard and an inoperable truck being parked or stored in the driveway. **Administrative Citation, #15635 (\$100)**, was issued and mailed to the property owner's address of record by both certified and regular mail.

Apr. 13, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed the accumulation of outside storage, junk, trash, or debris in public view. Code Compliance Officer Gary Chambers also observed a pickup truck being parked or stored on the unimproved surface of the front yard and an inoperable pickup truck being parked or stored in the driveway. The inoperable pickup truck was covered; however, the tires were observed to be flat, and the vehicle was being supported by the rims. **Administrative Citation, #15648 (\$200)**, was issued and mailed to the property owner's address of record by both certified and regular mail.

**Appeals Board Meeting of
November 1st, 2022**

May 05, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed the accumulation of outside storage, junk, trash, or debris in public view. Code Compliance Officer Gary Chambers also observed a pickup truck being parked or stored on the unimproved surface of the front yard and an inoperable pickup truck being parked or stored in the driveway. The inoperable pickup truck was covered. Code Compliance Officer Gary Chambers contacted two adult male subjects at the property and explained the corrections that needed to be made for the property owner to be in compliance. Code Compliance Officer Gary Chambers was informed that the corrections would be made and was asked for additional time due to an upcoming surgery. Code Compliance Officer Gary Chambers granted an additional 30 days for the property owner to make the corrections.

Jul. 15, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed the accumulation of outside storage, junk, trash, or debris in public view. Code Compliance Officer Gary Chambers also observed a pickup truck being parked or stored on the unimproved surface of the front yard and an inoperable pickup truck being parked or stored in the driveway. The inoperable pickup truck was covered. A **Pending Notice of Non-Compliance/Public Nuisance Hearing** was mailed to the property owner's address of record by certified and regular mail informing the property owner that a Public Nuisance Hearing would be held if the property was permitted to remain in violation.

Oct. 13, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed the accumulation of junk, trash, or debris in public view. Code Compliance Officer Gary Chambers also observed a pickup truck being parked or stored on the unimproved surface of the front yard and an inoperable pickup truck being parked or stored in the driveway. The inoperable pickup truck was uncovered, exposing additional junk, trash, or debris being stored in the cab and bed of the truck. Code Compliance Officer Gary Chambers also observed a boat being parked or stored on the city street. A **Public Hearing Notice** was posted on the front entry door, informing the property owner that a Public Nuisance Hearing was scheduled for November 1st, 2022, at 6 pm, or soon thereafter.

**Appeals Board Meeting of
November 1st, 2022**

CONCLUSION: As evidenced by all inspections conducted and the exhibits incorporated herein by reference, the property, identified as APN: 1191-161-05 (7057 Buchanan Ave., San Bernardino, CA 92410) 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 (E) (A public nuisance is created by the accumulation and storage of dismantled, wrecked, inoperable, junked, abandoned vehicles or parts thereof on private property).
- II. Highland Municipal Code Section 8.32.020 (F) (The storage of abandoned, discarded or unused objects or equipment, including, but not limited to, lumber, metal, recyclables, scrap wood, vegetation, junk, trash, or debris (hereinafter referred to as "materials"), including, but not limited to, such storage in containers such as cardboard boxes, bags, vehicles, trailers, mobile storage units, or in permanent storage facilities in the front yard or side-yard setbacks of residential properties where such containers and/or materials are visible from the street, for a period in excess of 48 hours, except as specifically permitted by city ordinance, shall constitute a public nuisance).
- III. Highland Municipal Code Section 10.28.050 (A) (The parking of any recreational vehicle as defined in HMC ~~10.28.030~~ is prohibited on city streets unless a temporary parking permit has been issued pursuant to this chapter).
- IV. Highland Municipal Code Section 16.52.060 (B)(4)(b)(i) (All parking areas, including driveways and parking in setback areas, on which vehicles are parked in accordance with this section shall be improved and permanently maintained with asphalt, concrete, or other all-weather surfacing approved by the community development director and city engineer).

The property owner(s) is requested to remove all outside storage, junk, trash, or debris from public view, remove all vehicles being parked or stored on the unimproved surface of the front yard, remove all inoperable vehicles from the property, or repair them, or store them in a permitted enclosed structure (i.e. garage), and remove the boat from the city street, 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.

**Appeals Board Meeting of
November 1st, 2022**

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

- A.** Notice of Violation Letter dated January 05, 2022
- B.** Notice of Violation Letter dated February 01, 2022
- C.** Warning Citation, #15624, issued February 25, 2022
- D.** Administrative Citation, #15635, issued March 22, 2022
- E.** Administrative Citation, #15648, issued April 13, 2022
- F.** Pending Notice of Non-Compliance/Public Nuisance Hearing dated July 15, 2022
- G.** Notice of Public Hearing & Public Posting Copy dated October 13, 2022
- H.** Notice of Public hearing (Affidavit of Mailing) dated October 13, 2022

Exhibit ”2” Aerial/Site Location Map

Exhibit “3” Case photographs dated January 05, 2022

Exhibit “4” Case photographs dated February 01, 2022

Exhibit “5” Case photographs dated February 25, 2022

Exhibit “6” Case photographs dated March 22, 2022

Exhibit “7” Case photographs dated April 13, 2022

Exhibit ”8” Case photographs dated July 15, 2022

Exhibit ”9” Case photographs dated October 13, 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 1191-161-05, GENERALLY LOCATED AT 7057 BUCHANAN AVE., SAN BERNARDINO, CA 92404 (WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF HIGHLAND), AND ORDERING THE OWNER OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.
(CODE CASE #8688)

A. RECITALS

1. On January 04, 2022, the City received a complaint regarding property maintenance violations on the property identified as San Bernardino County APN: 1191-161-05 ("the Property"). An inspection of the property revealed vehicles being stored on the unimproved surface of the front yard, an inoperable vehicle being parked or stored on the property, and an accumulation of junk, trash, or debris being stored in public view.
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. Notices of Violations were mailed/posted on;

01/05/2022 (Attachment A)
02/01/2022 (Attachment B)
4. Administrative Citations were issued/mailed on;

02/25/2022 (Attachment C)
03/22/2022 (Attachment D)
04/13/2022 (Attachment E)
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 October 13th, 2022. A copy of the notice was also posted at the Property (Attachment G).

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 Property that the Planning Commission/Appeals Board would be holding a Public Hearing on November 1st, 2022; that Notice is attached hereto as Attachment H. 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 Property, the Public, and Staff were considered.
3. All necessary hearings and opportunities for testimony, and comment have been conducted in compliance with the Municipal Code of the City of Highland.
4. The Public Nuisance Hearing has independently considered all relevant information of both the public, and Staff testimony, written and oral, including the Staff Report and its exhibits which are incorporated herein by this reference.

Order Finding and Ordering Abatement of Public Nuisance

5. Based upon substantial evidence in the record, the Planning Commission/Appeals Board hereby declares that a public nuisance, as defined by Highland Municipal Code 8.32.020, has been allowed to exist on the Property generally located at 7057 Buchanan Ave., San Bernardino, CA 92404 (within the corporate boundaries of the City of Highland), since at least January 05, 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 E (A public nuisance is created by the accumulation and storage of dismantled, wrecked, inoperable, junked, abandoned vehicles or parts thereof on private property).

- b. Highland Municipal Code Section 8.32.020 F (The storage of abandoned, discarded or unused objects or equipment, including, but not limited to, lumber, metal, recyclables, scrap wood, vegetation, junk, trash, or debris (hereinafter referred to as “materials”), including, but not limited to, such storage in containers such as cardboard boxes, bags, vehicles, trailers, mobile storage units, or in permanent storage facilities in the front yard or side-yard setbacks of residential properties where such containers and/or materials are visible from the street, for a period in excess of 48 hours, except as specifically permitted by city ordinance, shall constitute a public nuisance).
 - c. Highland Municipal Code Section 10.28.050 A (The parking of any recreational vehicle as defined in HMC 10.28.030 is prohibited on city streets unless a temporary parking permit has been issued pursuant to this chapter).
 - d. Highland Municipal Code Section 16.52.060 B4bi (All parking areas, including driveways and parking in setback areas, on which vehicles are parked in accordance with this section shall be improved and permanently maintained with asphalt, concrete, or other all-weather surfacing approved by the community development director and city engineer).
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 Property as follows:
- a. Remove all outside storage, junk, trash, or debris from the property.
 - b. Remove all vehicles from the unimproved surface of the property.
 - c. Remove all inoperable vehicles or parts thereof from the property, or repair them, or store them in a permitted enclosed structure (i.e., garage).
 - d. Remove the boat from the city street.
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 Property 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 Property 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 Property 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 Property until paid.
10. Any owner, occupant, or other party who has a legal or equitable interest in the Property 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 1st day of November 2022.

Randall Hamerly,
Planning Commission/Appeals Board Chairman

ATTEST:

Lawrence A. Mainez,
Community Development Director

ATTACHMENT "A"

Notice of Violation Letter dated January 05, 2022



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

To: Jeffries Cheri Lynn

Date: 01/05/2022

Property Located at: 7057 Buchanan Ave, San Bernardino, CA 92404

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

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

CA13 Firecode - 505.1

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

Title 10, Chapter 10.20, Section 10.20.040

☒ **Public nuisances - Vehicle Abatement**

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

Please correct conditions by taking the following actions:

**** 1st Notice ** HMC 8.32.020 F** - Outside storage, junk, trash, or debris in public view; **HMC 16.52.060 B4bi** - Parking on unimproved surfaces; **HMC 10.20.040 A** - Accumulation and storage of dismantled, wrecked, inoperative, junked, or abandoned vehicles; **Corrective Actions:** Remove all outside storage, junk, trash, or debris in front of the house and on the north side of the house from public view. Remove the inoperable truck from the property, or repair it, or store it in a permitted enclosed structure/garage. Remove all vehicles, including the boat, from the unimproved surface of the front yard. Vehicles must be parked on an improved surface consisting of concrete or asphalt. The boat may not be parked on the public street. To avoid additional notices and/or citations, please comply by 01/26/2022. Thank you for your prompt attention and cooperation in resolving this matter.

You have 21 days to complete the abatement of this violation. A reinspection of this property is scheduled for 01/26/2022

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

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

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

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

Accepted By: "MAILED"

Thank You,

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

Gary Chambers

Code Compliance Officer

ATTACHMENT "B"

Notice of Violation Letter dated February 01, 2022



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

To: Jeffries Cheri Lynn

Date: 02/01/2022

Property Located at: 7057 Buchanan Ave., San Bernardino, CA 92404

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

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

CA13 Firecode - 505.1

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

Title 10, Chapter 10.20, Section 10.20.040

☒ **Public nuisances - Vehicle Abatement**

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

Please correct conditions by taking the following actions:

**** Final Warning **** HMC 8.32.020 F - Outside storage, junk, trash, or debris in public view; HMC 16.52.060 B4bi - Parking on unimproved surfaces; HMC 10.20.040 A - Accumulation and storage of dismantled, wrecked, inoperative, junked, or abandoned vehicles; Corrective Actions: Remove all outside storage, junk, trash, or debris in front of the house and on the north side of the house from public view. Remove the inoperable truck from the property, or repair it, or store it in a permitted enclosed structure/garage. Remove all vehicles, including the boat, from the unimproved surface of the front yard. Vehicles must be parked on an improved surface consisting of concrete or asphalt. The boat may not be parked on the public street. To avoid citations, please comply by 01/26/2022. Thank you for your prompt attention and cooperation in resolving this matter.

You have 21 days to complete the abatement of this violation. A reinspection of this property is scheduled for 02/23/2022

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"

Warning Citation, #15624, issued February 25, 2022



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

CITATION NO. 15624

ADMINISTRATIVE CITATION

Date: 2/25/2022 Time: 9:40 am (Violation Observed)

☐ WARNING

☐ 1st Citation - \$ 100.00 ☐ 2nd Citation - \$ 200.00

☐ 3rd Subsequent - \$ 500.00

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

Corrections indicated below are required by 3/17/2022. 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

Jeffries, Cheri
DL #: N/A DOB: N/A

MAILING ADDRESS:
7057 Buchanan Ave., San Bernardino, Ca 92404

VIOLATION ADDRESS:
"SAME"

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
<u>HMC 8.32.020 F</u>	<u>Storage/debris in public view</u>
<u>HMC 16.52.060 Subi</u>	<u>Parking on unimproved surface</u>
<u>HMC 10.20.040 A</u>	<u>Inoperable Vehicles</u>
<u>HMC 10.28.050 A</u>	<u>Parking of Boat prohibited on city streets.</u>

CORRECTIONS REQUIRED: Remove all storage/debris from public view. Remove all vehicles from unimproved surface of front yard. Remove Boat from city street. Remove inoperable vehicles from property, or repair them or store in an enclosed structure.

Signature of Issuing Officer: [Signature] Issued Date: 2/25/2022

Printed Name of Issuing Officer: Ray Chambers

Acknowledgement of Receipt (Signature): "Marked"

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “D”

Administrative Citation, #15635 (\$100), issued March 22, 2022



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

CITATION NO. 15835

ADMINISTRATIVE CITATION

Date: 3-22-2022 Time: 10:00am (Violation Observed)

☒ **WARNING**

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

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 4-16-2022. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 4-12-2022. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

DL #:

DOB:

MAILING ADDRESS:

VIOLATION ADDRESS:

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

NAL

832.020 F

NAL

10.29.040 A

NAL

10.52.010 F

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CORRECTIONS REQUIRED:

Remove all storage, junk
trash, or debris from the front of the
property. Remove all inoperable vehicles
from the property, or repair, or store in
an enclosed structure. Remove all vehicles
from the unimproved surface of front yard.

Signature of Issuing Officer

Issued Date

Printed Name of Issuing Officer

Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

GREEN FILE

ATTACHMENT “E”

Administrative Citation, #15648 (\$200), issued April 13, 2022



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

Case # 8688

CITATION NO. 15648

ADMINISTRATIVE CITATION

Date: 4-13-2022 Time: 10:31am (Violation Observed)

☒ **WARNING**

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

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 5-8-2022. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 5-4-2022. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

DL #:

DOB:

MAILING ADDRESS:

VIOLATION ADDRESS:

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

H.M.C. 16.52.000 B.Y.C.	Parking on unimproved surface
H.M.C. 8.20.000 F.	Storage, junk/debris in public view
H.M.C. 16.20.000 A	Inoperable vehicles

CORRECTIONS REQUIRED:

Cease parking vehicles
on this unimproved surface of the front
yard. Remove all inoperable vehicles from
the property, or repair, or store in an
enclosed structure. Remove all storage,
junk or debris from public view.

Signature of Issuing Officer

Issued Date

Printed Name of Issuing Officer

Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

GREEN: FILE

ATTACHMENT “F”

Pending Notice of Non-Compliance/Public Nuisance Hearing
dated July 15, 2022



July 15, 2022

Cheri Lynn Jeffries

7057 Buchanan Ave

San Bernardino, CA 92404

RE: Pending Notice of Non-Compliance/Public Nuisance Hearing {Parcel # 1191-161-05} 7057 Buchanan Ave., San Bernardino, CA

Dear Ms. Jeffries

The City of Highland has exhausted all efforts to bring the property into compliance with the City of Highland Municipal & Development Code's Property Maintenance Requirements, specifically, parking on an unimproved surface/front yard and outside storage/debris in public view. A Public Nuisance Hearing will be scheduled to declare the subject property a public nuisance. You should expect to receive an official Public Nuisance Hearing Notice soon.

If you wish to avoid having the property declared a public nuisance and referred to the City Attorney, please remove the truck from the unimproved surface of the front yard and remove all outside storage/debris from public view.

Sincerely,

Gary Chambers

Code Compliance Officer, City of Highland, California

Phone: (909) 864-6861 ext. 220

CC: Lawrence Mainez, Community Development Director

Mayor
Larry McCallon

Mayor Pro Tem
Penny Lilburn

City Council
Jesse Chavez

City Council
Anaeli Solano

City Council
John P. Timmer

City Manager
Joseph A. Hughes

27215 Base Line • Highland, CA 92346

Tel: 909.864.6861 • Fax: 909.862.3180 • www.cityofhighland.org



ATTACHMENT “G”

Notice of Public Hearing & Public Posting Copy dated
October 13, 2022



**CITY OF HIGHLAND
NOTICE OF PUBLIC HEARING**

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

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

This notice is to inform you of a hearing to be held before the City of Highland Appeals Board to determine whether certain conditions and/or uses are existing on properties identified as APN 1191-161-05 generally located at 7057 Buchanan Ave. (referred to hereafter as ("The Property")) continue to constitute a public nuisance pursuant to the Highland Municipal Code & Ordinances of the City of Highland at the following place, date, and time.

TIME AND DATE OF HEARING: Tuesday, November 1st, 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 Violations related to outside storage/debris, parking standards, inoperable vehicle, & RV/Boat parking/storage.

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

Remove all outside storage/debris from public view, cease parking any vehicles on the unimproved surface of the front yard, Remove the Boat & Trailer from the City Street, remove all inoperable vehicles from the property or repair them or store them in a permitted enclosed structure (i.e. garage).

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



Lawrence A. Mainez

Community Development Director Cc:

Code Enforcement File



CITY OF HIGHLAND NOTICE OF PUBLIC HEARING

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

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

Date: October 13th, 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 JUNK, TRASH, OR DEBRIS IN PUBLIC VIEW, PARKING ON UNIMPROVED SURFACES/FRONT YARD, INOPERABLE VEHICLE, AND RV/BOAT PARKING/STORAGE STANDARDS.

File Number: APPEALS BOARD PUBLIC NUISANCE HEARING
CASE #8688

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: 1191-161-05

PROPERTY OWNER(S): Cheri Lynn Jeffries

VIOLATION ADDRESS/APN: 7057 Buchanan Ave., San Bernardino, CA 92404
(within the corporate boundaries of the City of Highland). APN: 1191-161-05.

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

DATE AND TIME OF HEARING: Tuesday November 1st, 2022, at 6:00 PM
(Or soon thereafter)

ATTACHMENT “H”

Notice of Public Hearing (Affidavit of Mailing) dated
October 13, 2022

AFFIDAVIT OF MAILING

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

I am a citizen of the United States, over the age of eighteen years of age, not a party to this action, and I am a resident of and or employed in San Bernardino County where the mailing took place. My business address is City of Highland, 27215 Base Line, Highland, CA 92346.

On October 13, 2022 I caused to be served a copy of the attached Public Hearing Notice Certified Mail, Return Receipt Requested, to the following parties: Cheri Lynn Jeffries. 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.

Cheri Lynn Jeffries
7057 Buchanan Ave
San Bernardino, CA 92404

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: 10/13/2022



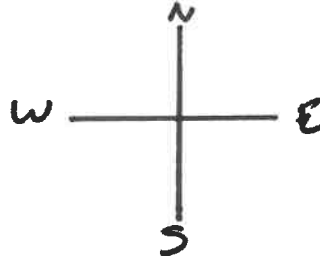
Shannon Wisniewski,
Administrative Assistant III
City of Highland

EXHIBIT “2”

Aerial/Site Location Map



7057 Buchanan Ave.



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EXHIBIT “3”

Case Photographs dated January 05, 2022







EXHIBIT “4”

Case Photographs dated February 01, 2022





EXHIBIT “5”

Case Photographs dated February 25, 2022



EXHIBIT “6”

Case Photographs dated March 22, 2022





EXHIBIT “7”

Case Photographs dated April 13, 2022





EXHIBIT “8”

Case Photographs dated July 15, 2022



EXHIBIT “9”

Case Photographs dated October 13, 2022









