

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

January 3, 2023
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

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 January 3, 2023 to publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the January 3, 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
January 3, 2023 - 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 January 3, 2023, 5:00 p.m., will be read into the record, provided that the reading shall not exceed three (3) minutes.

PUBLIC HEARINGS

1. A Public Hearing to Consider the Appeal of Administrative Citation No. 15897 issued due to Business License Regulations related to operating a Home-Based Business without having obtained a business license in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code, at the property generally located at 27178 Messina St, Highland, CA 92346. Tax Assessor's Parcel Number 1191-501-12. Cited: Joel A Deleon.

RECOMMENDATION: Staff recommends the Public Nuisance Hearing Board (PNHB) conduct the required Public Hearing and uphold Administrative Citation No. 15897 and adopt Resolution No. 2023 - _____.

2. Determination that the vacation of Berry Street between Cunningham Street and Hillview Street is conforming with the City's General Plan, or part thereof, in accordance with Government Code Section 65402.

RECOMMENDATION: Staff recommends the Planning Commission adopt Resolution No. 2023-____ determining the vacation of Berry Street is consistent with the City's General Plan, or part thereof, in accordance with Government Code Section 65402.

ANNOUNCEMENTS

ADJOURN

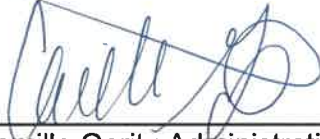
I, Camille Goritz, Administrative Assistant III of the City of Highland, California, certify that I caused to be posted this agenda on or before the 29 of December 2022 by 5:30 p.m. on our website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library
7863 Central Avenue

Fire Station No. 1
26974 Base Line

City Hall
27215 Base Line

Date: December 29, 2022



Camille Goritz Administrative Assistant III



STAFF REPORT

TO THE APPEALS BOARD

DATE: January 3, 2023

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Joel Ramos, Code Compliance Officer *JR.*

SUBJECT: A Public Hearing to Consider the Appeal of Administrative Citation No. 15897 issued due to Business License Regulations related to operating a Home-Based Business without having obtained a business license in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code, at the property generally located at 27178 Messina St, Highland, CA 92346. Tax Assessor's Parcel Number 1191-501-12. Cited: Joel A Deleon.

PROPERTY OWNER: Rosalina A Adams and Joel A Deleon.

RECOMMENDATION: Staff recommends the Public Nuisance Hearing Board (PNHB) conduct the required Public Hearing and uphold Administrative Citation No. 15897 and adopt Resolution No. 2023 - ____.

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

PUBLIC NOTICE: Pursuant to Chapter 2.56, Public Hearing Notices were mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to Rosalina A Adams and Joel A Deleon on December 16, 2022 (attached hereto as Attachment "E" and incorporated herein by reference). In addition, on December 16, 2022, staff posted the Public Hearing Notice in the designated posting location, and a copy of said Notice was placed on the City's Website (see Affidavit of Posting / Mailing and attached hereto as Attachment "F" and incorporated herein by reference).

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

BACKGROUND:

- March 03, 2022** This case was initiated due to a complaint received regarding the unpermitted business on the property generally located at 27178 Messina St, Highland CA 92346, Parcel number: 1191-501-12.
- May 16, 2022** Code Compliance Officer Joel Ramos arrived at the property to conduct an inspection. Officer Ramos contacted property owner Joel A Deleon and discussed the complaint. Mr. Deleon stated that he owned a landscaping business and agreed to obtain a city business license if required.
- June 2, 2022** A **Notice of Violation** was mailed to the property owner's address of record by certified & regular mail. The notice requested the property/business owner to obtain a Home Occupation Business License.
- Jun. 13, 2022** The property owner visited City Hall and spoke with Code Enforcement staff regarding the case. Mr. Deleon owner stated that he only assisted two relatives with gardening tasks and received minimal payment for the assistance. He discussed the best methods for concealing the landscaping equipment, and the necessity of obtaining a Home Occupation business license.
- Sept 06, 2022** A **Final- Notice of Violation** was mailed to the property owner's address of record by certified & regular mail. The notice requested the property/business owner to obtain a Home Occupation Business License.
- Sept 19, 2022** The property/business owner failed to obtain a Home Occupation Business License for his landscaping business. Code Compliance Officer Joel Ramos issued **Administrative Citation #15897 (\$100)** for the violation of the Highland Municipal & Development Codes. A copy of the Citation was mailed to the property owner's address of record by certified and regular mail.
- CONCLUSION:** As evidenced by all inspections conducted and the exhibits incorporated herein by reference, Staff recommends the Appeals Board uphold Administrative Citation No. 15897 and approve Resolution No. 2023_____. Specifically, the Administrative Citation was

**Appeals Board Meeting of
January 3rd, 2023**

issued for the following violations of the Highland
Municipal & Development Code:

- I. Highland Municipal Code Section 5.12.020 (A)(3) (Home occupation businesses shall be permitted within any private residence subject to compliance of the following conditions; subsection (e), a maximum of 250 square feet or 25 percent of the residence, whichever is greater, shall be utilized for storage of materials, supplies or equipment related to the home occupation, and subsection (f), there shall be no outdoor storage or visible storage of materials, supplies or equipment from outside of the home.

Exhibit "1" Appeals Board Resolution 2023-_____, inclusive of the following attachments:

- A. Notice of Violation Letter dated May 03, 2022
- B. Notice of Violation Letter dated September 06, 2022
- C. Administrative Citation, #15897, issued September 19, 2022
- D. Notice of Appeal, Request for Hearing, dated September 27, 2022
- E. Notice of Public Hearing dated January 03, 2023
- F. Notice of Public hearing (Affidavit of Mailing) dated December 20, 2022

Exhibit "2" Case photographs dated May 16, 2022

Exhibit "3" Case photographs dated August 4, 2022

Exhibit "4" Case photographs dated September 02, 2022

Exhibit "5" Case photographs, Posted Public Hearing Notice, dated December 16, 2022

EXHIBIT “1”

Appeals Board Resolution No. 2023-____, Inclusive of the
following attachments

RESOLUTION NO. 2023-

A RESOLUTION OF THE PUBLIC NUISANCE HEARING BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT THE VIOLATION EXISTED ON THE PROPERTY IDENTIFIED AS APN: 1191-501-12, GENERALLY LOCATED AT 27178 MESSINA St., HIGHLAND, CA 92346, ON SEPTEMBER 16, 2022, AND THEREBY UPHOLDING ADMINISTRATIVE CITATION NO 15897

WHEREAS, on, September 16, 2022, Highland Staff issued Administrative Citation No. 15897 which is attached hereto and incorporated herein by this reference, for violations of the Highland Municipal Code on the property located at 27178 Messina St., Highland, California, and,

WHEREAS, Highland Staff served the Citation on September, 19, 2022 to Joel Deleon, who is the Property Owner, ("Appellant") by way of mail, which is attached hereto and incorporated herein by this reference, and,

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

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

NOW THEREFORE, it is hereby found, determined, and resolved by the Public Nuisance Hearing Board of the City of Highland as follows

1. All of the facts set forth in the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution by this reference.
2. Staff timely notified Appellant that the Public Nuisance Hearing Board would be holding a Public Hearing on January 03, 2023, via certified mail; that Notice is attached hereto and incorporated herein by this reference, The Public Nuisance Hearing Board held a Public Hearing on that Hearing Date, at which time, with all written and oral evidence and testimony from the Appellant, the Public and Staff were considered.
3. Based upon the evidence and testimony presented to the Public Nuisance Hearing Board during the above -referenced Hearing, the Public Nuisance Hearing Board finds that violations of the Highland Municipal Code Section 5.12.020 (A)(3)(e)(f) existed on the Property on the Citation Date, as follows:
 - A. The Code Compliance Officer arrived at the property on May 16, 2022, to conduct an Inspection. The property owner, Joel Deleon, stated that he owned a landscaping business and performed landscaping in the City of Highland. As of September 16, 2022, the property owner had not obtained a Home Occupation Business License for his landscaping business.

The aforementioned constitutes a Violation of the Highland Municipal Code, and thus the Public Nuisance Hearing Board hereby upholds Administrative Citation No. 15897 and orders Appellant to abate the Violation.

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

PASSED, APPROVED AND ADOPTED this 3rd day of January 2023

ATTEST:

Randall Hamerly
Chair, Appeals Board

Lawrence Mainez
Community Development Director

Attachment(s):

Administrative Citation No. 15897

Notice of Violation Letter dated June 02, 2022

Notice of Violation Letter dated September 06, 2022

ATTACHMENT "A"

Notice of Violation Letter dated June 02, 2022



NOTICE OF VIOLATION

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

Property Owner: JOEL A ADAMS and ROSALINA R DELEON

Issued To: JOEL A ADAMS and ROSALINA R DELEON

Address 27178 MESSINA ST

D.L. # CA C4333205

D.O.B. 01/08/1956

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

- ☐ 8.20.040 CFC 605.5 Extension Cords
- ☐ 15.04.020 CBC 105.1 Permits
- ☐ 15.04.020 CBC 115 Stop Work
- ☐ 15.14.010 CRC 114 Stop Work
- ☐ 15.14.010 CRC R105.1 Permits
- ☒ Other

Required Action 5.12.020 E & F

Please stop by City Hall and complete the required Home Occupation Business

License. Planning Division is ready to assist if you have additional questions.

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

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

FOR FURTHER INFORMATION TELEPHONE

Phone Ex. 222

Joel Ramos

CODE COMPLIANCE OFFICER

06/02/2022

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

Date

ATTACHMENT "B"

Notice of Violation Letter dated September 06, 2022



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

To: Rosalina R Adams, Leon Joel A De

Date: 09/06/2022

Property Located at: 27178 Messina St., Highland, CA 92346

CODE ENFORCEMENT CASE #8879

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 : 5.12.020 Intent and regulations.</p> <p>☐ Violation of condition of site approval or conditional use permit</p> <p>☐ Has overgrown weeds, trash accumulation, has noxious smell</p> <p>☐ Is unsafe, has graffiti, is left unpainted</p> <p>☐ Attractive nuisance to children</p> |
|---|---|

CA13 Firecode - 505.1

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

Title 10, Chapter 10.20, Section 10.20.040

☐ **Public nuisances - Vehicle Abatement**

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

Please correct conditions by taking the following actions:

***FINAL NOTICE** 5.12.020 Intent and regulations. E & F (A). Home Occupations. (e). A maximum of 250 square feet or 25 percent of the residence, whichever is greater, shall be utilized for storage of materials, supplies or equipment related to the home occupation. (f). There shall be no outdoor storage or visible storage of materials, supplies or equipment from outside of the home. (g). Not more than two rooms within the dwelling shall be utilized for the home occupation business, inclusive of an attached or detached enclosed garage. No outdoor space shall be used for home occupation purposes. Please contact Planning Division at 909-864-6861 for additional details. It's a pleasure working with you in helping in the community effort to improve the quality of in the City of Highland!

You have 7 days to complete the abatement of this violation. A reinspection of this property is scheduled for 09/13/2022

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. 222 Fax (909) 862-3180

Accepted By: ***VIA U.S. CERTIFIED MAIL***

Thank You,

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

Joel Ramos

Code Compliance Officer

ATTACHMENT "C"

Administrative Citation No. 15897 issued September 19, 2022



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

CITATION NO. **15897**

ADMINISTRATIVE CITATION

Date: 09/19/2022 Time: 08:00 HO (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 10/19/2022. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 10/19/2022. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

DECON, JOE / AGO, CAR

DL #:

CA C1333205

DOB:

01/08/56

MAILING ADDRESS:

27175 NESSINA ST. HIGHLAND, CA 92376

VIOLATION ADDRESS:

27175 NESSINA ST. HIGHLAND, CA 92376

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

5.10.020 (A) HOME OCCUPATIONS
3. C. & P.

CORRECTIONS REQUIRED

OBTAIN A CITY OF
HIGHLAND HOME OCCUPATION
BUSINESS LICENSE FOR
LANDSCAPE BUSINESS.

Signature of Issuing Officer

Issued Date

Printed Name of Issuing Officer

Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

WHITE COPY: FINANCE

ATTACHMENT “D”

Notice of Appeal, Request for Hearing, dated September 27, 2022



City of Highland
Administrative Citation Notice of Appeal
Request for Hearing

In regards to property located at: 27178 Messina St., Highland, California, an Appeal is hereby made relative to Administrative Citation No. 15897 (the "Citation"). It is my desire to Appeal this Citation.

Please select one:

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

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

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

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

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

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

Select one:

☐ This is my first appeal, so I am submitting the advance deposit of the Citation fine and the \$25.00 Administrative Hearing Fee for the first appeal.

☒ This is my first appeal, but I am unable to pay the advance deposit of the Citation fine and the \$25.00 Administrative Hearing Fee, so I am filing an Administrative Citation Hardship Waiver Request.

☐ This is my second appeal, and I have already submitted the advance deposit of the Citation fine and the \$25.00 first Administrative Hearing Fee, so I am submitting the \$25.00 Administrative Hearing Fee for the second appeal.

☐ This is my second appeal, and I have already been granted an Administrative Citation Hardship Waiver, so I do not need to submit any further payments.

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

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

Basis or reason for this appeal? The gardening that I conduct at
two homes (soon to be 1 due to a pending sale of a home)
does not qualify as a business. The code citations and
regulations cited in various documents from the City of Highland
I am delivering or mailing all my documents to: are inapplicable to my situation.

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

Today's Date: September 27, 2022

Name of Appellant: Joel De Leon

Address: 27173 Messina St.
Highland, CA 92346

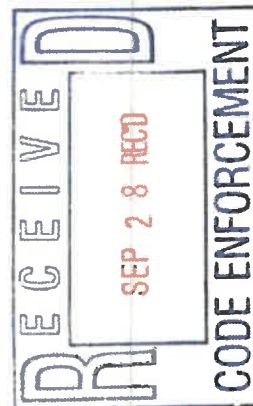
Signature of Appellant: Joel De Leon

Administrative Citation Notice of Appeal, Request for Hearing.

12/12



CITY OF HIGHLAND
FINANCE DEPARTMENT
ADMINISTRATIVE CITATION
HARDSHIP WAIVER REQUEST.



NAME: Joel DeLeon
CITATION NO: 15897 DATE: 9/27/2022 PENALTY AMOUNT: \$ 100.00

PLEASE COMPLETE THE FOLLOWING

EMPLOYMENT
Employed: _____ Unemployed: _____ Disabled: _____ Welfare: _____ Other: Self
Employer Name: N/A
Employer Address: N/A
Employer Telephone: N/A
Number of persons supported: 4
Net Income (take home pay, welfare, unemployment, etc.): \$ 450.00/xx Self Monthly

ASSETS	MONTHLY EXPENSES
Checking account.....\$ <u>20.00/xx</u>	Rent/Mortgage.....\$ <u>1,000.00/xx</u>
Savings account.....\$ <u>0</u>	Utilities.....\$ <u>700.00/xx</u>
Cash on Hand.....\$ <u>2.00/xx</u>	Loans/Credit Cards.....\$ <u>400.00/xx</u>
Vehicles.....\$ <u>1</u>	Food/Clothing.....\$ <u>600.00/xx</u>
Home.....\$ <u>1</u>	Transportation.....\$ <u>60.00/xx</u>
Property.....\$ <u>0</u>	Medical/Dental.....\$ <u>75.00/xx</u>
Other.....\$ <u>furniture</u>	Other.....\$ <u>100.00/xx</u>
TOTAL ASSETS.....\$ <u>Minimal</u>	TOTAL EXPENSES.....\$ <u>2,935.00/xx</u>

In accordance with Section 2.56.130 of the Highland Municipal Code, I am requesting a hardship waiver of the administration citation penalty prior to requesting an administrative hearing. I declare under penalty of perjury that the above statements are true and correct to the best of my knowledge and belief. In the event my citation is not dismissed, I understand I must pay the entire amount of the penalty. I am requesting an Administrative hearing to contest the citations and if this hardship waiver request is denied. Thank you.

Signature: Joel DeLeon Date: 9/27/2022

WAIVER REQUEST REVIEW
Approved: _____ Denied: _____ Reason for Denial: _____
Signature: _____ Date: _____

PLEASE RETURN TO FINANCE DEPARTMENT

ATTACHMENT “E”

Notice of Public Hearing dated December 16, 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: December 16, 2022

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE HIGHLAND APPEALS BOARD TO CONSIDER THE APPEAL OF ADMINISTRATIVE CITATION NO. 15897 ISSUED FOR THE FOLLOWING DESCRIBED PROPERTY DUE TO BUSINESS LICENSE REGULATIONS RELATED TO OPERATING A HOME BASED BUSINESS WITHOUT HAVING OBTAINED A BUSINESS LICENSE.

File Number: APPEALS BOARD ADMINISTRATIVE CITATION
HEARING CASE # 8879

SUBJECT: A Public Hearing to consider the Appeal of Administrative Citation No. 15897 issued for operating a home based business without having obtained a business license in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code on the following Assessor's Parcel Number: 1191-501-12.

PROPERTY OWNER(S): Rosalina R. Adams & Joel A Deleon

VIOLATION ADDRESS/APN: 27178 Messina St., Highland, CA 92346, Parcel number 1191-501-12

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

DATE AND TIME OF HEARING: Tuesday January 03, 2023, at 6:00 PM
(Or soon thereafter)

ATTACHMENT “F”

Notice of Public Hearing (Affidavit of Mailing) dated
December 16, 2022

AFFIDAVIT OF MAILING

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)

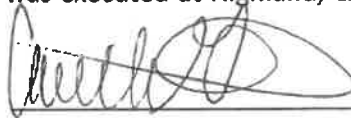
I am employed in the County of San Bernardino, State of California. I am over the age of 18 and not a party to the within action. My business address is City of Highland, 27215 Base Line, Highland, CA 92346.

On December 16, 2022, I caused to be served a copy of the attached Public Hearing Notice, Case #8879, Certified Mail, Return Receipt Requested, to the following parties: Rosalina R. Adams and Joel A Deleon. 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.

Rosalina R. Adams and Joel A. Deleon
27178 Messina St.
Highland, CA 92346

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and this Declaration was executed at Highland, CA, on December 16, 2022.

Dated: 12/16/2022



Camille Goritz, Administrative Assistant III
City of Highland

EXHIBIT "2"

Case photographs dated May 16, 2022



EXHIBIT "2"

Case photographs dated August 04, 2022



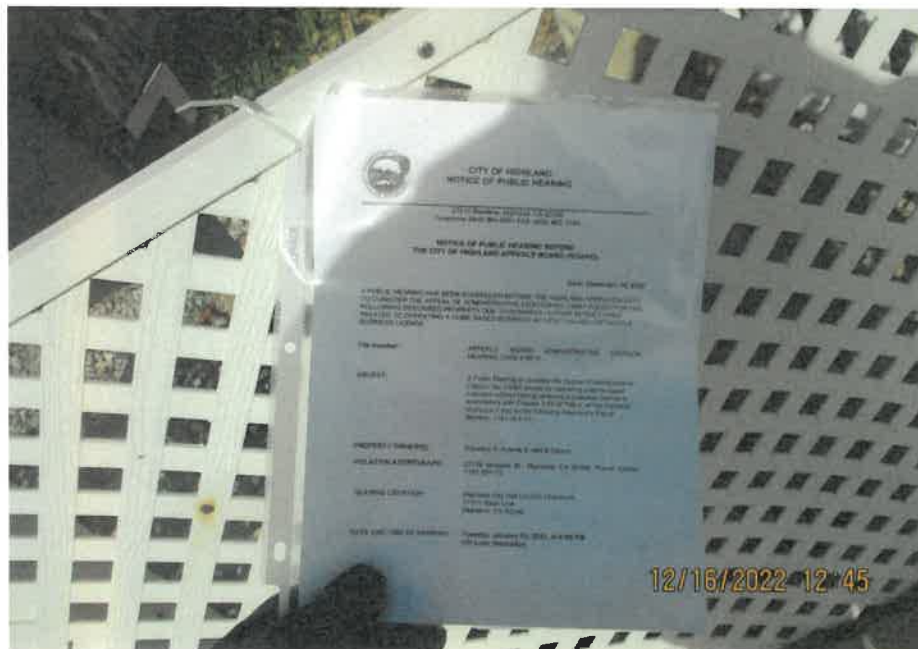
EXHIBIT "3"

Case photographs dated September 02, 2022



EXHIBIT “4”

Case photographs dated December 16, 2022





STAFF REPORT

TO THE PLANNING COMMISSION

DATE: January 3, 2023

FROM: Lawrence A. Mainez, Community Development Director/
Housing Authority Assist Exec Director

SUBJECT: Determination that the vacation of Berry Street between
Cunningham Street and Hillview Street is conforming with
the City's General Plan, or part thereof, in accordance with
Government Code Section 65402.

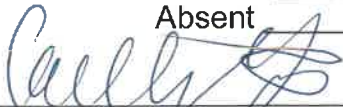
LOCATION: Berry Street

RECOMMENDATION: Staff recommends the Planning Commission adopt
Resolution No. 2023-____ determining the vacation of Berry
Street is consistent with the City's General Plan, or part
thereof, in accordance with Government Code Section
65402.

FISCAL IMPACT: There are no fiscal impacts related to the subject action,
except for the costs to complete this Staff Report, and Public Notices, which are
unknown at this time.

PUBLIC NOTICE: As required by City Council Resolution, Notice of the
Planning Commission Meeting was posted at the City's three (3) designated posting
locations within the City. In addition, the Agenda was posted on the City's Website and
copies mailed to effected properties. No further notice is required.

PAST AND RECENT ACTION: The physical right-of-way of Berry Street from
Cunningham Street to Hillview Street was originally dedicated prior to City of Highland
incorporation by the "Turnbull Subdivision No. 3" on November 23, 1923. New street
improvements along 9th Street were completed in January 2022 as part of a Federal
Safe Routes to School project. Improvements included new curbs, gutters, curb ramps,
sidewalk, driveways, and new pavement along the northside of 9th Street, and the
removal of the Berry Street crumbling pavement (frontage street).

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

*Planning Commission Meeting of
January 3, 2023
General Plan Consistency GC65402(Berry Street Vacation)*

On Tuesday December 13, 2022, the City of Highland Council adopted Resolution No. 2022-057, declaring its intent to vacate Berry Street. The City Council is scheduled to take action on the Berry Street vacation at a public hearing on January 10, 2023.

ENVIRONMENTAL REVIEW: The vacation of Berry Street and transferring ownership proportionally to contiguous residential property owners is Exempt by the California Environmental Quality Act “General Rule” provision (CCR Section 15061(b)(3)) which states “*where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, that activity is not subject to CEQA.*” In addition, the transfer of City-owned Berry Street right-of-way to a private contiguous owner is Categorically Exempt as a “Class 12 Exemption – Surplus Government Property Sales” (CCR Section 15312(a)&(b)(3)), inclusive of the fact Berry Street property “*does not have significant values for wildlife habitat or other environmental purposes*”, and “*the use of the property and adjacent properties has not changed since the time (of purchase by the public agency)*” the City acquired Berry Street during incorporation in November 1987. The “Class 12” CEQA Exemption would further apply due to the fact potential reuse of the property would also qualify for another exemption under CEQA (CCR Section 15312(b)(2)), such as but not limited to Class 1 (CCR Section 153301, Existing Facilities), Class 3 (CCR Section 15303, New Construction or Conversion of Small Structures), Class 4 (CCR Section 15304, Minor Alterations to Land), Class 5 (CCR Section 15304, Minor Alterations in Land Use Limitations), Class 15 (CCR Section 15315, Minor Land Divisions), and Class 32 (CCR Section 15332, In-fill Development Projects).

Prior to the issuance of any Permits for future development on the vacated Berry Street property, a separate Site-Specific CEQA review will be conducted by the City’s Planning Division.

PROJECT REVIEW: The following are findings to support a determination that the vacation of Berry Street and transfer of ownership to contiguous properties is consistent with the General Plan in accordance with Government Code Section 65402.

1. The proposed project includes the City of Highland City Council taking action to vacate Berry Street in accordance with the procedures contained in the Chapter 3 of the Public Streets, Highways and Service Easements Vacation Law (Streets and Highways Code Section 8320 et seq.) as described specifically in Exhibits A and illustrated in Exhibit B.
2. The vacation of Berry Street, between Cunningham Street and Hillview Street is in the interest of the public and as preliminarily determined by the City’s Public Works Director/City Engineer the public street is no longer necessary for present or prospective public use.

*Planning Commission Meeting of
January 3, 2023
General Plan Consistency GC65402(Berry Street Vacation)*

3. The physical right-of-way of Berry Street from Cunningham Street to Hillview Street was originally dedicated prior to City of Highland incorporation by the "Turnbull Subdivision No. 3" on November 23, 1923.
4. Since the City of Highland General Plan was adopted in March 2006 the Berry Street segment was considered a frontage road to the existing 9th Street corridor which runs parallel along the south side of Berry Street and was primarily used by the three (3) residential properties located along the north side of Berry Street.
5. The City of Highland General Plan Circulation Element (Chapter 3) and Land Element (Chapter 2) identifies Berry Street as a frontage road to 9th Street, and 9th Street is classified as a "secondary highway" in the General Plan Circulation Element (Chapter 3).
6. New street improvements along 9th Street were completed in January 2022 as part of a Federal Safe Routes to School project. Improvements included new curbs, gutters, curb ramps, sidewalk, driveways, and new pavement along the northside of 9th Street, and the removal of Berry Street's crumbling pavement (frontage street).
7. The project to vacate Berry Street (as a frontage road to 9th Street) is consistent with the General Plan Circulation Element (Chapter 3) because 9th Street is classified in the General Plan as a "secondary highway" and it was recently improved to that standard to function as the appropriate public street for the contiguous parcels, surrounding neighborhood, and the Citywide buildout circulation system.

Based on the findings listed above and included in the attached Planning Commission Resolution and a review of the City of Highland General Plan Land Use Element (Chapter 2) and Circulation Element (Chapter 3), Staff has determined that the subject vacation of Berry Street and transferring ownership to contiguous properties is consistent with the General Plan, and therefore, recommends the Planning Commission adopt the attached Resolution to that effect.

Attachments: 1. Vicinity Map
 2. Planning Commission Resolution No. 2023-_____

Attachment -1

Vicinity Map



VICINITY MAP
BERRY STREET VACATION

Attachment – 2

Planning Commission Resolution No. 2022-_____,
inclusive of Exhibits A, and Exhibits B

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, CONFIRMING THE VACATION OF BERRY STREET BETWEEN CUNNINGHAM STREET AND HILLVIEW STREET IS CONFORMING WITH THE CITY OF HIGHLAND GENERAL PLAN, OR PART THEREOF, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65402.

APPLICANT: CITY OF HIGHLAND

A. RECITALS

1. On Tuesday December 13, 2022, the City of Highland Council adopted Resolution No. 2022-057, declaring its intent to vacate Berry Street.
2. Pursuant to the California Government Code Section 65402, the proposed vacation must be submitted to the City of Highland Planning Commission for review as to conformity with the General Plan prior to the City of Highland City Council taking action on the proposed street vacation.
3. Pursuant to the provision of the California Environmental Quality Act (CEQA) and State and Local CEQA Guidelines, the City of Highland is the Lead Agency, and is charged with the responsibility of deciding whether to approve the proposed project. A determination to Exempt the project (i.e., the vacation of Berry Street) from CEQA in accordance with the California Code of Regulations Title 14, Chapter 3, Article 5, Section 15061(b)(3), the General Rule provision was made by the Planning Commission and constitutes a material part of this Resolution.
4. On January 3, 2023, the Planning Commission of the City of Highland, conducted a Public Hearing on the subject General Plan conformity and concluded the Hearing on that date.
5. All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

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

1. The Planning Commission finds that all of the facts set forth in the Recitals, Part "A" of this Resolution, are true and correct.
2. Pursuant to the California Code of Regulations, Title 14, Chapter 3, Article 5, Section 15061(b)(3), the City of Highland Planning Commission hereby finds that the project (Berry Street Vacation) is Exempt from the California Environmental Quality Act (CEQA) due to the fact "*it can be seen with*

certainty that there is no possibility that the activity in question may have a significant effect on the environment" and therefore is exempt, and further directs staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board.

3. Based upon substantial evidence presented to the Planning Commission during the January 3, 2023, hearing, including public testimony and written and oral Staff Reports, the Planning Commission finds as follows:
 - a. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Highland.
4. Findings of General Plan Consistency (GC Section 65402):
 - a. The proposed project includes the City of Highland City Council taking action to vacate Berry Street in accordance with the procedures contained in the Chapter 3 of the Public Streets, Highways and Service Easements Vacation Law (Streets and Highways Code Section 8320 et seq.) as described specifically in Exhibits A and illustrated in Exhibit B.
 - b. The vacation of Berry Street, between Cunningham Street and Hillview Street, is in the interest of the public and as preliminarily determined by the City's Public Works Director/City Engineer the public street is no longer necessary for present or prospective public use.
 - c. The physical right-of-way of Berry Street from Cunningham Street to Hillview Street was originally dedicated prior to City of Highland incorporation by the "Turnbull Subdivision No. 3" on November 23, 1923.
 - d. Since the City of Highland General Plan was adopted in March 2006 the Berry Street segment was considered a frontage road to the existing 9th Street corridor which runs parallel along the south side of Berry Street and was primarily used by the three (3) residential properties located along the north side of Berry Street.
 - e. The City of Highland General Plan Circulation Element (Chapter 3) and Land Element (Chapter 2) identifies Berry Street as a frontage road to 9th Street, and 9th Street is classified as a "secondary highway" in the General Plan Circulation Element (Chapter 3).
 - f. New street improvements along 9th Street were completed in January 2022 as part of a Federal Safe Routes to School project. Improvements included new curbs, gutters, curb ramps, sidewalk, driveways, and new pavement along the northside of 9th Street, and the removal of Berry Street's crumbling pavement (frontage street).
 - g. The project to vacate Berry Street (as a frontage road to 9th Street) is consistent with the General Plan Circulation Element (Chapter 3) because 9th Street is classified in the General Plan as a "secondary highway" and it was recently improved to that standard to function as the

appropriate public street for the contiguous parcels, surrounding neighborhood, and the Citywide buildout circulation system.

5. Based on the Findings and Conclusions set forth above, the Planning Commission confirms the vacation of Berry Street between Cunningham Street and Hillview Street is conforming with the City of Highland General Plan, or part thereof, in accordance with Government Code Section 65402 and as described specifically in Exhibits A and illustrated in Exhibit B incorporated herein.
6. The Planning Commission hereby directs Staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board of Supervisors, pursuant to the Public Resources Code and State CEQA Guidelines.

C. ADOPTION OF RESOLUTION.

The City Clerk shall certify to the adoption of this Resolution and shall cause the same to be published or posted in the manner prescribed by law.

PASSED, APPROVED, AND ADOPTED this 3rd day of January 2023.

ATTEST:

Randal Hamerly, Chair
Planning Commission

Lawrence A. Mainez
Community Development Director

EXHIBIT "A"
LEGAL DESCRIPTION
STREET VACATION

That portion of Berry Street, of Turnbull Subdivision No. 3, in the City of Highland, County of San Bernardino, State of California, as shown on map filed in Book 25 Page 73, of Maps, records of said County, described as follows:

BEGINNING at the southwest corner of Lot 24, of said Turnbull Subdivision No. 3, thence South $00^{\circ}23'00''$ West, 43.00 feet along the southerly prolongation of the westerly line of said Lot 24; thence South $44^{\circ}48'30''$ East, 4.23 feet to a line that is parallel with and 46.00 feet southerly of the southerly line of said Lot 24; thence North $90^{\circ}00'00''$ East, 165.75 feet along said parallel line to a line that is the southerly prolongation of the easterly line of said Lot 24; thence North $00^{\circ}23'00''$ East, 46.00 feet along said southerly prolongation to the southeast corner of said Lot 24; thence North $90^{\circ}00'00''$ West, 168.75 feet along the southerly line of said Lot 24 to the Point of Beginning.

Containing 7,758 square feet.

Affects: APN 1192-381-21

See Exhibit "B" for a plat depicting the above described property.

This real property has been described by me, or under my direction, in conformance with the Professional Land Surveyor's Act.



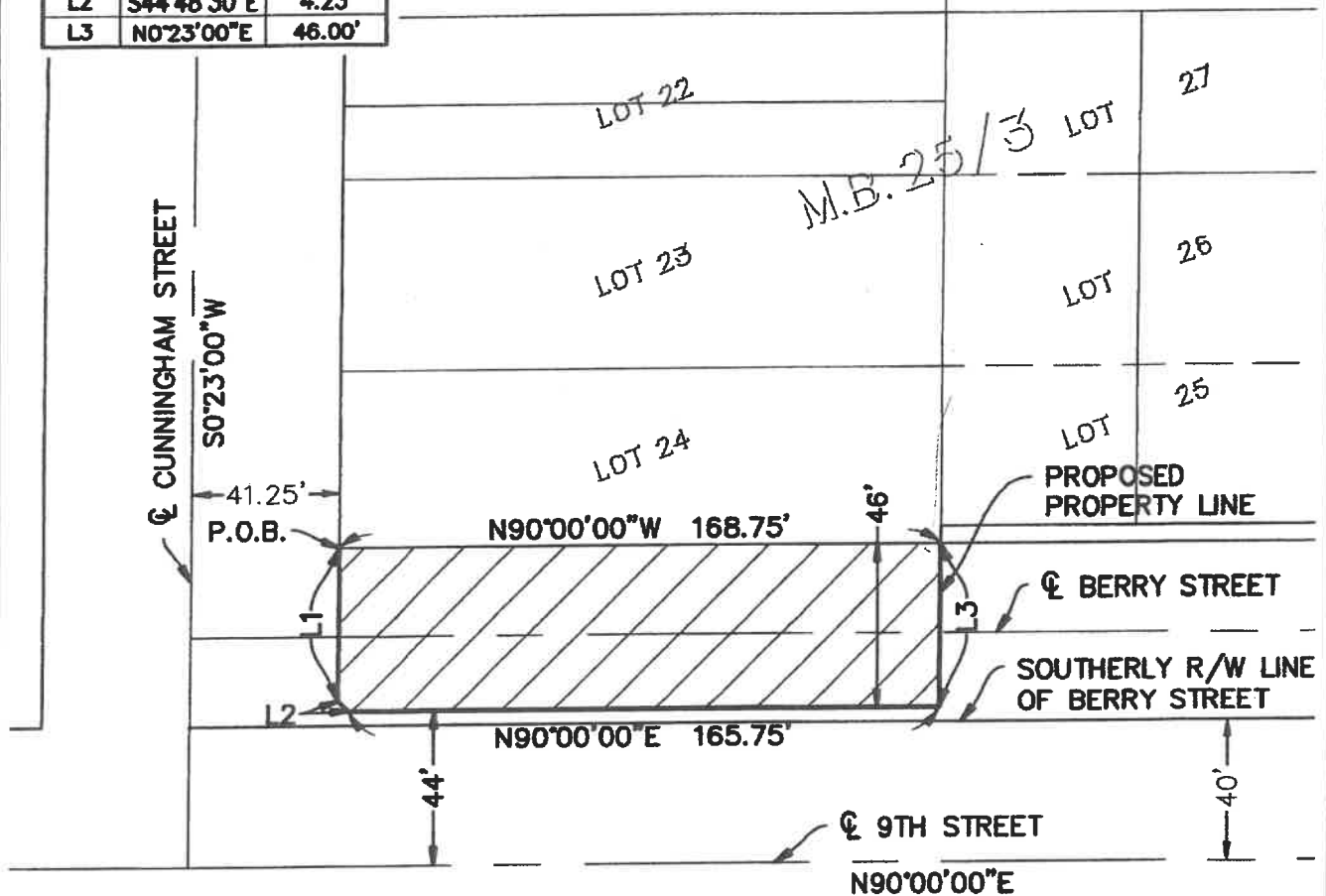
Ronald A. Musser, L.S. 4230, Exp. 6-30-24



12-2-22

Date

LINE TABLE		
#	BEARING	LENGTH
L1	S0°23'00"W	43.00'
L2	S44°48'30"E	4.23'
L3	N0°23'00"E	46.00'



LEGEND

- EXISTING CENTERLINE
- EXISTING RIGHT-OF-WAY
- EXISTING PROPERTY LINE
- PROPOSED RIGHT-OF-WAY LINE
- AREA TO BE VACATED (7,758 SQ FT)
- P.O.B. POINT OF BEGINNING



SCALE: 1"=50'

J.N.: 139-114



TKE ENGINEERING, INC.
2305 CHICAGO AVENUE
RIVERSIDE, CA 92507
(951) 680-0440

RONALD A. MUSSER L.S. No. 4230



EXHIBIT 'B'

RIGHT OF WAY
VACATION
APN 1192-381-21

EXHIBIT "A"
LEGAL DESCRIPTION
STREET VACATION

That portion of Berry Street, and Lot 25 of Turnbull Subdivision No. 3, in the City of Highland, County of San Bernardino, State of California, as shown on map filed in Book 25 Page 73, of Maps, records of said County, together with that portion of Grant of Easement to County of San Bernardino recorded in Book 6010 page 281 records of said County described as follows:

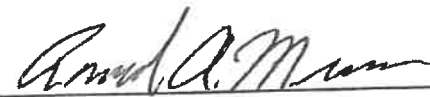
BEGINNING at the intersection of the westerly line of the east 96.00 feet of said Lot 25 and a line lying 5.00 feet northerly and parallel with the southerly line of said Lot 25, said line is also described in Grant of Easement to County of San Bernardino recorded in Book 6010 page 281 records of said County; thence South 90°00'00" West, 54.00 feet along said parallel line to the westerly line of said Lot 25; thence South 00°23'00" West, 51.00 feet along said westerly line and it's southerly prolongation to a line that is parallel with and 51.00 feet southerly of said Grant of Easement line; thence North 90°00'00" East, 54.00 feet along said parallel line to said southerly prolongation of the westerly line of the east 96.00 feet of said Lot 25; thence North 00°23'00" East, 51.00 feet along said westerly line to the Point of Beginning.

Containing 2,754 square feet.

Affects: APN 1192-381-22

See Exhibit "B" for a plat depicting the above described property.

This real property has been described by me, or under my direction, in conformance with the Professional Land Surveyor's Act.



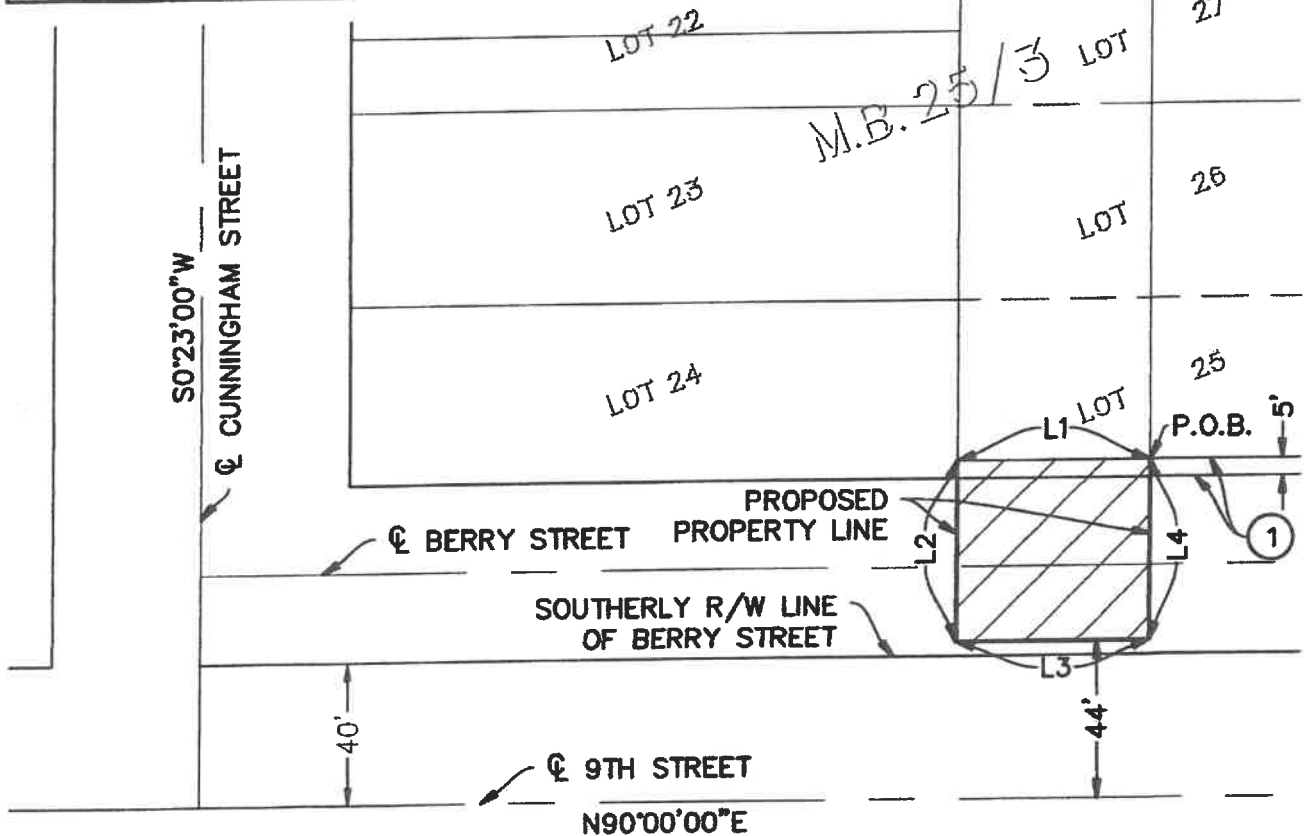
Ronald A. Musser, L.S. 4230, Exp. 6-30-24



12-2-22

Date

LINE TABLE		
#	BEARING	LENGTH
L1	S90°00'00"W	54.00'
L2	S0°23'00"W	51.00'
L3	N90°00'00"E	54.00'
L4	N0°23'00"E	51.00'



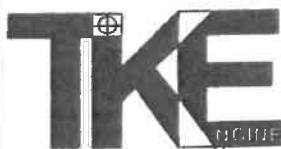
LEGEND

- EXISTING CENTERLINE
- EXISTING RIGHT-OF-WAY
- EXISTING PROPERTY LINE
- PROPOSED RIGHT-OF-WAY LINE
-  AREA TO BE VACATED (2,754 SQ FT)
-  P.O.B. POINT OF BEGINNING

- ① EASEMENT DEED TO SAN BERNARDINO COUNTY PER DOCUMENT RECORDED IN BOOK 6010 PAGE 281

SCALE: 1"=50'

J.N.: 139-114



TKE ENGINEERING, INC.
2305 CHICAGO AVENUE
RIVERSIDE, CA 92507
(951) 680-0440

Ronald A. Musser
RONALD A. MUSSER L.S. No. 4230



EXHIBIT 'B'

RIGHT OF WAY
VACATION
APN 1192-381-22

EXHIBIT "A"

LEGAL DESCRIPTION

STREET VACATION

That portion of Berry Street, and Lot 25 of Turnbull Subdivision No. 3, in the City of Highland, County of San Bernardino, State of California, as shown on map filed in Book 25 Page 73, of Maps, records of said County, together with that portion of Grant of Easement to County of San Bernardino recorded in Book 6010 page 281 records of said County described as follows:

BEGINNING at the intersection of the westerly line of the east 96.00 feet of said Lot 25 and a line lying 5.00 feet northerly and parallel with the southerly line of said Lot 25, said line is also described in Grant of Easement to County of San Bernardino recorded in Book 6010 page 281 records of said County; thence South 90°00'00" East, 71.13 feet along said parallel line to the beginning of a curve concave northwesterly and having a radius of 20.00 feet ; thence northerly and easterly along said curve through a central angle of 89°37'00" a distance of 31.28 feet along the northwesterly line of said Grant of Easement, to the westerly line of said Easement; thence South 00°23'00" West, 61.37 feet along the southerly prolongation of said westerly line; thence South 45°11'30" West, 13.48 feet to a line that is parallel with and 51.00 south of said Grant of Easement line; thence North 90°00'00" West, 81.50 feet along said parallel line to the southerly prolongation of said westerly line of the east 96.00 feet of Lot 25; thence North 00°23'00" East, 51.00 feet along said prolongation to the Point of Beginning.

Containing 4,726 square feet.

Affects: APN 1192-381-23

See Exhibit "B" for a plat depicting the above described property.

This real property has been described by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

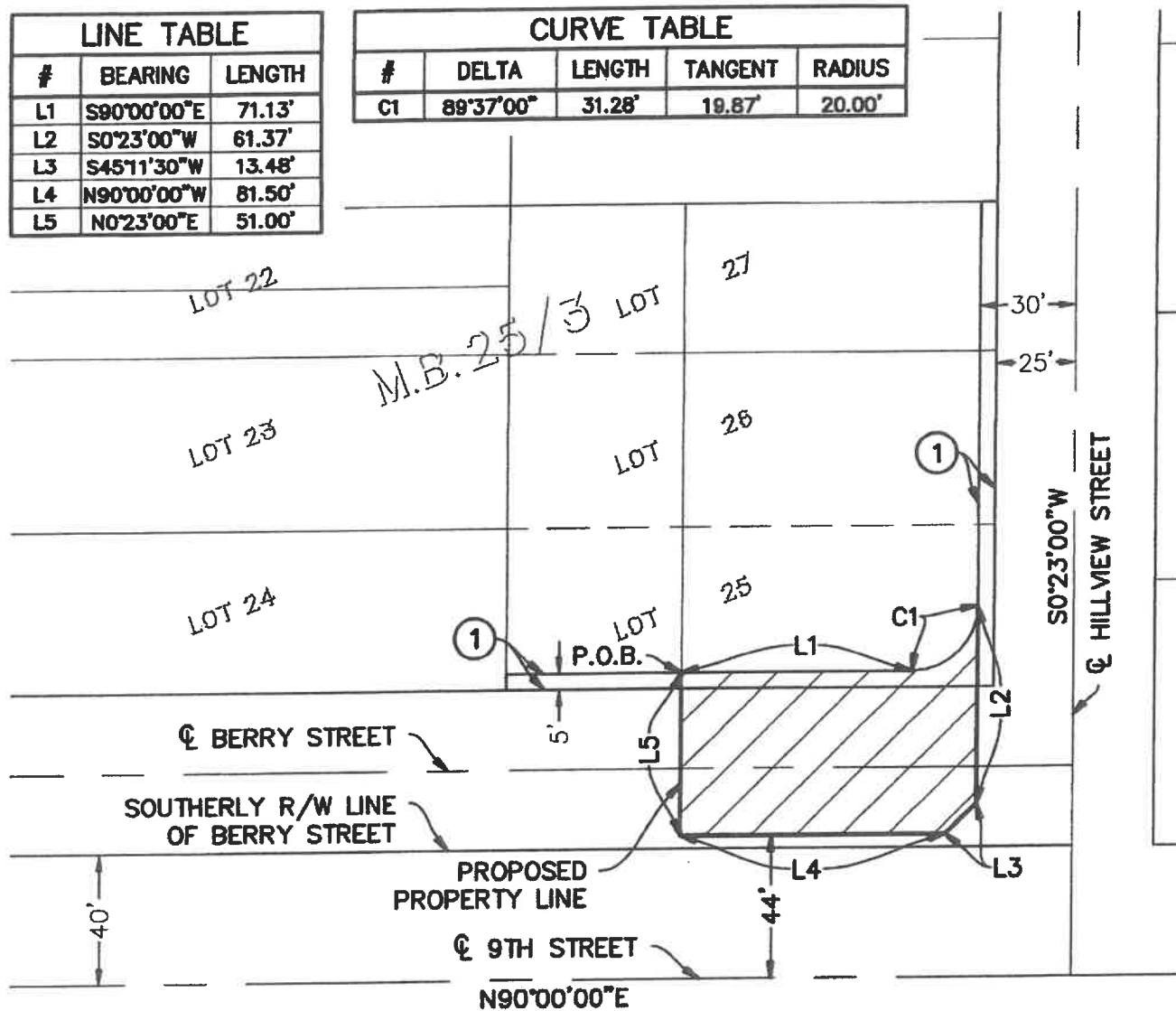

Ronald A. Musser, L.S. 4230, Exp. 6-30-24



12-2-22
Date

LINE TABLE		
#	BEARING	LENGTH
L1	S90°00'00"E	71.13'
L2	S0°23'00"W	61.37'
L3	S45°11'30"W	13.48'
L4	N90°00'00"W	81.50'
L5	N0°23'00"E	51.00'

CURVE TABLE				
#	DELTA	LENGTH	TANGENT	RADIUS
C1	89°37'00"	31.28'	19.87'	20.00'



LEGEND

- EXISTING CENTERLINE
- EXISTING RIGHT-OF-WAY
- EXISTING PROPERTY LINE
- PROPOSED RIGHT-OF-WAY LINE
- AREA TO BE VACATED (4,680 SQ FT)
- P.O.B.
- POINT OF BEGINNING

1 EASEMENT DEED TO SAN BERNARDINO COUNTY PER DOCUMENT RECORDED IN BOOK 6010 PAGE 281



SCALE: 1"=50'

J.N.: 139-114



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EXHIBIT 'B'

RIGHT OF WAY
VACATION
APN 1192-381-23