

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

May 2, 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.

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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 May 2, 2023 to publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the May 2, 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
May 2, 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 May 2, 2023, 5:00 p.m., will be read into the record, provided that the reading shall not exceed three (3) minutes.

CONSENT CALENDAR

1. Minutes from the April 4, 2023 Regular Meeting.

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

2. Minutes from the April 18, 2023 Regular Meeting.

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

PUBLIC HEARINGS

3. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 7712 Victoria Ave., Highland, CA 92346, Tax Assessor's Parcel Number 1192-261-20.

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 7712 Victoria Ave., Highland, CA 92346 and order the abatement thereof.

4. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 8046 Central Ave., Highland, CA 92346, Tax Assessor's Parcel Number 1192-561-10.

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 8046 Central Ave., Highland, CA 92346 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 27th of April 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: April 27, 2023



Camille Goritz Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: May 2, 2023

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Goritz, Administrative Assistant III

SUBJECT: Minutes from the April 4, 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>1</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
 Recording Secretary		 Community Development Director	

PLANNING COMMISSION REGULAR MEETING MINUTES
April 4, 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 6:02 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

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

Absent:	Commissioner	Edward Amaya
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Staff Present:	Lawrence Mainez, Community Development Director
	Kim Stater, Assistant Community Development Director
	Matt Bennett, Assistant Public Works Director
	Ben Booth, Senior Engineer
	Camille Goritz, Administrative Assistant III

Chair Hamerly led the Pledge of Allegiance.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

PUBLIC HEARINGS

1. A Public Hearing to Consider the Appeal of Administrative Citation No. 15897 issued due to Business License Regulations related to operating a Home-Based Business without having obtained a business license in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code, at the property generally located at 27178 Messina St, Highland, CA 92346, Tax Assessor's Parcel Number 1191-501-12. Cited: Joel A Deleon. [Continued from January 17, 2023]

Community Development Director Mainez presented the staff report.

Chair Hamerly opened and closed the public hearing.

A MOTION was made by Commissioner Miller, seconded by Commissioner Thomas, to adopt Resolution No. 2023 – 015, approving the subject Appeal and voiding Administrative Citation No. 15897. Motion carried, 4-0, with Commissioner Amaya being absent.

RESOLUTION NO. 2023-015

A RESOLUTION OF THE PLANNING COMMISSION/APPEAL BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING AN APPEAL FILED BY JOEL DELEON RELATED TO THE ISSUANCE OF ADMINISTRATIVE CITATION NO. 15897 ISSUED ON SEPTEMBER 16, 2022, AND DIRECTING STAFF TO VOID SAID CITATION

RELATED TO A VIOLATION GENERALLY LOCATED AT 27178 MESSINA St.,
HIGHLAND, CA 92346.

2. Review and comment on the Airport Gateway Specific Plan (AGSP) Draft Program
Environmental Impact Report (Draft PEIR)

Assistant Community Development Director Stater presented the staff report.

Commissioner Miller asked is the City for or against relocation assistance?

Assistant Community Development Director Stater stated we are asking it to be removed
as a mitigation measure.

Chair Hamerly stated it is residential units on presently residentially zoned parcels within
the project area, not existing non-conforming uses where the land use has already been
changed if I heard that correctly.

Community Development Director Mainez stated we are not opposed to Government
Code 260. Governments use that for city projects to relocate residents and businesses, it
is an important statute, however, we do not think it applies here. We do not think it is
appropriate to interject into a private transaction whether it is conforming or not. The
General Plan is our vision, and the zoning is our implementation tool to the General Plan.

Commissioner Miller stated attending the meeting on the Environmental Impact Report
(EIR), there was a high percentage of those who are existing renters within the Specific
Plan area, and they are very concerned about being able to find a place to live once their
owner sells their land to a new developer. Homelessness is already huge issue and there
is potential assistance that we could be contributing to that homeless issue and if we do
not provide some level of mitigation the problem could be worse.

Community Development Director Mainez stated the Specific Plan is a document that
outlines the vision for the area and is not a city project where we are involved.

Chair Hamerly stated I think we do need to address relocation plans of how they are
mitigating negative impacts.

Community Development Director Mainez stated what we are trying to convey is that it is
not a California Environmental Quality Act (CEQA) issue. The zoning is either Business
Park (BP), Industrial, or some residential housing. This is a private transaction.

Chair Hamerly asked does the city then have to retool the Housing Element to account for
lost units?

Community Development Director Mainez stated most are not zoned residential, they
were never included in our housing stock even when we incorporated our first General
Plan. The area has been zoned as BP or Industrial. Those were never included in our
Housing Element. Do you have questions regarding the relocation plan?

Commissioner Miller stated I cannot support that.

Commissioner Sutorus stated I am always concerned about the law and what is legal, and
if our attorneys are saying it is typically not legal to have this included, I cannot support
this.

Chair Hamerly stated the law was in there and it specifically referenced civic projects. I guess the only connection that could be inferred is that it is a joint agency project that falls both within City of San Bernardino and Highland.

Vice Chair Thomas stated what I heard from the Community Development Director is that relocation would be paid by the private developers who purchase those parcels. Residents are not forced to sell. Is that correct?

Community Development Director Mainez stated yes, but just for clarification developers would be the ones required to relocate residents. They can purchase and sell whatever those contracts are.

Chair Hamerly opened the public hearing.

Public Comment, Sandy Bonilla stated thank you for allowing us to present. I am a board member for Highland Boxing Club (HBC) and Youth Services and also, we have a friend's organization, but my professional job for over 35 years has been in the service of Youth Development. I hold 2 degrees in this, I also teach at California State Los Angeles. I have been in the field of drug and alcohol prevention for 30 years, I have advised 3 Mayors, including Willie Brown. I was an advisor during the war on drugs, especially as it applies to adolescents and children and the development, I have also worked at the University of Nebraska. I was also working for the Clinton administration for substance abuse and mental health administration of the US Center for Substance Abuse Prevention. In fact, I was one of the first Latinas ever to be appointed to that position. I traveled the United States providing technical assistance in the areas of drug and alcohol to young youth and the prevention of it and intervention because drug and alcohol is one of the leading public health concerns right now in our country. The reason I am here today is I read the draft report, I read all of it. After I read the draft of the of the plan which caused me to come today and so we did have some concerns. On behalf of the friends and families of the HBC and thousands of our supporters, we respectfully submit our response and recommendations in regard to the Airport Gateway Specific Plan (AGSP). First and foremost, we are not opposing the plan. In fact, we stand very firm with economic development and job creation. Instead, we are respectfully responding with a dissenting opinion to some of the findings and making some recommendations for consideration. The section that I am addressing is on page 151, which was located on the website of the drug plan, this section states the design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development and will not result in vehicular and pedestrian hazards. We would like to add to the plan, is the design and layout of the proposed project will indeed affect the use and enjoyment of an existing Community Center. The HBC is the only Community Center located in the west side of City of Highland where children and their families use and enjoy. We would also like to have added to the section that with the removal of HBC, an estimate of 100 plus families will lose the use and enjoyment of this center. If these families were to enroll in another center, or if HBC were to relocate miles away, we anticipate that the majority of these youth will walk. We know that our families have limited transportation and currently, the majority of youth in the west side of Highland participating in HPC walk to the center. Research shows that when children are required to walk in after school programs, the likelihood of pedestrian hazards increases. In fact, we have been working with the Southern California Association of Government this past year on helping to sponsor a campaign against streetcar racing in this area. Creating a plan that children and adolescents may need to walk to an after-school activity has the potential of increasing vehicular hazard. We would also like to respond to the section that states that the

proposed project, together with any applicable conditions, will not be detrimental to public health, safety or welfare or will not be materially injurious to properties or improvement in the vicinity of the site. We strongly disagree with this position and would like to add to the plan with the absence of HBC for low-income children and adolescents living in the west side will be detrimental to the public health, safety, and welfare of this community. Community centers like HBC promote public health, safety, and welfare, and help the community thrive by. There are hundreds of hard-working families with children and adolescents that live in the west side. Most of them are making it check by check and they are doing their very best to provide for their families. We know this because each year HBC provides free services and activities for hundreds of low-income families. We have single moms doing their best to raise boys, we have dads asking us for advice on how to keep their kids off drugs. They want to keep their kids safe and away from gangs, drug dealing and fights, and HBC is all they have. In fact, HBC is all the west side of Highland for these kids and their families. HBC is a Community Center that is safe and supportive with positive adults that offer our children and adults more than just boxing. HBC has saved the lives of hundreds of kids that would have turned to drug use. We know drugs are sold throughout this area, but HBC is the resistance. We have kids that would have dropped out of school and turned to crime. HBC works closely with probation, schools, and parents to ensure that our children are not expelled from school but are given a second chance and brought to HBC for youth developmental services. If Ms. Myers, who lives in the west side of Highland here today, she would tell you that her son Michael, age 14 would have been locked up for a time, which in turn he would have dropped out of school, making him another resident in a Highland without an education. According to the Center for Disease Control Prevention, preventing and intervening in children drug use and violence is a major public health concern. It is concerned for the safety and welfare of our community; the AGSP dismantles the only resource and resistance that our families on the west side of Highland have, with this said and given that HBC has over 20 years providing a public service to the City of Highland, it is not unreasonable to make the following request. We would like the following to be added for action to the plan. Community stakeholders are requesting that the plan include conducting a feasibility study to assess the inclusion of a space within 6th Street or nearby to include a facility that would be adjacent to the buildings that are being constructed to house a community center that children, adolescents, families on the west side. We also recommend that friends of the HBC be part of the study as well as part of identifying funds to support these efforts, including funds through the inflation reduction act. Funds for the Biden administration, climate court, legislation and funds for the Environmental Protection Agency, environmental justice funds, as well as underfunding sources including the City of Highland, the in the valley development agencies. We thank you for this consideration.

Chair Hamerly asked what types of facilities are present at HBC?

Sandy Bonilla stated it is in a house facility. That has been the only center for the residents of the west side of Highland to enjoy an after-school program. I am here today to say I have seen this in all the cities I have worked with and all the cities in which I have advised. We are not against development, but we are asking to be part of the plan. I just wanted to redirect you a little bit. I should have been more specific when I said what type of facilities are available and then the boxing club. The facility is small and, in many communities, especially colored communities, you really need to be very careful what you call your programs. I have learned that for 30 years you can call a program a boxing club and what it does it takes the stigma away from being in a treatment program and it takes the stigma away from being part of a developmental program. Part of what we do is really try to build

social emotional learning and we use sports for that. If we started calling social emotional learning no one would show up. So instead, we begin to really develop more positive youth development, social emotional learning through sports.

Public Speaker, Tony Collins Cifuentes stated thank you for having us here. My sister said it all. Our facility is a little bit bigger than this room, 10-20 feet longer. I am the founder of the organization, my sister helped me with this, and I am a resident here. That place has changed thousands of lives and has helped many families, the success rate is overwhelming, and I started this place at 26 years old. So, we are really proud of what we have done in that community and to actually relocate and what needs to be done. When I heard this was happening at first, I said this is great it is going to create jobs, but then I heard that we were losing our home. What is going to happen to all the kids and the families? My heart was very heavy and for a week or two it was detrimental to me. This is our community. The crime rate has gone down because of what we are doing there and if we take something like something like that away, it is going to be detrimental for everybody. We cannot allow that to happen. I know that we can get this done with everybody's input and everybody's help. We would love to be part of the plan.

Chair Hamerly asked did anyone have comments on the executive summary? This is a huge amount of information to digest in a week and I think a couple of us have other activities that keep us busy day-to-day, and it would have been nice given the volume of information to have a little bit more time to review.

Assistant Community Development Director Stater stated there may be an opportunity to review the document again.

All Planning Commissioners agreed with Chair Hamerly's statement.

Community Development Director Mainez stated I had the opportunity to talk to CEO, Mike Burrows for IVDA and I received calls from the Planning Commissioners that it was overwhelming with the amount of documents to review and asked for additional time, however it seems like we can get through the major comments tonight.

Commissioner Miller spoke about the impacts to air quality, greenhouse gas, noise, transportation, utilities, and service systems. There will be significant impacts for which there will not be adequate mitigation.

Consultant Tom Dodson stated Katie and I are responsible for preparing the EIR that you are reviewing and strangely enough, we do appreciate all the comments because the EIR is not something that is prepared by a single entity. It is a document that evolves best by getting all the input from all the parties.

Commissioner Miller stated in general the document is written well. I'd like to propose a correction on page 254 based on the first sentence, which stated "Prior to the commencement of construction of any future project within the Specific Plan project area that will disturb more than 10,000 square feet, the city or county shall require preparation, approval and implementation of a site project specific storm water pollution prevention plan and Water Quality Management Plan (WQMP)." It should be revised to state "Part of the commencement of construction of any future project within the Specific Plan project area that will disturb more than one acre. The city or county shall require preparation, approval and implementation of a site, project specific stormwater pollution prevention plan, the one acre being the threshold of disturbance." There should be a second sentence

that states, "Prior to the commencement of construction of any future project within the specific project plan area that will add or replace 10,000 square feet of impervious surface. The city or county shall require preparation, approval and implementation of a site or project specific WQMP."

Chair Hamerly stated Chapter 2, Infrastructure should include power and natural gas, the upgrades to both services will be needed, especially in the conversion of residential land use to Industrial and Commercial. On Chapter 3, 3.1 page 3-5, it specifically referencing Highland Head Start, is that use going to be absorbed or relocate? Will it be conforming?

Assistant Community Development Director Stater stated it will stay and it will be permitted as an accessory use.

Chair Hamerly stated under section 3.4.5, connecting from 3rd Street to 5th Street the segment of 3rd Street right before that intersection, is that going to be widened to the ultimate right of way that is going parallel with the airport?

Public Works Director Bennett stated the current project is not going to widen it to the ultimate. 5th Street would be curb to curb 80 feet.

Chair Hamerly stated in Chapter 4, we will over aesthetics. Most of the aesthetics in the corridor are pretty bleak, and it focuses on distant views. The CEQA process is do no harm or do less harm and aesthetics are focusing on how we can make it as beautiful as we can make it. To disregard the visual impacts of a blighted streetscape, with no parkway, no sidewalks, we are trying to improve multiple other areas, multimodal transport, air quality, and pedestrian linkage. On figure 4.2.14 the sidewalk set back from edge of curb, but it also has palm trees, which do nothing to screen, and the power lines are still present.

Consultant Tom Dodson stated the purpose of the EIR is to talk about the negative things that can happen. What I would do is reference you to the design guidelines, in the specific plan itself, which is Chapter 5, and it contains what you are speaking about, such as the improvements and how they will be coordinated. The information indicated is that the design guidelines will achieve that ultimate goal.

Chair Hamerly stated moving on to Air Quality, this is also one of the first sections where it can get comprehensive in Title 24 and will need to be edited to current standards and current code. Under methodology on 4.45, the second paragraph on 4-73 notes that they do not distinguish fuel or size of passenger vehicles and that is strange because of the air quality standards. The emissions thresholds are usually expressed in trips per day, and so the higher trips per day, the greater the opportunity for higher emissions and it negates the effect that the passenger vehicle segment is the most rapidly growing area of zero Electric Vehicles (EV) emissions. The latest data in 2022 shows that over 18% of the vehicles sold in California EVs. By not identifying the types of vehicles that are contributing to emissions, you are missing a big segment of what could actually be helping because transportation is viewed as being the chief generator of emissions, and it was over 40%.

Consultant Tom Dodson stated this is all captured in the model for each year a specific set of emissions for all vehicles. So, if you are incorporating as we go forward it is going to reduce the emissions from vehicles. That is already built into the modeling system. Chair Hamerly, you observed one of the most difficult components of the EIR and the difficulty is that the Specific Plan began in 2019. We immediately went to the traffic study because the traffic study had to be the basis for all the air emission forecasts in 2019

became our best base year to be able to make the forecast for the modeling, we did not have the model numbers for the out years. We are going to have to recirculate and make it current.

Commissioner Sutorus stated when projects come to us there are some creative mitigations for queuing because I have yet to see a project that does not park outside of the properties, blocking entrances, changing tires and oil. There is no way for them to accurately queue, although there are some larger industrial customers who are more advanced in logistics and have more technologies to make sure that their trucks are queuing properly, but all the ones that are coming from out of state long haul typically just show up whenever. I do not think there are any truck stops that are that close where they could just spend time together until they can queue up, so just that to consider when this goes forward.

Chair Hamerly stated under 4.4.6, it is about demolition and its impacts on air quality, it stated they are projecting there could be 5.985 million tons of debris. Does that factor in the mandated waste management plans that require a minimum reduction of 60% of waste? Is that factored into this for the recycling component or is that the gross amount of debris that is going to be generated?

Assistant Community Development Director Stater replied it stated it as an estimate based on the number of residential units located in the project area forecast to be removed and does not really document whether it does or does not include the construction waste diversion program.

Kaitlin Dodson stated the model pulls the gross amount, not the diverted amount and under utilities and services section, there should be a discussion of where the waste will go and the laws the projects must comply with.

Chair Hamerly stated tables 4.4-11 and 4.4-12 had an error, one stated with mitigation and the other is saying without mitigation and every single date and every single emission in pounds per day, the tables are identical.

Chair Hamerly stated in terms of again targeting source-based emissions, any creative ideas we can produce to reduce trips per day. The lab test of some of those options has just occurred in the last two years. There is the increasing the work hours per day and reducing days per week would be a 20% reduction that may not be an available option for logistics and trucking because of constantly maintaining supply chain, but that was only a fraction of the proposed uses.

Chair Hamerly stated under AQ2, that states low VOC paints and future Airport Gateway Specific Plan development may utilize building materials that do not require the use of architectural coatings. The practical reality of that is if you assume that there are building materials out there to leave it minimalist and raw for the purposes of longevity, maintenance, weatherproofing, fire proofing, bare concrete, bare steel, and bare wood it requires some sort of architectural coating. So, unless we are going to differentiate between something that has been protected, weatherproofed, fireproofed through a factory applied process that is not contributing to local VOC generation. We need to make that distinction. AQ22 had to do with on-site outdoor cargo handling equipment, all onsite, indoor forklifts powered by electricity where feasible and am interested in going away from diesel, but that equipment is not available presently in hydrogen and natural gas. Not as

efficient as electric but speaking about alternative fuel vehicles both of those also fit into the alternative fuel.

Assistant Community Development Director Stater asked should the language to say alternative fuels not electric?

Chair Hamerly stated I would delete the reference specifically by electricity. I would say alternative fuels would be the emphasis and as it could get more efficient as it becomes more available by all means go out to all electric. Right now, the alternative fuels have to include hydrogen and natural gas because they are cleaner burning. AQ29 meters exceed 2020 Title 24, if you want that one to have some longevity to it, I suggest striking the 2020 and state the current adopted Title 24 standard and that could stand for all time. AQ32, LED is the standard right now and getting 34% more efficient than LED is going to be a tough threshold unless you are going to get very aggressive with daylighting standards where you do not even need light fixtures. On AQ33 required to use light colored paving and roofing materials. There are other ways of reducing heat sink pervious paving. It takes on minimal heat, so it solves the heat sink, but it also allows for some percolation which reduces storm flow. So, if we consider that green roofs might be a preferred option, at 50%, that gets us to 31% increase in landscaping.

Community Development Director Mainez stated are you promoting landscaping on the roof?

Chair Hamerly stated yes.

Commissioner Miller stated I do love green roofs; however, they can be very costly. The additional structural support that is necessary in the building to not only hold the soil and the vegetation, but also the water that is supposed to be captured can be very constraining.

Commissioner Sutorus stated City of Highland already has a sample of a green roof at the Sam Racadio Library, Environmental Learning Center.

Commissioner Miller stated on 4.5 biologic resources, the specific plan area is not identified as critical habitat, will there be any surveys that are required for development?

Assistant Community Development Director Stater stated yes.

Chair Hamerly stated on 4.6 I thought it was interesting most of the cultural resources were identified as drainage channels in an area that has such huge drainage problems. On 4.7 under energy had to do with backup power generation and stated it needed to have limits, but it did not distinguish between the fuel for the backup generators. Natural gas is the preferred means of basically low impact power generation. 40% of statewide power is generated by natural gas.

Assistant Public Works Director Bennett stated some of the utilities are not going to be underground based on the 32 KV and above.

Chair Hamerly stated the way it is written right now, it is the responsibility of each respective project underground their segment. We need to identify those because we might be doing an impossible ask if somebody fronts along Cypress Avenue where it is not a possibility.

Assistant Community Development Director Stater stated that would be in the engineering conditions of approval.

Assistant Public Works Director Bennett stated Ordinance 434 requires undergrounding certain facilities.

Community Development Director Mainez stated in the implementation section of the SP, it does show what we are referring to. It lists grant funding, fair share, and cities have to contribute a percentage of the cost.

Chair Hamerly stated back to the discussion on making solar available to requiring it at 9.2 million square feet, if we used only 25% of the available roof area, we would be generating 270 megawatts of power, assuming 2 kilowatts per panel per day on rooftop.

Commissioner Miller stated it could be a mitigation measure if we do not have power to support the development and we are waiting for Edison to build the infrastructure.

Commissioner Miller stated I have a general comment on geology and groundwater, when the Specific Plan area builds out, they will be infiltration facilities on each one of the properties and the EIR identifies there are existing plumes under Norton Air Force Base. We are adding a lot of concentrated stormwaters and infiltrating in these facilities while there may not be existing contamination under the actual Specific Plan area, water does migrate down under the airport.

Chair Hamerly asked how far away are those plumes to the project area?

Commissioner Miller stated several 100 feet.

Tom Dodson stated the origin of the plume is essentially where the millionaire facility is on the airport right now. The groundwater table is almost 200 feet deep. So, what you are envisioning is that the developed area will result in water migrating latterly from the infiltration. I think it will go all the way down to the groundwater table first before it starts migrating, because there is nothing to carry it. The concentration of the pollutants in the area is now below the Maximum Contaminant Level (MCL).

Commissioner Miller asked with the concentration being below the MCL it is not a concern?

Tom Dodson stated they are not doing any treatment at all because they are below the MCL.

Chair Hamerly stated on 4.9 there were comments from the public about transport of hazardous materials through the project site, are there any restrictions on what can and can't be transported through the project area?

Assistant Community Development Director Stater stated I have not seen it noted.

Chair Hamerly stated on 4.11 I had a comment, I do not know if it is a mitigation measure or a matter of further study, but when I looked at a couple of the exhibits it looked like an area that is flooded with the dam failure. Once we have established the maximum flood elevation, are there any kind of provisions that would be included in the engineering conditions of approval where all of the building pads would be elevated 1 foot above the flood elevation?

Assistant Public Works Director Bennett stated yes. We are going to have a base flood elevation for those areas.

Chair Hamerly stated on 4.12.7 under esthetic #5, the first issue listed under land use mitigation measures is about buffer designs on 6th Street. I do not know if 6th Street is scheduled for widening but given the present specifications for front yard setbacks, we are only talking about 20-foot landscape setbacks.

Chair Hamerly stated under 4.14 noise, no particular modification required, but I thought the section on 4.14.37 community response to noise was entertaining. 10% of the people are going to complain no matter how low the noise is. The discussion for rubberized asphalt I noted it was not proposing that as a mitigation measure, but the weight of the vehicles that are going to be traveling through the area would question the durability of that product to be considered. If a developer comes and puts the rubberized asphalt to reduce noise, is there a way to discourage them since they will have to reapply more frequently?

Community Development Director Mainez stated that would be an offsite improvement.

Assistant Public Works Director Bennett stated City of San Bernardino does not care for the rubberized asphalt. City of Highland would use the rubberized asphalt for noise reduction.

Chair Hamerly stated the typical truck bay, tilt up warehouse wall, highly reflective concrete, then 120 to 140 feet of paving, perimeter wall 8 to 12 feet of concrete, idling trucks and equipment rolling around with a reflective box that is going to radiate the sound waves. The mitigation measure is not so much barriers but sound absorptive materials, where can we achieve the sound absorption?

Kaitlin Dodson stated yes, that is true. We will speak to staff about how to make it better.

Chair Hamerly stated it is cost prohibitive, breaking up the walls creating sawtooth patterns is effective, but they are really expensive, so I am not recommending it. Sound absorption would be the preferred method for doing it.

Chair Hamerly stated cumulative impacts 4.15.8 on page 4-466 stated "The EIR assumes that the creation of AGSP would result in employment of up to 5,097 persons, which in turn could result in an increase in population within the area of about 5,097 persons over the time period of development." If they are creating jobs, it is not reasonable to assume that all of the jobs are going to be created by people that are going to relocate to the area and the counterpoint is, if it did, you would see a population increase of significantly more than 5,097. The City is using 3.35 people per household, which would instantly increase.

Kaitlin Dodson stated that was a Specific Plan number, the Specific Plan came before the EIR. It identified the number of employees. Unfortunately, I do not have an answer to that, but I can certainly get you one. I understand we did receive a comment about the population estimates, it is a worst-case scenario.

Chair Hamerly stated 4.17.7 under the mitigation measure we have the funding mechanism, I do not see any problem with that, it seems reasonable. Two issues would be reducing vehicle trips per day, and it was also addressed in the air quality and that linking bike paths, pedestrian paths through the project area it crossed the channel at the eastern end Santa Ana bike path connect. There is even some discussion about City of

San Bernardino wanting to do a bike path in their Creek channel. It seems like there is a potential for a recreation component if the bike paths are linked to a regional trail system.

Chair Hamerly stated Specific Plan Chapter one introduction, on page 17 does identify all the parties, which are City of Highland, City of San Bernardino, East Valley Water District and San Manuel. On Chapter 3, page 37 going back to the Hydrology and Civil Engineering, we have 500-year FEMA flood zones shown and that flood zone is primarily south of the airport, the only vulnerability is City Creek, and that is being improved. That was a 500-year identified zone so most of the project area seems like it is pretty safe.

Commissioner Miller stated there is still drainage conveyance within streets, city criteria are 25-year event at the top of curb.

Chair Hamerly stated Chapter 4 under land use development standards, page 57 discusses the Institutional and Religious Facilities and where the Highland Boxing Club falls under.

Assistant Community Development Director Stater stated they fall under recreation section.

Chair Hamerly stated table 4.4 is what I have been focusing on when I talk about building setbacks, landscape setbacks, especially at the main corridors like 5th, 6th, and 3rd Street but your major arterials need a buffer in those areas. Under Chapter 5, site design regarding special treatment edges about aesthetics, but I also think setbacks, buffering is an appropriate area to include those discussions around the perimeter of the project. Under 5.5 site design, stated building orientations, presenting the best side forward, but it goes into the parking, loading and orientation to street. Site design also factors into energy use, building orientations that can capture maximizing daylight and maximize opportunity for natural ventilation to keep the warehouse spaces cool, especially equipment operating in there.

Commissioner Sutorus stated regarding design and several types of industrial commercial businesses, I have not seen these types of designs, but I was impressed with what they provided like integrating murals and those I have not seen come to us yet. I am hoping we see this moving forward.

Chair Hamerly stated under 5.3 walls, fence, and screening in warehouses areas, fences usually don't factor into frequently, but the discussion does mention that very last one on page 77, "Existing residential area should be buffered with a minimum 6 foot high privacy wall." The starting point of the conversation that we have had on some of the other screenings starts at 8 feet and sometimes goes up to 12 feet if we are in a truck bay. We need to factor in what we are trying to screen, if it is a yard, 6 feet is appropriate. Additionally, creating buffers where we can screen those with landscaping. I would like the cities to have much more influence into the streetscape and there are areas of the document that talk about continuity and having common themes between gateways, corridor, landscaping, and design elements. The cities are the more appropriate agency to introduce those elements.

Assistant Community Development Director Stater stated our City Landscape Architect Scott Rice did amend the document. On page 86, it will show street trees for 3rd Street. The next page is street trees for 5th Street.

Commissioner Sutorus stated these particular trees are on my list for carbon sequestering and canopy trees, so all of these I would approve. These trees do not destroy infrastructure and they do have nice canopies.

Assistant Community Development Director Stater stated there is a goal in our recently adopted health, safety, and environmental justice element to we need to get back to having an approved tree list onsite, off site, and street trees.

Chair Hamerly stated the city is responsible for the entire corridor, not just the project area. I want to make sure that the city was the one that was driving streetscapes.

Commissioner Sutorus stated I like the bio cells mentioned. Does the City of Highland reassess your Developmental Impact Fees every couple of years as a routine?

Community Development Director Mainez stated we do.

Chair Hamerly closed the public hearing.

Community Development Director Mainez stated Chair Hamerly we have your written document and I hope the Planning Commissioners had a chance to read it. This document will not go directly to the CEO Mike Burrows, these are your comments as a Planning Commission and staff will use these comments to formulate a detailed comment letter to send IVDA.

Planning Commission reviewed the Draft PEIR and provided comments to the Inland Valley Development Agency (IVDA), the Lead Agency for the project.

ANNOUNCEMENTS

The next regular meeting is scheduled for April 18, 2023.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 10:58 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: May 2, 2023

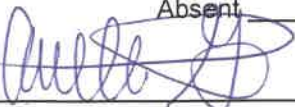
FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Goritz, Administrative Assistant III 

SUBJECT: Minutes from the April 18, 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
April 18, 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 6:02 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present:	Chair	Randall Hamerly
	Vice Chair	Chandra Thomas
	Commissioner	Jarrod Miller

Absent:	Commissioner	Edward Amaya
	Commissioner	Jessica Sutorus

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Camille Goritz, Administrative Assistant III

Chair Hamerly led the Pledge of Allegiance.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

CONSENT CALENDAR

1. Minutes from the March 21, 2023 Regular Meeting.

A MOTION was made by Commissioner Miller, seconded by Commissioner Thomas, to approve as amended. Motion carried, 3-0, with Commissioner Amaya and Commissioner Sutorus being absent.

PUBLIC HEARING

1. Conditional Use Permit application for an Alcohol Beverage Control License (Type 41 On-Sale Beer and Wine) at an existing full-service restaurant, Pancho's Kitchen. (27141 Base Line St. Ste 1)

Assistant Community Development Director Stater presented the staff report.

Commissioner Miller asked will this allow the restaurant to have distilled spirits since they already have an ABC license for beer and wine?

Assistant Community Development Director Stater stated they do not have an ABC license currently; this would give them a license just for beer and wine.

Chair Hamerly opened and closed the public hearing.

A MOTION was made by Commissioner Miller, seconded by Commissioner Thomas, to adopt Resolution No. 2023-016 Approving Conditional Use Permit 23-004 to establish an Alcohol Beverage Control License (Type 41 On-Sale Beer and Wine) at an existing full-service Restaurant, subject to the Conditions of Approval, and Findings of Fact. Motion carried, 3-0 with Commissioner Amaya and Commissioner Sutorus being absent.

RESOLUTION NO. 2023 - 016

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT APPLICATION (CUP-23-004) TO PERMIT THE ESTABLISHMENT OF AN ALCOHOLIC BEVERAGE CONTROL LICENSE TYPE 41 (ON-SALE BEER AND WINE) FOR A BONA FIDE PUBLIC EATING ESTABLISHMENT KNOWN AS PANTHO'S KITCHEN, LOCATED AT 27141 BASE LINE SUITE 1, HIGHLAND CA 92346. (APN NO. 1192-421-23)

ANNOUNCEMENTS

Assistant Community Development Director Stater stated the Airport Gateway Specific Plan was reviewed by the City Council and they concurred with the comments made by the Planning Commissioners. The final comment letter will be sent to the Inland Valley Development Agency Board to be part of the record.

The next regular meeting is scheduled for May 2, 2023.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 6:11 p.m.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission



STAFF REPORT

TO THE APPEALS BOARD

DATE: May 02, 2023

FROM: Lawrence Mainez, Community Development Director

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

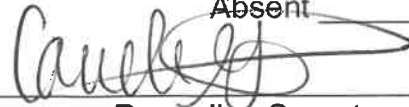
SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 7712 Victoria Ave., Highland, CA 92346, Tax Assessor's Parcel Number 1192-261-20.

PROPERTY OWNER: John Van Nguyen, Soi Nguyen

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 7712 Victoria Ave., Highland, CA 92346 and order the abatement thereof.

FISCAL IMPACT: The full cost to the city regarding the abatement of the Public Nuisance is currently unknown. Staff has accounted for its time in its attempt to abate the nuisance conditions on the 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 April 11th, 2023. (Attached hereto as Exhibit "1" attachment "F" and incorporated herein by reference). In addition, on April 11th, 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 "G" and incorporated herein by reference).

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

BACKGROUND:

Feb. 25, 2022

This case was initiated due to a complaint received regarding unpermitted storage and animal keeping on the subject property generally located at 7712 Victoria Ave., Highland, CA 92346, APN: 1192-261-20. The subject property is zoned as Business Park, further research revealed that the property owners acquired the property in March 2019, and that no land use approvals had been obtained by the property owners.

Feb. 25, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct an inspection and observed numerous vehicles being parked or stored on the property without city approval or permits. Goats and chickens were also observed being kept on the property without city approval or permits. Code Compliance Officer Chambers was also able to observe that a vehicle and other miscellaneous items were being stored inside the building. Junk, trash, debris, or rubbish was also visible on the property. A **Notice of Violation** was mailed to the property owner's address of record by certified and regular mail.

Feb. 28, 2022

The City's Assistant Planner, Angela Tafolla, was contacted by the property owner, Mr. John Nguyen. Mr. Nguyen was informed that all storage on the parcel to include anything inside the building would need to be removed. It was further explained to Mr. Nguyen that there was no permitted use for personal storage on a parcel zoned Business Park. Mr. Nguyen inquired about the process to get a business approved for the site, the public hearing process, and pre-application requirement was explained. Mr. Nguyen was also informed that animals were not permitted to be kept on a parcel zoned Business Park. Mr. Nguyen was offered a list of what uses were permitted in the Business Park, but he declined. Mr. Nguyen then stated that he was not aware that he could not have his own personal storage on a property he owned. It was explained to Mr. Nguyen again that there was no permitted use for personal storage on a parcel zoned Business Park.

Mar. 29, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed progress towards compliance. Most of the vehicles and animals had been removed from the property. Code Compliance Officer Gary Chambers observed that there was still an accumulation of junk, trash, debris, or rubbish on the property. Code Compliance Officer Gary Chambers was unable to conduct an inspection of the interior of the building. A **Final Notice of Violation** was mailed to the property owner's address of record by certified mail and a copy posted at the property.

May 11, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed junk, trash, debris, or rubbish on the property. Code Compliance Officer Gary Chambers then observed an unknown male adult walk out of the entry door on the north side of the building, dogs could be heard barking from inside the building. Code Compliance Officer Gary Chambers asked the unknown male adult if he was living on the property, and he stated that he was just cleaning up. A vehicle was also observed being parked or stored on the east side of the building. A **Warning Citation, #15516**, was issued and mailed to the property owner's address of record. A copy of the citation was posted at the property.

Jul. 27, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed a commercial box truck being parked or stored on the south side of the building. Code Compliance Officer Gary Chambers also observed junk, trash, debris, or rubbish scattered around the property. An automobile and RV, which had been previously been observed being parked or stored on the property, were being parked or stored on the city street in violation of the Highland Municipal Code. Code Compliance Officer Gary Chambers was unable to conduct an inspection of the interior of the building. **Administrative Citation #15544 (\$100)** was issued to the property owner. A copy of the citation was mailed to the property owner's address of record by certified and regular mail. A copy of the citation was also posted at the property.

Aug. 16, 2022

Code Compliance Officer Gary Chambers arranged to meet the property owner at the subject property to conduct an inspection of the interior of the building. Code Compliance Officer Gary Chambers contacted Mr. Nguyen at the property and an inspection of the interior of the building was conducted. Code Compliance Officer Gary Chambers walked into the building from the north entry door and observed a couch, microwave, toaster oven, and food items. In the main section of the building a vehicle was being stored as well as tools and automobile parts. Code Compliance Officer Gary Chambers informed Mr. Nguyen that he did not have city approval to use the building for storage or to occupy it. Mr. Nguyen stated that he has someone on the property to protect it from vagrants. Code Compliance Officer Gary Chambers also observed junk, trash, debris, or rubbish scattered around the exterior of the property and an RV being parked or stored on the city street. Code Compliance Officer Gary Chambers explained to Mr. Nguyen that all storage needed to be removed from the property to include the building. Additional time was granted for compliance.

Dec. 01, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed multiple vehicles being parked or stored on the property as well as junk, trash, debris, or rubbish. Code Compliance Officer Gary Chambers also observed a vehicle and other miscellaneous items being stored inside the building. **Administrative Citation #15424 (\$200)** was issued to the property owner. A copy of the citation was mailed to the property owner's address of record by certified and regular mail. A copy of the citation was posted at the property.

Dec. 27, 2022

Code Compliance Officer Gary Chambers received a phone call from the property owner, Mr. Nguyen. Mr. Nguyen requested additional time to remove all storage from inside the building and asked if he needed to pay for the citation. Code compliance Officer Gary Chambers informed Mr. Nguyen that he would need to pay for the citation, Mr. Nguyen was then granted until February 2023 to finish removing all storage from the property, including all storage inside of the building. Code Compliance Officer Gary Chambers informed Mr. Nguyen that if there was no compliance by February 2023, the case would be referred to the Planning Commission/Appeals Board for a Declaration of Public Nuisance.

Feb. 27, 2023

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed outside storage, junk, trash, debris, or rubbish on the property. Code Compliance Officer Gary Chambers was unable to inspect the interior of the building for storage. Code Compliance Officer Gary Chambers attempted to call Mr. Nguyen but received no answer. A voicemail was left requesting a callback to discuss the property.

APR. 11, 2023

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed outside storage, junk, trash, debris, or rubbish on the property. Code Compliance Officer Gary Chambers was unable to inspect the interior of the building for storage. **Public Hearing Notices** were posted at the property informing the property owner that a Public Nuisance Hearing had been scheduled for May 2nd, 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, return receipt requested. Code Compliance Officer Gary Chambers left a voicemail for the property owner, Mr. John Nguyen, informing him that a Public Nuisance Hearing had been scheduled for May 02, 2023, at 6 pm.

CONCLUSION:

As evidenced by all inspections conducted and the exhibits incorporated herein by reference, the property, identified as APN: 1192-261-20 (7712 Victoria Ave., Highland, CA 92346) has been permitted to exist in violation of the following sections of the Highland Municipal & Development Codes, and therefore constitutes a Public Nuisance. Specifically, the property is in violation of the following provisions of the Municipal & Development Code:

- I. Highland Municipal Code Section 8.32.020 (B) (A public nuisance is created by any condition or use of a building, structure or property which is detrimental to the property of others. This includes but is not limited to: (5) Any use of property which creates a noxious smell or creates conditions dangerous to public safety, health or welfare, adjoining properties, property owners, or property values, which may include, but is expressly not limited to, the dumping of construction and/or landscape material).
- II. Highland Municipal Code Section 8.32.020 C (A public nuisance is created by any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California)

**Appeals Board Meeting of
April 18th, 2023**

- III. Highland Municipal Code Section 16.24.030 (Use Regulations for Employment Districts); Table 16.24.030 A identifies those uses which are permitted within the Employment Districts. The zoning for the subject property is Business Park (BP), the City of Highland's Land Use and Development Code Title 16 is a permissive code, which means if a use is not specifically listed within the applicable use tables it should be considered a 'not permitted' use. As identified in Table 16.24.030 A, there is no use specifically listed for personal storage in the Employment Districts. The subject property being used for the unpermitted storage of personal property constitutes a public nuisance.

The property owner(s) is requested to remove all storage, including, but not limited to, all storage inside the building/structure, remove all junk, trash, debris, or rubbish from the property, and obtain land use approvals or any other applicable permits prior to the establishment of any future uses on the property by no later than **sixty (60) days** from the issuance of an order of the Appeals Board in accordance with Chapter 8.32 of title 8 of the Highland Municipal Code.

Exhibit "1" Appeals Board Declaration of Public Nuisance Resolution 2023_____, inclusive of the following attachments:

- A.** Notice of Violation Letter dated February 25, 2022
- B.** Notice of Violation Letter dated March 29, 2022
- C.** Warning Citation, #15516, issued May 11, 2022
- D.** Administrative Citation, #15544, issued July 27, 2022
- E.** Administrative Citation, #15424, issued December 01, 2022
- F.** Notice of Public Hearing & Public Posting Copy dated April 11, 2023
- G.** Notice of Public hearing (Affidavit of Mailing) dated April 11, 2023

Exhibit "2" Aerial/Site Location Map

Exhibit "3" Case photographs dated February 25, 2022

Exhibit "4" Case photographs dated March 29, 2022

Exhibit "5" Case photographs dated May 11, 2022

Exhibit "6" Case photographs dated July 27, 2022

**Appeals Board Meeting of
April 18th, 2023**

Exhibit “7” Case photographs dated August 16, 2022

Exhibit “8” Case photographs dated December 01, 2022

Exhibit “9” Case photographs dated February 27, 2023

Exhibit “10” Case photographs dated April 11, 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/APEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS APN: 1192-261-20, GENERALLY LOCATED AT 7712 VICTORIA AVE., HIGHLAND, CA 92346, AND ORDERING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.
(CODE CASE #8864)

A. RECITALS

1. On February 25, 2022, the City received a complaint regarding unpermitted storage on the property identified as San Bernardino County APN: 1192-261-20 ("the Property"). An inspection of the property revealed multiple vehicles, animal keeping, and an accumulation of junk, trash, debris, or rubbish being stored on the property without City approval or permits.
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;

02/25/2022 (Attachment A)
03/29/2022 (Attachment B)
4. Administrative Citations, were issued/mailed on;

05/11/2022 (Attachment C)
07/27/2022 (Attachment D)
12/01/2022 (Attachment E)
5. Pursuant to Chapter 8.32 of the Highland Municipal Code, a Notice of Public Hearing was mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to the property owner(s) on April 11, 2023. A copy of the notice was also posted at the Property (Attachment F).

B. RESOLUTION

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

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

2. Staff timely notified the owners of the Property that the Planning Commission/Appeals Board would be holding a Public Hearing on May 02, 2023; that Notice is attached hereto as Attachment G. The Appeals Board held a Public Hearing on that Hearing Date, at which time, all written and oral evidence and testimony from the owner(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 7712 Victoria Ave., Highland, California 92346, since at least February 25, 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 (B) (A public nuisance is created by any condition or use of a building, structure or property which is detrimental to the property of others. This includes but is not limited to: (5) Any use of property which creates a noxious smell or creates conditions dangerous to public safety, health or welfare, adjoining properties, property owners, or property values, which may include, but is expressly not limited to, the dumping of construction and/or landscape material).
 - b. Highland Municipal Code Section 8.32.020 (C) (A public nuisance is created by any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California).

- c. Highland Municipal Code Section 16.24.030 (Use Regulations for Employment Districts); Table 16.24.030 A identifies those uses which are permitted within the Employment Districts. The zoning for the subject property is Business Park (BP), the City of Highland's Land Use and Development Code Title 16 is a permissive code, which means if a use is not specifically listed within the applicable use tables it should be considered a 'not permitted' use. As identified in Table 16.24.030 A, there is no use specifically listed for personal storage in the Employment Districts. The subject property being used for the unpermitted storage of personal property constitutes a public nuisance.
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. Remove all storage from the property, including, but not limited to, all storage inside the building/structure.
 - c. Obtain land use approvals or any other applicable permits prior to the establishment of any future uses on the property.
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 2nd day of May 2023.

Randall Hamerly,
Planning Commission/Appeals Board Chairman

ATTEST:

Lawrence A. Mainez,
Community Development Director

ATTACHMENT "A"

Notice of Violation Letter dated February 25, 2022



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

To: John Nguyen

Date: 02/25/2022

Property Located at: 7712 Victoria Ave., Highland, CA 92346

3131 McGraw St San Diego, CA 92117

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

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

CA13 Firecode - 505.1

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

Title 10, Chapter 10.20, Section 10.20.040

☐ **Public nuisances - Vehicle Abatement**

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

Please correct conditions by taking the following actions:

**** 1st Notice ** HMC 8.32.020 C** - Any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California. HMC 16.24.030 - Use regulations for employment districts HMC 16.44.040 - Animal keeping regulations
Corrective Actions: Remove all vehicles, including, but not limited to, RV's, autos, commercial trucks, trailers, or any other vehicles from the properties. Remove all animals from the properties, including, but not limited to, goats, chickens, or any other animals. Remove all outside storage, junk, or debris from public view. Obtain Land use approvals and any other applicable permits prior to the establishment of any future uses on the properties. To avoid additional notices, citations, and/or a Public Nuisance Hearing, please comply by 03/26/2022. Contact the Planning Division at (909) 864-6861 ext. 259 with any questions concerning land use regulations. 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 03/26/2022

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

No person shall violate any provision, or fail to comply with any of the requirements to the Municipal Code, unless a different penalty is prescribed for violation of the Municipal Code, every act prohibited is declared unlawful, and every

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

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

Accepted By: "MAILED" "POSTED"

Thank You,

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

Gary Chambers

Code Compliance Officer

ATTACHMENT “B”

Notice of Violation Letter dated March 29, 2022



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

To: John Nguyen

Date: 03/29/2022

Property Located at: 7712 Victoria Ave., Highland, CA 92346

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

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

CA13 Firecode - 505.1

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

Title 10, Chapter 10.20, Section 10.20.040

☐ **Public nuisances - Vehicle Abatement**

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

Please correct conditions by taking the following actions:

**** Final Notice **** HMC 8.32.020 C - Any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California. HMC 16.24.030 - Use regulations for employment districts Corrective Actions: Please remove all outside storage, junk, or debris from public view. Obtain Land use approvals and any other applicable permits prior to the establishment of any future uses on the properties. To avoid additional notices, citations, and/or a Public Nuisance Hearing, please comply by 04/28/2022. Contact the Planning Division at (909) 864-6861 ext. 259 with any questions concerning land use regulations. 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 04/28/2022

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

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

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

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

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

Gary Chambers
Code Compliance Officer

ATTACHMENT "C"

Warning Citation, #15516, issued May 11, 2022



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

CITATION NO. **15516**

ADMINISTRATIVE CITATION

Date: 5-11-2022 Time: 7:17am (Violation Observed)

FINAL X WARNING

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

☐ 3rd Subsequent - \$ 500.00 Public Nuisance Hearing

The payment listed above is due by 4/6. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 6-1-2022. 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

Nguyen, John Van

DL #:

N/A

DOB:

4/6

MAILING ADDRESS:

3131 McGraw St., San Diego, CA 92117

VIOLATION ADDRESS:

7712 Victoria Ave., Highland, CA 92346

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

HMC

8.32020 C

Violation of Highland Development Code.

HMC

16.24.030

Use regulations for employment districts

CORRECTIONS REQUIRED:

Property can't be occupied, vacate property. Remove all vehicles & trailers. Remove all storage/debris from the property. Obtain land use approvals & any other applicable permits.

Signature of Issuing Officer

Gay Chambers

Printed Name of Issuing Officer

5-11-2022
Issued Date

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

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

WHITE COPY: FINANCE

ATTACHMENT “D”

Administrative Citation, #15544, issued July 27, 2022



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

#8864

CITATION NO. **15544**

ADMINISTRATIVE CITATION

Date: 7-27-2022 Time: 10:31 am (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 8-21-2022 See reverse side for payment and appeal instructions.

Corrections indicated below are required by 8-17-2022. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

DL #: Nguyen, John Van DOB: N/A

MAILING ADDRESS:

3131 McGraw St., San Diego, CA 92117

VIOLATION ADDRESS:

7712 Victoria Ave., Highland, CA 92346

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
<u>HMC</u> <u>8.32.020C</u>	<u>Violation of the Highland</u> <u>Development Code.</u>
<u>HMC</u> <u>16.24.030A</u>	<u>Use regulations for employment</u> <u>districts</u>

CORRECTIONS REQUIRED: Remove all vehicles
from the property. Remove all
Storage & debris from the property.
As a reminder, the building may
not be used for living space or
occupancy or storage.

Signature of Issuing Officer: [Signature] Issued Date: 7/27/2022

Printed Name of Issuing Officer: [Signature]

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

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

WHITE COPY: FINANCE

ATTACHMENT “E”

Administrative Citation, #15424, issued December 01, 2022

Case # 8864



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

CITATION NO. **15424**

ADMINISTRATIVE CITATION

Date: **12/01/2022** Time: **9:21am** (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$

The payment listed above is due by **12-26-2022**. See reverse side for payment and appeal instructions.

Corrections indicated below are required by **12-31-2022**. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

Nguyen, John Van

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

MAILING ADDRESS:

3131 McGraw St, San Diego, CA 92117

VIOLATION ADDRESS:

7712 Victoria Ave, Highland, CA 92346

MUNI / STATE CODE

SECTION VIOLATED

HMC 8.32.020 C

Violation of Highland

Development Code

17MC 16.24.030 A

Use regulations for

employment districts

CORRECTIONS REQUIRED:

Remove all vehicles

and storage of any kind from the

property. Obtain land use approvals

and any other applicable permits prior

to the establishment of any future uses

on the property.

Signature of Issuing Officer: **12/01/2022**

Printed Name of Issuing Officer: **Michael R. Foster**

Acknowledgement of Receipt (Signature):

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “F”

Notice of Public Hearing & Public Posting Copy dated
April 11, 2023



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 1192-261-20 located at 7712 Victoria Ave. (referred to hereafter as ("The Property")) continue to constitute a public nuisance pursuant to the Highland Municipal Code & Ordinances of the City of Highland at the following place, date, and time.

TIME AND DATE OF HEARING: Tuesday, May 2nd, 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

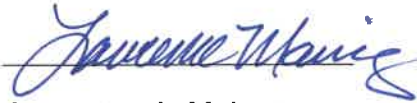
The conditions of the Property constituting a public nuisance are as follows:

Land use violations related to unpermitted storage.

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

Stop all operation of unapproved/unpermitted land use, remove all storage from the property, including all storage inside the building/structure, as well as any other debris/rubbish associated with this public nuisance.

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



Lawrence A. Mainez

Community Development Director Cc:

Code Enforcement File



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: April 11, 2022

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE HIGHLAND APPEALS BOARD TO CONSIDER DECLARING THE FOLLOWING DESCRIBED PROPERTY A PUBLIC NUISANCE DUE TO LAND USE VIOLATIONS RELATED TO UNPERMITTED STORAGE.

File Number: APPEALS BOARD PUBLIC NUISANCE HEARING
CASE # 8864

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: 1192-261-20

PROPERTY OWNER(S): John Van Nguyen, Soi Nguyen

VIOLATION ADDRESS/APN: 7712 Victoria Ave., Highland, CA 92346,
APN: 1192-261-20

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

DATE AND TIME OF HEARING: Tuesday May 02, 2023, at 6:00 PM
(Or soon thereafter)

ATTACHMENT “G”

Notice of Public Hearing (Affidavit of Mailing) dated
April 11, 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 April 11, 2023, I caused to be served a copy of the attached Public Hearing Notice, Case #8864, Certified Mail, Return Receipt Requested, to the following parties: John Van Nguyen, Soi Nguyen. Said service was made by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail, at Highland, California, and addressed to the Parties as more fully detailed below.

John Van Nguyen, Soi Nguyen
3131 McGraw St.
San Diego, CA 92117

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 April 11, 2023.

Dated: 4/11/2023



Camille Goritz, Administrative Assistant III
City of Highland

EXHIBIT “2”

Aerial / Site Location Map



7712 Victoria Ave., Highland, CA



EXHIBIT “3”

Case photographs dated February 25, 2022







EXHIBIT “4”

Case photographs dated March 29, 2022









EXHIBIT “5”

Case photographs dated May 11, 2022







EXHIBIT “6”

Case photographs dated July 27, 2022



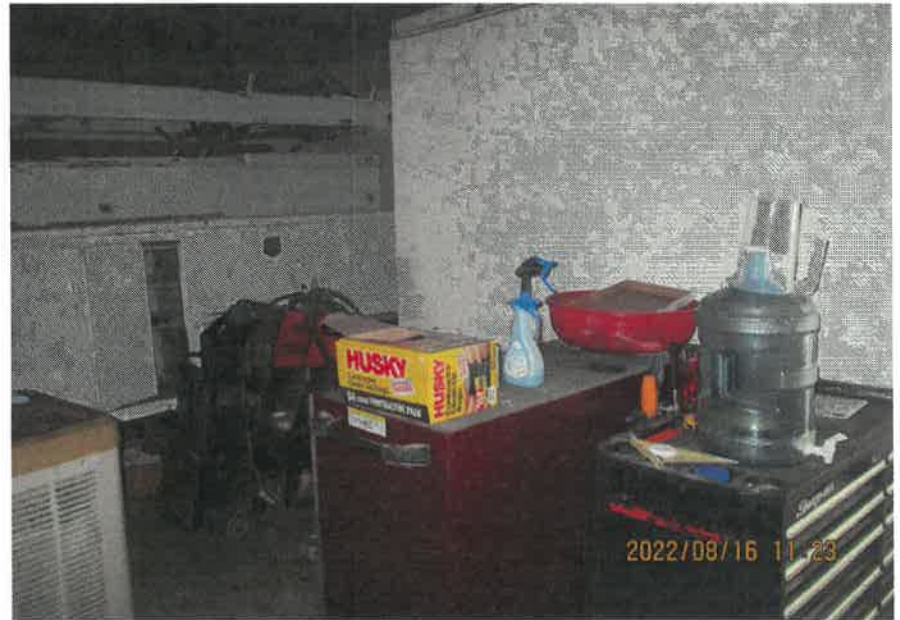




EXHIBIT “7”

Case photographs dated August 16, 2022





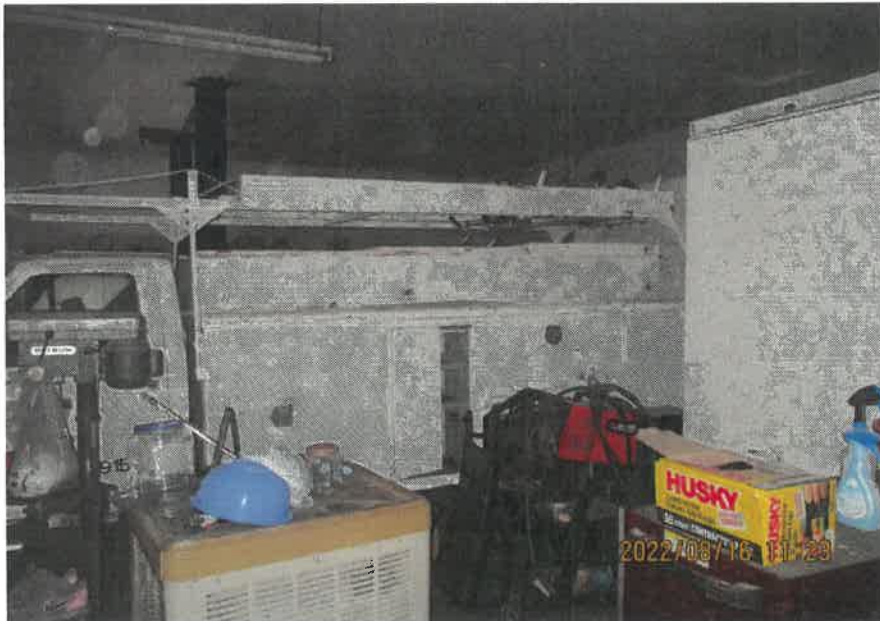


EXHIBIT “8”

Case photographs dated December 01, 2022





EXHIBIT "9"

Case photographs dated February 27, 2023

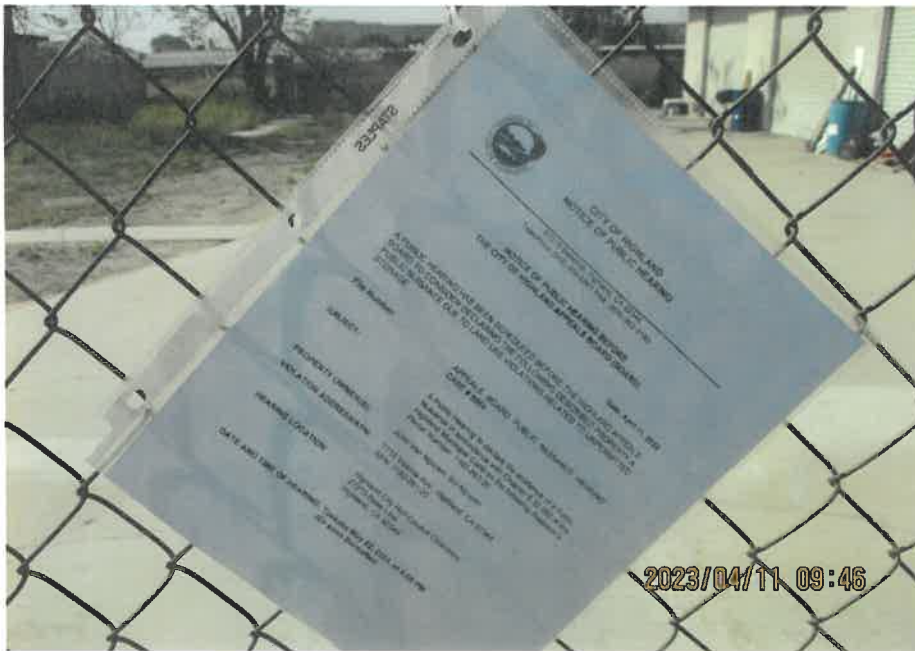


EXHIBIT “10”

Case photographs dated April 11, 2023









STAFF REPORT

TO THE APPEALS BOARD

DATE: May 02, 2023

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Gary Chambers, Code Compliance Officer *[Signature]*

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 8046 Central Ave., Highland, CA 92346, Tax Assessor's Parcel Number 1192-561-10.

PROPERTY OWNER: Anshu B. Pathak

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 8046 Central Ave., Highland, CA 92346 and order the abatement thereof.

FISCAL IMPACT: The full cost to the city regarding the abatement of the Public Nuisance is currently unknown. Staff has accounted for its time in its attempt to abate the nuisance conditions on the 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 April 11th, 2023. (Attached hereto as Exhibit "1" attachment "F" and incorporated herein by reference). In addition, on April 11th, 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 "G" 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
May 2nd, 2023**

BACKGROUND:

- Jun. 28, 2021** This case was initiated due to a complaint received regarding the parking or storage of vehicles without city approval or permits on the subject property generally located at 8046 Central Ave., Highland, CA 92346, APN: 1192-561-10. Further research revealed that the vehicles were moved onto vacant property sometime after April 2020.
- Oct. 07, 2021** Code Compliance Officer Justin Ramirez arrived at the subject property and observed the parking or storage of vehicles, including tractor-trailers, without city approval or permits. A **Notice of Violation** was issued and mailed to the property owner's address of record.
- Nov. 04, 2021** Case was reassigned to Code Compliance Officer Gary Chambers.
- DEC. 17, 2021** The ownership of the property was transferred to Mr. Anshu B. Pathak.
- Jan. 20, 2022** Code Compliance Officer Gary Chambers arrived at the subject property and observed the parking or storage of vehicles, including tractor-trailers, without city approval or permits. A **Notice of Violation** was issued and mailed to the property owner's address of record. A copy of the notice was also emailed to the property owner.
- Feb. 23, 2022** Code Compliance Officer Gary Chambers arrived at the subject property and observed the parking or storage of vehicles, including tractor-trailers, without city approval or permits. A **2nd Notice of Violation** was issued and mailed to the property owner's address of record. A copy of the notice was also emailed to the property owner.
- Apr. 25, 2022** The tenant, Mr. Thomas Mangione, came into the City to Speak with Code Compliance Officer Gary Chambers. Mr. Mangione stated that the property owner was trying to evict him from the property without allowing him to remove his vehicles being stored on the property. Mr. Mangione stated that he would begin moving the vehicles in about 3 weeks. Code Compliance Officer Gary Chambers explained to Mr. Mangione that no City approval had been granted to use the property for vehicle storage.

**Appeals Board Meeting of
May 2nd, 2023**

May 05, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to meet with the property owner, Mr. Pathak. Mr. Pathak stated that the vehicles would be removed soon. Mr. Pathak also handed Code Compliance Officer Gary Chambers a copy of a signed Letter of Agency (Trespass Form) that he filed with the City of Highland Police Department.

May 31, 2022

Code Compliance Officer Gary Chambers received a phone call from the tenant, Mr. Mangione. Mr. Mangione stated that he wanted to remove the vehicles from the property but was concerned that the property owner would have him arrested for trespassing. Mr. Mangione stated that he filed a public records request so his Attorney could review the Letter of Agency. Mr. Mangione stated that he would contact me when given further direction.

Jul. 05, 2022

Code Compliance Officer Gary Chambers arrived at the subject property and observed the parking or storage of vehicles, including tractor-trailers, without city approval or permits. Code Compliance Officer Gary Chambers contacted the property owner, Mr. Pathak, by phone and Mr. Pathak stated that he advised Mr. Mangione that he could remove his vehicles from the property. The property owner requested a meeting at the property for the following day.

Jul. 06, 2022

Code Compliance Officer Gary Chambers arrived at the subject property to meet with the property owner, Mr. Pathak. Code Compliance Officer Gary Chambers observed vehicles, including tractor-trailers, being parked, or stored on the property without city approval or permits. Code Compliance Officer Gary Chambers also observed a Recreational Vehicle (travel-trailer) being used as living quarters. The subject living in the travel-trailer was identified as Mr. Charles Pember. **Administrative Warning Citation #15540** was issued and mailed to the property owner's address of record by certified mail. A copy of the citation was also emailed to the property owner.

Aug. 16, 2022

Code Compliance Officer Gary Chambers had a phone conversation with the tenant, Mr. Mangione. Mr. Mangione stated that Mr. Charles Pember stayed on the property as security to prevent the theft of catalytic converters from his stored vehicles. Mr. Mangione also stated that he was trying to slowly move the vehicles off the property.

**Appeals Board Meeting of
May 2nd, 2023**

**Aug. 17, 2022 -
Jan. 24, 2023**

The property continued to remain in violation of the Highland Municipal and Development Code for the parking or storage of vehicles, including tractor-trailers, without city approval or permits. The property owner was granted additional time due to court proceedings.

Feb. 07, 2023

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed no change in the condition of the property. Numerous vehicles, including tractor-trailers, were being parked or stored on the property without city approval or permits. Code Compliance Officer Gary Chambers also observed a Recreational Vehicle being used as living quarters. **Administrative Citation #15428, \$100**, was issued and mailed to the property owner's address of record. A copy of the citation was also emailed to the property owner.

Mar. 10, 2023

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed no change in the condition of the property. Numerous vehicles, including tractor-trailers, were being parked or stored on the property without city approval or permits. Code Compliance Officer Gary Chambers also observed a Recreational Vehicle being used as living quarters. A decision was made to refer the case to the Planning Commission/Appeals Board for a Public Nuisance Hearing.

Apr. 11, 2023

Code Compliance Officer Gary Chambers arrived at the subject property and observed no change in the condition of the property. Numerous vehicles, including tractor-trailers, were being parked or stored on the property without city approval or permits. Code Compliance Officer Gary Chambers also observed a Recreational Vehicle being used as living quarters. A **Public Hearing Notice** was posted at the property informing the property owner that a Public Nuisance Hearing had been scheduled for May 2nd, 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, return receipt requested. A copy of the notice was emailed to the property owner.

CONCLUSION: As evidenced by all inspections conducted and the exhibits incorporated herein by reference, the property, identified as APN: 1192-561-10 (8046 Central Ave., Highland, CA 92346) has been permitted to exist in violation of the following sections of the Highland Municipal & Development Codes, and therefore constitutes a Public Nuisance. Specifically, the property is in violation of the following provisions of the Municipal & Development Code:

- I. Highland Municipal Code Section 8.32.020 (C) (A public nuisance is created by any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California).
- II. Highland Municipal Code Section 8.32.020 (H) (The parking of a vehicle on any unpaved parcel of real property or portion thereof, except as specifically permitted by city ordinance or on a public street and/or shoulder within the public right-of-way, shall constitute a public nuisance). An unpaved parcel of land shall be defined as a surface of dirt, loose gravel, landscaped area and/or other unimproved surface.
- III. Highland Municipal Code Section 16.24.030 (Use Regulations for Employment Districts); Table 16.24.030 A (B)(5), vehicle storage requires a Conditional Use Permit. The zoning for the subject property is Business Park (BP), and as identified in Table 16.24.030 A, (B)(5), vehicle and automotive storage land use or activity may be permitted subject to the approval of a Conditional Use Permit. The subject property being used for the unpermitted parking and storage of vehicles without a Conditional Use Permit constitutes a public nuisance. Furthermore, the City of Highland's Land Use and Development Code Title 16 is a permissive code, which means if a use is not specifically listed within in the applicable use tables it should be considered a 'not permitted' use. The land use of trucking services and terminals (i.e. tractor-trailers) is only allowed in the BP Zoning District if ancillary to a permanent warehousing or other related business on the property (Table 16.24.030.A (B)(2), Wholesale and Warehousing Uses). The unimproved subject property being used for the unpermitted parking or storage of tractor-trailers not related to and/or ancillary to an on-site warehousing or similar type use constitutes a public nuisance.

The property owner is requested to remove all unpermitted parking or storage of vehicles, including all tractor-trailers, from the property, ensure all accumulated junk, trash, debris, or rubbish has been removed from the property, and obtain land use approvals or any other applicable permits prior to the establishment of any future uses on the property by no later than **sixty (60) days** from the issuance of an order of the Appeals Board in accordance with Chapter 8.32 of title 8 of the Highland Municipal Code.

**Appeals Board Meeting of
May 2nd, 2023**

Exhibit "1" Appeals Board Declaration of Public Nuisance Resolution 2023_____, inclusive of the following attachments:

- A.** Notice of Violation Letter dated October 07, 2021
- B.** Notice of Violation Letter dated January 20, 2022
- C.** Notice of Violation Letter dated February 23, 2022
- D.** Administrative Citation, #15540, issued July 06, 2022
- E.** Administrative Citation, #15428, issued February 07, 2023
- F.** Notice of Public Hearing & Public Posting Copy dated April 11, 2023
- G.** Notice of Public hearing (Affidavit of Mailing) dated April 11, 2023

Exhibit "2" Aerial/Site Location Map

Exhibit "3" Case photograph dated October 07, 2021

Exhibit "4" Case photographs dated January 20, 2022

Exhibit "5" Case photographs dated February 23, 2022

Exhibit "6" Case photograph dated July 05, 2022

Exhibit "7" Case photographs dated February 07, 2023

Exhibit "8" Case photographs dated April 11, 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: 1192-561-10, GENERALLY LOCATED AT 8046 CENTRAL AVE., HIGHLAND, CA 92346, AND ORDERING THE OWNER OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.

(CODE CASE #8203)

A. RECITALS

1. On June 28, 2021, the City received a complaint regarding vehicles being parked or stored on the property identified as San Bernardino County APN: 1192-561-10 ("the Property"). A subsequent inspection of the property revealed multiple vehicles, including tractor-trailers, being parked, or stored on the vacant, unimproved, property without City approval or permits.
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;

10/07/2021 (Attachment A)
01/20/2022 (Attachment B)
02/23/2022 (Attachment C)
4. Administrative Citations, were issued/mailed on;

07/06/2022 (Attachment D)
02/07/2023 (Attachment E)
5. Pursuant to Chapter 8.32 of the Highland Municipal Code, a Notice of Public Hearing was mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to the property owner on April 11, 2023. A copy of the notice was also posted at the Property (Attachment F).

B. RESOLUTION

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

1. All of the facts set forth in the Recitals of this Resolution are true and correct and are hereby incorporated into this Resolution by this reference.
2. Staff timely notified the owner of the Property that the Planning Commission/Appeals Board would be holding a Public Hearing on May 2nd, 2023; that Notice is attached hereto as Attachment G. The Appeals Board held a Public Hearing on that Hearing Date, at which time, all written and oral evidence and testimony from the owner of the Property, the Public, and Staff were considered.
3. All necessary hearings and opportunities for testimony, and comment have been conducted in compliance with the Municipal Code of the City of Highland.
4. The Public Nuisance Hearing has independently considered all relevant information of both the public, and Staff testimony, written and oral, including the Staff Report and its exhibits which are incorporated herein by this reference.

Order Finding and Ordering Abatement of Public Nuisance

5. Based upon substantial evidence in the record, the Planning Commission/Appeals Board hereby declares that a public nuisance, as defined by Highland Municipal Code 8.32.020, has been allowed to exist on the Property generally located at 8046 Central Ave., Highland, California 92346, since at least October 07, 2021.
6. Specifically, based upon the evidence and testimony presented to the Planning Commission/Appeals Board during the above-referenced Hearing, the Planning Commission/Appeals Board finds as follows;
 - a. Highland Municipal Code Section 8.32.020 (C) (A public nuisance is created by any building, structure, or property that is in violation of any provision of the Highland Municipal Code, including the Highland Development Code, or the statutes of the state of California).

- b. Highland Municipal Code Section 8.32.020 (H) (The parking of a vehicle on any unpaved parcel of real property or portion thereof, except as specifically permitted by city ordinance or on a public street and/or shoulder within the public right-of-way, shall constitute a public nuisance). An unpaved parcel of land shall be defined as a surface of dirt, loose gravel, landscaped area and/or other unimproved surface.
 - c. Highland Municipal Code Section 16.24.030 (Use Regulations for Employment Districts); Table 16.24.030 A (B)(5), vehicle storage requires a Conditional Use Permit. The zoning for the subject property is Business Park (BP), and as identified in Table 16.24.030 A, (B)(5), vehicle and automotive storage land use or activity may be permitted subject to the approval of a Conditional Use Permit. The subject property being used for the unpermitted parking and storage of vehicles without a Conditional Use Permit constitutes a public nuisance. Furthermore, the City of Highland's Land Use and Development Code Title 16 is a permissive code, which means if a use is not specifically listed within in the applicable use tables it should be considered a 'not permitted' use. The land use of trucking services and terminals (i.e. tractor-trailers) is only allowed in the BP Zoning District if ancillary to a permanent warehousing or other related business on the property (Table 16.24.030.A (B)(2), Wholesale and Warehousing Uses). The unimproved subject property being used for the unpermitted parking or storage of tractor-trailers not related to and/or ancillary to an on-site warehousing or similar type use constitutes a public nuisance.
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 to abate the aforementioned Violations, **within sixty (60) days**. The Planning Commission/Appeals Board of the City of Highland hereby sets forth the actions necessary to abate the public nuisance from the Properties as follows:
- a. Remove all unpermitted parking or storage of vehicles, including tractor-trailers, from the property.
 - b. Remove any accumulated junk, trash, debris, or rubbish from the property.
 - c. Obtain land use approvals or any other applicable permits prior to the establishment of any future uses on the property.

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 2nd day of May 2023.

Randall Hamerly,
Planning Commission/Appeals Board Chairman

ATTEST:

Lawrence A. Mainez,
Community Development Director

ATTACHMENT "A"

Notice of Violation Letter dated October 07, 2021



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

To: Claudia Orian

Date: 10/07/2021

Property Located at: 8046 Central Ave, Highland, CA 92346

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

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

REMOVE ALL VEHICLES FROM THE VACANT LOT (UNIMPROVED SURFACE). YOU MUST SEEK APPROVAL FROM THE CITY (PLANNING DEPARTMENT) IN ORDER TO STORE VEHICLES AT THE PROPERTY.

You have 10 days to complete the abatement of this violation. A reinspection of this property is scheduled for 10/21/21

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

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

The City of Highland appreciates your cooperation. If you have any questions, contact a Code Compliance officer, at

Phone: (909) 864-8732 Ext. 222 Fax (909) 862-3180

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

Justin Ramirez
Code Compliance Officer

ATTACHMENT “B”

Notice of Violation Letter dated January 20, 2022



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

To: Anshu Pathak

Date: 01/20/2022

Property Located at: 8046 Central Ave, Highland, CA 92346

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

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

CA13 Firecode - 505.1

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

Title 10, Chapter 10.20, Section 10.20.040

☐ **Public nuisances - Vehicle Abatement**

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

Please correct conditions by taking the following actions:

**** Notice **** HMC 8.32.020 C - Any building, structure, or property that is in violation of any provision of the Highland Municipal Code or the Highland Development Code; HMC 8.32.020 H - The parking of a vehicle on any unpaved parcel of real property or portion thereof, except as specifically permitted by city ordinance or on a public street and/or shoulder within the public right-of-way, shall constitute a public nuisance. An unpaved parcel of land shall be defined as a surface of dirt, loose gravel, landscaped area and/or other unimproved surface; HMC 16.24.030 - Use regulations for employment Districts Corrective Actions: Please remove all unpermitted parking/storage of vehicles from the property. Obtain Land use approvals and any other applicable permits prior to the establishment of any future uses on the property. To avoid additional notices and/or citations, please comply by 02/18/2022. Thank you for your prompt attention and cooperation in resolving this matter.

You have 30 days to complete the abatement of this violation. A reinspection of this property is scheduled for 02/18/2022

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”

Notice of Violation Letter dated February 23, 2022



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

To: Anshu Pathak

Date: 02/23/2022

Property Located at: 8046 Central Ave, Highland, CA 92346

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

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

CA13 Firecode - 505.1

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

Title 10, Chapter 10.20, Section 10.20.040

- ☐ **Public nuisances - Vehicle Abatement**

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

Please correct conditions by taking the following actions:

**** 2nd Notice **** HMC 8.32.020 C - Any building, structure, or property that is in violation of any provision of the Highland Municipal Code or the Highland Development Code; HMC 8.32.020 H - The parking of a vehicle on any unpaved parcel of real property or portion thereof, except as specifically permitted by city ordinance or on a public street and/or shoulder within the public right-of-way, shall constitute a public nuisance. An unpaved parcel of land shall be defined as a surface of dirt, loose gravel, landscaped area and/or other unimproved surface; HMC 16.24.030 - Use regulations for employment Districts Corrective Actions: Please remove all unpermitted parking/storage of vehicles from the property. Obtain Land use approvals and any other applicable permits prior to the establishment of any future uses on the property. To avoid additional notices and/or citations, please comply by 03/25/2022. Thank you for your prompt attention and cooperation in resolving this matter.

You have 30 days to complete the abatement of this violation. A reinspection of this property is scheduled for 03/28/2022

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

No person shall violate any provision, or fail to comply with any of the requirements to the Municipal Code, unless a different penalty is prescribed for violation of the Municipal Code, every act prohibited is declared unlawful, and every

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

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

Accepted By: "MAILED"

Thank You,

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

Gary Chambers

Code Compliance Officer

ATTACHMENT “D”

Administrative Citation, #15540, issued July 06, 2023



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

CITATION NO. 15540

ADMINISTRATIVE CITATION

Date: 7-05-2022 Time: 8:50 am (Violation Observed)

☒ **WARNING**

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

☐ 3rd Subsequent - \$ 500.00

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

Corrections indicated below are required by 8-05-2022. 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

Pathak, Anshu
DL #: N/A DOB: N/A

MAILING ADDRESS:

26855 4TH PL, Highland, CA 92346

VIOLATION ADDRESS:

8046 Central Ave #1192-561-10 Highland, CA

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

HMC

8.32.020 C

Violation of Highland Development Code.

HMC

16.24.050 A

Use regulations for employment districts

HMC

16.52.080 E13

RV used as living quarters

CORRECTIONS REQUIRED:

Remove all unpermitted

parking or storage of dismantled, wrecked, inoperable, or operable vehicles which constitute a public nuisance from the vacant property.

[Signature]
Signature of Issuing Officer

7-06-2022
Issued Date

Gary Chambers
Printed Name of Issuing Officer

"Mailed"
Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

WHITE COPY: FINANCE

ATTACHMENT “E”

Administrative Citation, #15428, issued February 07, 2023



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

CITATION NO. 15428

ADMINISTRATIVE CITATION

Date: 02-07-2023 Time: 2:53pm (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 4-04-2023. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 2-7-2023. If you fail to make the indicated corrections by this date, the next level citation may be issued or the City may take other enforcement action or actions.

PERSON CITED: LAST FIRST MIDDLE

DL #: Patthak, Anshu DOB: N/A

MAILING ADDRESS:

26855 4th PL., Highland, CA 92346

VIOLATION ADDRESS:

8046 Central Ave { 1192-561-103 Highland, CA

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

HMC
8.32.020 (C)

Violation of the Highland
Development Code

HMC
16.24.030 (A)

Use regulations for employment
districts

HMC
16.52.030 (E)(3)

RV used as living quarters

CORRECTIONS REQUIRED:

Remove all unpermitted
parking or storage of vehicles from
the property. Cease using RV as
living quarters, disconnect all utilities
to RV. Obtain City approvals prior to
the establishment of any future uses on the property.

Signature of Issuing Officer

02-07-2023
Issued Date

Printed Name of Issuing Officer

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

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

WHITE COPY- FINANCE

ATTACHMENT “F”

Notice of Public Hearing and Public Posting Copy dated
April 11, 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: April 11, 2023

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE HIGHLAND APPEALS BOARD TO CONSIDER DECLARING THE FOLLOWING DESCRIBED PROPERTY A PUBLIC NUISANCE DUE TO LAND USE VIOLATIONS RELATED TO UNPERMITTED STORAGE OF VEHICLES.

File Number: APPEALS BOARD PUBLIC NUISANCE HEARING
CASE # 8203

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: 1192-561-10

PROPERTY OWNER(S): A B Pathak

VIOLATION ADDRESS/APN: 8046 Central Ave., Highland, CA 92346,
APN: 1192-561-10

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

DATE AND TIME OF HEARING: Tuesday May 02, 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 1192-561-10 located at 8046 Central Ave. (referred to hereafter as ("The Property")) continue to constitute a public nuisance pursuant to the Highland Municipal Code & Ordinances of the City of Highland at the following place, date, and time.

TIME AND DATE OF HEARING: Tuesday, May 2nd, 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:

Land use violations related to the storage of vehicles & tractor-trailers without city approval or permits.

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

Stop all operation of unapproved/unpermitted land use, remove all vehicles & tractor-trailers, as well as any debris associated with this public nuisance.

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

A handwritten signature in blue ink, reading "Lawrence A. Mainez", is written over a horizontal line.

Lawrence A. Mainez

Community Development Director Cc:

Code Enforcement File

ATTACHMENT “G”

Notice of Public Hearing (Affidavit of Mailing) dated
April 11, 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 April 11, 2023, I caused to be served a copy of the attached Public Hearing Notice, Case #8203, Certified Mail, Return Receipt Requested, to the following parties: Anshu B. Pathak. Said service was made by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail, at Highland, California, and addressed to the Parties as more fully detailed below.

Anshu B. Pathak
26855 4th PL
Highland, CA 92346

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and this Declaration was executed at Highland, CA, on April 11, 2023.

Dated: 4/11/2023



Camille Goritz, Administrative Assistant III
City of Highland

EXHIBIT “2”

Aerial / Site Location Map



APN: 1192-561-10 (8046 Central Ave.)



EXHIBIT “3”

Case photograph dated October 07, 2021



EXHIBIT “4”

Case photographs dated January 20, 2022



EXHIBIT “5”

Case photographs dated February 23, 2022



EXHIBIT “6”

Case photograph dated July 05, 2022



EXHIBIT “7”

Case photographs dated February 07, 2023

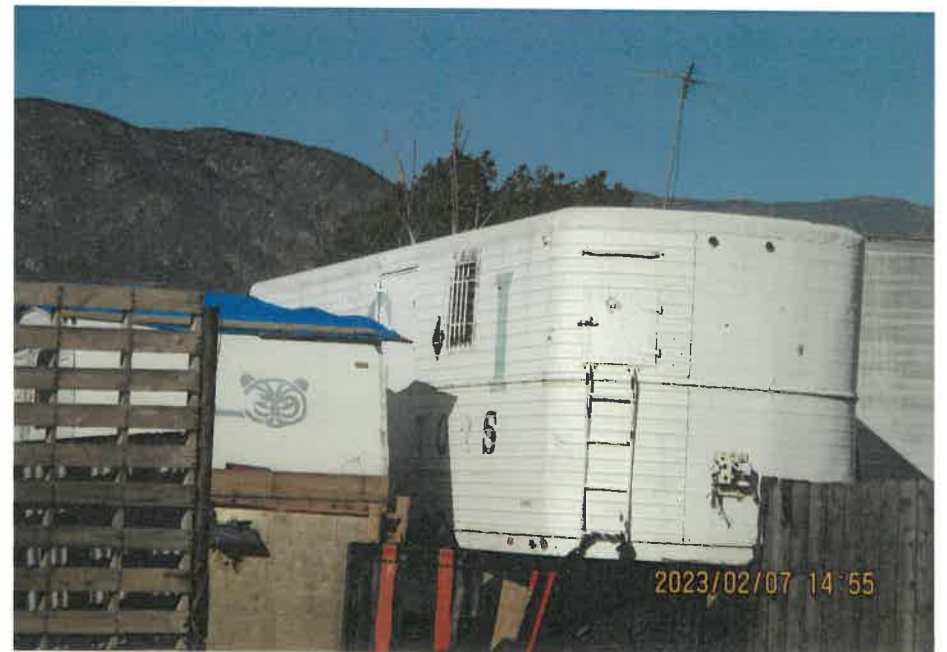








EXHIBIT “8”

Case photographs dated April 11, 2023

