

PLANNING COMMISSION REGULAR MEETING MINUTES
October 3, 2023 – 6:00 P.M.

CALL TO ORDER

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

Present:	Chair	Randall Hamerly
	Vice Chair	Chandra Thomas
	Commissioner	Jarrold Miller
	Commissioner	Vacant

Absent:	Commissioner	Jessica Sutorus
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Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Travis Trejo, Assistant Planner
Gary Chambers, Code Enforcement Officer
Matt Bennett, Assistant Public Works Director
Matt Wirz, Building Official
Scott Rice, City Landscape Architect
Camille Duarte, Administrative Assistant III

Chair Hamerly led the Pledge of Allegiance.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

PUBLIC HEARINGS

3. Design Review Application (DRA 21-007A) [Amending Design Review Application (DRA 21-007)] for the addition of two (2) new floor plan options and the elimination of single-story plans on non-corner lots for the final 52 of the 149 homes within Phase 1 of the Mediterra Planned Development. (North side of Greenspot Road approximately 600 feet east of Santa Paula Street. Tract Map No. 18893-1) (Applicant: D.R. Horton)

Assistant Planner Trejo presented the staff report.

Commissioner Miller asked if the applicant could speak regarding the need to change a single-story house to a two-story house? What is the benefit?

Rudy Provost stated the reason we want to add a two-story home is because this is what our current buyer wants.

Chair Hamerly asked which are the single-story plans?

Assistant Planner Trejo stated plan one and four.

Chair Hamerly asked are the green units on the plotted track map representations of plan four converting to plans 8 and 9?

Rudy Provost stated that is correct. Plan one was built on the eastern side, and it is built out.

Chair Hamerly stated on plan 8, one of my concerns was that there is little differentiation between the Tuscan and the Italianate. They are both Italian styles, but typically with the Tuscan, we would expect to see a little more rustic detailing. The Italian is usually more refined, a city style house such as a villa. I would encourage the design team to take some refinement or some additional cues from the Tuscan style to try to create a more rustic feel. There is a nice apron detail that has the stone veneer, and for the entry portico would be to take that veneer and run it all the way up, because you would expect to see a portico element that would be accenting the entry door. It looks like we have room to add shutters to the other single and the pair of windows, but I am less concerned with that and wondering if there is any other architectural detail that could be added.

Chair Hamerly stated on plan 9, the elevations there is a bit of discrepancy between the rendered elevations and working drawing elevations. The rendered elevations based on the shadow lines look like the trio of windows that are over the covered porch shows we are looking at a deep recess on those windows, and there is not a lot of trim around those windows. On the construction drawing elevations that are not rendered, those walls are flat and there is trim surrounding those windows. Could you clarify which one of those is the accurate representation of the elevations?

Rudy Provost stated it would be diagrammatic black and white.

Chair Hamerly stated it is going to look a lot better with the Tuscan style, to create the recesses and have the slab sill on that pop out. Also, same comment for the Italian style.

Rudy Provost stated we can recess those windows.

Chair Hamerly stated the floor plans 9.1 if we can put two shutters on that window instead of one. It looks like it would not crowd it.

Rudy Provost stated I will have the architect look at that.

A MOTION was made by Vice Chair Thomas and seconded by Commissioner Miller to adopt Resolution No. 2023-06, approving amended Design Review Application (DRA 21-007A) for the addition of two (2) new floor plan options and the elimination of single-story plans on non-corner lots for the final 52 of the 149 homes within Phase 1 of the Mediterra Planned Development, subject to the Conditions of Approval, and the Findings of Fact. Motion carried, 3-0.

RESOLUTION NO. 2023-046

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING AMMENDED DESIGN REVIEW APPLICATION (DRA 21-007A) FOR THE ADDITION OF TWO (2) NEW FLOOR PLAN OPTIONS AND THE ELIMNIATION OF SINGLE-STORY

PLANS ON NON-CORNER LOTS FOR THE FINAL 52 OF THE 149 HOMES WITHIN PHASE 1 OF THE MEDITERRA PLANNED DEVELOPMENT. [REVISION TO THE ANALYSIS OF A SITE PLAN, BUILDING ELEVATIONS, ROUGH GRADING PLAN, CONCEPTUAL LANDSCAPE PLAN, AND MODEL HOME COMPLEX REGARDING THE CONSTRUCTION OF A 149 SINGLE-FAMILY HOME COMMUNITY, A PUBLIC PARK, PUBLIC TRAILS, A PRIVATE COMMON AREA, A PRIVATE COMMUNITY POOL, AND RECREATION CENTER WITHIN PHASES 1 & 2 OF THE MEDITERRA PLANNED DEVELOPMENT. DRA 21-007 ORIGINALLY APPROVED FOR THIS SITE IN AUGUST OF 2021]

2. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 25541 Amanada St., San Bernardino, CA 92404 Tax Assessor's Parcel Number 0273-251-36. (Property Owner: Bryant and Rogelio Meza)

Code Enforcement Officer Chambers presented the staff report.

Chair Hamerly asked if the plans were documenting conditions on site and violations of the municipal code were found, were any of those conditions such that the occupancy or use of those structures would pose a threat to life safety?

Code Enforcement Officer Chambers stated I believe they did not. That is a question for the Building Official to address.

Applicant Johnny Mesa stated in 2014 that we purchased the house, saw a few things that were falling apart and the pictures that are presented are the ones we provided.

They never came out until we showed them everything. It was legalized in 1976, I believe. Pool, carport, and guesthouse was already there, but since day one of asking the city what we need to do since that point we did submit new plans. They told us in 2014 and 2018, in that period, the inspector that was in charge checking the property who was signing the paperwork passed away. Four years later, in 2018, all the papers were lost. They never found the paperwork, so we had to resubmit, but we were just a signature away from having everything approved. So, what we did was we redid the porch, and we extended the carport and lifted it. I do not think it is illegal. If I would not have gone to the city in 2014, I do not think I would be here right now.

Chair Hamerly asked did you purchase the property and if all the unauthorized additions had been already there.

Applicant Johnny Mesa stated yes. The restroom inside of the closet was there, the dining room was converted.

Chair Hamerly stated one of the bullet points that are the chronology that was listed in here, one portion of a carport or garage was converted to a bedroom and bathroom.

Applicant Johnny Mesa stated on Page 51, that is how it was before. There was actual carport in the back, the living room and the guesthouse which is also grandfathered in because it is

literally right on the wall. The city said it was fine after so many years. The carport has been there since the 1970s. On page 56 you will see the pictures of the carport. I thought maybe if I speak to the city, trying to arrange something with the realtor, we are able to get settle something, but they took advantage of our situation and wanted to modify everything since 2014. In 2014 we did bring the plans. All of a sudden, they lost all the paperwork, so we had to resubmit in 2018.

Vice Chair Thomas asked is this signature that was needed in 2014 for a final inspection?

Applicant Johnny Mesa stated yes, final inspection review. The last time I came was 2018 and 2020 when they lost the paperwork again.

Chair Hamerly asked did you pay the plan check fee?

Applicant Johnny Mesa stated yes, we paid all the fees.

Building Official Wirz stated I am showing in our historical permits, there are some permit activities for the special inspection that was in 2014. The special inspection is usually in lieu of a complaint for code violation. The permit is obtained for a special investigation of the records to see what was legal and permitted. We usually request assessor records any previous permits they may have from San Bernardino County records prior to city incorporation.

Chair Hamerly asked did they pull a special inspection rather than a permit in 2014?

Building Official Wirz stated correct.

Applicant Johnny Mesa stated in 2014, those are the pictures from page 55 because once we moved in, two months in the house started smelling really bad. So that is why you all have pictures on pages 54 and 55.

Building Official Wirz stated the at the time we conducted this, the record shows in our system that the inspection was conducted on April 14, 2014, and a letter was prepared April 14, 2015 and I have that letter here which has also been provided to the property owner at the time. It outlines the typical process we have to address these items and the first step is obtaining construction permits and planning department approval prior to the issuance of a permit. We would need a minimum plot plan of the entire property indicating all structures and floor plans for existing buildings.

Code Enforcement Officer Chambers stated the special inspection report is on page 51 exhibit 3 and the sketch is exhibit 6.

Building Official Wirz stated since the time of this investigation, it does not show any permit records from 2014 showing that plan checks were submitted, or plans were reviewed or obtained. As far as the inspections are concerned, it was noting the site visit inspection that we went to see the property and letter prepared. The report was drafted by Dale Everman, the prior Building Official. The permit was noted as expired due to lack of activity. The special inspection is not necessarily a permit, it is just a report of our activity. We have not seen

anything from there. Jessica Johnson, who was a previous Permit Technician, closed the file in 2017.

Applicant Johnny Mesa stated I did bring plans and verification and it is usually someone saying you did not do it right. I already changed Architects three times because they were frustrated with the details that were presented. I was wasting money, and sometimes I had to redo it again because it is not consistent with what the officers is telling me.

Vice Chair Thomas asked what did you submit plans on?

Applicant Johnny Mesa stated the solar system and the plans to be up to date which shows the carport that was constructed in 1970's.

Building Official Wirz stated in 2018 there was a plan check submitted for converting the existing garage into a guest house with a restroom, but no kitchen. Those plans outlined the remainder of the items that were on the special inspection. Upon the investigation, it looked like the garage was already converted into habitable space. So, in order to legalize that space, we have to see can we legalize it to be up to code.

Vice Chair Thomas asked was it plan checked approved?

Building Official Wirz stated no, they had not received approval and then it expired.

Chair Hamerly stated it sounds like it was returned for corrections and the plans were never resubmitted, and so it expired on one of those exchanges.

Applicant Johnny Mesa stated one of them was that they never called us to say that it was ready for pickup, and they lost it and the other time that we submitted again they lost it again.

Building Official Wirz stated the record stops for plan review on that specific permit on January 23rd, 2020.

Vice Chair Thomas asked has the Code Enforcement Officer Chambers been in contact with you Mr. Mesa?

Applicant Johnny Mesa stated he just calls me, and I tell him the same thing. He does not want to do anything; I have already submitted.

Vice Chair Thomas stated it sounds like you have to start the process again.

Applicant Johnny Mesa stated yes, and he gives me the papers. What do we submit? He says I will see you in court. There is no helping me out anymore because he is already frustrated for so many years. That I cannot do anything. I tell them to go to the property and check it out.

Vice Chair Thomas asked what kind of help do you want from Mr. Chambers?

Applicant Johnny Mesa stated if he goes to the property and tells me this does not need demolish, it could be modified.

Vice Chair Thomas stated it sounds like you have to hire an Architect or Engineer.

Applicant Johnny Mesa stated I have always asked them to recommend me to an Architect or Engineer, but they do not help me.

Building Official Wirz stated the plan check went back and forth under resubmittal, we had some discussions at the counter when plans were picked. The plan checks would have had corrections as to what was needed to be done. The comment the designer had given me was that things were modified during his design, so it was hard for him to notice the modified issues at that time.

Applicant Johnny Mesa stated the only things that were modified was the patio that was closed and the carport, everything else has stayed the same. The Architect just said to demolish it and I do not want to demolish it. The other option was to remove the unpermitted construction back to what was approved, and then we can verify that with any construction or new construction.

Applicant Johnny Mesa stated if you have an architect that is willing to do that then I am willing to work with them. On page 51 it was all on there. It says it is a guest house, which is how I bought the house in 1976.

Chair Hamerly stated the fact that something has been there since 1976 does not technically make it grandfathered.

Applicant Johnny Mesa stated it is right on the wall and it is in the paperwork, which also was not provided on the records.

Chair Hamerly stated when you use a term like Grandfather, there is a legal definition of that means yes, it is non-conforming, it does not meet current code, but since it was legally constructed, it is allowed to remain.

Applicant Johnny Mesa stated the whole the whole structure is made out of concrete.

Chair Hamerly stated that has nothing to do with the term grandfathered, the grandfathering means that we recognize that it does not meet current planning standards, setbacks or building standards, but if it was legally done with a permit at some date in the past, then it is grandfathered in.

Applicant Johnny Mesa stated there is records in 1976.

Chair Hamerly stated if there is any discrepancy between the assessor's records for the property and permit records and what is on the ground right now, anything that is in addition to what was legally constructed or what is in the assessor's records, which is the part that is non-conforming, and it is not legal. I would encourage you to contact the American Institute of

Architects. There are a number of Architects that are very talented in the surrounding communities, and I am sure that one of them would be able to help you out.

Applicant Johnny Mesa stated I have called them, but I will keep looking.

Chair Hamerly asked was there a legal survey done to document that there is a fence is actually on the property line?

Applicant Johnny Mesa stated the neighbor's garage is on my property line too.

Building Official Wirz stated on the photo it shows the original carport that was there extends to the block wall under some lattice.

Applicant Johnny Mesa stated that is on page 56 for reference.

Building Official Wirz stated it shows some lattice that are attaching the carport overhang to the block wall. There was two feet from the existing structure to what we called PL. The plan showed a post following that line to the new gable and had a 2-foot overhead, so I told him if it is two feet then we are overhanging the neighbor's property.

Chair Hamerly stated so during the course of that initial inspection, if issues were identified that present a life safety risk there cannot even be occupancy and use of the structure if it is to a point where life could be in danger. If there is wiring that is exposed or we are over the property line, etc.

Building Official Wirz stated this property is the special investigation was done in 2014. At the time there was no record of somebody utilizing the structures, it was vacant. They asked what they needed to do and that is when I advised them to submit plans. The goal was to try and see if we get this legalized once permits were pulled. We go back and forth, which has led us to this. We need to get some sort of movement, or another site visit to see if somebody is utilizing the structure.

Chair Hamerly stated it sound like there were additional improvements or modifications in the interim because the kitchen was never even mentioned until the ADU.

Building Official Wirz stated there has been a patio added to the rear unpermitted garage, and by looking at the plans and the ADU is extended into the existing patio. The carport has been deconstructed in large and the assessors is showing an addition onto the house that I don't have record of myself. There was a laundry facility that was attached to the rear of the house, which is a part of the patio cover.

Chair Hamerly stated ok, so the as built drawings keep getting modified because the conditions are changing?

Community Development Director Mainez stated it would at this point be appropriate to ask the property owner for the record if in fact the structures that are being identified by the city that are not being occupied, we need to get that in the record tonight.

Applicant Johnny Mesa stated right now it is just storage in the back of the ADU. There is nobody living there.

Chair Hamerly asked ok, so no one is living there currently?

Applicant Johnny Mesa stated correct because it is not legal for anyone to live in there.

Commissioner Miller asked once the new Architect is hired, will the department be willing to meet with that Architect and bring them up to speed?

Building Official Wirz stated absolutely.

Chair Hamerly stated since the holidays are approaching, it is a little bit ambitious to say in 60 days all this could happen given the level of discovery documentation and going back and forth. Would the city staff be comfortable with the first of the year? I personally think that there should be a record survey to document for both parties.

Building Official Wirz stated yes. I apologize to the owner if the designer did not converse much with them.

Chair Hamerly stated in this case it looks like you might have two structures that are too close.

Community Development Director Mainez stated we are comfortable with December 31, 2023. I want to thank staff for the details and the property owner for giving us some background. I would like to add, to let the owner give us access to the property and I would like our Building Official to do an inspection of the site to verify what is actually on the property.

Applicant Johnny Mesa stated you can come whenever you want, I do not have anything to hide. I do not think Architects will be able to come out so soon. You are looking at least until March.

Community Development Director Mainez stated from the staff perspective we are not comfortable with what is being proposed. It is creating an open-ended environment by obtaining all required permits. The state keeps creating legislation to extend the deadline once we issue permit, and if they do not pick up permit that can sit in our office for six months. I want to allow without a warrant to have our Building Official evaluate this property. We are here tonight to put a Declaration of a Public Nuisance because there is enough in the record to state that we believe there is a danger to the property. We are giving you 60 days to get your permits. He can appeal this to City Council within 10 days and after it goes to our City Attorney. I am comfortable with December 31, 2023.

Vice Chair Thomas asked were thinking of salvaging these property Mr. Mesa?

Applicant Johnny Mesa stated they are salvageable.

Commissioner Miller stated I would think 4 months is a good enough time to get everything in order.

Chair Hamerly stated that would be about 120 days at the end of January 2024.

All Planning Commissioners concurred that 120 days is enough time to obtain permits.

A MOTION was made by Commissioner Miller and seconded by Vice Chair Thomas to conduct the required Public Hearing and adopt Appeals Board Resolution 2023-047, declaring the existence of a public nuisance on the property generally located at 25541 Amanda St., San Bernardino, CA 92404 and order the abatement therefore and the Resolution Section 7 has been modified from 60 days to 120 days. Motion carried, 3-0.

ANNOUNCEMENTS

The Planning Commissions next regular meeting is scheduled October 17, 2023.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 7:41 p.m.

Submitted by:

Approved by:

Camille Duarte, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission

