

CITY OF HIGHLAND REGULAR MEETING OF THE PLANNING COMMISSION AGENDA

MEMBERS

Randall Hamerly, Chair
Chandra Thomas, Vice Chair
Craig Graves, Commissioner
Jarrod Miller, Commissioner
David Saran, Commissioner

REGULAR MEETING

May 7, 2024
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
Angela Tafolla, Associate Planner
Travis Trejo, Assistant Planner
Tiffany Martinez, Assistant Planner
Camille Duarte, Administrative Assistant III
Matt Bennett, Assistant Public Works Director
Matt Wirz, Building Official
Scott Rice, City Landscape Architect

MISSION STATEMENT

Highland is dedicated to the betterment of the individual, the family, the neighborhood and the community. The City Council and the staff of Highland are dedicated to providing the quality of public facilities and services that its citizens are willing to fund and will do so as efficiently as possible.

Visit the City's Website at: www.cityofhighland.org

CITY OF HIGHLAND • 27215 BASE LINE • HIGHLAND, CALIFORNIA 92346 • (909) 864-6861 ☎ • (909) 862-3180 聒

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance, please contact the City Clerk's office at (909) 864-6861, ext. 226, at least 72 hours prior to the meeting for any requests for reasonable accommodation to include interpreters.

Pursuant to Government Code Section 54957.5, any disclosable public records related to an open session item on a regular meeting agenda and distributed by the City of Highland to all or a majority of the Planning Commission, less than 72 hours prior to that meeting, are available for public inspection at Highland City Hall, 27215 Base Line, Highland, CA 92346, during normal business hours.

Submission of Public Comments: For those wishing to make public comments by email, please submit your comments by email to be read aloud at the meeting. Email comments must be submitted by 5:00 p.m. on May 7, 2024 to publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the May 7, 2024 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 7, 2024 - 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 7, 2024, 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 16, 2024 Regular Meeting.

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

PUBLIC HEARING

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 6935 Browning Rd., Highland, CA 92346 Tax Assessor's Parcel Number 1200-601-02.

RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2024 - ____, declaring the existence of a public nuisance on the Property generally located at 6935 Browning Rd., Highland, CA 92346 and order the abatement thereof.

3. A Community Development Activity Update.

RECOMMENDATION: Staff recommends the Planning Commission hear staff's presentation and receive and file.

ANNOUNCEMENTS

ADJOURN

I, Camille Duarte, Administrative Assistant III of the City of Highland, California, certify that I caused to be posted this agenda on or before the 2nd of May 2024 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: May 2, 2024



Camille Duarte, Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: May 7, 2024

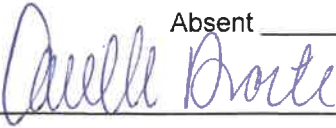
FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Duarte, Administrative Assistant III

SUBJECT: Minutes from the April 16, 2024 Planning Commission Regular Meeting.

RECOMMENDATION: Staff recommends the Planning Commission approve the Minutes as submitted.

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

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

PLANNING COMMISSION REGULAR MEETING MINUTES
April 16, 2024 – 6:00 P.M.

CALL TO ORDER

The regular meeting of the Planning Commission of the City of Highland was called to order at 6:05 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present:	Chair	Randall Hamerly
	Vice Chair	Chandra Thomas
	Commissioner	Craig Graves
	Commissioner	Jarrold Miller
	Commissioner	David Saran

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Angela Tafolla, Associate Planner
Camille Duarte, 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 19, 2024 Regular Meeting.
A MOTION was made by Commissioner Graves and seconded by Vice Chair Thomas to approve the minutes as submitted. Motion carried, 5-0.

PUBLIC HEARING

2. One year review of the upgraded Alcoholic Beverage Control License Type 21 (Off-Sale Beer, Wine, and Distilled Spirits) at an existing Valero vehicle fueling station convenience store Have A Snack in accordance with Conditional Use Permit No. 23-002 (Condition of Approval no. 11). (Location: 27767 Base Line, Applicant: Aysar Helo)

Associate Planner Tafolla presented the staff report.

Chair Hamerly asked was the incident an alcohol related disturbance due to beverages purchased, or if someone came in already intoxicated?

Assistant Planner Tafolla stated those notes are not provided in the calls for service. It stated that a call at that address was related to alcohol.

Chair Hamerly stated a previous discussion was a numerous amount of calls were on the original 2023 report where the disturbance occurred, but not directly related to activities that were on site.

Assistant Planner Tafolla stated people can report an issue to the Sheriff's Department and give the address next door, and the activity will be recorded in the system at the Have A Snack address.

Commissioner Miller asked how does the one call in the previous year compared to years prior to that incident?

Assistant Planner Tafolla stated when we reviewed the last report there were two related alcohol calls. That previous call for service was a 14 month period.

Chair Hamerly opened the public hearing.

Applicant Aysar Helo stated we have not had issues. We are seeing less homelessness, and it is beneficial to our business. We have done a complete interior upgrade. I do not recall anything within the last year that had to do with alcohol. Our sales are very limited because we do not carry large amounts of alcohol. We lock the doors at night and have a pass through window. We check identification every time alcohol is purchased.

Chair Hamerly closed the public hearing.

Community Development Director Mainez stated this is technically you receive and file, but to determine in the motion if there was a significant increase in crime following issuance of the ABC license. It appears there was not an increase.

Commissioner Saran asked will we revisit this in 12 months or was a onetime matter?

Chair Hamerly stated it was only for 12 months. We went against the Sheriff's Department recommendation for denial, it is a protective measure to make sure that there was not an increase in crime within 12 months.

A MOTION was made by Chair Hamerly and seconded by Commissioner Saran to receive and file Staff's Report and showed a decrease in crime incidence at Have A Snack between the 2023 and 2024 report. Motion carried, 5-0.

ANNOUNCEMENTS

The next Planning Commission Regular Meeting is scheduled May 7, 2024.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 6:15 p.m.

Submitted by:

Approved by:

Camille Duarte, Administrative Assistant III

Randall Hamerly, Chair



STAFF REPORT

TO THE APPEALS BOARD

DATE: May 07, 2024

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 6935 Browning Rd., Highland, CA 92346 Tax Assessor's Parcel Number 1200-601-02.

PROPERTY OWNER: Daniel P. Webb & Cynthia M. Webb

RECOMMENDATION: Staff recommends the Appeals Board conduct the required Public Hearing and adopt Appeals Board Resolution No 2024 - _____, declaring the existence of a public nuisance on the Property generally located at 6935 Browning Rd., 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 19, 2024. (Attached hereto as Exhibit "1" attachment "F" and incorporated herein by reference). In addition, on April 19, 2024, staff posted the Public Hearing Notice at the subject property and the Agenda was posted at three designated locations in accordance with City policy, and a copy of said Agenda was placed on the City's Website (see Affidavit of Posting / Mailing and attached hereto as Exhibit "1" attachment "G" and incorporated herein by reference).

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

BACKGROUND:

Jan. 13, 2023

On January 13, 2023, this case was initiated due to the parking and storage of heavy equipment, the storage of construction materials, and the storage of unpermitted cargo containers on the property generally located at 6935 Browning Rd., Highland, CA 92346, APN: 1200-601-02. Further research revealed that the property owner, Daniel Webb, has a valid contractor's license through the California State Contractor's License Board for Dan Webb's Backhoe and Pipeline Service.

Jan. 13, 2023

Code Compliance Officer Gary Chambers arrived at the subject property to conduct an inspection and observed the parking and storage of heavy equipment, four cargo containers, and the storage of construction materials without city approval or permits. A **Notice of Violation** was issued and mailed to the property owner's address of record.

Mar. 09, 2023

Code Compliance Officer Gary Chambers arrived at the subject property to meet with the property owner, Daniel Webb, and conduct an inspection. Code Compliance officer Gary Chambers observed the parking and storage of heavy equipment, four cargo containers, and the storage of construction materials. During the inspection the property owner stated that his primary residency was in Colton and that he was picking up his equipment at the property and driving it to job sites. The property owner stated that it was his intention to eventually move into the property and use it as his primary residence. The property owner also stated that he was using the cargo containers to store equipment and family belongings.

Mar. 10, 2023

Code Compliance Officer Gary Chambers had a phone conversation with the property owner, Daniel Webb. The property owner was informed that he may be allowed two cargo containers per zoning on the property, which would require plans to be submitted and a permit to be obtained. I informed the property owner that if he was not willing to submit plans and obtain a permit for the cargo containers, he would have to remove them from the property. I also informed the property owner that he would need to remove all heavy equipment and construction materials related to his contractor's business and store them at an approved facility or contractor's storage yard. The property owner stated that it would create a financial hardship for him and requested additional time.

**Appeals Board Meeting of
May 07, 2024**

**Mar. 11, 2023 –
Sep. 18, 2023**

Code Compliance Officer Gary Chambers attempted to work with the property owner to achieve compliance.

Sep. 19, 2023

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed the parking and storage of heavy equipment, cargo containers, and the storage of construction materials without city approval or permits. A **Warning Citation** was issued and mailed to the property owner's address of record. A copy of the citation was emailed to the property owner.

Oct. 05, 2023

Code Compliance Officer Gary Chambers had a phone conversation with the property owner, Daniel Webb. Mr. Webb stated that he would try to have plans submitted for the two cargo containers that may be allowed per zoning on the property by the end of November. Mr. Webb also stated that he would be submitting plans for buildings that he had purchased to store his equipment.

DEC. 20, 2023

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed the parking and storage of heavy equipment, cargo containers, and the storage of construction materials without city approval or permits. Further research revealed that the property owner had not submitted any plans for the two cargo containers that may be allowed per zoning on the property. **Administrative Citation #15493 (\$100)** was issued and mailed to the property owner's address of record. A copy of the citation was emailed to the property owner.

Jan. 23, 2024

Code Compliance Officer Gary Chambers arrived at the subject property to conduct a reinspection and observed the parking and storage of heavy equipment, cargo containers, and the storage of construction materials without city approval or permits. Further research revealed that the property owner had not submitted any plans for the two cargo containers that may be allowed per zoning on the property. **Administrative Citation #15499 (\$200)** was issued and mailed to the property owner's address of record. A copy of the citation was emailed to the property owner.

**Appeals Board Meeting of
May 07, 2024**

Apr. 10, 2024

Code Compliance Officer Gary Chambers conducted a reinspection of the subject property and observed the parking and storage of heavy equipment, four cargo containers, and the storage of construction materials without city approval or permits. A decision was made to refer the case to the Planning Commission/Appeals Board for a declaration of public nuisance.

Apr. 19, 2024

Code Compliance Officer Gary Chambers conducted a reinspection of the subject property and observed the parking and storage of vehicles, materials, and equipment for construction industry contractors without city approval or permits. Code Compliance Officer Gary Chambers also observed four cargo containers on the property. A **Public Hearing Notice** was posted at the property informing the property owner that a Public Nuisance Hearing had been scheduled for May 07, 2024, 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, and emailed to the property owner.

CONCLUSION: As evidenced by all inspections conducted and the exhibits incorporated herein by reference, the property, identified as APN: 1200-601-02 (generally located at 6935 Browning Rd., Highland, CA 92346) has been permitted to exist and 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 (B)(5) (Any use of property which creates a noxious smell or creates conditions dangerous to public safety, health or welfare, adjoining properties, property owners, or property values, which may include, but is expressly not limited to, the dumping of construction and/or landscape material;).

- III. Highland Municipal Code Section 16.16.030 (Use regulations for residential districts; there is no use specifically listed for contractor's storage yards in residential districts (Table 16.16.030.A). 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. Contractor's storage yards, to include the storage of equipment, materials, and vehicles for construction industry contractors are only allowed in the Business Park (BP) and Industrial (I) Zoning Districts, subject to the approval of a staff review permit application (Table 16.24.030.A (B)(3)). The subject property being used for the storage of equipment, materials, and vehicles for construction industry contractors in the Agricultural Equestrian (A/EQ) Zoning District constitutes a public nuisance).
- IV Highland Municipal Code Section 16.40.500 (C) (Cargo container regulations; cargo containers may be permitted in the A/EQ Zone provided that subsection (1) The property must be a minimum of one acre in size. Only one cargo container is allowed for the first one acre and one additional cargo container per every additional five acres. Subsection (2) Cargo containers shall meet all applicable use, development standards, and maintenance regulations of the Highland Municipal Code, as well as the requirements within HMC Titles 8 and 15 as determined by the City's Building Official. Subsection (3) Cargo containers must comply with the setback requirements for the A/EQ zone but shall not be allowed closer than 10 feet to any property boundary. Cargo containers must maintain a separation of 10 feet from any structures on the property, except for other authorized cargo containers. The subject property being used for the storage of cargo containers constitutes a public nuisance).

The property owner(s) is requested to remove all equipment, materials, and vehicles used for the unpermitted contractor's business on the property. The property owner(s) is also requested to obtain land use approvals, submit any required plans, and obtain all applicable permits related to accessory structures, cargo containers, and improvements on the property by no later than **ninety (90) 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 07, 2024**

Exhibit "1" Appeals Board Declaration of Public Nuisance Resolution 2024_____, inclusive of the following attachments:

- A.** Notice of Violation Letter dated January 13, 2023
- B.** Administrative Warning Citation, #15462, issued September 19, 2023
- C.** Administrative Citation, #15493, issued December 20, 2023
- D.** Administrative Citation, #15499, issued January 23, 2024
- E.** Pending Notice of Non-Compliance/Public Nuisance Hearing dated March 27, 2024
- F.** Notice of Public Hearing & Public Posting Copy dated April 19, 2024
- G.** Notice of Public hearing (Affidavit of Mailing) dated April 19, 2024

Exhibit "2" Aerial/Site Location Map

Exhibit "3" Case Photographs dated January 13, 2023

Exhibit "4" Case Photograph dated March 9, 2023

Exhibit "5" Case photographs dated September 19, 2023

Exhibit "6" Case photographs dated December 20, 2023

Exhibit "7" Case photographs dated January 23, 2024

Exhibit "8" Case photographs dated April 10, 2024

Exhibit "9" Case photographs dated April 19, 2024

EXHIBIT “1”

Appeals Board Declaration of Public Nuisance Resolution
No. 2024____, Inclusive of the following Attachments

RESOLUTION NO. 2024-

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS APN: 1200-601-02, GENERALLY LOCATED AT 6935 BROWNING RD., HIGHLAND, CA, 92346 AND ORDERING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.

(CODE CASE #9904)

A. RECITALS

1. On January 13, 2023, this case was initiated due to the parking and storage of heavy equipment, the storage of construction materials, and the storage of unpermitted cargo containers on the property identified as San Bernardino County APN: 1200-601-02 ("the Property"). An inspection of the property revealed the unpermitted parking and storage of vehicles, equipment, and materials related to the property owner's contractors' business as well as the unpermitted storage of four cargo containers.
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. Notice of Violation was mailed/posted on;

01/13/2023 (Attachment A)
4. Administrative Citations, were issued/mailed on;

09/19/2023 (Attachment B)
12/20/2023 (Attachment C)
01/23/2024 (Attachment D)
5. Pursuant to Chapter 8.32 of the Highland Municipal Code, a Notice of Public Hearing was mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to the property owner(s) on April 19, 2024. 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 07, 2024; 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 6935 Browning Rd., Highland, California 92346, since at least January 13, 2023.
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 (B)(5) (Any use of property which creates a noxious smell or creates conditions dangerous to public safety, health or welfare, adjoining properties, property owners, or property values, which may include, but is expressly not limited to, the dumping of construction and/or landscape material;).

- c. Highland Municipal Code Section 16.16.030 (Use regulations for residential districts; there is no use specifically listed for contractor's storage yards in residential districts (Table 16.16.030.A). 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 the applicable use tables it should be considered a 'not permitted' use. Contractor's storage yards, to include the storage of equipment, materials, and vehicles for construction industry contractors are only allowed in the Business Park (BP) and Industrial (I) Zoning Districts, subject to the approval of a staff review permit application (Table 16.24.030.A (B)(3)). The subject property being used for the storage of equipment, materials, and vehicles for construction industry contractors in the Agricultural Equestrian (A/EQ) Zoning District constitutes a public nuisance).
 - d. Highland Municipal Code Section 16.40.500 (C) (Cargo container regulations; Cargo containers may be permitted in the A/EQ Zone provided that subsection (1) The property must be a minimum of one acre in size. Only one cargo container is allowed for the first one acre and one additional cargo container per every additional five acres. Subsection (2) Cargo containers shall meet all applicable use, development standards, and maintenance regulations of the Highland Municipal Code, as well as the requirements within HMC Titles 8 and 15 as determined by the City's Building Official. Subsection (3) Cargo containers must comply with the setback requirements for the A/EQ zone but shall not be allowed closer than 10 feet to any property boundary. Cargo containers must maintain a separation of 10 feet from any structures on the property, except for other authorized cargo containers. The subject property being used for the storage of cargo containers 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 ninety (90) 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 vehicles, equipment, and materials used for the unpermitted contractor's business from the property.
 - b. Obtain land use approvals, submit any required plans, and obtain all applicable permits related to accessory structures, cargo containers, and improvements 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 ninety (90) days** as specified above, the City shall commence with the lawful procedures to have the Property abated.
 - (b) The costs and expenses of demolition, removal, and abatement by the City, including any additional administrative and legal and incidental expenses, pursuant to Highland Municipal Code Section 8.32.110, shall also be assessed and result in a lien upon the Property until paid.
10. Any owner, occupant, or other party who has a legal or equitable interest in the Property may appeal the final order of the Planning Commission/Appeals Board finding and ordering the abatement of a public nuisance pursuant to Highland Municipal Code Section 8.32.210. The appeal must be in writing and must be filed with the City Council no later than 10 days from the date of service of this Planning Commission/Appeals Board Resolution finding and ordering the abatement of a public nuisance. After 10 days from the date of service of the Planning Commission/Appeals Board resolution finding and ordering the abatement of the public nuisance, the order is deemed final and may no longer be appealed.
11. A property owner also has a right to appeal the order ordering liability incidental and administrative expenses incurred and ordering the abatement of a public nuisance

PASSED, APPROVED AND ADOPTED this 7th day of May 2024.

Randall Hamerly,
Planning Commission/Appeals Board Chairman

ATTEST:

Lawrence A. Mainez,
Community Development Director

ATTACHMENT "A"

Notice of Violation Letter dated January 13, 2023



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

To: WEBB, DANIEL P

Date: 01/13/2023

Property Located at: 6935 Browning Rd., Highland, CA 92346

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

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

CA13 Firecode - 505.1

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

Title 10, Chapter 10.20, Section 10.20.040

☐ **Public nuisances - Vehicle Abatement**

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

Please correct conditions by taking the following actions:

**** 1st Notice ** HMC 8.32.020 B5** - Any use of property which creates a noxious smell or creates conditions dangerous to public safety, health or welfare, adjoining properties, property owners, or property values, which may include, but is expressly not limited to, the dumping of construction and/or landscape material; **HMC 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; **HMC 16.16.030 A** - Use regulations for residential districts; **HMC 16.40.500 B2** - It shall be unlawful to place, use, allow or maintain cargo containers on property zoned A/EQ, except as otherwise provided by subsections C and E of this section; **Corrective Actions:** Property is located within a residential district; property cannot be used as a contractor's storage yard or any other non-residential use. Remove all heavy equipment from the property. Remove all outside storage/debris. Property is in violation of Cargo container regulations. Contact the Planning Division with any questions or concerns regarding land use or cargo container regulations. To avoid additional notices and /or citations, please comply by 2/12/2023. Thank you for your prompt response and cooperation in resolving this issue.

You have 30 days to complete the abatement of this violation. A reinspection of this property is scheduled for 2/13/2023

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

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

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

Accepted By: "MAILED"

Thank You,

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

Gary Chambers

Code Compliance Officer

ATTACHMENT "B"

Administrative Warning Citation, #15462, issued
September 19, 2023



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

CITATION NO. 15462

ADMINISTRATIVE CITATION

Date: 9-19-2023 Time: 10:06 am (Violation Observed)

☒ **WARNING**

☐ 1st Citation - \$ 100 ☐ 2nd Citation - \$ 200

☐ 3rd Subsequent - \$ 500

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

Corrections indicated below are required by 10-4-2023. 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

Webb, Daniel

DL #: N/A DOB: N/A

MAILING ADDRESS: 6935 Browning Rd.
Highland, CA 92346

VIOLATION ADDRESS: "Same"

MUNI. / STATE CODE SECTION VIOLATED	VIOLATION DESCRIPTION
<u>HMC</u> <u>8.32.020 BS</u>	<u>Dumping of construction/landscape material.</u>

<u>HMC</u> <u>16.16.030</u>	<u>Use regulations for residential districts</u>
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<u>HMC</u> <u>16.40.500</u>	<u>Cargo Container regulations</u>
--------------------------------	------------------------------------

CORRECTIONS REQUIRED: Residential property can't

be used as a contractor's storage yard.

obtain approvals and permits for cargo

containers. Outside storage must be stored

in a permitted enclosed structure. Remove

all debris. Remove heavy equipment.

Signature of Issuing Officer [Signature] Issued Date 9-19-2023

Printed Name of Issuing Officer Ray Chambers

Acknowledgement of Receipt (Signature) "Mailed"

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT "C"

Administrative Citation, #15493 (\$100), issued
December 20, 2023



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

CITATION NO. 15493

ADMINISTRATIVE CITATION

Date: 12-20-2023 Time: 3:25 pm (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 1-14-2024. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 1-04-2024. 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

Wobb, Daniel

DL #:

N/A

DOB:

N/A

MAILING ADDRESS:

6935 Browning Rd., Highland, CA 92346

VIOLATION ADDRESS:

"Same"

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

HMC
8.32.020 (C) Violation of any provision of the
Highland Municipal or Development Code.

HMC
16.16.030 (A) Use regulations residential districts

HMC
16.40.500 Cargo Container Regulations

CORRECTIONS REQUIRED: Cease using the property for
unapproved and unpermitted land uses and

activities. Remove all storage of heavy

equipment from the property. Only (2)

Cargo Containers may be kept on the property,

and shall require a building permit. Remove
all other containers.

[Signature]
Signature of Issuing Officer

12-20-2023
Issued Date

Gary Chambers
Printed Name of Issuing Officer

"Mailed"
Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “D”

Administrative Citation, #15499 (\$200), issued
January 23, 2024



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

Case # 9904

CITATION NO. 15499

ADMINISTRATIVE CITATION

Date: 1-23-2024 Time: 3:21 pm (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 02-17-2024. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 02-17-2024. 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

Webb, Daniel

DL #:

1A6

DOB:

1A6

MAILING ADDRESS:

6935 Browning Rd., Highland, CA 92346

VIOLATION ADDRESS:

"SAME"

MUNI. / STATE CODE
SECTION VIOLATED

VIOLATION DESCRIPTION

HMC
8.32.020 (C) Violation of any provision of the
Highland Municipal or Development Code

HMC
16.16.030 (A) Use regulations residential districts

HMC
16.40.500 Cargo container regulations

CORRECTIONS REQUIRED: Cease using the property for
unapproved and unpermitted land uses and activities.

Remove all parking/storage of heavy equipment
and construction materials from the property.

Only (2) cargo containers may be kept on
property provided a building permit is
obtained. Remove all other containers.

Signature of Issuing Officer

1-23-2024
Issued Date

Printed Name of Issuing Officer

Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

ATTACHMENT “E”

Pending Notice of Non-Compliance/Public Nuisance Hearing
dated March 27, 2024



March 23, 2024

Daniel P. Webb & Cynthia M. Webb
6935 Browning Rd.
Highland, CA 92346

RE: Pending Notice of Non-Compliance/Public Nuisance Hearing {Parcel #1200-601-02, 6935 Browning Rd., Highland, CA 92346}

Dear Mr. Webb

The City of Highland has exhausted all efforts to compel you to bring the property into compliance with the City of Highland Municipal & Development Code's, specifically, use regulations for residential districts, the parking and storage of heavy equipment and materials used for business purposes, and cargo container regulations. A Public Nuisance Hearing will be scheduled to declare the subject property a public nuisance. You should expect to receive an official Public Nuisance Hearing Notice soon.

Sincerely,

Gary Chambers

Code Compliance Officer, City of Highland, California

Phone: (909) 864-6861 ext. 220

CC: Lawrence Mainez, Community Development Director

Mayor
Penny Lilburn

Mayor Pro Tem
Larry McCallon

City Council
Jesse Chavez-Cordova

City Council
Anaeli Solano

City Council
John P. Timmer

City Manager
Carlos Zamano

27215 Base Line • Highland, CA 92346

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



ATTACHMENT “F”

Notice of Public Hearing & Public Posting Copy dated
April 19, 2024



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 property identified as APN 1200-601-02 located at 6935 Browning Rd. (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 07, 2024, at 6:00PM

LOCATION OF HEARING: City Hall Council Chambers 27215 Baseline
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: The storage of equipment, materials, and vehicles for construction industry contractors and the storage and use of accessory structures in the Agricultural Equestrian (A/EQ) Zoning District.

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

Remove all unpermitted contractor equipment, materials, and vehicles used for your contractor's business on the subject property, which is an unpermitted use of a residentially zoned property. Obtain applicable Land use approvals, submit any required plans, and obtain all applicable permits related to accessory structures and improvements on the property.

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



Lawrence A. Mainez

Community Development Director Cc:

Code Enforcement File



CITY OF HIGHLAND NOTICE OF PUBLIC HEARING

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

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

Date: April 19, 2024

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 THE UNPERMITTED STORAGE AND USE OF EQUIPMENT, CONSTRUCTION MATERIALS, VEHICLES, AND ACCESSORY STRUCTURES.

File Number: APPEALS BOARD PUBLIC NUISANCE HEARING
CASE # 9904

SUBJECT: A Public Hearing to declare the existence of a Public Nuisance in accordance with Chapter 8.32.060 of the Highland Municipal Code on the following Assessor's Parcel Number: 1200-601-02

PROPERTY OWNER(S): Daniel P. Webb, Cynthia M. Webb

VIOLATION ADDRESS/APN: 6935 Browning Rd., Highland, CA 92346. APN: 1200-601-02

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

DATE AND TIME OF HEARING: Tuesday May 07, 2024, at 6:00 PM
(Or soon thereafter)

ATTACHMENT “G”

Notice of Public Hearing, Affidavit of Mailing, dated
April 19, 2024

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 19, 2024, I caused to be served a copy of the attached Public Hearing Notice, Case #9904, Certified Mail, Return Receipt Requested, to the following parties: Daniel P. Webb & Cynthia M. Webb. 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.

Daniel P. Webb & Cynthia M. Webb
6935 Browning Rd.
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 19, 2024.

Dated: Wm 4/19/24

Nicole Subia
Nicole Subia, Administrative Assistant III
City of Highland

EXHIBIT “2”

Aerial/Site Location map



6935 Browning Rd., Highland, CA



EXHIBIT “3”

Case photographs dated January 13, 2023





EXHIBIT “4”

Case photographs dated March 09, 2023







EXHIBIT "5"

Case photographs dated September 19, 2023



EXHIBIT “6”

Case photographs dated December 20, 2023



2023/12/20 15:25



2023/12/20 15:25

EXHIBIT “7”

Case photographs dated January 23, 2024



EXHIBIT “8”

Case photographs dated April 10, 2024







EXHIBIT “9”

Case photographs dated April 19, 2024







Gary Chambers

From: david dopp <ddoppster@hotmail.com>
Sent: Tuesday, January 9, 2024 2:33 PM
To: Gary Chambers
Subject: 25222 3rd St. Highland Bid Response

EXTERNAL EMAIL: Do not click on links or open attachments unless you know the content is safe.

Sent from [Outlook](#) To block over 1,000 square feet of graffiti, around all four sides of the building. Bid is

\$2,990. —

To haul

all normal trash and debris As of 1/5/24] to the

landfill

Bid is

\$1350.

To remove tires

dumped, at the property, currently estimate at 60, is \$15. per passenger tire, \$35. per commercial truck tire, any with rims may be extra to separate the rim before disposal.

Any hazmat or

special handling is a separate bid/cost, though none was seen at inspection.

D W

DOPP. Dopp Property Service #633-045 phone: 909-856-0442

4-19- \$2250

\$3000

C. & D Property Service

6225



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: Mary 7, 2024

FROM: Lawrence A. Mainez, Community Development Director,
Kim Stater, Assistant Community Development Director,

SUBJECT: Community Development Activity Update

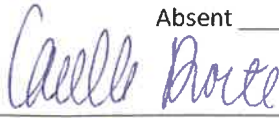
RECOMMENDATION: Staff recommends the Planning Commission hear staff's presentation and receive and file.

FISCAL IMPACT: None

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

BACKGROUND: As directed by the Planning Commission, staff will provide the Planning Commission with a brief update on all development activities within the City of Highland, and address questions and comments as appropriate. The Planning Division staff is currently updating the City's "Community Development Activity Map" and will make it available during the presentation. This presentation will also be interactive, so please be prepared to use your cell phone during the presentation to respond to group questions related to the City's History, General Plan, Zoning, and Code Compliance procedures.

This is a receive and file agenda item, therefore no formal action is required.

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