

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

February 7, 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

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 February 7, 2023 to publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the February 7, 2023 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
February 7, 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 February 7, 2023, 5:00 p.m., will be read into the record, provided that the reading shall not exceed three (3) minutes.

1. Election of Chair and Vice Chair

RECOMMENDATION: Staff recommends the Planning Commission conduct an Election for Chair and Vice Chair.

CONSENT CALENDAR

2. Minutes from the January 17, 2023 Regular Meeting.

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

PUBLIC HEARINGS

3. Design Review Application (DRA 22-017) proposing the rehabilitation of an existing 2,184 square foot building into a minor auto repair facility on a 0.6-acre site and related Tentative Parcel Map (TPM 22-009) for the merging of four (4) contiguous parcels. (26654 Base Line) (Joaquin Pelayo)

RECOMMENDATION: Staff recommends the Planning Commission:

1. Adopt Resolution No. 2023 – _____, approving Design Review Application (DRA 22-017) proposing the rehabilitation of an existing 2,184 square foot building into a minor auto repair facility on a 0.6 acre site and related Tentative Parcel Map (TPM 22-009) for the merging of four (4) contiguous parcels, subject to the Conditions of Approval and Findings of Fact; and
 2. Direct staff to file a Notice of Exemption with the County Clerk of the Board of Supervisors.
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 25222 3rd St., San Bernardino, CA 92410, Tax Assessor's Parcel Number 0279-173-27.

RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2023 – _____, declaring the existence of a public nuisance on the Property generally located at 25222 3rd St., San Bernardino, CA 92410 and order the abatement thereof.

ANNOUNCEMENTS

ADJOURN

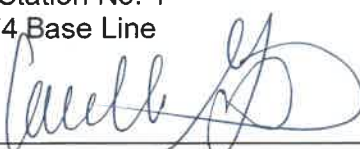
I, Camille Goritz, Administrative Assistant III of the City of Highland, California, certify that I caused to be posted this agenda on or before the 2nd of February 2023 by 5:30 p.m. on our website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library
7863 Central Avenue

Fire Station No. 1
26974 Base Line

City Hall
27215 Base Line

Date: February 2, 2023


Camille Goritz Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: February 7, 2023

FROM: Lawrence A. Mainez, Community Development Director

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

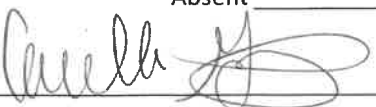
SUBJECT: Election of Chair and Vice Chair

RECOMMENDATION: Staff recommends the Planning Commission conduct an Election for Chair and Vice Chair

FISCAL IMPACT: None

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

BACKGROUND: In accordance with Resolution No. 89-19, Section 3.1(b), the Planning Commission will annually meet to appoint a Chair and Vice Chair for the coming year. Staff will take nominations and the vote for Chair. After the appointment of the Chair, Staff will turn the meeting over to the newly appointed Chair who will then take nominations and the vote for Vice Chair.

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



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: February 7, 2023

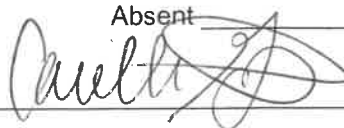
FROM: Lawrence Mainez, Community Development Director

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

SUBJECT: Minutes from the January 17, 2023 Planning Commission Regular Meeting.

RECOMMENDATION: Staff recommends the Planning Commission approve the revised 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>2</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
 Recording Secretary		 Community Development Director	

PLANNING COMMISSION REGULAR MEETING MINUTES
January 17, 2023 – 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
Joel Ramos, Code Enforcement Officer
Gary Chambers, Code Enforcement Officer
Barrie Owens, Code Enforcement Officer
Camille Goritz, Administrative Assistant III

The Pledge of Allegiance was led by Chair Hamerly.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

CONSENT CALENDAR

1. Minutes from the January 3, 2023 Regular Meeting.

A MOTION was made by Vice Chair Thomas, seconded by Commissioner Amaya, to approve as amended. Motion carried, 5-0.

PUBLIC HEARING

2. 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. {Continued from January 3, 2023}

Code Enforcement Officer Ramos presented the staff report.

Chair Hamerly opened the public hearing.

Vice Chair Thomas asked what is the cost for a Home Occupation Business License and are there additional inspection fees?

Community Development Director Mainez stated the fee is \$138, and the inspection fee is included in the Home Occupation Business License application.

Vice Chair Thomas asked are there also requirements for outdoor storage for the business that is taking place at the residence?

Code Enforcement Officer Ramos stated that is correct and that was stated on the violation.

Vice Chair Thomas asked if the owner was concerned about the outdoor storage or was it the fee?

Code Enforcement Officer Ramos stated I'm not able to answer.

Commissioner Miller asked what equipment was present?

Code Enforcement Officer Ramos stated when I first made the visit to the property, I was not able to confirm the equipment since a tree blocked my view.

Commissioner Miller asked were you able to identify equipment that was being used for business landscaping?

Code Enforcement Ramos stated I was not able to confirm the equipment, but the resident stated that Joel DeLeon was performing business in the city.

Chair Hamerly stated I know the exhibits were small, but what are they purporting to illustrate other than the display of the violation notices and documenting the address in the street? What I was looking for in particular were any outward signs that there was an occupation or home-based business on site, and I did not observe that in the photographs.

Code Enforcement Officer Ramos stated there were no signs that stated he had operated a business.

Vice Chair Thomas asked then what was the complaint in regard to exactly?

Code Enforcement Officer Ramos stated as you may be aware, we received complaints on a daily basis, the complaint came in as someone operating a business on that particular property. When I made the first contact with Mr. DeLeon and asked him about the business, he confirmed that he was operating a business.

Vice Chair Thomas asked does Mr. DeLeon speak English fluently or is there a language barrier? I also heard in your statement that he then later changed his statement stating he is doing minimal business for some family members.

Code Enforcement Officer Ramos stated I had a great conversation with Mr. DeLeon, I did not have any issues understanding him, so he's very fluent in English.

Vice Chair Thomas stated ok, the first thing he told you was he had a business and later when he came to the city he stated that he wasn't really operating a business and that it was only for his two family members, correct?

Code Enforcement Officer Ramos stated yes, that is correct.

Vice Chair Thomas stated ok, so his stipulation changed.

Code Enforcement Officer Ramos stated yes.

Commissioner Sutorus asked if there was any signage on his vehicle that said it was a landscape business?

Code Enforcement Officer Ramos stated I was not able to confirm signage.

Commissioner Amaya asked was the complaint received on March 3, 2022?

Code Enforcement Officer Ramos stated that is correct.

Commissioner Amaya asked if that was the only complaint received?

Code Enforcement Officer Ramos stated that is correct.

Appellant Joel DeLeon stated I made a mistake expressing that landscaping is my job, it is only gardening. They write a check for gardener service; I only do three houses, and this only causes this problem because my neighbor is running a cleaning business and they spoke to this officer. They park their car everywhere and they block my mailbox. I know I made a mistake, nobody perfect.

Chair Hamerly asked was your neighbor who was blocking your mailbox?

Appellant Joel DeLeon stated yes, they are cleaning houses and those cars are their workers and they park everywhere on the street.

Chair Hamerly asked did you communicate to the Code Enforcement Officer Ramos that you were running a landscape business?

Appellant Joel DeLeon stated Code Enforcement Officer Ramos came over and asked me and I made a mistake stating I have a landscape business, but my job is a gardener, and I only work on three houses. Code Enforcement Officer Ramos took a picture of myself, is that allowed?

Chair Hamerly stated yes, he is documenting something based on a complaint, so he has to collect any evidence.

Commissioner Amaya asked if Mr. DeLeon had a business license with the City of Highland.

Appellant Joel DeLeon stated I do not have one.

Commissioner Miller asked do you get paid for the work you do?

Appellant Joel DeLeon stated yes, once a month.

Chair Hamerly asked are they family members?

Appellant Joel DeLeon stated yes, my aunt and next-door neighbor. The reason the neighbors complained is because I left a note on their car.

Chair Hamerly asked if gardening is your means of supporting yourself or are there other jobs that you do?

Appellant Joel DeLeon stated that's all I do because, my wife is the one making money. I'm retired, I'm 67 years old and I'm falling apart.

Wife of Joel DeLeon stated when the officer came to the house and asked my husband what he does for a living, he was thinking landscaping, but he's not in a landscaping business, he used to work landscaping for a company before. I told him you're not doing landscaping because the landscaping people are doing a lot of things more than what you're doing and that's not the word you are supposed to say. I explained it to Code Enforcement Officer Ramos, and he said he already spoke to my husband in a sarcastic way and kind of said we are done talking. That is all he said. So that's why I'm here, to help him out to understand that what he's doing is not really a landscaping. It's just a gardener helping his aunt and the neighbor. You're stalking him, taking pictures, and to me it's like a harassment also, we are not doing anything wrong to the neighbors, it is just because we put the note on the car and they didn't like that.

Niece of Joel DeLeon, Sheila Dillard stated the gardening services that he provides is also to my grandmother in Highland. This all started out with a complaint from one of his neighbors, my uncle called me and said I put a note on my neighbor's truck because he keeps parking in front of my mailbox. I need that parking space so when my son who goes to college comes home, he that parking space. I guess they got into a just a verbal altercation and the man who lives across the street filed the complaint hence that's how we started the whole he has a landscaping business. Clearly there might be a language barrier here, so he asked me to come and speak on his behalf. He's denied stating that he has a landscaping business, he is only providing domestic duty help for my grandmother.

Chair Hamerly asked did you say that the neighbor with the truck did have a landscaping business?

Sheila Dillard stated no sir, it is cleaning services. In regard to the citation itself, it says that he violated section 5.12 020, and that states the provisions of this section shall apply to all home occupations as denied defined in HMC. 5.12 010 which defines home occupations. Any occupation customarily conducted entirely within a dwelling by its inhabitants, the purpose being incidental to use of the dwelling for dwelling purposes and provided that no articles sold or offered for sale, except that produced by 7 inhabitants. By the own definition of the citation, it says that the occupation is customarily conducted entirely within the dwelling, and that clearly if he has a "landscaping business" that is not conducted entirely within the dwelling. So, in my opinion, the definition alone does not apply in his case because his gardening business is not conducted entirely within his dwelling. Alternatively, I did look up section HMC section 5.04100 which states although the following may be exempt from a city business license fee, they shall apply for and obtain a city by business license, however, please note that the citation did not offer this. The exemption applies to G domestic household health, the license provisions of this

chapter shall not be deemed to include or apply to domestic household health in the employee of an individual homeowner Ordinance 239, section 21998. It is only Dr. Daniels who pays my uncle, my grandma will give him food. She might give him \$20 here and there, or whatever amount that she feels you know is reasonable, but that's like me helping my grandma. She's in her 80s, she we just lost her husband, who is my grandfather, so we all feel bad for her. My aunt called me a week ago and said she was scared I don't want to go outside; I feel like somebody's always watching me. So, with this I conclude and request that the board deny the requirement to have a license. If not, please in the alternative, consider that he provides domestic help. Thank you.

Chair Hamerly stated when I was first reading this before I even heard any testimony, instantly on mind goes to the IRS standard. Is there a profit intent and that is demonstrated over a course of years and if there is no profit intent then it can be considered a hobby and it is generally not accepted as a business for tax purposes. Providing domestic assistance even on an ongoing basis if it's not being done for a profit motive even if he's not conducting it on site and there is not a home office it really doesn't fit the standard of a home based business. I am wondering if there is another provision in there or if in the opinion of staff, if the exception rule applies because we're really talking about one individual here that is not directly related to the appellant.

Community Development Director Mainez stated first, going back to the complaint, that's irrelevant tonight, just for the record, we do not have evidence whether that person that the Appellant is mentioning filed the complaint. They're not here to defend themselves, we don't have that as part of the record tonight, it could be anybody. We need to sever that from the discussion and in terms of the information provided concerning the domestic help, that was not noted in their application to appeal, so it's very interesting and new information that staff didn't have time to evaluate. It is a good finding on their part. Going back to your question about if there's any relief, the definition for business in HMC is as stated shall mean any employment, occupation, profession, trade, calling and lawful gain, show exhibition event, venture fundraising activity, commercial enterprise, company, corporation, joint enterprise, place of business, partnership, or other activity, or enterprise engaged in for gain, profit, benefit, advantage, or livelihood whether or not a gain, profit benefit, advantage or livelihood is earned thereby. So, whether they earn money or not, if that activity is occurring, it's considered a business in Highland. I want to go back to my comment about the domestic help if that's something you wanted to be tonight that surely will help guide our future citations when it comes to somebody that's claiming that they're doing service for a family or friend whether it could be cleaning their house, grocery shopping, running them errands, and taking to the doctors, etc. I think anybody from the street were to come in and have a basic understanding what domestic help is they would describe what I just described. This gentleman I believe is very honest.

Chair Hamerly stated yes, and it builds on what I was going to follow up with because even Staff's report, it paints a picture of a story that is growing or changing, or there seems to be a discrepancy. One time he is saying, it is a landscape business on May 16, 2022, but when he comes into the city, he says here's what I'm doing and from that interaction there was more time to kind of flesh out what was actually occurring. The Appellant is asking the question, how do I handle this situation because this is what is happening, and it's not detailed in the staff report.

Community Development Director Mainez stated yes, this is unusual, when we issue a citation, you are deciding that violation occurred that day we issued a citation. Here we're

getting into a little bit discussion about what is a business and what is a domestic help and I'm almost leaning towards domestic help at this point because he's hasn't put anything in the record that's indicated that this is a business that's going to grow and he's going to create a livelihood. He has identified one or two properties, if he puts in the record that this is all he's doing and he does not advertise then he could present that if you would like and state that in the record, that certainly will go a long way for us to conclude this as a domestic help.

Appellant Joel DeLeon stated I don't have any plans expanding my gardening service, I just need to help my wife.

Vice Chair Thomas stated I think a lot of misunderstanding happened and to no fault at all for our wonderful Code Enforcement Staff. Even taking photos, I know it can make someone feel a little unsafe I just want to reassure you all, I welcome the Code Enforcement Officer to come outside my house because I will feel safer with them there. So, they don't want you to feel ever afraid for a Code Enforcement Officer showing up at your location. I can guarantee you that you are safer if they are there representing the city and you would get a very fast response if emergency was happening at your home. Thank you for the clarification and Code Enforcement Officer for doing his job and it was just a misunderstanding.

Chair Hamerly closed the public hearing.

A MOTION was made by Vice Chair Thomas, seconded by Commissioner Miller, to declare that it is not applicable to uphold Administrative Citation No. 15897 with the new information that was presented is domestic help defined in Chapter 5.04 Section 5.04.100 Exemption Item G Domestic Household Help. A business license should not be deemed to include or apply to domestic household in the employ of an individual homeowner, and direct staff to bring this item back to the Appeals Board with a revised resolution and findings to uphold the appeal and void the citation. Motion carried, 5-0.

ANNOUNCEMENTS

The next regular meeting is scheduled February 2, 2023.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 7:10 p.m.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: February 7, 2023

FROM: Lawrence A. Mainez, Community Development Director

REVIEWED BY: Kim Stater, Assistant Community Development Director *[Signature]*

PREPARED BY: Ash Syed, Associate Planner *[Signature]*

SUBJECT: Design Review Application (DRA 22-017) proposing the rehabilitation of an existing 2,184 square foot building into a minor auto repair facility on a 0.6 acre site and related Tentative Parcel Map (TPM 22-009) for the merging of four (4) contiguous parcels.

LOCATION: 26654 Base Line (northwest corner of Base Line and Vine Street) Assessor's Parcel Number: 1191-381-47 thru 1191-381-50

OWNER: Joaquin Pelayo

RECOMMENDATION: Staff recommends the Planning Commission:

1. Adopt Resolution No. 2023 – ____, approving Design Review Application (DRA 22-017) proposing the rehabilitation of an existing 2,184 square foot building into a minor auto repair facility on a 0.6 acre site and related Tentative Parcel Map (TPM 22-009) for the merging of four (4) contiguous parcels, subject to the Conditions of Approval and Findings of Fact; and
2. Direct staff to file a Notice of Exemption with the County Clerk of the Board of Supervisors.

FISCAL IMPACT: The Applicant submitted the required deposit for processing the entitlements. Staff time spent working on the applications is charged to this balance.

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

PUBLIC NOTICE: As required by the City Council, notice of the public hearing was posted at the City's three designated posting locations. In addition, the notice was posted on the City's website, mailed to property owners within three-hundred (300) feet of the project site, and published in the San Bernardino Sun newspaper on January 27, 2023. No further notice is required.

PUBLIC COMMENT: At the time of preparing this report, Staff received no written comments.

DESCRIPTION OF SITE: The project site is located along Base Line, a roadway defined in the General Plan as a "major highway", at the northwest corner of the Vine Street T-Junction (Exhibit A – Area Map). The site is composed of four (4) parcels totaling approximately 0.6 acres in size. The property features an existing single-story, 2,184 square foot building that attained entitlements for a boat retail showroom in the early-1990s, although it never opened for business. Located at the southeast corner of the site, the building was constructed in 1948 with permits issued by the County of San Bernardino.

The building features a light gray stucco exterior and a medium-pitch gray shingle roof with a light blue trim around the perimeter. The building can be accessed through three (3) separate single-door entrances located along the northern, southern, and eastern sides. The building has remained vacant for well over two decades (Exhibit B – Site Photos). There is currently an active code enforcement case related to significant structural fire damage.

The site features an asphalt paving area that was completed in October 2020 without City approval. The site offers drive access to and from Base Line on the south and Vine Street on the east. There is an existing six (6) foot tall chain link fence around the frontage of the property including chain link gates at the driveways and wood fencing along the rear. The pole for the original flag sign affiliated with the previous business is consistent with the height requirement per the Municipal Code but is located within the public right-of-way. Due to the sign structure being left unmaintained and unaffiliated with an existing business, the pole is deemed abandoned and unable to be reused. Planning condition #21 has been included that requires the demolition of the pole prior to the issuance of a Tenant Improvement Permit.

Surrounding Land Uses

North: Single-Family Residence
South: Single-Family Residence
East: Landscape Nursery
West: Massage Parlor

Location	General Plan	Zoning
Site:	General Commercial (CG)	General Commercial (CG)
North:	Low Density (LD)	Single-Family Residential (R-1)
South:	Low Density (LD)	Planned Development (PD)
East:	General Commercial (CG)	General Commercial (CG)
West:	General Commercial (CG)	General Commercial (CG)

The developed site is relatively flat with a slope of approximately zero to five percent (0% - 5%). On-site drainage flows to the south toward Base Line. The location is also approximately 1.5 miles southwest of the San Andreas Earthquake Fault and does not fall within the Alquist-Priolo Earthquake Fault Zone. Additionally, the project site is not located within a FEMA flood zone or a High Fire Severity Area.

BACKGROUND: In January of 2020, the City's Code Enforcement department was notified about the possible illegal storage of vehicles inside the existing building. City Staff contacted the property owner and instructed him to have the vehicles removed, which the property owner completed by April of 2020.

In October of 2020, the City's Code Enforcement department received a subsequent complaint about excessive trash, debris, and abandoned vehicles on the site. Upon inspection, City Staff found that while there was no trash or debris, nearly 5,000 square feet of the site was being paved with unpermitted asphalt. The Applicant was notified that such site improvements would require city approval.

In December of 2021, the Applicant submitted plans to the Building & Safety department for the rehabilitation of the existing building that was damaged in an electrical fire from a vehicle that was illegally stored inside. The Applicant was notified by Planning Staff that the rehabilitation of the building and the site itself, to legalize the unpermitted site improvements, would be subject to a Major Design Review as it had remained vacant for an extended period of time and was non-conforming with the current development standards.

In October of 2022, the Applicant submitted applications for Design Review Application (DRA 22-017) to rehabilitate the existing building into a minor auto repair facility and related Tentative Parcel Map (TPM 22-009) to merge four (4) contiguous parcels.

PROJECT REVIEW/ANALYSIS: As aforementioned, the existing building features 2,184 square feet of interior space and sits on a 0.6 acre site consisting of four (4) contiguous parcels. While the building was constructed in 1948 and believed to have been permitted through the County of San Bernardino prior to the City's incorporation, it will be re-inspected by the City's Building and Safety Department for its proposed use upon approval through the Tenant Improvement Permit process.

The minor auto repair facility will feature four (4) vehicle bays accessible through one (1) primary vehicle entrance on the northern face of the building. There will also be a 380 square foot foyer/customer entrance area with a restroom at the northeast corner of the building (Exhibit C – Site Plan). Services provided will include oil changes, tire rotations, brake fluid flushes and brake pad replacements. The proposed hours of operation for the business will be 8am to 5pm, seven (7) days a week. The existing building was constructed in 1948 and the condition of the exterior stucco is in dispair. As part of the rehabilitation process for the building, the Applicant will refinish the stucco to match the existing texture and light gray color and repair the fire-damaged portions of the roof with matching gray composition shingles.

Parking

As aforementioned, the Applicant had the entirety of the site resurfaced with fresh asphalt in October 2020 without City approval. The Applicant has now proposed further modifications of the site to include twelve (12) designated parking spaces and one (1) ADA accessible space along the interior of the property. The Applicant has also explained that the 6,700 square foot parcel at the far west of the site that was fully paved will remain as-is and utilized for the storage of additional vehicles awaiting maintenance and repair. At approximately 45 feet in depth and 110 feet in usable width, this paved area can accommodate approximately twelve (12) vehicles arranged in a traditional single loaded aisle formation along the western boundary. Again, there will be no modifications made to the floorplan or structure of the existing building and it will remain as-is.

The existing building onsite features a 2,184 square foot layout, as previously mentioned. With a requirement of one (1) space per 500 square feet of interior square footage in addition to two (2) spaces per vehicle bay, the thirteen (13) standard 9-foot wide parking spaces provided within the primary parking lot satisfies the parking requirement for this use.

While no landscape islands have been proposed within the new parking arrangement, the project has been conditioned to install a 5 foot wide landscape planter within the string of nine (9) spaces along the northern boundary of the site, separating it into clusters of four (4) spaces and five (5) spaces, respectively. Additionally, accent landscaping has been proposed within the front and streetside setback areas along the Base Line and Vine Street frontages. Lastly, while there was previously no trash enclosure on the site, one has been proposed on the west side of the property, just north of the vehicle access to the overflow parking area.

Access

The site will consist of both vehicular and pedestrian accessibility. Currently, both vehicles and pedestrians can access the property from Base Line on the south side and

Vine Street on the east side. The Applicant is proposing to keep the vehicle access and ramps as-is. Sidewalks, curbs, and gutters have already been constructed along the Base Line frontage of the site. The project has been conditioned to install the same street improvements along the Vine Street frontage.

Elevations

The Applicant is proposing an exterior rehabilitation of the existing building to restore it to its original appearance. The discolored sections of repaired stucco will be removed and refinished with a light gray stucco matching the original exterior of the building. The sections of the roof that were damaged in the aforementioned fire and boarded up will be repaired with new gray composition shingles that match the roofing currently installed over the rest of the building. The exterior trim along the roof rafters will be refinished to the light blue color it once was prior to decades worth of sun damage (Exhibit 3 – Site Photos).

The existing doors and windows will be replaced with new energy efficient doors and vinyl window frames. The project will also feature a six (6) foot tall CMU wall along the perimeter of the site along with six (6) foot tall black tubular steel swing-open gates at the entrances along Base Line and Vine Street. The gate along Vine Street will provide both vehicle accessibility along with a separate pedestrian gate.

Landscape

According to the City of Highland Municipal Code, new developments within the General Commercial zone must include a 20-foot landscaped front and streetside setback area. This landscaping must consist predominantly of plant materials except for necessary walkways and driveways.

The landscaping that is proposed on the site is sparse and comprises of Desert Museum Palo Verde trees along the Base Line and Vine Street frontages accented by Blue Oat Grass with Bermuda Grass as the remainder of the groundcover. Meanwhile, proposed around the interior of the site and along the parking lot perimeter are Palm Springs Gold Decomposed Granite accented by English Lavender shrubs (Exhibit D – Landscape Plan). The City's Landscape Architect reviewed the proposed landscape plan and provided the following comments/corrections that have been included as part of the Planning Conditions of Approval:

- The proposed site will require additional landscaping to frame, soften and embellish the quality of the environment, this shall include a robust plant palette that offers a vertical and horizontal hierarchy of plant species offering a variety of color, texture, and form with a consistent overall character. No one species shall dominate the landscape palette.

-
- Use of at least 3 different tree species shall be required with no Palo Verdes being allowed on any street frontages due to issues with leaf and flower litter per the public services department. The use of a minimum of 6 different shrub and groundcover species shall be required to protect against loss from disease or pest.
 - No turf shall be allowed per City standards, and it should be noted that no greater than 50% of the total landscape area shall be decorative rock, gravel, or D.G.
 - Site landscaping material shall be increased in size, to the following minimums: Trees shall be a mix of 50% - 24" box, 30% - 36" box and 20% - 48" box. Shrubs shall be a minimum of 5 gallon with groundcover plants being a minimum of 1 gallon.
 - Street trees shall be added to create shade and comfort for users of the adjacent sidewalks, Applicant shall coordinate with the City Landscape Architect for acceptable species based on the current Street tree list.

Specific Use Development Standards

Staff has reviewed the project specifics to ensure that any and all visual impacts and environmental concerns related to the use, its operational characteristics, and development standards are addressed accordingly.

The subject site is fully paved with asphalt and does not have any unimproved surfaces aside from the onsite buildings and required landscaping. Per the proposed redesign, a landscape perimeter will be provided between the parking spaces along the western side of the lot and the overflow parking on the west side as well as the parking spaces along the northern side of the lot and northern boundary of the site. The existing building on the site, located at the southeast corner of the property, features one (1) roll-up style garage door that opens toward the interior of the lot so that access to the vehicle bays do not face the public right-of-way. With regard to the storage of vehicles on the property, the Applicant has explained to Staff that the paved parcel at the far west will be utilized in the event that a towed vehicle that requires specific repairs for drivability, is awaiting the necessary parts for the repair to be completed. A six (6) foot tall CMU wall will be constructed along the Base Line frontage shielding any disabled vehicles being store out of the public's view.

Signs

As discussed, a single pole that was once part of a flag sign for the previous business is located along the Base Line frontage and within the public right of way. The project has been conditioned so that prior to the issuance of the Tenant Improvement Permit, the pole shall be removed and the Applicant will submit revised plans for a building-mounted sign on the auto repair facility.

ENVIRONMENTAL REVIEW: Pursuant to CEQA, this project is Categorical Exempt from environmental proceedings pursuant to Section 15301, Class 32, In-Fill Developments, of the California Environmental Quality Act (CEQA) Guidelines, since:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered, rare or threatened species;
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) The site can be adequately served by all required utilities and public services.

SUMMARY: The City of Highland General Plan designates the project site as General Commercial (CG). The Applicant's proposal for a minor auto repair facility is consistent with the land use designation via the approval of a Design Review Application. Staff recommends the Planning Commission approve the proposed project design, subject to the conditions of approval and findings of fact.

EXHIBITS:

- A) Area Map
- B) Site Photos
- C) Site Plan
- D) Landscape Plan
- E) Photometric Plan

ATTACHMENTS:

- 1. Resolution No. 2023 – ____ for Design Review Application
(DRA 22-017) & Tentative Parcel Map (TPM 22-009)
 - Exhibit 1: Conditions of Approval (DRA 22-017)
 - Exhibit 2: Conditions of Approval (TPM 22-009)

Exhibit A:

Area Map



Exhibit B:

Site Photos







Exhibit C:

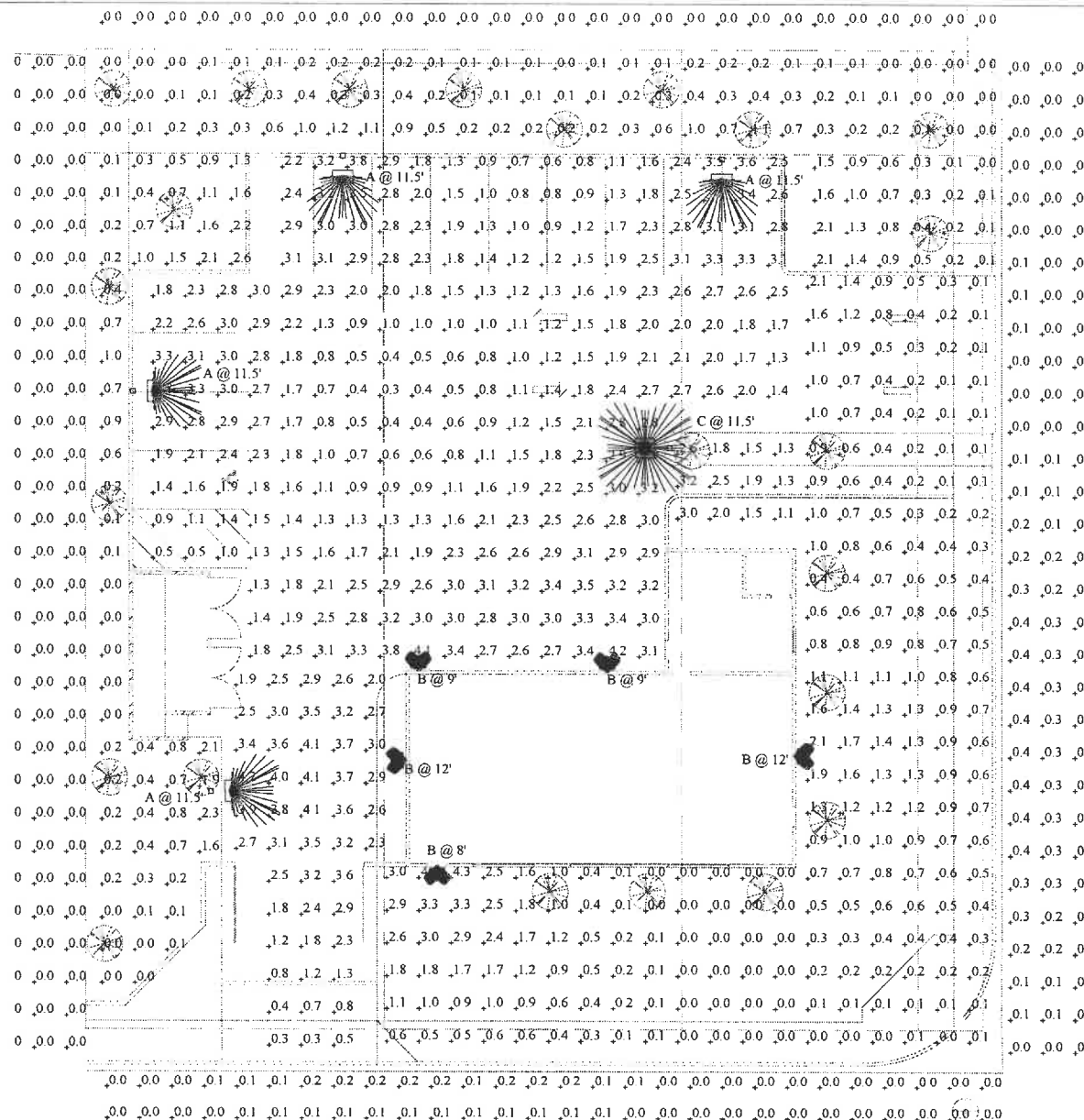
Site Plan

Exhibit D:
Landscape Plan

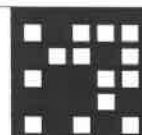
Exhibit E:
Photometric Plan

Sensitivity												
Journal	Label	QTY	Location	Using Place(s)	Description	Unit	Number	Place(s)	Unit per	Location	ELL	Order per
	A	1	Customer Location	DRIVE LED-F1 10K 1075K 1MVCUT 10K	power transistors double	LED	1	DRIVE_LED-F1 10K 1075K 1MVCUT 10K	1/10			1101 10K
			Customer Location	DRIVE LED 10K 1075K 1MVCUT 10K	POWER TRANSISTORS	LED	1	DRIVE_LED_10K_1075K_1MVCUT_10K	1/10		3010 10K	TYPE 10K 1075K 1MVCUT 10K
	B	1	Customer Location	DRIVE LED 10K 1075K 1MVCUT 10K	POWER TRANSISTORS	LED	1	DRIVE_LED_10K_1075K_1MVCUT_10K	1/10		3010 10K	TYPE 10K 1075K 1MVCUT 10K
			Customer Location	DRIVE LED 10K 1075K 1MVCUT 10K	POWER TRANSISTORS	LED	1	DRIVE_LED_10K_1075K_1MVCUT_10K	1/10		3010 10K	TYPE 10K 1075K 1MVCUT 10K
	C	1	Customer Location	DRIVE LED-F1 10K 1075K 1MVCUT 10K	POWER TRANSISTORS	LED	1	DRIVE_LED-F1 10K 1075K 1MVCUT 10K	1/10		3010 10K	TYPE 10K 1075K 1MVCUT 10K
			Customer Location	DRIVE LED-F1 10K 1075K 1MVCUT 10K	POWER TRANSISTORS	LED	1	DRIVE_LED-F1 10K 1075K 1MVCUT 10K	1/10		3010 10K	TYPE 10K 1075K 1MVCUT 10K

Statistics						
Description	Swathed	Avg	Max	Min	Max/Min	Avg/Min
AUTOMOTIVE PARKING	+	2.1%	4.2%	0.1%	14.0	7.0
EAST DRIVEWAY	+	0.6%	2.1%	0.1%	7.0	3.0
east mill	+	0.1%	0.4%	0.0%	NA	NA
FRONT LANDSCAPING	+	0.8%	2.3%	0.1%	NA	NA
LANDSCAPING	+	0.5%	2.6%	0.0%	NA	NA
north mill	+	0.0%	0.1%	0.0%	NA	NA
SOUTH DRIVE	+	2.6%	4.2%	0.1%	14.0	8.7
south mill	+	0.0%	0.2%	0.0%	NA	NA
west mill	+	0.0%	0.1%	0.0%	NA	NA



ELECTRICAL SITE LIGHTING PHOTOMETRIC PLAN

$$\frac{1}{10^2} = 10^{-2}$$


STUDIÖS 2007
NARKWEATHER
ARCHITECTS INCORPORATED
73330 HWY 111 SUITE A
PALM DESERT, CA 92260



Energy Solutions Group, Inc.
Mechanical & Electrical
Pumping & Energy Design &
Engineering Services
714.999.2521 | esginc.com

[illegible]

**MINOR AUTO REPAIR SHOP
FOR MR. PELAYO**

26654 E BASELINE
HIGHLAND, CA 92410

PARCELS# 119138148,
119138149, 119138150

PRELIMINARY PLANNING

ELECTRICAL SITE LIGHTING
PHOTOMETRIC PLAN

Project number 2021-041

Date	21 JUN
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Drawn by	MEP
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Checked by	RJG
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E-11

E1.1

Attachment 1:

Resolution No. 2023 – _____ for

Design Review Application (DRA 22-017)

& Tentative Parcel Map (TPM 22-009)

RESOLUTION NO. 2023 - ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING DESIGN REVIEW APPLICATION (DRA 22-017) PROPOSING THE REHABILITATION OF AN EXISTING 2,184 SQUARE FOOT BUILDING INTO A MINOR AUTO REPAIR FACILITY ON A 0.6 ACRE SITE AND RELATED TENTATIVE PARCEL MAP (TPM 22-009) FOR THE MERGING OF FOUR (4) CONTIGUOUS PARCELS LOCATED AT THE NORTHWEST CORNER OF BASE LINE AND VINE STREET. ASSESSOR'S PARCEL NUMBER: 0279-141-07.

OWNER: JOAQUIN PELAYO

A. RECITALS

1. On October 17, 2022, the Applicant submitted applications for Design Review Application (DRA 22-017) to rehabilitate an existing 2,184 square foot building into a minor auto repair facility on a 0.6 acre site and related Tentative Parcel Map (TPM 22-009) to merge four (4) contiguous parcels.
2. On January 27, 2023, the notice of the public hearing was posted at the City's three designated posting locations. In addition, the notice was posted on the City's website, mailed to property owners within three-hundred (300) feet of the project site, and published in the San Bernardino Sun newspaper.
3. On February 7, 2023, the Planning Commission of the City of Highland conducted a public hearing on the subject Application and concluded the hearing on this date.
4. All legal prerequisites to the adoption of this Resolution have occurred.
5. Pursuant to CEQA, project is Categorically Exempt from environmental proceedings pursuant to Section 15301, Class 32, In-Fill Developments, of the California Environmental Quality Act (CEQA) Guidelines, since:
 - (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
 - (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
 - (c) The project site has no value as habitat for endangered, rare or threatened species;
 - (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
 - (e) The site can be adequately served by all required utilities and public services.



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. The City of Highland Planning Commission after due consideration, inspection, investigation and study made by itself and on its behalf, and after due consideration of all evidence and reports offered at said hearing, including the staff report to the Planning Commission dated February 7, 2023, which is incorporated herein by this reference, does find and determine the following facts:
 - 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.
3. Design Review Application (DRA 22-017) Findings of Fact:
 - a. That the proposed project is consistent with the general plan or specific plan.

Response: The project is located within the General Commercial (CG) land use designation and proposes to establish a minor auto repair facility at an existing site last used as a boat retail showroom. The existing building on the site is compliant with the development standards established for the General Commercial (CG) zone. The proposed use as a minor auto repair facility is also permitted through the approval of a Design Review Application. The proposal satisfies all setback, parking, and site design criteria.

- b. That the proposed use is in accordance with the objectives of this title, and the purposes of the land use district in which the site is located.

Response: The establishment of a minor auto repair facility in this portion of the city is consistent with the general surroundings of this site. The proposed use is appropriate in nature and in keeping with the development standards of the General Commercial (CG) zoning classification and the use is no more intense than the prior use. As mentioned, the site features a vacant, paved parking area and an existing 2,184 square foot building that was permitted by the County of San Bernadino prior to the City’s incorporation. Access to the site to and from Base Line and Vine Street will remain as-is and no significant impacts to the existing quality of the site or its surroundings would occur as a result of the project.

- c. That the proposed use is in compliance with city design and landscape standards and criteria.

Response: The project is suitable and permitted within the General Commercial (CG) zone and proposes to establish a minor auto repair facility utilizing the existing building that was last occupied by a boat retailer in the early 1990s.. The formal submittal for the proposed minor auto repair use features thirteen (13) vehicle parking spaces along the northern and western portions of the site. There is an additional overflow parking area with approximately twelve (12) spaces on the far west portion of the site that will be used as temporary parking for disabled vehicles. A six (6) foot tall CMU wall will be constructed around the perimeter of the property and six (6) foot tall tubular steel gates will secure the access points along Base Line and Vine Street.

The landscaping that is proposed on the site is sparse and comprises of Desert Museum Palo Verde trees along the Base Line and Vine Street frontages accented by Blue Oat Grass with Bermuda Grass as the remainder of the groundcover. Meanwhile, proposed around the interior of the site and along the parking lot perimeter are Palm Springs Gold Decomposed Granite accented by English Lavender shrubs. The Landscape Plan for the site has been reviewed by the City's Landscape Architect and directives have been included as part of the Planning Conditions of Approval.

- d. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare or will not be materially injurious to properties or improvements in the vicinity of the site.

Response: The establishment of a minor auto repair facility in this portion of the city will not be detrimental to the public health, safety, welfare, or materially injurious to properties and improvements in the vicinity. The subject site is fully paved with asphalt and will not have any unimproved surfaces except for onsite buildings and required landscaping. Additionally, the access to the vehicle bays opens toward the interior of the site so that vehicles in service will be visible from the public right-of-way. With regard to the storage of vehicles on the property, the thirteen (13) primary parking spaces will be dedicated to customer and employee parking only. The additional overflow parking area with approximately twelve (12) spaces on the far west portion of the site will be used as temporary parking for disabled vehicles. A six (6) foot tall CMU wall will be constructed around the perimeter of the property. Conditions of approval have been provided to ensure compliance with the specific use site development standards.

4. Tentative Parcel Map (TPM 22-009) Findings of Fact:

- a. That the proposed map is consistent with applicable General and Specific Plans as specified in Section 65451.

Response: The project site has a General Plan designation of General Commercial (CG) which cites appropriate uses to “include general retail, markets, commercial services, restaurants, automotive repair and service, hardware and home improvement centers, commercial recreation, professional and business offices, financial institutions and automotive sales.” The proposed use of this site requires the consolidation of the four (4) contiguous 0.15 acre parcels to form a 0.6 acre parcel and accommodate the parking lot and vehicle storage area for the minor auto repair facility; a business that is specifically mentioned in the General Plan’s vision for the Base Line Corridor.

- b. That the design or improvement of the proposed subdivision is consistent with applicable General and Specific Plans.

Response: The subdivision and minor auto repair facility are consistent with the design criteria of the General Plan’s General Commercial (CG) land use designation, Goal 2.11, Policies 1-7, including “specifically encourage[ing] the consolidation of individual parcels along Base Line to provide a sufficient land area for vibrant commercial uses. It meets the policies of Goal 10.13 to, “appropriately buffer the boundaries between differing land uses and provide transitions where necessary” by installing a six (6) foot tall CMU wall along the northern property line that abuts and adjacent residential zone.

- c. That the site is physically suitable for the type of development.

Response: The project site is appropriate for a minor auto repair facility as it combines four (4) parcels for a total of 0.6 acres. It is relatively flat and will only require the installation of a perimeter block wall, a stormwater infiltration basin, interior curbs and parking stops along the parking spaces, and landscape planters within and around the perimeter of the site. The existing building will only be rehabilitated to its original state with its original colors and materials. The building footprint shall remain as-is. There are no geographic or man-made impediments to the development on this site. There are utilities available within the adjacent right-of-way and drainage is good for on-site water retention and water quality treatment. There is access to the site from Base Line to the south and Vine Street to the east.

- d. The site is physically suitable for the proposed density of development.

Response: Per Municipal Code Section 16.20.040 Commercial District Development Standards, the maximum lot coverage is 50%. The project calls for just 8.3%. It meets the minimum lot size, lot width and depth as well as required building setbacks and landscape coverage. The remainder of the lot will be used for outdoor vehicle parking and storage.

- e. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Response: The Site lies in an urbanized area and is exempt from further CEQA review as it is considered an In-Fill development. The site was previously utilized by a boat retail showroom and has remained vacant since the early 1990s. Considering no onsite modifications to the building are being proposed, the transition to this permitted General Commercial (CG) use as a minor auto repair facility will not pose any significant effects. It will not harm fish, wildlife or their habitat. There are no endangered or protected animals onsite.

- f. That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.

Response: The proposed project has been reviewed and conditioned by the City's Engineering, Building and Safety, Planning Divisions and Fire Department so that the design of the subdivision or the types of improvements will meet all local, state and federal codes as they relate to warehousing uses. It is in an urbanized area and will improve onsite conditions. The Applicant's business will only improve the site by constructing the necessary curb and gutter along the Vine Street frontage and add another compliant use to the Base Line Corridor.

- g. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

Response: The merging of parcels, and the new parcel design, will not conflict with easements for access through, or use of, property within the proposed subdivision. There is a single owner and any needed easement will be noted on the map. The project is conditioned so as not to conflict with any easements of record or judgement of court.

5. Based on the Findings of Fact set forth above, the Planning Commission approves Design Review Application (DRA 22-017) to rehabilitate an existing 2,184 square foot building into a minor auto repair facility and related Tentative Parcel Map (TPM 22-009) to merge four (4) contiguous parcels.

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.

Exhibit 1 attached includes Conditions of Approval for the Design Review Application.

Exhibit 2 attached includes Conditions of Approval for the Tentative Parcel Map.

PASSED, APPROVED, and ADOPTED this 7th day of February 2023.

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez
Community Development Director

Exhibit 1:

Condition of Approval (DRA 22-017)

CITY OF HIGHLAND
PLANNING DIVISION CONDITIONS OF APPROVAL

Date: February 7, 2023
Applicant: Joaquin Pelayo
File/Index: Design Review Application (DRA 22-017)
Proposal: The rehabilitation of an existing 2,184 square foot building into a minor auto repair facility on a 0.6 acre site.
Location: 26654 Base Line (northwest corner of Base Line and Vine Street)
Assessor's Parcel Number: 1191-381-47 thru 1191-381-50.
Related Entitlements: Tentative Parcel Map (TPM 22-009)

PLANNING CONDITIONS

These conditions of approval represent the Planning Division's conditions of approval and are meant to be one part of overall conditions of approval that include Building and Safety, the Fire Marshal, and other agency conditions of approval.

The conditions below are continuing conditions. Failure of the Applicant and/or operator to comply with any or all said conditions at any time shall result in the revocation of this permit granted to use the subject property.

1. This Design Review Application shall become null and void:
 - a. Unless all conditions have been complied with and the occupancy or use of the land or structures authorized by this conditional use permit have occurred within thirty-six (36) months from the approval date of this conditional use permit, this conditional use permit shall expire and be null and void without further action by the City of Highland.
 - b. Where circumstances beyond the control of the Applicant cause delays which do not permit compliance within the time limitation established in this Section, the Planning Commission may grant an extension of time for a period of time not to exceed an additional thirty-six (36) months. An application for an extension of time must be set forth in writing, stating the reasons for the extension, and must be filed with the Planning Division a minimum of thirty (30) calendar days prior to the expiration of the conditional use permit. Such application shall be filed together with the City's processing fee, as established by the City Council.
2. This Design Review Application (DRA 22-017) to establish a minor auto repair facility as defined in section 16.06.010 of the Highland Municipal Code.
 - a. The approval of the Design Review Application is applicable to the proposed use, utilizing the existing structure and paved area on the site

3. The exterior damaged stucco shall be refinished to match the texture and light gray color of the original stucco or another color approved by the Planning Commission.
4. The fire-damaged sections of the roof shall be repaired with gray composition shingles that match the existing and roof of the building another color approved by the Planning Commission.
5. The hours of operation for the minor auto repair facility shall be **8am to 5pm**, seven days a week
6. The thirteen (13) primary parking spaces located along the northern boundary of the property and west of the building will be dedicated to customer and employee parking only.
7. Overflow parking for disabled vehicles awaiting parts for necessary repairs has been provided on the paved area at the far west of the site, accessible through a drive access just south of the trash enclosure.
8. A 5-foot wide landscape planter shall be installed within the string of nine (9) spaces along the northern boundary of the site, separating it into clusters of four (4) spaces and five (5) spaces, respectively
9. All permanent parking areas shall be paved and permanently maintained with asphalt or concrete and designated with clearly painted lines. The number of parking spaces, including disabled parking, shall comply with the requirements of the City's Municipal Code
10. Vehicle storage only permitted for those being worked on. No equipment or vehicle parts shall be stored outside the building. No street parking related to the site is permitted.
11. The site shall be entirely paved, except for buildings and landscaping, as exhibited on the approved plans.
12. Replacement doors and windows shall be installed prior to issuance of Occupancy.
13. Trash enclosure shall be screened on at least three sides from public view by a solid wall not less than five feet in height. Permanent opaque panel gates shall be installed on all openings to the trash enclosure and meet the design criteria established by the Public Services Division.
 - a) All trash shall be deposited in the trash area and the gates leading thereto shall be maintained in working order and shall remain closed except when in use.
14. Obtain all required building/occupancy permits from the Highland Building and Safety Division.

15. The Applicant is responsible for implementing all conditions of approval to the satisfaction of the Community Development Director, City Engineer, and Fire Marshal. No final inspection or clearances shall be given until all conditions are met. Each condition of approval is separately enforced, and if one of the conditions of approval is found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.
16. Revisions, modifications, and/or deletions to the approved plans shall be submitted to the Planning Division for review and approval. Revisions, modifications and/or deletions may require additional review by the Planning Commission.
17. In compliance with the Highland Municipal Code, the Applicant/Owner shall agree, at his/her sole cost and expense, to defend, indemnify, and hold harmless, the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul an approval of the City Council, Planning Commission, or other decision-making body, including staff, concerning this project. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve the Applicant/Owner of his/her obligations under this condition.
18. The Applicant and Owner of the property shall submit to the Planning Division written evidence of agreement with all conditions of this approval before the approval becomes effective.
19. Prior to issuance of a certificate of occupancy and/or final inspection for the minor auto repair facility and office by the City, all landscaping, irrigation or other construction shown on the approved landscaping and irrigation plans, shall be installed and approved by the City's Landscape Architect.
20. The following conditions have been provided as part of the City's Landscape review:
 - a) The proposed site will require additional landscaping to frame, soften and embellish the quality of the environment, this shall include a robust plant palette that offers a vertical and horizontal hierarchy of plant species offering a variety of color, texture, and form with a consistent overall character. No one species shall dominate the landscape palette.
 - b) Use of at least 3 different tree species shall be required with no Palo Verdes being allowed on any street frontages due to issues with leaf and flower litter per the public services department. The use of a minimum of 6 different shrub and groundcover species shall be required to protect against loss from disease or pest.

- c) Applicant shall provide an overlay of traffic sight lines at all ingress/egress points on the landscape plan so that planting layout can be strategically balanced for screening and safety.
 - d) Site landscaping material shall be increased in size, to the following minimums: Trees shall be a mix of 50% - 24" box, 30% - 36" box and 20% - 48" box. Shrubs shall be a minimum of 5 gallon with groundcover plants a minimum of 1 gallon.
 - e) Applicant shall add additional trees to parking area to limit heat gain from proposed large concrete paving area, Applicant shall achieve 50% shading at maturity for marked parking areas.
 - f) Applicant shall add landscape coverage calculations to planting concept.
 - g) Applicant shall confirm that the required setbacks on Base Line are met, currently a block wall is shown without reference to set back, and an infiltration basin is shown behind it which is atypical to other similar sites.
 - h) No turf shall be allowed per City standards, and it should be noted that no greater than 50% of the total landscape area shall be rock, gravel, or D.G.
 - i) Street trees shall be added to create shade and comfort for users of the adjacent sidewalks, applicant shall coordinate with the City Landscape Architect for acceptable species based on the current Street tree list.
 - j) Additional screening via plant material shall be required along Vine Street to buffer the proposed CMU walls for the adjacent residential area to the north.
- 21. All parking spaces shall be provided with nighttime security lighting. Lighting must be shielded and directed to reflect away from neighboring properties. Lighting shall not exceed 0.5 foot candles of illumination beyond the property boundary.
 - 22. A photometrics plan shall be modified and resubmitted for review by the Planning Division prior to the issuance of a certificate of occupancy.
 - 23. The existing pole mounted sign structure in the right of way shall be removed prior to the issuance of a Tenant Improvement Permit.
 - a) A demolition permit shall be first obtained from the City's Building & Safety division. Any proposed on-premise signage must first be approved by the City's Planning Division and Building and Safety Division prior to installation.

Building and Safety Division Conditions of Approval

Date: 11-28-2022

Applicant: Joaquin Pelayo

Address of Applicant: UNK

Site Location: N.E Corner of Base Line and Vine St.
26654 Base Line Highland, Ca 92346

DRA: 22-017
TPM: 22-009

APN's: 1191-381-47-0000, 1191-381-48-0000, 1191-381-49-0000, 1191-381-50-0000

1. Please provide the following number of construction plans and documents listed below for the first review of the proposed project. The initial plan review time will take two weeks on most projects. The applicant will receive an application number at the time plans are submitted for Building & Safety's plan review. This number is needed to obtain information regarding your project.

- (3) Architectural Plans
- (3) Condition of Approval from all departments:
To be included in Architectural plan set at plan submittal
- (3) Structural Plans
- (2) Structural Calculations
- (3) Plot/Site Plans
- (3) Electrical Plans
- (3) Electrical Load Calculations
- (3) Plumbing Plans/Isometrics
- (3) Mechanical Plans
- (3) HVAC Duct Layout Plans
- (2) Roof and Floor Truss Plans (as Applicable)
- (2) Title 24 Energy Calculations or within the plan sheets
- (2) Soils Report
- (3) Precise Grading Plans
 - * Grading, Photometric, or Landscape Plans:
Please mark "FOR REFERENCE ONLY"
- (3) Site Disabled Access Plan
- (3) Temporary Fence Plan (as Required)
- (1) Fire Flow Test (from EVWD)

2. All structures shall be designed in accordance with the current version of the California Building Codes 2019 (2022 After January 1, 2023), including the California Green Building Standards Code. Design all structures to comply with Seismic Design Category D, wind speed 96 (ULT) MPH, at exposure "C" (ASCE7-16), and Energy Climate Zone 10.
3. The City enforces the State of California provisions of the California Building Code disabled access requirements. The Federal Americans with Disabilities Act (ADA) standards may differ in some cases from the California State requirements; therefore, it is the building owner's responsibility to be aware of those differences and comply accordingly.
 - a. When the total construction cost of alterations, structural repairs, or additions to existing buildings and facilities does not exceed the 2022 valuation threshold of \$186,172.00 and the enforcing agency finds that full compliance with the requirements for disabled access upgrades serving the area of alteration, structural repair, or addition creates an "unreasonable hardship", an exception can be granted to allow for less than full compliance for the upgrades. This determination for "unreasonable hardship", as detailed in CBC 202.4 #8, can be requested when the cost of providing the disabled access upgrades is disproportionate to the total construction cost; that is, where it exceeds 20% of the cost of the project without these upgrades. Under this determination, upgrades will still need to be made, but only to the point where the upgrade costs are disproportionate (i.e. 20% of the total construction cost will be required to be spent toward these upgrades).
4. All onsite utilities are to be underground. As approved by the Planning Division, utility cabinets and transformers are exempt.
5. Construction projects requiring fire permits must apply and submit fire plans prior to the issuance of the building permit, including fire sprinkler submittals.
6. Building and Safety does not release all meters until final approvals are obtained from all agencies and departments. Policy 295.
7. It has come to the City's attention that premature failures have occurred in copper piping when used within the City of Highland, particularly east of City Creek. Property Owners, Contractors and Developers are advised to analyze soil and water compositions when considering the type of pipe material to be utilized. City staff makes no recommendations on which Plumbing Code approved products or methods to be utilize, this is the responsibility of the property owner or contractor. Alternate unapproved code materials may be submitted for City approval at the time of plan submittal via an alternate material and methods application.

8. The Developer/Owner is responsible for the coordination of releasing any Deferral of Development Impact Fees or Bonds after such fees have been paid. The Developer/Owner should be aware, once the deferral notice is sent to the San Bernardino County Recorder's Office; the release process takes two to three weeks. This process will delay final Certificates of Occupancy.
9. The Developer/Owner is responsible for the coordination of the building final and occupancy. The Developer/Owner shall request clearances from each department and/or agency at least two weeks prior to requesting a final building inspection from Building and Safety. Each agency shall sign the back of the Building and Safety Job Card, or provide agency approved signed documentation, and provide a copy of the signatures to Building and Safety at the time the final inspection is requested.
10. Building and Safety inspection requests must be made by 4:00 pm. on the previous City working day to receive a next day inspection. Please contact (909) 864-2136, Ext 228.
11. A security fence with screening shall protect all construction sites. The fencing and screening shall be maintained at all times to protect pedestrians. All development projects shall submit a construction fencing plan with the construction design plans. Construction projects that have phased occupancy shall be completely separated by a construction fence that is screened and show the adjusted fence locations at each phase.
12. On site toilet facilities shall be provided for construction workers and such facilities shall be maintained in a sanitary condition. Construction toilet facilities of the non-sewer type shall conform to ANSI ZA.3 and on site per NPDES stormwater requirements.
13. All construction materials, which are not used, shall be recycled pursuant to the requirements set forth by Ordinance No. 269. Receipts from the recycle company responsible for picking up the materials shall be kept in the construction office. After the construction is complete and before final inspection, the trash receipts shall be forwarded to the City Public Services division.
14. Construction projects, requiring temporary electrical power, shall obtain an electrical permit from Building and Safety. No temporary electrical power will be granted to a project unless the following item is in place and approved by Building and Safety and the Planning Division.
 - a) Installation of a construction trailer through the "Temporary Occupancy Permit", alternatively, a security fenced area where the electrical power will be located. Installation of construction/sales trailers

must be located on private property. Trailers shall not be located in the street unless a permit from the Engineering Department is obtained.

15. Prior to the issuance of Building Permits, on site water service shall be installed and approved by the responsible agency. On site fire hydrants shall be approved by the Fire Department. No flammable materials will be allowed on the site until the fire hydrants are established and approved. No flammable construction materials shall be placed on the site without approvals by the Fire Department. All street and access roadways around the project shall be paved for emergency response vehicles before flammable materials are placed on the project.
16. Prior to issuance of building permits, provide a receipt from the appropriate Unified School District stating that all school fees have been paid.
(San Bernardino Unified School Districts)
17. Identify the location of all utility meter locations and identify them as new service or an existing service connection.
18. All construction projects shall comply with the NPDES Stormwater Best Management Program. Public Services approval will be requested prior to the issuance of a Building Permit to ensure compliance with any Water Quality Management Plan (WQMP) or site Stormwater pollution Prevention plan (SWPPP).
19. All deferred plan items are to be identified on the plans cover sheet.
20. Separate permits are required for trash enclosures, accessory structures, site lighting, fencing (over 6' in height) and or walls
21. The building is to be connected to the public sewer system, when provided. A will serve letter and water availability letter shall be provided to Building & Safety prior to issuance. When the public system is not available, an onsite waste treatment system is to be installed. Please provide Building Staff with a will-not/sewer not available letter from EVWD and an approved septic system design from the Santa ana Regional Water Quality Control Board (please contact Susan Beeson at (951) 782-4902). An approved design with percolation test will be required to be submitted to Building & Safety for separate review and permitting prior to issuance of a building Permit.
22. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel. The accessible route(s) of travel shall be the most practical direct route.

23. Demolition of any onsite structures requires the following information or action.
- Submit copies of the property title at permit submittal.
 - Provide copy of the hazardous materials survey (asbestos and lead) for each structure.
 - Contact the City of Highland Public Services Division for current abatement and documentation requirements prior to performing demolition.
24. For the removal of fuel storage tanks, or other excavations involving backfill, a compaction shall be filed with the Building Division. Fuel storage tank removal will require notification of San Bernardino County Fire, Hazardous Materials and San Bernardino County Environmental Health Department.
25. Projects requiring County Health and/or San Bernardino Environmental Control, such as food services, Fuel tanks, or interceptors, need to obtain those permits and clearances prior to building permit issuance.
26. All dead and removed trees and foliage is to be properly removed from the site.
27. Prior to final inspection, provide Building & Safety with a flash disk of the final approved amended plans and documents.

Specific Items to address:

- Please indicate Access aisle marking. "NO PARKING" shall be painted on the surface with each Access Aisle. 11B-502.3.3
- Access Aisle shall be provided on the Passenger side for van accessible parking spaces.
- New Projects with 10 or more vehicular parking spaces shall comply with the requirements for designated clean air vehicle/EVSC parking requirements CGBSC 2019 5.106.5 (Please note: January 1, 2023 code changes to the 2022 CGBSC for code compliance)

City of Highland

Engineering Department

Conditions of Approval

DRA 21-015 26654 Base Line – Pelayo Auto Repair NWC of Base Line and Vine Street

- A - Required Prior to Map Approval
- B - Required Prior to Building Permit/Construction
- C - Required Prior to Building Occupancy
- D - Ongoing
- E - Required Prior to Grading Permit
- * - Non Standard Conditions

Soils/ Geology/ Grading

- E 1. Design grading and landscaping plans to comply with the City's clear sight triangle criteria at public street intersections and at private driveways. Walls, fencing, monument signs, slope, and landscaping, within the clear sight triangle, must not exceed thirty inches in height measured from the flowline of the street, unless a sight distance analysis that demonstrates sight distance is adequately maintained is submitted to and approved by the City Engineer.
- E 2. Submit rough and/or precise grading plans to the City Engineer for review and approval. Comply with the City of Highland grading standards as shown on the grading plan checklist.
- B 3. Submit the structural design and location for any required retaining walls for review and approval by the City Engineer. Construct concrete v-ditches and drainage system at the back of retaining walls in accordance with the Grading Plan Checklist and as required by the City Engineer.
- E 4. Submit an erosion control plan to minimize potential increases in erosion and sediment transport during construction activity for City Engineer approval. Place erosion control measures during or after grading work as required by the City Engineer.
- E 5. Design short-term erosion control in accordance with Best Management Practices such as, hydroseeding, mulching, jute matting or plastic sheeting to protect slopes; silt fencing to control site perimeter; and straw bale barriers, sand bag barriers, rock filters or sediment basins to control internal erosion, or other methods to stabilize disturbed areas, as approved by the City Engineer.
- D 6. Implement dust control measures during construction activities including, but not limited to, daily watering of construction area as frequently as necessary during active and inactive periods, utilizing soil emulsions, limiting construction vehicle speed to 10 miles per hour, stabilizing construction entrances to prevent trackout of sediments, and street sweeping.
- E 7. Design grading to intercept and conduct off-site tributary drainage flow around or through the project site in a manner that does not adversely affect adjacent properties. Conveyance of on-site and off-site tributary flows shall be maintained by the underlying property owner.
- E 8. Design grading to drain the entire area of the project to the proposed Water Quality

Management Plan (WQMP) infiltration system and to accommodate overflows via sidewalk underdrain (City Std 210) or equivalent.

- E* 9. Plot all existing easements on grading plan and note disposition of any existing utilities, appurtenances, fences, and access roads. Show existing bus stop located on Base Line.
- D* 10. Construct temporary sedimentation basins for use during the grading and construction period of the project. Do not start using the proposed infiltration trench until the site is stabilized for erosion and sedimentation.
- B 11. Submit original wet signed and stamped rough grading and/or final grading certifications (as determined) from the soils engineer and the grading engineer, along with compaction reports, to the City Engineer.
- C 12. Submit original wet signed and stamped final grading certification from the grading engineer, to the City Engineer.

STREET IMPROVEMENT

- C* 13. Construct new street improvements along **Vine Street** project frontage including, but not limited to,
 - a) Design and construct parkway landscaping as approved by the Community Development Director and City Engineer.
 - b) 8" curb and gutter located 18' west of street centerline per City Std 203 to join existing curb and gutter at the northwest corner of Base Line and Vine Street BCR and terminating at the northerly property line and match up paving to join existing road edge to complete Vine Street roadway width per City Std 101.
 - c) One (1) minimum 24' wide commercial drive approaches (per City Std. 212/213) 18' west of street centerline as per the Auto Repair Shop Site Plan.
 - d) 6'-wide curb-adjacent sidewalk (per City Std. 208B) from the existing curb return ramp at the northwest corner of Base Line and Vine Street to the northerly property line.
 - e) Design the limits and extent of removal of existing improvements, and construction of transitional improvements to complete items a-d above and as approved by the City.
- C 14. Remove and construct the following improvements along **Base Line** project frontage including, including by not limited to,
 - a) Remove existing metal pole and asphalt concrete at back of sidewalk.
 - b) Design and construct parkway landscaping as approved by the Community Development Director and City Engineer.
 - c) Protect in place bus stop pad, bus stop structure, and street light.
 - d) Design the limits and extent of removal of existing improvements, and construction of transitional improvements to complete items a-c above and as approved by the City.
- E 15. Submit engineering plans for street improvements and signing & striping to the City Engineer for review and approval. Indicate the location of any existing utility/facility which would affect construction on plans and profiles. Comply with the City design standards as shown on the street and storm drain improvement checklist. Provide ADA access to site from right of way.
- C 16. Design and construct public improvements including sidewalk, driveway approaches and access ramps in accordance with all requirements of the State of California Accessibility

Standards, Title 24 California Administrative Code. Redesign and reconstruct existing frontage improvements if found not in compliance with City Standards.

- C 17. Submit "Record Revisions" to all plans to reflect the improvements as constructed, and any changes made during construction.

WATER QUALITY/ DRAINAGE

- E 18. Obtain approval by the City Engineer of a Final Water Quality Management Plan (F-WQMP), prepared in accordance with the City's National Pollutant Discharge Elimination System (NPDES) permit requirements in effect at the time the Conceptual Water Quality Management Plan was approved unless subsequent City NPDES permits require otherwise. The F-WQMP shall (1) be prepared, signed, and sealed by a licensed Civil Engineer, (2) include Site Design Low Impact Development and Source Control Best Management Practices (BMPs) appropriate for residential development, (3) include a BMP implementation, operation, and funding mechanism, and (4) be certified by the property owner. The property owner shall also enter into a Stormwater BMP Transfer, Access, and Maintenance Agreement with the City on standard City form. Include a copy of the recorded agreement in the F-WQMP. Construct BMPs in accordance with the approved F-WQMP.
- C* 19. Construct and implement site design BMPs specified in the project approved F-WQMP including, but not limited to, pretreatment devices approved at time of C-WQMP approval, infiltration trench, and raised curb landscaped areas and parking lot islands. Alternate site design BMPs which are equally effective may be submitted for review and approval by the City Engineer.
- E 20. Include the project grading plan, landscape plan and utility plan with the first submittal of the F-WQMP.
- C 21. Submit two sets of WQMP BMP Exhibits with a "WQMP BMP As-Built Certificate" wet signed and sealed by the Engineer of Record. The Certificate shall state:

"I hereby certify that the Water Quality Management Plan Best Management Practices have been constructed under my supervision in accordance with the approved plans and are functional to the best of my knowledge."
- C* 22. Construct on-site private drainage system, as needed, to drain the entire project site to the proposed WQMP BMPs in accordance with the approved Final Water Quality Management Plan, and construct necessary drainage overflow facilities. Construct an overflow pipe to convey any overflow from the proposed infiltration trench to fronting streets as necessary.
- B 23. At the infiltration trench proposed by the Final WQMP, conduct at least two new infiltration tests using a double-ring infiltrometer. The tests shall be conducted at the proposed trench subgrade elevation, prior to the submittal of the F-WQMP. After obtaining the results from the two tests, the engineer and geotechnical engineer shall determine if additional testing is required.
- C* 24. Design and construct perimeter fencing around proposed infiltration trench as required by State Waterboard Permit.
- E 25. Submit a hydrology study to determine storm runoff quantities tributary to and generated by the Project for review and approval by the City Engineer. Include hydraulic calculations to

determine the size and type of all drainage facilities. Provide a differential runoff volume calculation between pre- and post-development condition that will be mitigated onsite by the proposed BMPs.

- C 26. Intercept and convey off-site drainage tributary to the project boundary around or through the project in a manner that will not adversely affect adjacent or downstream properties.
- E 27. Submit engineering plans for public and private drainage systems to the City Engineer for review and approval. Indicate the location of any existing utility facility which would affect construction on plans and profiles. Comply with the City design standards as shown the street and storm drain improvement checklist.

MAP/DEDICATION/ANNEXATION

- C* 28. Apply to the City to annex the project into the City's Consolidated Landscape District (LMD) for potential City maintenance of parkway and frontage landscaping along Base Line and Vine Street. The City will maintain parkway and frontage landscaping utilizing LMD revenue only if the City determines that adequate maintenance is not being provided by the property owner. The potential future amount of assessment will include the estimated on-going maintenance cost and one-time construction cost to convert the privately-maintained system to the City-maintained system.
- A* 29. Dedicate an irrevocable offer of dedication, (1) a 10-foot wide minimum landscape easement across the Base Line and Vine Street frontage, limits as determined by Community Development Director and City Engineer, in addition to the required street right-of-way 52' half street width for Base Line and 30' half street width for Vine Street, (2) a temporary construction easement granting permission for the City to enter the property to construct and restore landscaping. The exact dimensions of the landscape easement will be determined at the time on-site improvement and landscape plans have been prepared.
- A 30. Dedicate corner property line cutoff for the lot at the northwest corner of Base Line and Vine Street in accordance with City Std 207A.
- C 31. Record a Final Parcel Map with the San Bernardino County Recorder pursuant to the provisions of the State Subdivision Map Act. Submit a duplicate photo mylar of the map recorded with the San Bernardino County Recorder.
- A 32. At the time of Final Parcel Map submittal, include traverse calculation sheets which show error of closure, copies of recorded maps and deeds used as reference and/or showing original land division, tie notes and bench marks referenced, and a current title report. Inverse calculations will not be accepted for plan check.
- A 33. Include an Improvement Certificate/Statement on the Parcel Map in accordance with Section 66411.1 of the Subdivision Map Act.

FEES/PERMITS/BONDING

- D 34. Pay appropriate Engineering fees for district annexation, plan check, map plan check, WQMP review, hydrology study review, structural calculation review, on-site and off-site inspection, utility excavation permits, GIS map plan update, microfilming and storage of maps and plans, and other required fees.

- D 35. Obtain a permit from Engineering prior to any on-site construction or construction within the public right-of-way.
- E 36. Post a deposit for erosion control which shall not be released prior to completion of all on-site construction.
- A 37. Post a deposit for monumentation based on an estimate of the cost to perform the work by the project surveyor or engineer. The deposit shall not be released prior to written verification from the surveyor or engineer that the monuments have been set and payment for the work has been received.
- A 38. Bond for all required street, grading, water, sewer and onsite and parkway landscaping improvements in accordance with City Development Code.
- A 39. Enter into an agreement for construction of improvements with the City of Highland using the adopted City form.

UTILITIES/ CONSTRUCTION

- E 40. Obtain written permission from the adjoining property owners for offsite grading and/or construction, if any.
- B 41. Install construction fencing and screening in accordance with Building and Safety Division Policy 335.
- C 42. Reconstruct existing public improvements removed or damaged during construction. Pavement repair, which may include A.C. overlay, T-cut trench repair and/or slurry seal after removal of existing striping shall be across all or a portion of damaged pavement caused by this project as determined by the City Engineer.
- C 43. Coordinate, and where necessary, pay for the relocation of any existing public utilities as necessary. Adjust existing water appurtenance and bollards at Vine Street curb ramp BCR in accordance with applicable EVWD standard and requirements.
- C 44. Provide all utility services to each building, including sanitary sewers, water, electric power, gas, cable TV, internet, and telephone. All utilities listed under Highland Municipal Code Section 16.40.380 (A) are to be underground per Ordinance 315.
- E 45. Comply with applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit program.
- E 46. Design and construct CMU privacy wall and metal gate per Auto Repair Site Plan to be located outside of future right of way. Gate swinging movements shall not encroach in future right of way.
- B 47. All underground structures, except those desired to be retained, must be broken in, backfilled, and inspected before covering.
- D 48. Comply with the prevailing City design and construction standards and requirements at the time of permit issuance.
- B 49. Design and construct a trash enclosure per City Standard 700 and in accordance with the

requirements of the Building and Safety Department.

- C 50. Install telephone, cable television, and internet enclosures underground whenever the underground installation is an available option offered by the utility companies. If the underground installation is not an available option and utility enclosures must be installed above ground, install the above-ground utility enclosures and any flush mount utility enclosures at locations where construction of retaining walls will not be necessary for compliance with the setback requirements of the utility companies.

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Exhibit 2:
Conditions of Approval (TPM 22-009)

PLANNING DIVISION CONDITIONS OF APPROVAL

Date: February 7, 2023
Applicant: Joaquin Pelayo
File/Index: Tentative Parcel Map (TPM 22-009)
Proposal: The merging of four (4) contiguous parcels related to the rehabilitation of an existing 2,184 square foot building into a minor auto repair facility.
Location: A 0.6 acre site at the northwest corner of Base Line and Vine Street.
Assessor's Parcel Number: 1191-381-47 thru 1191-381-50.
Related Entitlements: Design Review Application (DRA 22-017)

PLANNING CONDITIONS OF APPROVAL

Note: These conditions represent Planning Conditions and are meant to be one part of overall conditions that may include, but are not limited to, Engineering, Fire Department and Building and Safety conditions of approval. All required on-site and off-site improvements shall be completed and approved prior to final inspection for occupancy unless otherwise stated herein.

The Tentative Tract Map Application has been conditionally approved, subject to compliance with the requirements as specified below. The conditions listed below are continuing conditions. Failure of the Applicant and/or developer to comply with any or all of said conditions at any time shall result in the revocation of the application.

- a. Unless all conditions have been complied with and the tentative parcel map authorized by this application has occurred within thirty-six (36) months from the approval date of this tentative parcel map application, this tentative parcel map application shall expire and be null and void without further action by the City of Highland.
- b. Where circumstances beyond the control of the Applicant cause delays which do not permit compliance within the time limitation established in this Section, the Community Development Director may grant an extension of time for a period of time not to exceed an additional thirty-six (36) months. An application for an extension of time must be set forth in writing, stating the reasons for the extension, and must be filed with the Planning Division a minimum of thirty (30) calendar days prior to the expiration of the tentative parcel map. Such application shall be filed together with the City's processing fee, as established by the City Council.

PLANNING CONDITIONS

2. The subject property shall be developed in accordance with plans and materials approved by the Planning Commission on February 7, 2023.
3. Tentative Parcel Map (TPM 22-009) approves the merging of four (4) parcels into one (1) parcel. The site is approximately 0.6 acres.
4. Revisions, modifications, and/or deletions to the approved plans must be submitted to the Planning Division for review and approval.
5. Easements of Record not shown on the Tentative Map shall be relinquished or relocated. Lots affected by Easements or Easements of Records, which cannot be relinquished or relocated, shall be redesigned subject to review and approval of the Assistant Community Development Director.
6. The Site lies within a General Commercial (CG) Zone and all future development shall occur in accordance with the zone and all other related Highland Municipal Code provisions.
7. In compliance with the Highland Municipal Code, the Applicant/Owner shall agree, at his/her sole cost and expense, to defend, indemnify, and hold harmless, the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul an approval of the City Council, Planning Commission, or other decision-making body, including staff, concerning this project. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve the Applicant/Owner of his/her obligations under this condition.
8. The Applicant/Owner of the property shall submit to the Planning Division written evidence of agreement with all conditions of this approval before the approval becomes effective.
9. The Applicant/Owner is responsible for implementing all conditions of approval to the satisfaction of the Community Development Director, City Engineer, Fire Department, and Police Department. No final inspection or clearances shall be given until all conditions are met. Each condition of approval is separately enforced, and if one of the conditions of approval is found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.
10. Prior to recordation of the parcel map, the new legal description and plat map shall be submitted for review and approval with the Engineering Division. Prior to recordation of the parcel map the owner/applicant shall pay all applicable plan check fees.

11. Notice of this parcel map shall be filed with the county of San Bernardino and proof of recordation of the deed or record of survey shall be provided to the Engineering Division within one (1) year of approval of this parcel map.
12. Conditions of Approval for the related Design Review Application (DRA 22-017) entitlement shall apply

City of Highland

Engineering Department

Conditions of Approval

DRA 21-015 26654 Base Line – Pelayo Auto Repair NWC of Base Line and Vine Street

- A - Required Prior to Map Approval
- B - Required Prior to Building Permit/Construction
- C - Required Prior to Building Occupancy
- D - Ongoing
- E - Required Prior to Grading Permit
- * - Non Standard Conditions

Soils/ Geology/ Grading

- E 1. Design grading and landscaping plans to comply with the City's clear sight triangle criteria at public street intersections and at private driveways. Walls, fencing, monument signs, slope, and landscaping, within the clear sight triangle, must not exceed thirty inches in height measured from the flowline of the street, unless a sight distance analysis that demonstrates sight distance is adequately maintained is submitted to and approved by the City Engineer.
- E 2. Submit rough and/or precise grading plans to the City Engineer for review and approval. Comply with the City of Highland grading standards as shown on the grading plan checklist.
- B 3. Submit the structural design and location for any required retaining walls for review and approval by the City Engineer. Construct concrete v-ditches and drainage system at the back of retaining walls in accordance with the Grading Plan Checklist and as required by the City Engineer.
- E 4. Submit an erosion control plan to minimize potential increases in erosion and sediment transport during construction activity for City Engineer approval. Place erosion control measures during or after grading work as required by the City Engineer.
- E 5. Design short-term erosion control in accordance with Best Management Practices such as, hydroseeding, mulching, jute matting or plastic sheeting to protect slopes; silt fencing to control site perimeter; and straw bale barriers, sand bag barriers, rock filters or sediment basins to control internal erosion, or other methods to stabilize disturbed areas, as approved by the City Engineer.
- D 6. Implement dust control measures during construction activities including, but not limited to, daily watering of construction area as frequently as necessary during active and inactive periods, utilizing soil emulsions, limiting construction vehicle speed to 10 miles per hour, stabilizing construction entrances to prevent trackout of sediments, and street sweeping.
- E 7. Design grading to intercept and conduct off-site tributary drainage flow around or through the project site in a manner that does not adversely affect adjacent properties. Conveyance of on-site and off-site tributary flows shall be maintained by the underlying property owner.
- E 8. Design grading to drain the entire area of the project to the proposed Water Quality

Management Plan (WQMP) infiltration system and to accommodate overflows via sidewalk underdrain (City Std 210) or equivalent.

- E* 9. Plot all existing easements on grading plan and note disposition of any existing utilities, appurtenances, fences, and access roads. Show existing bus stop located on Base Line.
- D* 10. Construct temporary sedimentation basins for use during the grading and construction period of the project. Do not start using the proposed infiltration trench until the site is stabilized for erosion and sedimentation.
- B 11. Submit original wet signed and stamped rough grading and/or final grading certifications (as determined) from the soils engineer and the grading engineer, along with compaction reports, to the City Engineer.
- C 12. Submit original wet signed and stamped final grading certification from the grading engineer, to the City Engineer.

STREET IMPROVEMENT

- C* 13. Construct new street improvements along **Vine Street** project frontage including, but not limited to,
 - a) Design and construct parkway landscaping as approved by the Community Development Director and City Engineer.
 - b) 8" curb and gutter located 18' west of street centerline per City Std 203 to join existing curb and gutter at the northwest corner of Base Line and Vine Street BCR and terminating at the northerly property line and match up paving to join existing road edge to complete Vine Street roadway width per City Std 101.
 - c) One (1) minimum 24' wide commercial drive approaches (per City Std. 212/213) 18' west of street centerline as per the Auto Repair Shop Site Plan.
 - d) 6'-wide curb-adjacent sidewalk (per City Std. 208B) from the existing curb return ramp at the northwest corner of Base Line and Vine Street to the northerly property line.
 - e) Design the limits and extent of removal of existing improvements, and construction of transitional improvements to complete items a-d above and as approved by the City.
- C 14. Remove and construct the following improvements along **Base Line** project frontage including, including by not limited to,
 - a) Remove existing metal pole and asphalt concrete at back of sidewalk.
 - b) Design and construct parkway landscaping as approved by the Community Development Director and City Engineer.
 - c) Protect in place bus stop pad, bus stop structure, and street light.
 - d) Design the limits and extent of removal of existing improvements, and construction of transitional improvements to complete items a-c above and as approved by the City.
- E 15. Submit engineering plans for street improvements and signing & striping to the City Engineer for review and approval. Indicate the location of any existing utility/facility which would affect construction on plans and profiles. Comply with the City design standards as shown on the street and storm drain improvement checklist. Provide ADA access to site from right of way.
- C 16. Design and construct public improvements including sidewalk, driveway approaches and access ramps in accordance with all requirements of the State of California Accessibility

Standards, Title 24 California Administrative Code. Redesign and reconstruct existing frontage improvements if found not in compliance with City Standards.

- C 17. Submit "Record Revisions" to all plans to reflect the improvements as constructed, and any changes made during construction.

WATER QUALITY/ DRAINAGE

- E 18. Obtain approval by the City Engineer of a Final Water Quality Management Plan (F-WQMP), prepared in accordance with the City's National Pollutant Discharge Elimination System (NPDES) permit requirements in effect at the time the Conceptual Water Quality Management Plan was approved unless subsequent City NPDES permits require otherwise. The F-WQMP shall (1) be prepared, signed, and sealed by a licensed Civil Engineer, (2) include Site Design Low Impact Development and Source Control Best Management Practices (BMPs) appropriate for residential development, (3) include a BMP implementation, operation, and funding mechanism, and (4) be certified by the property owner. The property owner shall also enter into a Stormwater BMP Transfer, Access, and Maintenance Agreement with the City on standard City form. Include a copy of the recorded agreement in the F-WQMP. Construct BMPs in accordance with the approved F-WQMP.
- C* 19. Construct and implement site design BMPs specified in the project approved F-WQMP including, but not limited to, pretreatment devices approved at time of C-WQMP approval, infiltration trench, and raised curb landscaped areas and parking lot islands. Alternate site design BMPs which are equally effective may be submitted for review and approval by the City Engineer.
- E 20. Include the project grading plan, landscape plan and utility plan with the first submittal of the F-WQMP.
- C 21. Submit two sets of WQMP BMP Exhibits with a "WQMP BMP As-Built Certificate" wet signed and sealed by the Engineer of Record. The Certificate shall state:

"I hereby certify that the Water Quality Management Plan Best Management Practices have been constructed under my supervision in accordance with the approved plans and are functional to the best of my knowledge."
- C* 22. Construct on-site private drainage system, as needed, to drain the entire project site to the proposed WQMP BMPs in accordance with the approved Final Water Quality Management Plan, and construct necessary drainage overflow facilities. Construct an overflow pipe to convey any overflow from the proposed infiltration trench to fronting streets as necessary.
- B 23. At the infiltration trench proposed by the Final WQMP, conduct at least two new infiltration tests using a double-ring infiltrometer. The tests shall be conducted at the proposed trench subgrade elevation, prior to the submittal of the F-WQMP. After obtaining the results from the two tests, the engineer and geotechnical engineer shall determine if additional testing is required.
- C* 24. Design and construct perimeter fencing around proposed infiltration trench as required by State Waterboard Permit.
- E 25. Submit a hydrology study to determine storm runoff quantities tributary to and generated by the Project for review and approval by the City Engineer. Include hydraulic calculations to

determine the size and type of all drainage facilities. Provide a differential runoff volume calculation between pre- and post-development condition that will be mitigated onsite by the proposed BMPs.

- C 26. Intercept and convey off-site drainage tributary to the project boundary around or through the project in a manner that will not adversely affect adjacent or downstream properties.
- E 27. Submit engineering plans for public and private drainage systems to the City Engineer for review and approval. Indicate the location of any existing utility facility which would affect construction on plans and profiles. Comply with the City design standards as shown the street and storm drain improvement checklist.

MAP/DEDICATION/ANNEXATION

- C* 28. Apply to the City to annex the project into the City's Consolidated Landscape District (LMD) for potential City maintenance of parkway and frontage landscaping along Base Line and Vine Street. The City will maintain parkway and frontage landscaping utilizing LMD revenue only if the City determines that adequate maintenance is not being provided by the property owner. The potential future amount of assessment will include the estimated on-going maintenance cost and one-time construction cost to convert the privately-maintained system to the City-maintained system.
- A* 29. Dedicate an irrevocable offer of dedication, (1) a 10-foot wide minimum landscape easement across the Base Line and Vine Street frontage, limits as determined by Community Development Director and City Engineer, in addition to the required street right-of-way 52' half street width for Base Line and 30' half street width for Vine Street, (2) a temporary construction easement granting permission for the City to enter the property to construct and restore landscaping. The exact dimensions of the landscape easement will be determined at the time on-site improvement and landscape plans have been prepared.
- A 30. Dedicate corner property line cutoff for the lot at the northwest corner of Base Line and Vine Street in accordance with City Std 207A.
- C 31. Record a Final Parcel Map with the San Bernardino County Recorder pursuant to the provisions of the State Subdivision Map Act. Submit a duplicate photo mylar of the map recorded with the San Bernardino County Recorder.
- A 32. At the time of Final Parcel Map submittal, include traverse calculation sheets which show error of closure, copies of recorded maps and deeds used as reference and/or showing original land division, tie notes and bench marks referenced, and a current title report. Inverse calculations will not be accepted for plan check.
- A 33. Include an Improvement Certificate/Statement on the Parcel Map in accordance with Section 66411.1 of the Subdivision Map Act.

FEES/PERMITS/BONDING

- D 34. Pay appropriate Engineering fees for district annexation, plan check, map plan check, WQMP review, hydrology study review, structural calculation review, on-site and off-site inspection, utility excavation permits, GIS map plan update, microfilming and storage of maps and plans, and other required fees.

- D 35. Obtain a permit from Engineering prior to any on-site construction or construction within the public right-of-way.
- E 36. Post a deposit for erosion control which shall not be released prior to completion of all on-site construction.
- A 37. Post a deposit for monumentation based on an estimate of the cost to perform the work by the project surveyor or engineer. The deposit shall not be released prior to written verification from the surveyor or engineer that the monuments have been set and payment for the work has been received.
- A 38. Bond for all required street, grading, water, sewer and onsite and parkway landscaping improvements in accordance with City Development Code.
- A 39. Enter into an agreement for construction of improvements with the City of Highland using the adopted City form.

UTILITIES/ CONSTRUCTION

- E 40. Obtain written permission from the adjoining property owners for offsite grading and/or construction, if any.
- B 41. Install construction fencing and screening in accordance with Building and Safety Division Policy 335.
- C 42. Reconstruct existing public improvements removed or damaged during construction. Pavement repair, which may include A.C. overlay, T-cut trench repair and/or slurry seal after removal of existing striping shall be across all or a portion of damaged pavement caused by this project as determined by the City Engineer.
- C 43. Coordinate, and where necessary, pay for the relocation of any existing public utilities as necessary. Adjust existing water appurtenance and bollards at Vine Street curb ramp BCR in accordance with applicable EVWD standard and requirements.
- C 44. Provide all utility services to each building, including sanitary sewers, water, electric power, gas, cable TV, internet, and telephone. All utilities listed under Highland Municipal Code Section 16.40.380 (A) are to be underground per Ordinance 315.
- E 45. Comply with applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit program.
- E 46. Design and construct CMU privacy wall and metal gate per Auto Repair Site Plan to be located outside of future right of way. Gate swinging movements shall not encroach in future right of way.
- B 47. All underground structures, except those desired to be retained, must be broken in, backfilled, and inspected before covering.
- D 48. Comply with the prevailing City design and construction standards and requirements at the time of permit issuance.
- B 49. Design and construct a trash enclosure per City Standard 700 and in accordance with the

requirements of the Building and Safety Department.

- C 50. Install telephone, cable television, and internet enclosures underground whenever the underground installation is an available option offered by the utility companies. If the underground installation is not an available option and utility enclosures must be installed above ground, install the above-ground utility enclosures and any flush mount utility enclosures at locations where construction of retaining walls will not be necessary for compliance with the setback requirements of the utility companies.

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C OF A.DOCX



STAFF REPORT

TO THE APPEALS BOARD

DATE: February 07, 2023

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 25222 3rd St., San Bernardino, CA 92410, Tax Assessor's Parcel Number 0279-173-27.

PROPERTY OWNER: Estate of Cecil M Mower and Estate of Patricia Cover

RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2023 - _____, declaring the existence of a public nuisance on the Property generally located at 25222 3rd St., San Bernardino, CA 92410 and order the abatement thereof.

FISCAL IMPACT: The full cost to the city regarding the abatement of the Public Nuisance is currently unknown. Staff has accounted for its time in its attempt to abate the nuisance conditions on the Property. 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 January 19th, 2023. (Attached hereto as Exhibit "1" attachment "E" and incorporated herein by reference). In addition, on January 19th, 2023, staff posted the Public Hearing Notice at the subject property and the Agenda was posted at three designated locations in accordance with City policy, and a copy of said Agenda was placed on the City's Website (see Affidavit of Posting / Mailing and attached hereto as Exhibit "1" attachment "F" and incorporated herein by reference).

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

**Appeals Board Meeting of
February 7th, 2023**

BACKGROUND:

Apr. 11, 2022

This case was initiated due to a complaint received from Cal Fire regarding a commercial structure fire on the subject property generally located at 25222 3rd St., San Bernardino, CA 92410, APN: 0279-173-27. The structure was subsequently red tagged as substandard by the Building & Safety Division.

Apr. 13, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct an inspection and observed the building/structure to be severely dilapidated and in disrepair due to extensive fire damage. Code Compliance Officer Gary Chambers then observed evidence of illegal occupation. The Highland Police Department was notified, and an unknown female adult was detained for trespassing. An accumulation of junk, trash, debris, or rubbish was also observed on the property. A **Notice of Violation** was mailed to the property owner's address of record.

May 18, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed evidence of forced entry and illegal occupation. The Highland Police Department cleared the structure, and the structure was re-secured. Code Compliance Officer Gary Chambers also observed an accumulation of junk, trash, debris, or rubbish on the property. The building/structure remained in a state of dilapidation and disrepair due to extensive fire damage. A **2nd Notice of Violation** was mailed to the property owner's address of record. A copy of the Notice of Violation was emailed to Mr. Wesley Cover.

May 24, 2022

Code Compliance Officer Gary Chambers was able to contact Mr. Wesley Cover, by phone, regarding the property. The property owners were confirmed to be deceased. Mr. Cover has been managing the property with his siblings since the passing of his parents. Mr. Cover requested additional time to comply with the Notice of Violation and provided a current contact number.

Jun. 13, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed that the metal crash gate on the south side of the structure had been cut to make an opening. Code Compliance Officer Gary Chambers also observed an accumulation of junk, trash, debris, or rubbish on the property. Graffiti was also observed on the east side of the building/structure. The building/structure remained in a state of dilapidation and disrepair due to extensive fire damage. Code Compliance Officer Gary Chambers contacted Mr. Wesley Cover by phone. Mr. Cover stated that he would secure the crash gate by the end of the following day and work to remove the debris from the property.

Jul. 13, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed an accumulation of junk, trash, debris, or rubbish on the property. Code Compliance Officer Gary Chambers also observed that the building/structure was covered with graffiti. The building/structure remained in a state of dilapidation and disrepair due to extensive fire damage. Code Compliance Officer Gary Chambers contacted Mr. Wesley Cover by phone. Mr. Cover apologized and stated that he was trying to get other family members involved with the cleanup of the property. Mr. Cover also stated that he would reinforce the metal crash gate on the south side of the structure.

**Aug. 03, 2022 -
Sep. 20, 2022**

Code Compliance Officer Gary Chambers conducted several reinspection's of the property. Code Compliance Officer Gary Chambers observed an accumulation of junk, trash, debris, or rubbish on the property. Code Compliance Officer Gary Chambers also observed that the building/structure was covered with graffiti. The building/structure remained in a state of dilapidation and disrepair due to extensive fire damage. Code Compliance Officer Gary Chambers made several attempts to contact Mr. Wesley Cover by phone but was unsuccessful.

Oct. 24, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed an accumulation of junk, trash, debris, or rubbish on the property. Code Compliance Officer Gary Chambers also observed that the building/structure was covered with graffiti. The building/structure remained in a state of dilapidation and disrepair due to extensive fire damage. **Administrative Citation #15414 (\$100)** was issued to the Estate of Cecil M. Mower and Patricia Cover. The citation was mailed to the property owner's address of record. A copy of the citation was emailed to Mr. Wesley Cover and posted at the property.

Nov. 09, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed an accumulation of junk, trash, debris, or rubbish on the property. Code Compliance Officer Gary Chambers also observed that the building/structure was covered with graffiti. The building/structure remained in a state of dilapidation and disrepair due to extensive fire damage. **Administrative Citation #15420 (\$200)** was issued to the Estate of Cecil M. Mower and Patricia Cover. The citation was mailed to the property owner's address of record. A copy of the citation was emailed to Mr. Wesley Cover and posted at the property.

Dec. 19, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed an accumulation of junk, trash, debris, or rubbish on the property. Code Compliance Officer Gary Chambers also observed that the building/structure was covered with graffiti. The building/structure remained in a state of dilapidation and disrepair due to extensive fire damage. A decision was made to refer the case to the Planning Commission/Appeals Board for a Public Nuisance Hearing.

Jan. 19, 2023

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed an accumulation of junk, trash, debris, or rubbish on the property. Code Compliance Officer Gary Chambers also observed that the building/structure was covered with graffiti. The building/structure remained in a state of dilapidation and disrepair due to extensive fire damage. A Public Hearing Notice was posted at the property informing the property owner(s) that a Public Nuisance Hearing had been scheduled for February 7th, 2023, 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 and emailed to Mr. Wesley Cover.

CONCLUSION: As evidenced by all inspections conducted and the exhibits incorporated herein by reference, the property, identified as APN: 0279-173-27 (25222 3rd St., 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 property is in violation of the following provisions of the Municipal & Development Code:

- I. Highland Municipal Code Section 8.32.020 A (A public nuisance is created by every building or structure which: (1) Has become dilapidated, dangerous or at risk of collapse resulting from decay, damage, faulty construction or arrangement, fire, wind, earthquake, flood, old age, or neglect; (6) is unsafe; (8) Has graffiti or other words, letters or drawings which remain on the exterior of any building or structure and which are visible from a public street for 10 days or more and for which a sign permit has not been issued).
- II. Highland Municipal Code Section 8.32.020 (B) (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).
- III. Highland Municipal Code Section 8.32.020 C (A public nuisance is created by any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California)

The property owner(s) is requested to remove all junk, trash, debris, or rubbish from the property, remove all graffiti, secure the property to prevent illegal dumping and trespass activity, and obtain any other applicable permits to restore the building/structure to its original approved condition, or obtain a demo permit to demolish it by no later than **sixty (60) days** from the issuance of an order of the Appeals Board in accordance with Chapter

**Appeals Board Meeting of
February 7th, 2023**

original approved condition, or obtain a demo permit to demolish it 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 2023_____, inclusive of the following attachments:

- A.** Notice of Violation Letter dated April 13, 2022
- B.** Notice of Violation Letter dated May 18, 2022
- C.** Administrative Citation, #15414, issued October 24, 2022
- D.** Administrative Citation, #15420, issued November 09, 2022
- E.** Notice of Public Hearing & Public Posting Copy dated January 19, 2023
- F.** Notice of Public hearing (Affidavit of Mailing) dated January 19, 2023

Exhibit "2" Aerial/Site Location Map

Exhibit "3" Case photographs dated April 13, 2022

Exhibit "4" Case photographs dated May 18, 2022

Exhibit "5" Case photographs dated October 24, 2022

Exhibit "6" Case photographs dated November 09, 2022

Exhibit "7" Case photographs dated January 19, 2023

EXHIBIT “1”

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

RESOLUTION NO. 2023-

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS APN: 0279-173-27, GENERALLY LOCATED AT 25222 3rd ST., SAN BERNARDINO, CA 92410, AND ORDERING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.
(CODE CASE #9024)

A. RECITALS

1. On April 11, 2022, the City received a complaint regarding a commercial structure fire on the property identified as San Bernardino County APN: 0279-173-27 ("the Property"). An inspection of the property revealed a building/structure that was severely dilapidated and in disrepair due to extensive fire damage, and an accumulation of junk, trash, debris, or rubbish.
2. The City of Highland has since inspected the Property numerous times and discovered that the Property has been maintained and permitted to exist in violation of multiple sections of the Highland Municipal Code, and therefore constitutes a public nuisance.
3. Notices of Violation were mailed/posted on;

04/13/2022 (Attachment A)
05/18/2022 (Attachment B)
4. Administrative Citations, were issued/mailed on;

10/24/2022 (Attachment C)
11/09/2022 (Attachment D)
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 January 19, 2023. A copy of the notice was also posted at the Property (Attachment E).

B. RESOLUTION

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

1. All of the facts set forth in the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution by this reference.
2. Staff timely notified the owners of the Property that the Planning Commission/Appeals Board would be holding a Public Hearing on February 7th, 2023; that Notice is attached hereto as Attachment F. The Appeals Board held a Public Hearing on that Hearing Date, at which time, all written and oral evidence and testimony from the owner(s) 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 25222 3rd St., San Bernardino, California 92410, since at least April 11, 2022.
6. Specifically, based upon the evidence and testimony presented to the Planning Commission/Appeals Board during the above-referenced Hearing, the Planning Commission/Appeals Board finds as follows;
 - a. Highland Municipal Code Section 8.32.020 A (A public nuisance is created by every building or structure which: (1) Has become dilapidated, dangerous or at risk of collapse resulting from decay, damage, faulty construction or arrangement, fire, wind, earthquake, flood, old age, or neglect; (6) is unsafe; (8) Has graffiti or other words, letters or drawings which remain on the exterior of any building or structure and which are visible from a public street for 10 days or more and for which a sign permit has not been issued).

- b. Highland Municipal Code Section 8.32.020 (B) (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).
 - c. 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)
- 7. The Planning Commission/Appeals Board of the City of Highland hereby finds that the aforementioned Violations constitute a public nuisance, and hereby orders the Property Owner(s) to abate the aforementioned Violations, **within sixty (60) days**. The Planning Commission/Appeals Board of the City of Highland hereby sets forth the actions necessary to abate the public nuisance from the Properties as follows:
 - a. Remove all junk, trash, debris, or rubbish from the property.
 - b. Obtain all applicable permits to restore the building/structure to its original approved condition or obtain a demo permit to demolish.
 - c. Remove all graffiti and secure the property to prevent illegal dumping and trespass activity.
- 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 7th day of February 2023.

Randall Hamerly,
Planning Commission/Appeals Board Chairman

ATTEST:

Lawrence A. Mainez,
Community Development Director

ATTACHMENT "A"

Notice of Violation Letter dated April 13, 2022



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

To: Cecil M And Patricia D Cover Mower

Date: 04/13/2022

Property Located at: 25222 3rd Street, San Bernardino, CA 92410

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

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

CA13 Firecode - 505.1

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

Title 10, Chapter 10.20, Section 10.20.040

☐ **Public nuisances - Vehicle Abatement**

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

Please correct conditions by taking the following actions:

**** 1st Notice ** 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, which may include, but is expressly not limited to, the dumping of construction and/or landscape material; Corrective Actions: Remove all junk, trash, or debris from the property, including, but not limited to, discarded tires, furniture, and any other miscellaneous debris. Ensure building is secure to prevent unauthorized access. 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 05/14/2022

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 May 18, 2022



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

To: Cecil M And Patricia D Cover Mower

Date: 05/18/2022

Property Located at: 25222 3rd Street, San Bernardino, CA 92410

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

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

CA13 Firecode - 505.1

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

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

Title 10, Chapter 10.20, Section 10.20.040

- ☐ **Public nuisances - Vehicle Abatement**

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

Please correct conditions by taking the following actions:

**** Final Notice **** 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, which may include, but is expressly not limited to, the dumping of construction and/or landscape material; Corrective Actions: Remove all junk, trash, or debris from the property, including, but not limited to, discarded tires, furniture, and any other miscellaneous debris. Ensure building is secure to prevent unauthorized access. To avoid future notices and/or citations, please comply by 06/08/2022. 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 06/09/2022

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

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

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

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

Accepted By: "MAILED"

Thank You,

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

Gary Chambers

Code Compliance Officer

ATTACHMENT “C”

Administrative Citation, #15414, issued October 24, 2022

Case # 9024



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

CITATION NO. 15414

ADMINISTRATIVE CITATION

Date: 10-24-2022 Time: 10:32am (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 11-18-2022. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 11-8-2022. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

Estate of Cecil M & Patricia Cover Mower

DL #:

N/A

DOB:

N/A

MAILING ADDRESS:

1359 San Miguel Pr., Beaumont, CA 92223

VIOLATION ADDRESS:

25222 3rd St. Apt. 0279-173-27 San Bernardino CA 92223

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

HMC

8.32.020 B.5 Conditions dangerous to

public safety

HMC

8.32.020 A.8 Has graffiti

CORRECTIONS REQUIRED:

Remove all Junk, trash,
or debris from the property. Remove
all Graffiti from the building. Secure
property to prevent trespassing, illegal
dumping, or any other unpermitted activity.

Signature of Issuing Officer

10-24-2022
Issued Date

Printed Name of Issuing Officer

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

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “D”

Administrative Citation, #15420, issued November 09, 2022



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

CITATION NO. 15420

ADMINISTRATIVE CITATION

Date: 11-09-2022 Time: 10:41am (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 12-04-2022 see reverse side for payment and appeal instructions.

Corrections indicated below are required by 11-29-2022. 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

Estate of Cecil M & Patricia Cover Mower

DL #:

N/A

DOB:

N/A

MAILING ADDRESS:

1359 San Miguel Dr, Beaumont, CA 92223

VIOLATION ADDRESS:

25222 8th St. { #0279-173-27 } San Bernardino CA 92410

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

HMC

8.32.020 B5 - Conditions dangerous to public safety.

HMC

8.32.020 A8 - Graffiti

CORRECTIONS REQUIRED:

Remove all junk, trash, debris, or rubbish from the property. Remove all graffiti. Secure property to prevent trespassing, illegal dumping, or any other unpermitted activity.

Signature of Issuing Officer

Printed Name of Issuing Officer

Acknowledgement of Receipt (Signature)

11-09-2022
Issued Date

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “E”

Notice of Public Hearing & Public Posting Copy
dated January 19, 2023



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: January 19, 2023

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 THE ACCUMULATION OF JUNK, TRASH, DEBRIS, OR RUBBISH, GRAFFITI, AND A DILAPIDATED/DANGEROUS STRUCTURE DUE TO FIRE DAMAGE.

File Number: APPEALS BOARD PUBLIC NUISANCE HEARING
CASE #9024

SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Chapter 8.32.060 of the Highland Municipal Code on the following Assessor's Parcel Number: 0279-173-27.

PROPERTY OWNER(S): Estate of Cecil M. Mower, Estate of Patricia Cover

VIOLATION ADDRESS/APN: 0279-173-27, generally located at 25222 3rd St., San Bernardino, CA 92410 (within the corporate boundaries of the City of Highland)

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

DATE AND TIME OF HEARING: Tuesday February 07, 2023, 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 the property identified as APN #0279-173-27, generally located at 25222 3rd St., San Bernardino, CA 92410 (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, February 07, 2023, 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:

Accumulated junk, trash, debris, or rubbish, graffiti, and a dilapidated/dangerous structure due to fire damage.

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

Remove all accumulated junk, trash, debris, or rubbish from the property. Remove all graffiti from the building. Secure the property to prevent illegal dumping and trespass activity. Obtain any applicable permits to restore the building/structure to its original approved condition or obtain a demo permit to demolish it.

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



Lawrence A. Mainez

Community Development Director

Cc: Code Enforcement File

ATTACHMENT “F”

Notice of Public Hearing (Affidavit of Mailing) dated
January 19, 2023

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 January 19, 2023, I caused to be served a copy of the attached Public Hearing Notice, Case #9024, Certified Mail, Return Receipt Requested, to the following parties: Estate of Cecil M. Mower and Estate of Patricia Cover. Said service was made by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail, at Highland, California, and addressed to the Party as more fully detailed below.

Estate of Cecil M. Mower and Estate of Patricia Cover
25596 18th St.
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, and this Declaration was executed at Highland, CA, on January 19, 2023.

Dated: 1/19/2023



Camille Goritz, Administrative Assistant III, City
of Highland

EXHIBIT “2”

Aerial / Site Location Map



25222 3rd St. San Bernardino



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EXHIBIT “3”

Case photographs dated April 13th, 2022







EXHIBIT “4”

Case photographs dated May 18th, 2022

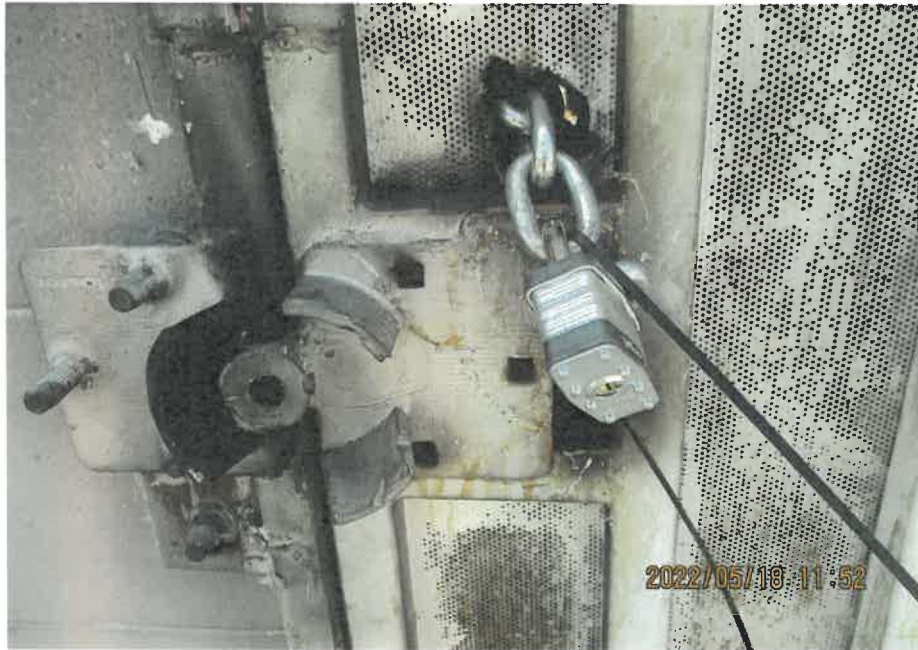
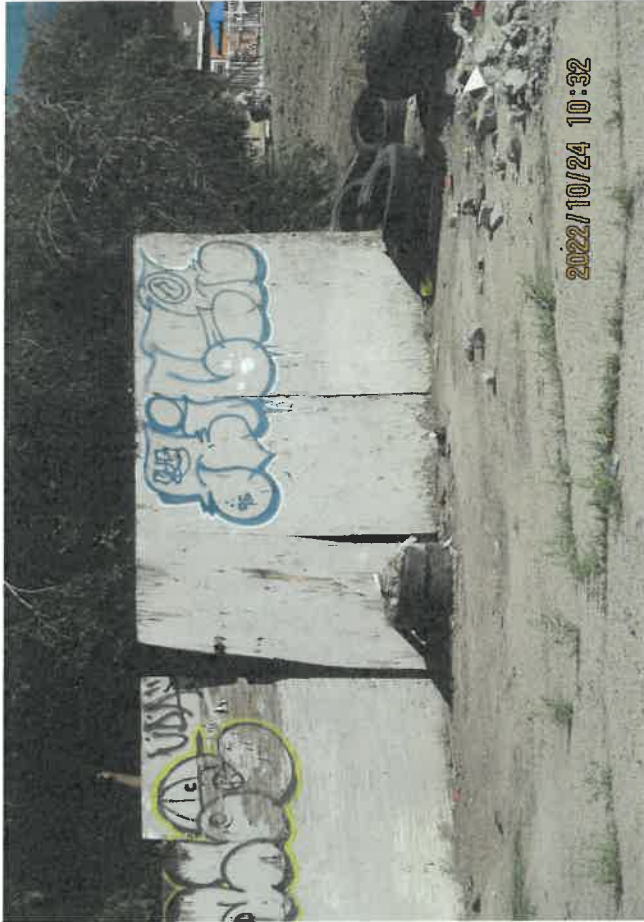




EXHIBIT “5”

Case photographs dated October 24th, 2022







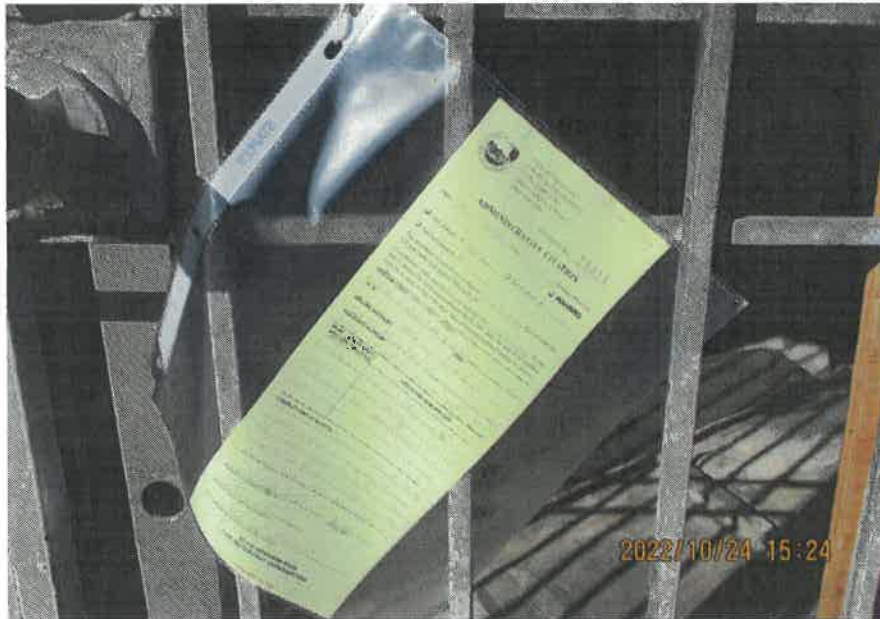


EXHIBIT “6”

Case photographs dated November 9th, 2022









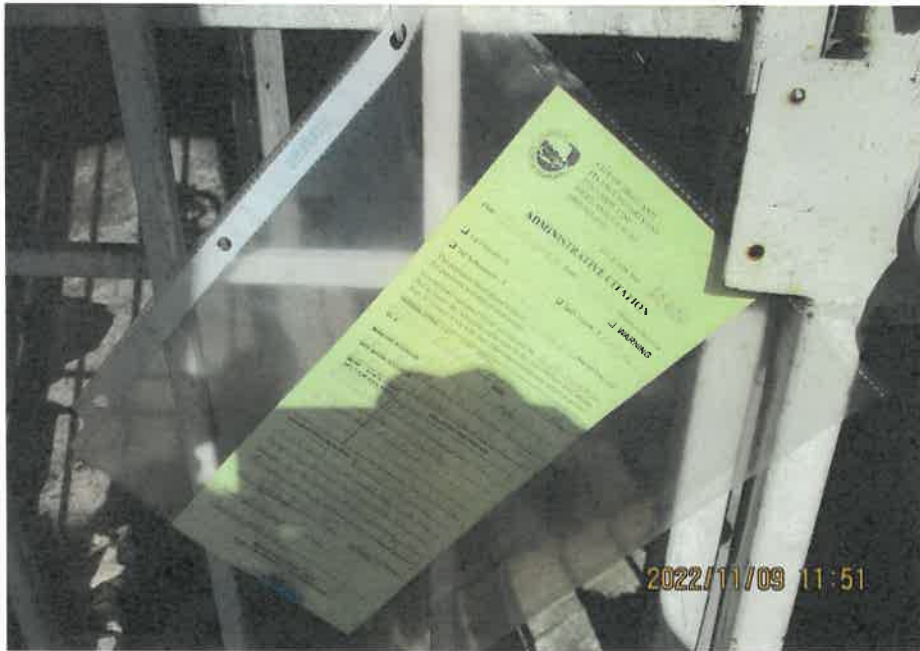


EXHIBIT “7”

Case photographs dated January 19th, 2023

