

CITY OF HIGHLAND REGULAR MEETING OF THE PLANNING COMMISSION AGENDA

MEMBERS

Randall Hamerly, Chair
Chandra Thomas, Vice Chair
Craig Graves, Commissioner
Nicole McCance, Commissioner
Jarrod Miller, Commissioner

REGULAR MEETING

November 19, 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

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 November 19, 2024 to publiccomment@cityofhighland.org. If you are submitting a public comment pertaining to an item on the November 19, 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
November 19, 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 November 19, 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 October 1, 2024 Regular Meeting.

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

PUBLIC HEARINGS

2. Conditional Use Permit (CUP 23-001) for the development of a 4,800 square foot auto repair shop and Design Review Application (DRA 24-001) for the related Site Plan, Building Elevations, Conceptual Landscaping and Conceptual Grading Plan. (26503 Base Line) (Applicant: Johnny Carlos Rueda)

RECOMMENDATION: Staff recommends the Planning Commission:

1. Adopt Resolution No. 2024 - ____ to Approve Conditional Use Permit (CUP 23-001), and Design Review Application (DRA 24-003) to establish an auto repair shop with "major engine overhaul" (as defined by *Highland Municipal Code Table 16.20.030.A.18*) and the related development plans including Site Plan, Building Elevations, Conceptual Grading Plan, and Conceptual Landscape Plan subject to the Conditions of Approval, and Findings of Fact; and
2. Direct staff to file a Notice of Exemption with the County Clerk of the Board.
3. A Public Hearing to Consider the Appeal of the Administrative Citation No. 15255 issued due to land use violations related to the unpermitted parking and storage of trucks and tractor trailers in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code at the property generally located at 27356 5th St. Highland CA 92346, tax Assessor Parcel Number 1201-301-16. Cited: William Graham 1 LLC

RECOMMENDATION: Staff recommends to the Planning Commission/Appeals Board conduct the required Public Hearing and uphold Administrative Citation No. 15255 and adopt Resolution No. 2024-____.

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 15th of November 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: November 15, 2024



Camille Duarte, Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: November 19, 2024

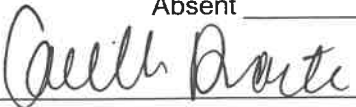
FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Camille Duarte, Administrative Assistant III

SUBJECT: Minutes from the October 1, 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
October 1, 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 6:00 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present:	Chair	Randall Hamerly
	Commissioner	Craig Graves
	Commissioner	Jarrod Miller
	Commissioner	Nicole McCance

Absent:	Vice Chair	Chandra Thomas
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Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Angela Tafolla, Associate Planner
Travis Trejo, Assistant Planner
Matt Bennett, Assistant Public Works Director
Matt Wirz, Building Official
Camille Duarte, Administrative Assistant III
Scott Rice, City Landscape Architect

Chair Hamerly led the Pledge of Allegiance.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

CONSENT CALENDAR

1. Minutes from the August 20, 2024 Regular Meeting.

A MOTION was made by Commissioner Miller and seconded by Commissioner Graves to approve the minutes as amended. Motion carried, 4-0, with Vice Chair Thomas being absent.

2. Minutes from the September 3, 2024 Regular Meeting.

A MOTION was made by Commissioner Miller and seconded by Commissioner McCance to approve the minutes as submitted. Motion carried, 4-0, with Vice Chair Thomas being absent.

3. Minutes from the September 17, 2024 Regular Meeting.

A MOTION was made by Commissioner Miller and seconded by Commissioner McCance to approve the minutes as submitted. Motion carried, 4-0, with Vice Chair Thomas being absent.

PUBLIC HEARINGS

4. Continuation of a Public Hearing for Design Review Application No. 24-005 (DRA-24-005): A Public Hearing of the Planning Commission to consider Planning Area 2 (PA2) of the Greenspot Village and Marketplace Specific Plan. The Design Review Application seeks approval of the Site Plan (Option A & Option B), Building Elevations, Conceptual Landscape Plan, Rough Grading Plan, recreation areas, and amenity building. Additionally, it includes Tentative Tract Map No. 24-001 (TTM-24-001/TR 20698) for the subdivision of three (3) parcels to create seven (7) new parcels across 25 acres for the purpose of finance and conveyance. Continued from September 17, 2024 Planning Commission Meeting. (Location: Vacant area of approximately 25 acres located on the north side of Greenspot Road between the SR 210 and Boulder) (Applicant: Mission Communities & Mossa Investments)

A MOTION was made by Commissioner Miller and seconded by Commissioner Graves to continue the Public Hearing to October 15, 2024. Motion carried, 4-0, with Vice Chair Thomas being absent.

5. Design Review Application (DRA 24-006) for the development of 94 detached single-family homes, community exercise stations, picnic areas and community trails within Phase 4 of the "Mediterra" Planned Residential Development. (Location: Approximately eleven (11) acres at the northeast corner of Greenspot Road and Mediterra Parkway) (Applicant: Greenspot Corridor LLC)

Assistant Planner Trejo presented the staff report.

Commissioner Miller stated regarding the recent fires and closing of Greenspot Road to debris flows, has there been additional requirements?

Assistant Public Works Director Bennett stated on the last page of the Engineering Conditions is the drainage design criteria that has not changed. It is predetermined and evaluated that this area is subject to the flows that came down from the hillside beyond our Arnett's property. There are no further studies being requested, however lessons learned of what the debris flows were, and they were contained to the roadway. It was a healthy design criteria that was applied in the beginning.

Commissioner Miller asked what insurance is there that the staff is asking for the Conditions of Approval?

Assistant Public Works Director Bennett stated the original evaluation was completed with a former Flood Control plan designer Engineer that established the runoff mitigation plan as well as these design criteria. There are some other concerns that are being addressed along the hillside for debris removal and those are in the Conditions of Approval.

Commissioner Miller stated I am going to refer this concern to page 96 of the staff report. I am familiar with document SP 100, and I believe if we got into the details of that, we would find that a bulking factor of 50% is recommended and applied. I do not think 50% is adequate here. I have lot of training in fire hydrology and have assisted multiple track developments

with addressing debris flows from fires and if we looked at some of those conditions such as bulking factor of three is probably more representative. I had a recent conversation with Michael Pham, Chief of Flood Control, not regarding this project, but about debris analysis for a project in Wrightwood. He was not even recommending any San Bernardino County Flood Control District criteria for quantifying debris. He was recommending use of Army Core or LA Counties methodology. I do not think it is adequate to quantify the potential debris that we risk over the next 5 to 10 years at this development.

Assistant Public Works Director Bennett stated there has been a conservative safety factor applied to this which is 50%. That is the rule that we are currently designing on Plunge Creek, which is a larger watershed and is under review and in consideration of Michael Pham with Flood Control, and it is the higher conservative approach and is being applied here in a smaller watershed. So, the factor that you are talking about is not applicable at this location.

Chair Hamerly asked are any of these Conditions of Approval being retroactively applied to the other planning areas or these are strictly isolated to just PA 4?

Assistant Public Works Director Bennett stated for this conversation tonight it is only PA 4.

Chair Hamerly stated of all the planning areas within this entire subdivision, PA4 is probably the lowest risk because debris would have to come through a lot of other future houses to get to PA 4. PA 2 and 3 would be at the direct line of fire at the foot of the slope areas that are most vulnerable.

Commissioner Miller asked PA 4 is actually directly adjacent to debris flow that just occurred within the past week and Greenspot Road had to be closed down.

Assistant Public Works Director Bennett stated that is correct, it is at the eastern location. It did over top into the roadway and we do have concerns and that is why we are approaching the downstream with the partners, San Bernardino Valley Water District and East Valley Water District to make the proper connections on the south side so that we can see the flows discharge downstream from that culvert.

Chair Hamerly asked in future analysis of debris flow would then the perimeter masonry walls of a development give a higher debris retention factor as opposed to just being a free board wall?

Assistant Public Works Director Bennett stated on PA 3 they might have some debris coming from the north of the wall. The wall is not developed as a flood wall.

Commissioner Miller asked I thought the Conditions of Approval actually specified that the perimeter walls were supposed to be designed for Flood Control.

Assistant Public Works Director Bennett stated not for PA 4. PA 4 will be developed before PA 3 constructing a portion of a flood wall and protection.

Commissioner Miller stated at a minimum that eastern boundary condition, where we have already seen evidence of debris flows, should be designed as a flood wall.

Assistant Public Works Director Bennett stated you are speaking about a flood wall at that location, which was not a part of the design plan, but you are speaking about the easternly boundary?

Commission Miller stated yes.

Community Development Director Mainez stated where it refers to the Flood Control document SP 100, can we add or as determined by the City Engineer?

Assistant Public Works Director Bennett asked is this Condition No. 47 A? Yes.

Chair Hamerly stated I would like to add some kind of language identifying that particular lot, just so that it does not slip through the cracks during plan check. That is the most vulnerable corner if nothing happens for several years after the development.

Assistant Public Works Director Bennett stated yes, we can add it specific to that lot in the eastern boundary so we can be considerate of any concern of this project.

Applicant Camille Bahri presented the PowerPoint presentation.

Chair Hamerly opened the public hearing.

Commissioner Miller stated regarding the zero lot line, I was thinking about a situation where a property owner wants to paint his house and for whatever reason he is not getting along with his next door neighbor, but yet he needs to be able to get access to that adjacent home to be able to paint his home. How does something like that get resolved?

Applicant Camille Bahri stated we have an easement on the lot to benefit the next door neighbor, so if they do not get along they still have access to it.

Chair Hamerly stated within the detailed plotting that you have done, that represents not only the lot sizes but the different plan models, was there any plot where you actually accounted for the locations of the second floor windows?

Applicant Camille Bahri stated I did the plotting and will consider it.

Chair Hamerly stated if I am plotting plan 2 against the reverse image of Plan 3, and it is a primary suite to primary suite, those tended to have the windows on the side, and there was a very high propensity to have those windows directly facing each other. There are some bedrooms that only have side exposure, they don't have exposure to the front or the rear of the house, and so you do want to have adequate light and ventilation into a bedroom, however if you only have one window into your bedroom, you don't want to have to permanently keep your windows shut or shaded because right there is the neighbor's bedroom.

Applicant Camille Bahri stated yes, I understand that. I will keep that into consideration.

Chair Hamerly stated given the density and the tightness of the lots and the project is over parked, I would encourage staff to work with the applicant anytime we can have a pocket park

or expand the common areas and reduce parking on either side. That is an opportunity to break up what could be a highly repetitive streetscape. My biggest concern of the project is the driveways by and large tend to be on the same side of the house on almost every single lot that is on the south side. If there are opportunities to do a flip and shift the driveway more towards the center of the lot to create more separation between the driveways so that they are not 600 hundred feet long every 20 feet on center. It is going to look very repetitive if you have a 20 foot driveway and then the next 20 feet over another driveway and tree. If you can make sure to break up that rhythm. Also, there is a condition that said, the second story that fronts Greenspot Road should have enhanced architecture. We can create a second condition that stated for the internal street that those units with a side exposure would also have enhanced architecture. Regarding lot C, there is a pocket park that does a very nice job of counteracting the monotony that is on the south side. If you wanted to eliminate a couple of those parking spaces to expand the public feature.

Chair Hamerly stated moving onto plan 1 floor plans and elevations. On page 28, the 2nd floor, the laundry is tight and a feature that you may want to consider is the window that is on the south side of the second floor popped out two feet to give you a deeper porch. It would double the amount of storage space in that laundry room.

Applicant Camille Bahri stated we will consider that.

Chair Hamerly announced a short recess at 8:52 p.m. The meeting resumed at 9:00 p.m.

Chair Hamerly stated on page 33, I have a suggestion on the colored elevations from the front elevation, there is the veneer that defines the two sides of the garage. It would be nice to mirror that on the column that is flanking the front door. On Plan 2, on the second floor there are two windows that are showing that stairwell. One recommendation to get light into that hallway on the 2nd floor would be to shift that window so it is centered on the stairway as it is coming off the hallway. On Plan 2, the Tuscan left elevation front facade, the post that is by the covered entry wrap that in veneer and the other option was running the veneer down that wall till it hits the inside corner at the front door, so the entire length of the walkway has a similar treatment.

Applicant Camille Bahri asked so wrapping it to where the front column is?

Chair Hamerly stated yes.

Applicant Camille Bahri stated that it is likely where the gas line would be, and we wanted to leave enough space between that sidewalk and the wall of the garage. I agree with you, otherwise it is going to take away from treating the veneer treatment on the column itself.

Chair Hamerly stated it would make more sense to shift that window that is in the entry down a little bit and put your utilities on that blank wall instead of having your gas meter that is going to stick out about 18 inches.

Chair Hamerly stated regarding Plan 3, on the second floor of the Santa Barbara option, the loft is enormous. It is either a great spot for a balcony or another option would be create a master bathroom.

Chair Hamerly asked regarding the landscape plan and the DG exercise path along Greenspot Road, the exhibit that showed during the presentation that showed a lot of trees that you said you bootlegged in there, yes?

Applicant Camille Bahri stated yes.

Chair Hamerly stated on the landscape plan detail 1.2, the enlargement for lot C would be the parking areas that. Mr. Bhari mentioned in his presentation, so if two-three of those parking spaces went away makes a nicer pocket park right at the main intersection coming into PA 4.

Assistant Planner Trejo stated staff will make a note of that.

Chair Hamerly stated going through the Planning Conditions of Approval one specific to item 13 stated interior residential lots must feature two trees on site, corner residential lots must feature three trees. I think the corner lots is an easy solution. Where do you see those two trees? Are they in a row?

Applicant Camille Bahri stated there is only room for one tree to grow maturely about 25 feet 30 feet. I am also concerned while observing people yanking out their front yard trees and I counted maybe 60% of people taking out trees. I think if you overdo it, it will get in people's way.

Chair Hamerly stated I like the landscape condition No. 30; however, we can modify it to stated one specimen and one ornamental or one large tree form shrub. The intent is to have more tree form in that front streetscape.

City Landscape Architect Rice stated Condition No. 13 just needs some wordsmithing to be a little bit more specific and then it should be fine. As depicted on the screen that is what we are asking for, which is a prominent street tree that is appropriately sized. The species is not something that will be overgrown. The second tree is an accent tree.

Chair Hamerly stated when you have a long exposure to keep the three primary trees in the condition, however I am fine with the first sentence of Condition No. 13.

Applicant Camille Bahri stated I would like to speak about Planning Condition No. 27.

Assistant Planner Trejo stated regarding Planning Condition No. 27 stated landscaping and planting areas should be used to screen and buffer edge areas and parking areas from public view. All parking areas shall be screened by earth bounding and or screening shrubs at 30 inch max to screening parked cars from public view as seen from frontages or right of way areas.

Applicant Camille Bahri stated I do not think this condition applies. I want to make sure that we are not agreeing to something we cannot implement.

Chair Hamerly stated Conditions of Approvals that have been modified are Planning Department Nos. 9, 13, 16 B, 35, and Engineering Conditions No. 47 A.

Chair Hamerly closed the public hearing.

A MOTION was made by Commissioner McCance and seconded by Chair Hamerly to adopt Resolution 2024-022, approving Design Review Application (DRA 24-006) including the Site Plan, Conceptual Landscape Plan, and Building Elevations related to the development of Planning Area 4 of the Mediterra Planned Development, subject to the Conditions of Approval as modified and Findings of Fact. Motion carried, 4-0-1, with Vice Chair Thomas being absent and Commissioner Miller voting no.

Commissioner Miller stated I voted no because my concerns are related to safety. The conditions surrounding this development warrant different criteria than what are being cited in the Conditions of Approval. Additionally, the Applicant's Engineer used to be business partners with CSAC who is also the reviewer. There is a conflict of interest.

RESOLUTION NO. 2024-022

A RESOLUTION OF PLANNING COMMISSION OF THE CITY OF HIGHLAND TO APPROVE DESIGN REVIEW APPLICATION (DRA 24-006) FOR THE DEVELOPMENT OF 94 SINGLE-FAMILY HOMES, COMMUNITY EXERCISE STATIONS AND PICNIC AREAS AND COMMUNITY TRAILS WITHIN PHASE 4 OF THE MEDITERRA PLANNED DEVELOPMENT LOCATED ON APPROXIMATELY 11 ACRES AT THE NORTHEAST CORNER OF GREENSPOT ROAD AND MEDITERRA PARKWAY (APN: 0297-051-27)

6. Selection of street names for Tentative Tract Map No. 18893 located within Planning Area 4 of the Mediterra Planned Development. (Location: Located on the north side of Greenspot Road, east of Avienda Ramblas, and south of Mediterra Planning Area 3. Owner: Greenspot Corridor LLC

Assistant Planner Trejo presented the staff report. The spelling would be Carrer, not Carrero.

Chair Hamerly opened the public hearing.

Applicant Camille Bahri presented his presentation.

Chair Hamerly stated if you would like to stay within the Spanish vernacular go Calle or Via.

Applicant Camille Bahri stated Via in Italian means street, I am not sure what it means in Spanish. I am comfortable with replacing Carrer with Via.

Chair Hamerly closed the public hearing.

Chair Hamerly stated Carrer changes from Carrer to Via, the second names stay the same.

A MOTION was made by Commissioner McCance and seconded by Commissioner Miller to approve the proposed street names for Tentative Tract Map No. 18893 as modified. Motion carried, 4-0 with Vice Chair Thomas being absent.

ANNOUNCEMENTS

The next Planning Commission Regular Meeting is scheduled October 1, 2024.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 6:07 p.m.

Submitted by:

Approved by:

Camille Duarte, Administrative Assistant III

Randall Hamerly, Chair



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: November 19, 2024

FROM: Lawrence A. Mainez, Community Development Director

REVIEWED BY: Kim Stater, Assistant Community Development Director *KS*

PREPARED BY: Tiffany Martinez, Assistant Planner *TM*

SUBJECT: Conditional Use Permit (CUP 23-001) for the development of a 4,800 square foot auto repair shop and Design Review Application (DRA 24-001) for the related Site Plan, Building Elevations, Conceptual Landscaping, and Conceptual Grading Plan.

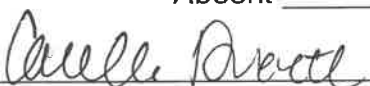
LOCATION: 26503 Base Line, Highland, CA 92346
At the southeast corner of Base Line and Victoria Ave
Assessor's Parcel Number: 1192-331-03

**PROPERTY OWNER/
APPLICANT:** Johnny Carlos Rueda

RECOMMENDATION: Staff recommends the Planning Commission:

1. Adopt Resolution No. 2024 - ____ to Approve Conditional Use Permit (CUP 23-001), and Design Review Application (DRA 24-003) to establish an auto repair shop with "major engine overhaul" (as defined by *Highland Municipal Code Table 16.20.030.A.18*) and the related development plans including Site Plan, Building Elevations, Conceptual Grading Plan, and Conceptual Landscape Plan subject to the Conditions of Approval, and Findings of Fact; and
2. Direct staff to file a Notice of Exemption with the County Clerk of the Board.

FISCAL IMPACT: The Applicant submitted the required deposit for processing the subject land use applications. Staff time spent working on the applications will be charged to this deposit. Additionally, the project will pay the applicable Development Impact Fees, as adjusted for the

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

differential between the previously existing building footprint and newly constructed building footprint.

PUBLIC NOTICE: As required by City Council Resolution, notice of the public hearing was posted at the City's three designated posting locations. On November 7, 2024, the notice was posted on the City's website, mailed to property owners within 300 feet of the project site and to parties requesting notice. An ad was published in the SB Sun newspaper on November 8, 2024. All legal requirements for noticing have been met.

PUBLIC COMMENT: Staff received one (1) public comment. The commenter asked what the hours of operation would be and whether the vehicles being repaired will be shielded from street view.

The Applicant proposes to operate Monday through Sunday, 8:00 a.m. to 6:00 p.m. Planning Condition of Approval No. 6 requires all repair activities and operations to be conducted entirely within the proposed enclosed building on-site. Outdoor hoists and outdoor repair activities are prohibited in accordance with Highland Land Use and Development Code Section 16.44.240. (3).

The commentator also inquired how staff plans to address other existing auto repair businesses in the City who are not currently in compliance with City standards. These existing uses are not the subject of this entitlement, so any compliance issues should be forwarded to the City's Code Enforcement Division.

DESCRIPTION OF SITE: The project site is located on the southeast corner of Base Line and Victoria Avenue (Attachment 1 – Area Map). Prior to the City's incorporation, the site was developed as a vehicle fueling station then abandoned and subsequently used for many years for auto repair. The last active tenant was D&T Auto Repair who relocated several years ago. The property is considered abandon and vacant resulting in the loss of its legal, non-conforming status. The on-site improvements were demolished, and the property is now being redeveloped by a new owner.

The site is a single parcel of 0.42 acres, 85.5 feet wide and 150 feet deep. There are three (3) existing driveways, two of which will be retained. Of these two (2), one is on Base Line and the other on Victoria Avenue. Both drives will be limited to right-in/right-out vehicular turning movements. There is existing curb, gutter, and sidewalks on both frontages and no right-away dedication are needed at this time. There are existing utility boxes at the corner, two utility poles along the westerly frontage of Victoria Avenue and a bus shelter along Base Line. There will be an in-lieu fee required by the project for future undergrounding the utility pole(s) by the City or other, larger project. The Site is located within the Planned Commercial (PC) Zone District and the proposed project to establish a Major Automotive Repair is permitted upon approval of a Conditional Use Permit (CUP).

The site is located in the General Plan's Community Policy Areas "Base Line Corridor" and "Victoria Avenue Corridor". The Base Line Corridor's purpose is to "*ensure quality commercial and residential development through adherence to the Community Design Element policies and guidelines and Development Code standards*". The Victoria Avenue Corridor goal is to "*concentrate commercial uses along Victoria Avenue at Base Line, Pacific Street and Highland Avenue.*"

The Project site is in a commercial area. To the north there are two vacant parcels in the Mixed Use zone. To the east is Lees's Massage Spa. To the south is a convenience/liquor store, and to the west is a neighborhood strip shopping center.

Location	General Plan	Zoning
North:	Mixed Use (MU)	Mixed Use (MU)
South:	Planned Commercial (PC)	Planned Commercial (PC)
East:	Planned Commercial (PC)	Planned Commercial (PC)
West:	Planned Commercial (PC)	Planned Commercial (PC)

The project is not within an identified area of concern such as a flood plain, an area of suspected liquefaction, an area of paleontological sensitivity, or high fire hazard.

PROJECT REVIEW: The project proposal is to redevelop the site as an Auto Repair Shop permitted to conduct “Major” engine overhaul and repairs as described in *Highland Municipal Code Table 16.20.030.A.18*. The business will perform regular vehicle maintenance, brakes, suspension related repairs and alignments, smog and emissions repair, new tires, electrical repair, engine repairs or replacements, transmission replacement, A/C service and repairs, and vehicle diagnostics repairs. The Applicant is proposing to construct a 4,800 prefabricated building with five (5) bays, on-site parking, related hardscape and landscape improvements. Hours of operation are proposed to be 8:00 am to 6:00 pm, Monday through Saturday as noted above. The shop will be closed on Sundays. There will be three (3) employees.

A. Conditional Use Permit

Site Plan: the proposed layout of the building has the main entrance and the bays located on the north side facing Base Line. The building interior consists of an auto repair area, counter area, bathrooms, breakroom, and an office.

Access: There are two (2) points of access, one on each frontage. Both will allow ingress and egress, limited to right-in and right-out turns. A trash enclosure is located in the southeast corner of the property. Measuring 12' x 12', the trash enclosure will be finished to match the proposed auto repair shop.

Noise: Noise Impacts for Auto Repair projects require any repair facilities perform noise-generating activities within fully enclosed structures with walls of concrete block or similar materials. This is the current proposal and has been conditioned as such.

Parking: The Municipal Code requires automotive repair to provide one (1) parking stall per 500 square feet plus two (2) parking stalls per each service bay and one (1) parking stall per 250 square feet for offices. Thus, the proposed use would be required to provide 21 total spaces.

Proposed Use:	Size	Parking Ratio	Parking Required	Parking Proposed
Automotive Repair	4,124 sf	1 space /500 sf	8.25	4
Service Bays	5	2 spaces per bay/ 5 bays	10	5
Office/	675 sf	1 space /250 sf	2.7	2
Total	146,670 sf	-	21	11

The plans show 11 proposed parking stalls including one ADA accessible stall. Due to the disparity between the required and proposed number of stalls, the Applicant provided a

parking analysis challenging the City's existing parking standards for Automotive Repair as being more than what's typically necessary (Attachment 5 – Parking Analysis). The Parking Analysis shows that there are other automobile repair businesses that operate with a limited number of parking stalls in Highland and surrounding cities and describes how the operational characteristics lend themselves to needing only 11 spaces.

B. Design Review Application

Building Elevations

The building is a modern style measuring 80 feet wide by 60 feet long and 24 feet in height. Its exterior design includes enhancement to reflect the importance of its gateway location. (Attachment 3) From top to bottom on the outward corners, it will have pine tongue & grooved siding in two colors, Chocolate and Cordovan Brown. The bottom trim will have red clay brick. The primary color of the building will be a neutral color called Whitemocha. The rollup bay doors will be painted an Asphalt Grey, dark grey. The detail above the bay entrance and the canopies will be an Ultra Pure Black. The doors and window will be accented with an aluminum detail in Charcoal Gray. All will enhance the aesthetic appeal.

Landscape Plan

Conceptual Landscape and Planting Plans demonstrate a variety of trees, shrubs and groundcover within outer boundaries of the site, entrances, and the southeast portion of the building. At the corner of Base Line and Victoria Avenue a existing palm tree will remain. Coastal Rosemary will be planted on the corner of Base Line and Victoria Avenue and along the southeast corner of the building. Shoestring Acacia will be planted at the entry for both entrances. Fairy Crassula will be planted at the entrance of off Base Line.

The plans were reviewed by the City's Landscape Architect. Comments were provided to ensure the construction plans include a higher level of detail. Conditions were included to ensure compliance with state and local water use, shade coverage and industry standard design guidelines (DRA Planning Conditions 14-34). The purposed landscaping includes approximately 10 percent coverage of the parking area, meeting the minimum requirement of five (5) percent for projects of this size. The perimeter buffer screening is met by the placement of a perimeter wall/fence described below.

Walls and Fences

The project proposes fencing along the entire perimeter. The outer perimeter along the street frontage will be a six foot tall fence, three (3) foot tall block wall with three (3) foot tall wrought iron top with wrought iron gates at the driveways. The south and east perimeter will be lined with a six (6) foot tall block wall (Attachment 3 Project Plans 8.5x11").

Grading Plan

The site is relatively flat, sloping downward slightly to the southwest. Site improvement will include grading as required to construct the new building and parking lot, address drainage and water quality. No significant changes will be necessary.

ENVIRONMENTAL REVIEW: The Project meets the criteria for a Categorical Exemption and no further analysis is needed under the California Environmental Quality Act as described

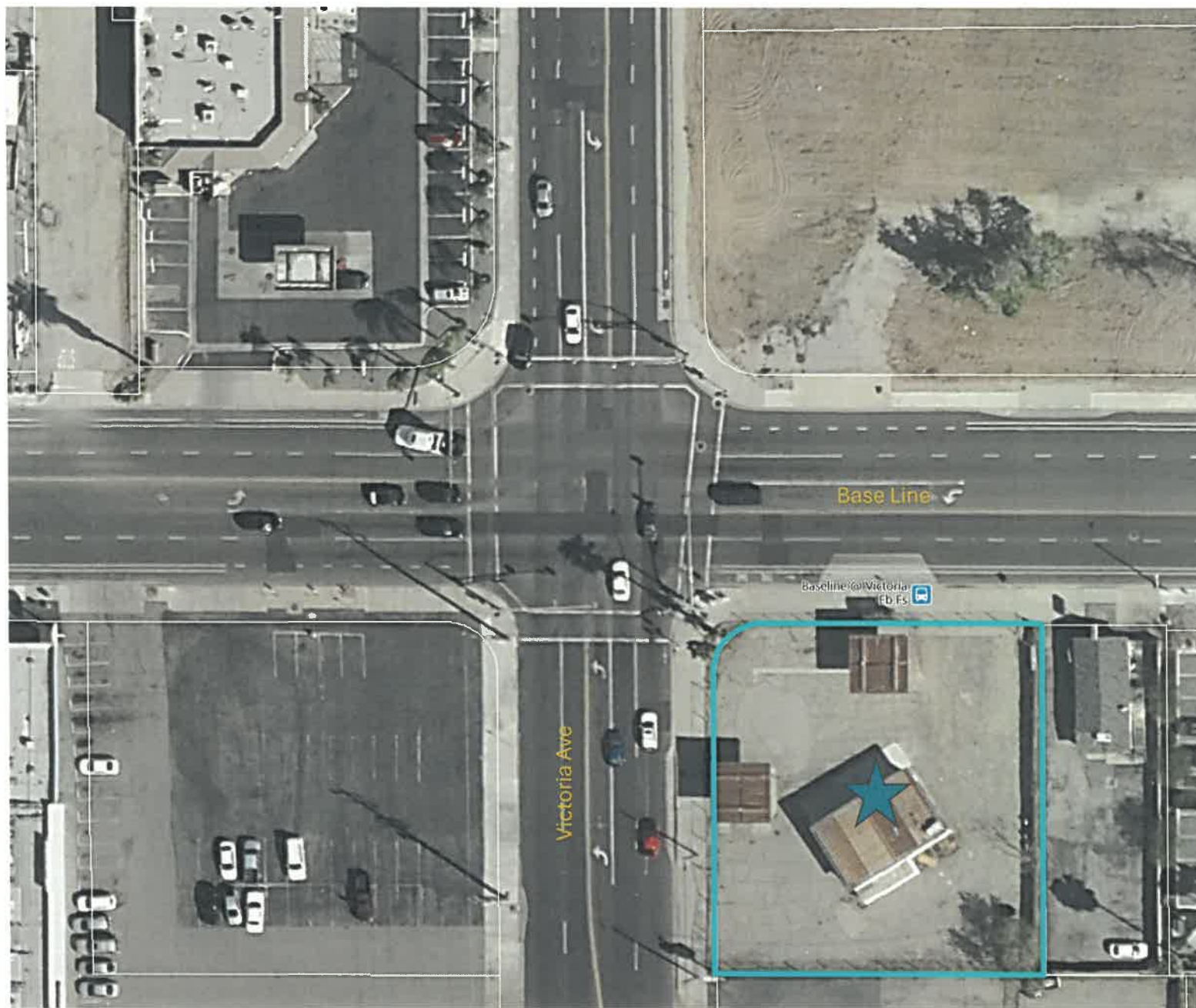
Class 32, Section 15332, In-fill Development Projects in that it is consistent with the general plan and zoning designations, is less than five acres and surrounded by urban uses, has no value as habitat for rare or endangered species, would not result in significant impacts to traffic, noise, air quality or water quality, and is adequately serviced with all utilities and public services.

ANALYSIS: As stated above, the proposed Major Automotive Repair shop is permitted within the Planned Commercial (PC) zone. It fall within the General Plan's Base Line Corridor and Victoria Avenue Corridor Community Policy Areas. The project is in alignment with the Base Line Corridor to "*ensure quality commercial and residential development through adherence to the Community Design Element policies and guidelines and Development Code standards,*" with the commercial use by having the building include a varied selection of aesthetical material features that includes brick and grooved siding, and warm colors. As well as aligning with the Victoria Avenue Corridor goal is to "*concentrate commercial uses along Victoria Avenue at Base Line, Pacific Street and Highland Avenue,*" with the location of the project being in the intersection of Base Line and Victoria Avenue and the business will provide a commercial service use. The exterior elevation features and the landscaping will help to enhance the corner of Base Line and Victoria Avenue. Staff recommends approval of the project, subject to the Conditions of Approval and Findings of Fact.

Attachments:

- 1) Area Map
- 2) Public Comment
- 3) Project Plans 8.5x11" (24x36" Under Separate Cover)
- 4) Parking Analysis
- 5) Resolution to Approve Conditional Use Permit (CUP-23-001) & Design Review (DRA 24-001)
Exhibit A – Plans & Conditions of Approval

Attachment 1
Area Map



Attachment 2
Public Comments

COMMENTS REGARDING CONDITIONAL USE PERMIT NO. 23-001 DESIGN REVIEW APPLICATION
NO.24-001

Your comments must be received by this office no later than **February 26, 2024**. Comments received after that date may not be considered in the decision. If you have no comment, no reply is necessary. Project plans may be reviewed on the City's website at:
<https://www.cityofhighland.org/DocumentCenter/Index/658>

what are the Hours?
Conditions of Parking
vehicles to be repaired

Will vehicles under repair
be shielded from street view.

the city already has two
repair shops on Baseline that
are an eyesore for the city and
residents. What are you doing to
clean those up before you approve
another one @ Tommys Volvo +

Jeff Novak

PRINTED NAME

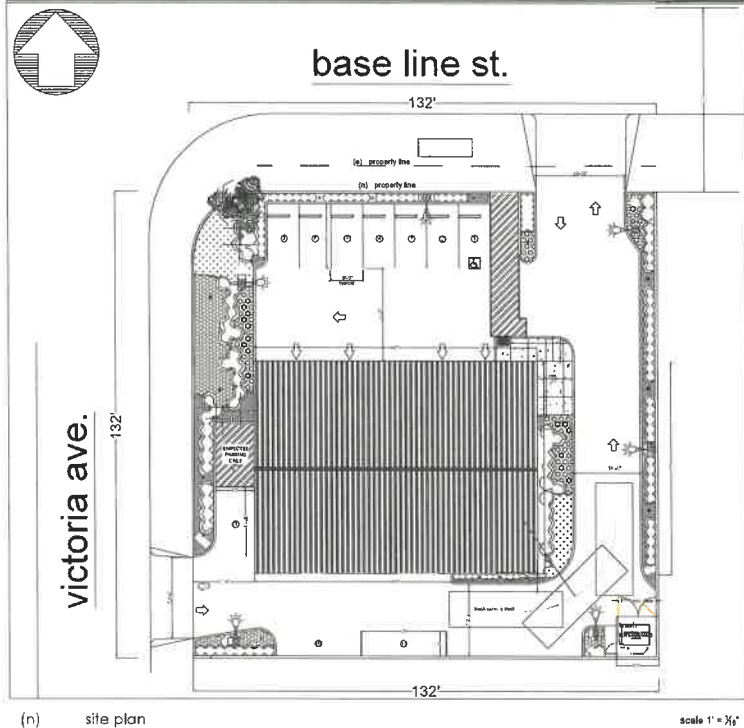
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DATE

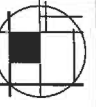
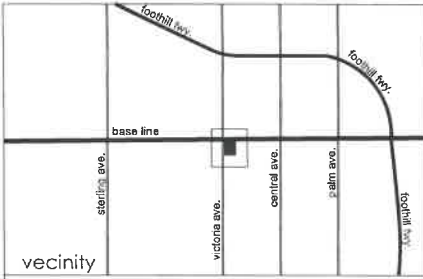
2/10/24

the the Dump to the
west of
that one

Attachment 3
Project Plans 8.5x11" (24x36" Under Separate Cover)



NEW AUTO MECHANIC REPAIR SHOP BUILDING

 CONTEMPO design studio															
vicinity 															
BUILDING INFORMATION															
OWNER	Johnny Carlos Rueda														
SITE ADDRESS	26503 Base Line St. Highland Ca. 92346														
ASSESSOR PARCEL NUMBER	1192331030000														
TRACT NUMBER	1794														
Lot Number	1														
Block Number	1														
ZONING	PC (planned commercial)														
BUILDING HEIGHT	1 STORY														
<u>new auto repair shop building project scope</u> • Demo existing canopies and building • Renovate black top hardscape • Build new Auto repair shop building • New Perimeter Iron fence • New Exterior lighting • Landscape															
PROJECT INFORMATION															
OWNER Johnny Carlos Rueda 26503 Base Line St. Highland, Ca. 92346 parcel #: 1192331030000															
designer sergio herrera CONTEMPO design studio 3314 W. Beverly Blvd., Montebello, Ca 90640 (323) 812-1103															
INDEX <table border="0"> <tr> <td>A-01</td> <td>Cover sheet</td> </tr> <tr> <td>A-02</td> <td>Renderings</td> </tr> <tr> <td>A-03</td> <td>Elevations & material schedule</td> </tr> <tr> <td>A-04</td> <td>Site plan, fence/wall plan, trash enclosure plan</td> </tr> <tr> <td>A-05</td> <td>Parking Layout</td> </tr> <tr> <td>A-06</td> <td>Exterior lighting plan</td> </tr> <tr> <td>LC-1</td> <td>Landscaping</td> </tr> </table>		A-01	Cover sheet	A-02	Renderings	A-03	Elevations & material schedule	A-04	Site plan, fence/wall plan, trash enclosure plan	A-05	Parking Layout	A-06	Exterior lighting plan	LC-1	Landscaping
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LC-1	Landscaping														
<u>(n) lot area coverage</u> <table border="0"> <tr> <td>Lot Size</td> <td>18,250.00 sqft</td> </tr> <tr> <td>Demolition</td> <td>2,339.00 sqft</td> </tr> <tr> <td>(n) Pre Fab Building</td> <td>4,800.00 sqft</td> </tr> <tr> <td>(n) Interior Office space</td> <td>675.00 sqft</td> </tr> <tr> <td>(n) Basement</td> <td>1,545.00 sqft</td> </tr> <tr> <td>(e) HARDSCAPE</td> <td>11,650.00 sqft</td> </tr> <tr> <td>(e) Landscape</td> <td>1,800.00sqft</td> </tr> </table>		Lot Size	18,250.00 sqft	Demolition	2,339.00 sqft	(n) Pre Fab Building	4,800.00 sqft	(n) Interior Office space	675.00 sqft	(n) Basement	1,545.00 sqft	(e) HARDSCAPE	11,650.00 sqft	(e) Landscape	1,800.00sqft
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(e) Landscape	1,800.00sqft														
PROJECT TO COMPLY WITH 2022 CALIFORNIA STATE ENFORCEABLE CODES <table border="0"> <tr> <td>2022 CALIFORNIA</td> <td>BUILDING CODE - TITLE 24, PART 2</td> </tr> <tr> <td>2022 CALIFORNIA</td> <td>RESIDENTIAL CODE - TITLE 24, PART 2.5</td> </tr> <tr> <td>2022 CALIFORNIA</td> <td>ELECTRICAL CODE - TITLE 24, PART 3</td> </tr> <tr> <td>2022 CALIFORNIA</td> <td>MECHANICAL CODE - TITLE 24, PART 4</td> </tr> <tr> <td>2022 CALIFORNIA</td> <td>PLUMBING CODE - TITLE 24, PART 5</td> </tr> <tr> <td>2022 CALIFORNIA</td> <td>ENERGY CODE - PART 5, TITLE 24,</td> </tr> <tr> <td>2022 CALIFORNIA</td> <td>GREEN BUILDING STANDARDS CODE - TITLE 24, PART 11</td> </tr> </table>		2022 CALIFORNIA	BUILDING CODE - TITLE 24, PART 2	2022 CALIFORNIA	RESIDENTIAL CODE - TITLE 24, PART 2.5	2022 CALIFORNIA	ELECTRICAL CODE - TITLE 24, PART 3	2022 CALIFORNIA	MECHANICAL CODE - TITLE 24, PART 4	2022 CALIFORNIA	PLUMBING CODE - TITLE 24, PART 5	2022 CALIFORNIA	ENERGY CODE - PART 5, TITLE 24,	2022 CALIFORNIA	GREEN BUILDING STANDARDS CODE - TITLE 24, PART 11
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2022 CALIFORNIA	GREEN BUILDING STANDARDS CODE - TITLE 24, PART 11														
notes & review date: November/ 2024															
SITE 															

New Auto Mechanic Repair Shop Building

PROJECT INFORMATION

OWNER

Johnny Carlos Rueda
26503 Base Line St.
Highland, Ca. 92346
parcel #: 1192331030000

designer

sergio herrera
CONTEMPO design studio
3314 W. Beverly Blvd.,
Montebello, Ca 90640
(323) 812-1103

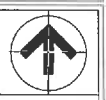
sheet #

A-01

notes & review



date: November/ 2024



SITE

NEW AUTO MECHANIC REPAIR SHOP BUILDING



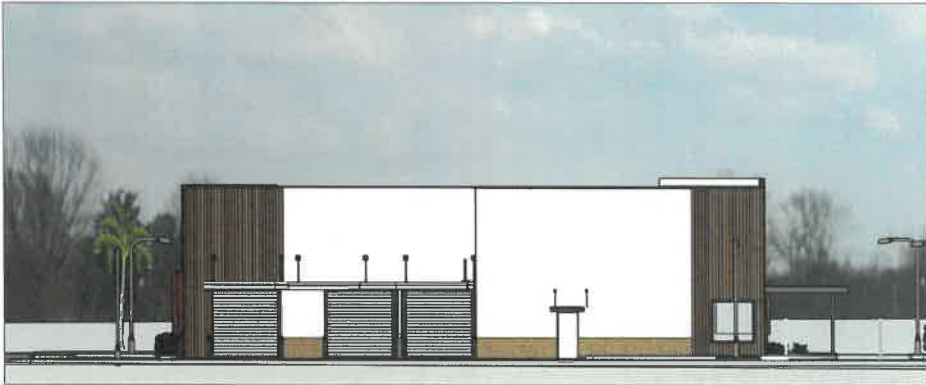
north elevation



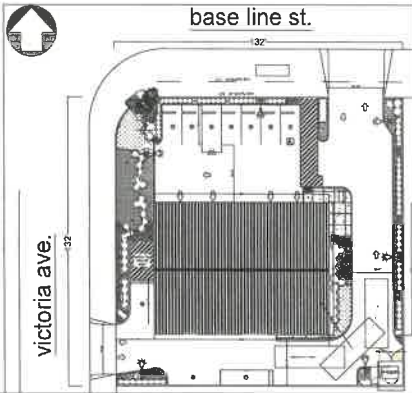
West elevation

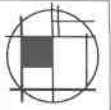


East elevation



South elevation





CONTEMPO
design*studio

New Auto Mechanic Repair Shop Building

PROJECT INFORMATION

OWNER

Johnny Carlos Rueda

35503 Base Line at Highland, Ca. 92346 parcel #: 1192331030000

DESIGNER

sergio herrera

CONTEMPO design*studio

3314 W. Beverly Blvd. Montebello, Ca 90640 (323) 812-1103

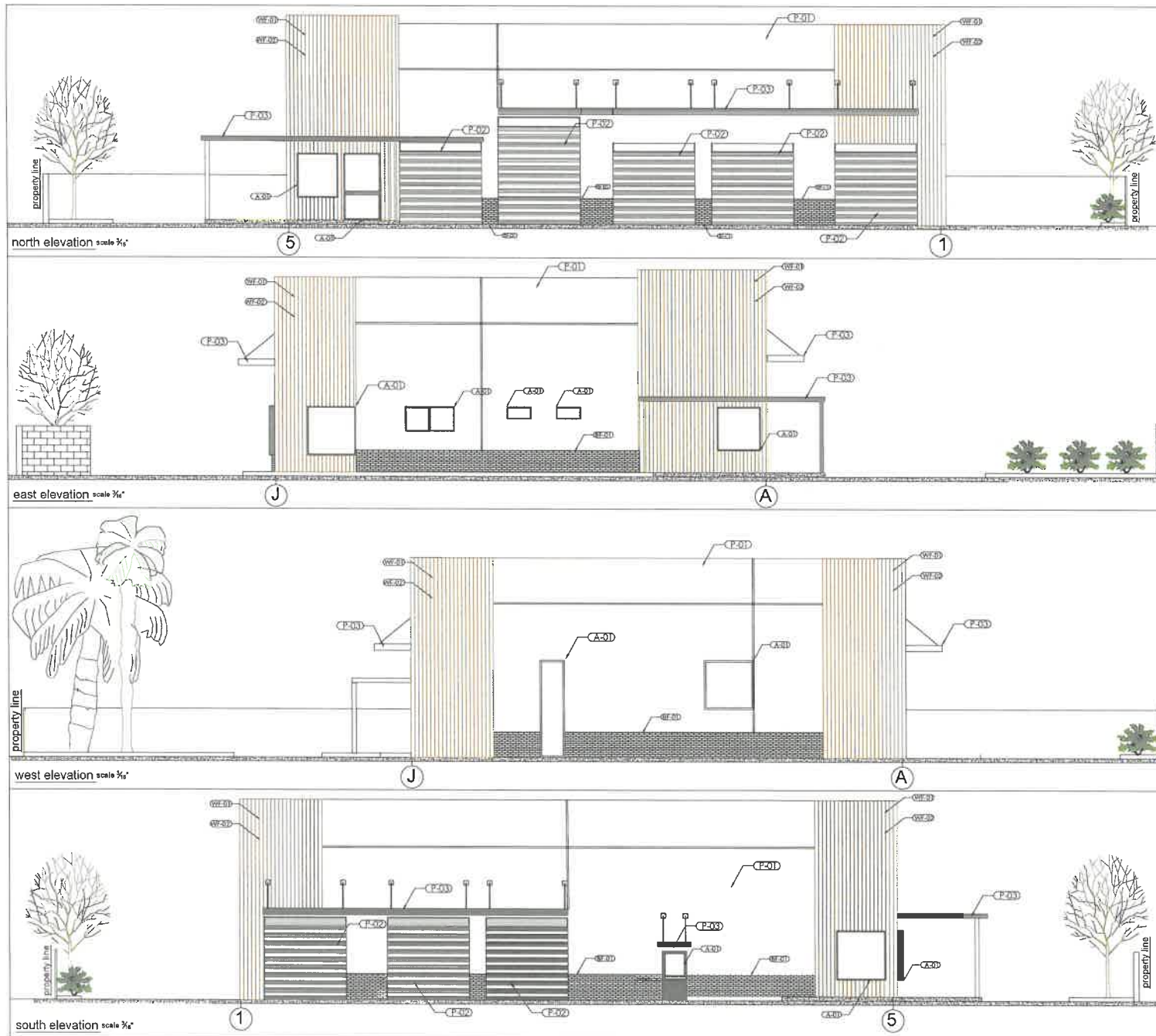
SHEET #

A-02

NOTES & REVISIONS

date: November/ 2024

SITE



material reference				
ITEM	SOURCE	LOCATION	DESCRIPTION	SAMPLE
P01	Behr DYNASTY Home Depot	paint@exterior walls	number: ORW1 color: white finish: semigloss	
P02	Behr DYNASTY Home Depot	paint@roll up curtain doors	number: NSD6 color: asphalt grey finish: semigloss	
P03	Behr DYNASTY Home Depot	paint@steel car entrance & waiting area canopies	number: 1350 color: Ultrapur black finish: semigloss	
A01	Aluminum vendor catalog	color@pedestrian doors & windows	number: color: Charcoal gray finish:	
B-01	Local masonry brick vendor	brick decor@exterior wall per plan	number: color: Red Clay finish:	
W-01	Behr DYNASTY Home Depot	pine tongue & groove siding@exterior corner wall per plan	number: ST-129 color: Chocolate finish: Semi transparent	
W-02	Behr DYNASTY Home Depot	pine tongue & groove siding@exterior corner wall per plan	number: ST-104 color: Cordovan Brown finish: Semi transparent	

CONTEMPO
design studio

PROJECT INFORMATION

OWNER

Johnny Carlos Rueda
26503 Base Line st.
Nightingale, Ca. 92349
parcel #: 1182331030000

designer

sergio herrera
CONTEMPO design studio
3314 W. Beverly Blvd.
Montebello, Ca 90040
(323) 812-1103

sheet #

A-03

notes & reviews

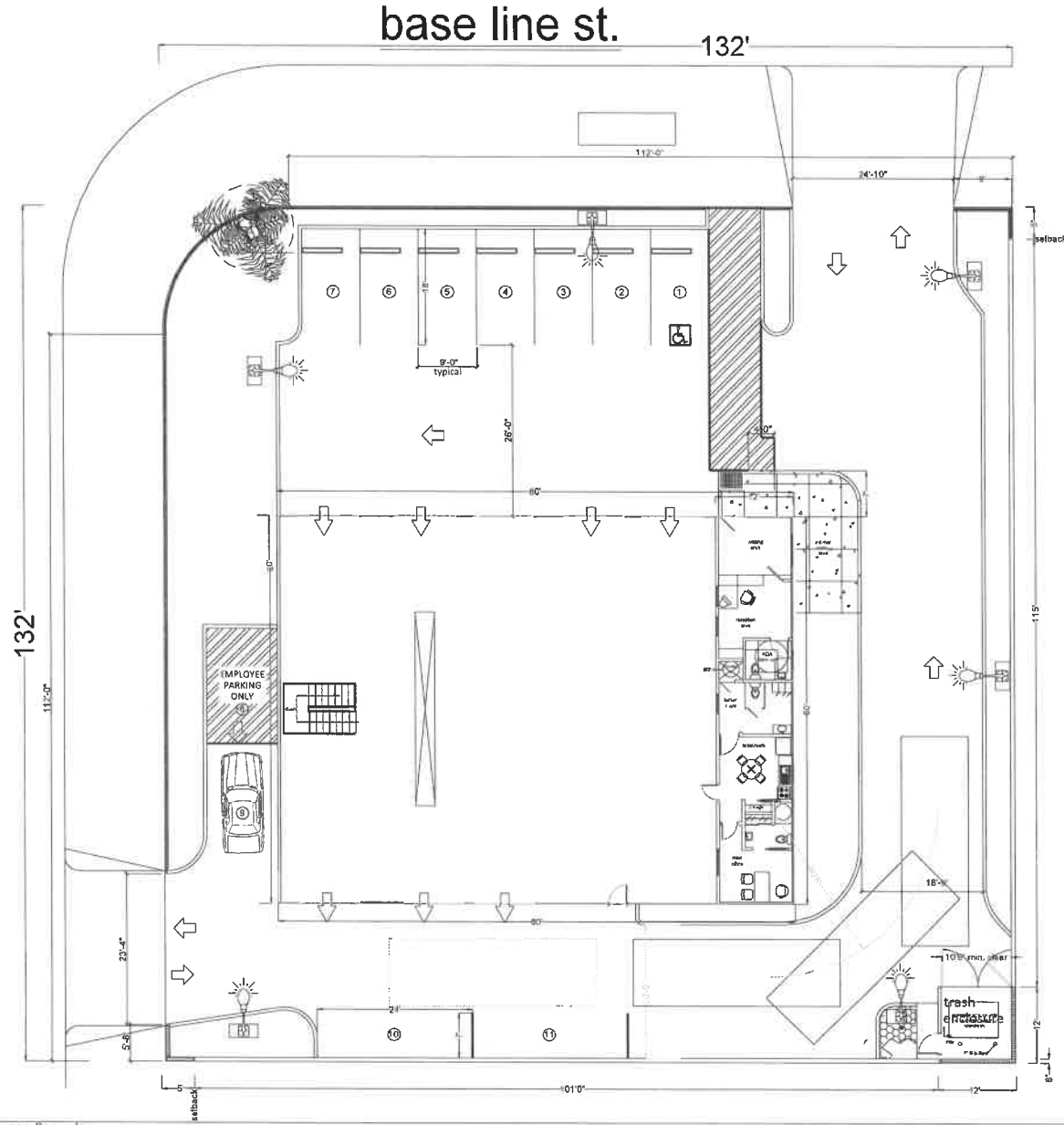
date

November/ 2024

SITE



victoria ave.



(n) Parking space floor plan

scale 1" = 1/8"



New Auto Mechanic Repair Shop Building

PROJECT INFORMATION

OWNER

Johnny Carlos
Rueda
28503 Base Line St.
Highland, Ca.
92348
parcel #: 1102331038009

DESIGNER

sergio herrera
CONTEMPO
design studio
3314 W. Beverly Blvd.
Montebello,
Ca 90640
(323) 812-1103

Sheet

A-05

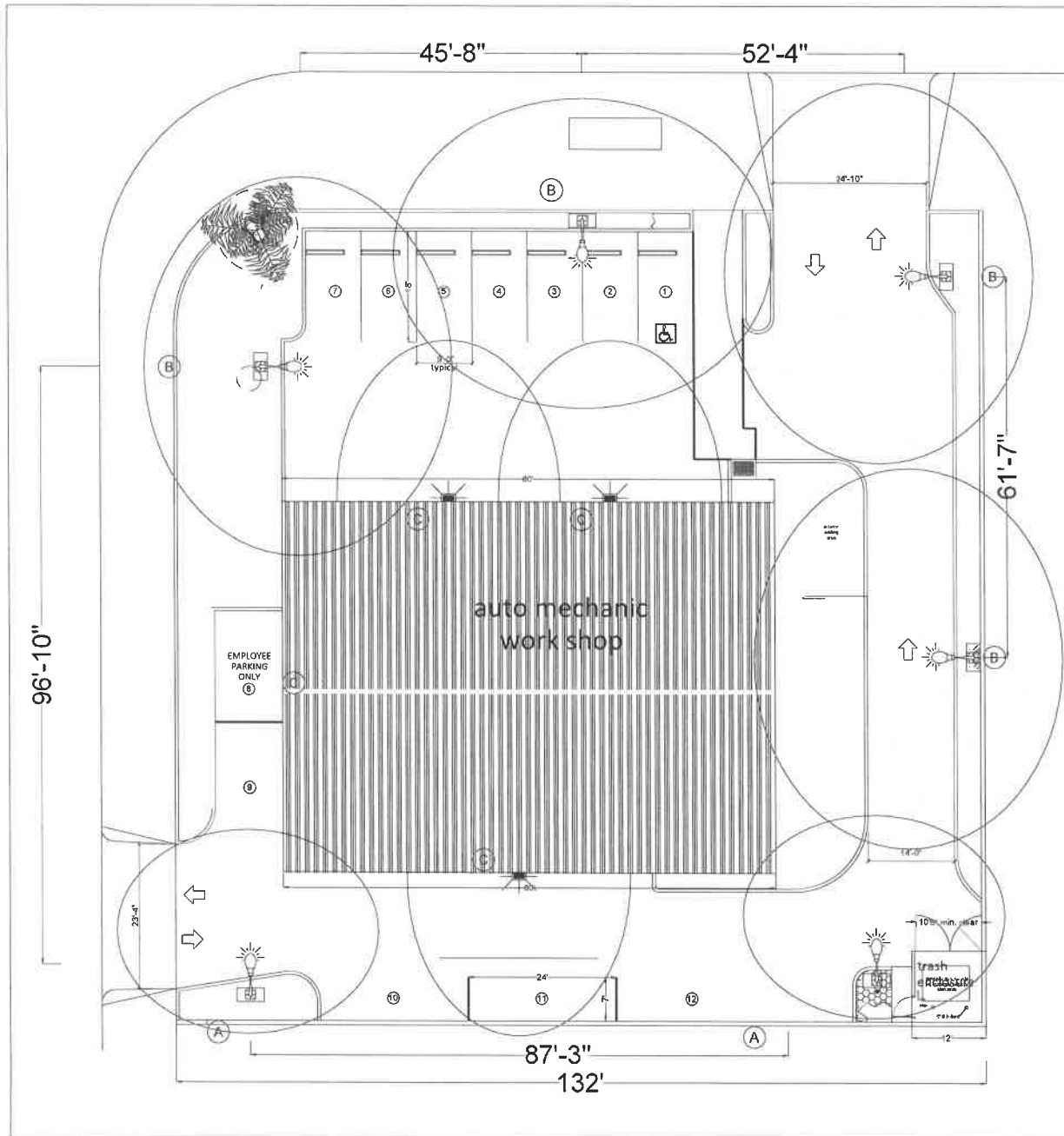
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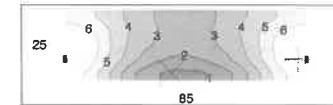
November/ 2024





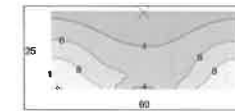
Ⓐ Luminaire:
PLT-13027 - 4000 K
Pole spacing: 85 ft.
Luminaire Height: 24 ft.
min: 0.73 fc
avg: 4.1 fc
max 7.5 fc

max/avg: 1.8
avg/min: 5.6
max/min: 10



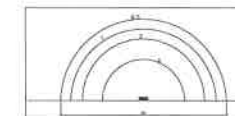
Ⓑ Luminaire:
PLT-13030 - 5000 K
single arm, 36° tilt
Pole spacing: 60 ft.max
Luminaire Height: 18 ft.
min: 2.5 fc
avg: 5.5 fc
max 14 fc

max/avg: 2.0
avg/min: 2.2
max/min: 4.5



Ⓒ Luminaire:
PLT-13030 - 5000 K
single arm, tilt 36°
fixture spacing: 30 ft.max
Luminaire Height: 11 ft.
min: 0.50 fc
avg: 4.8 fc
max 25 fc

max/avg: 5.4
avg/min: 9.5
max/min: 51



New Mechanic Shop Building

PROJECT INFORMATION

OWNER

Johnny Carlos Rueda
28503 Base Line at Highland, Ca. 92346
parcel #: 1182331030000

designer

sergio herrera
CONTEMPO design'studio
3314 W. Beverly Blvd.,
Montebello, Ca 90640
(323) 812-1103

sheet

A-06

notes & reviews



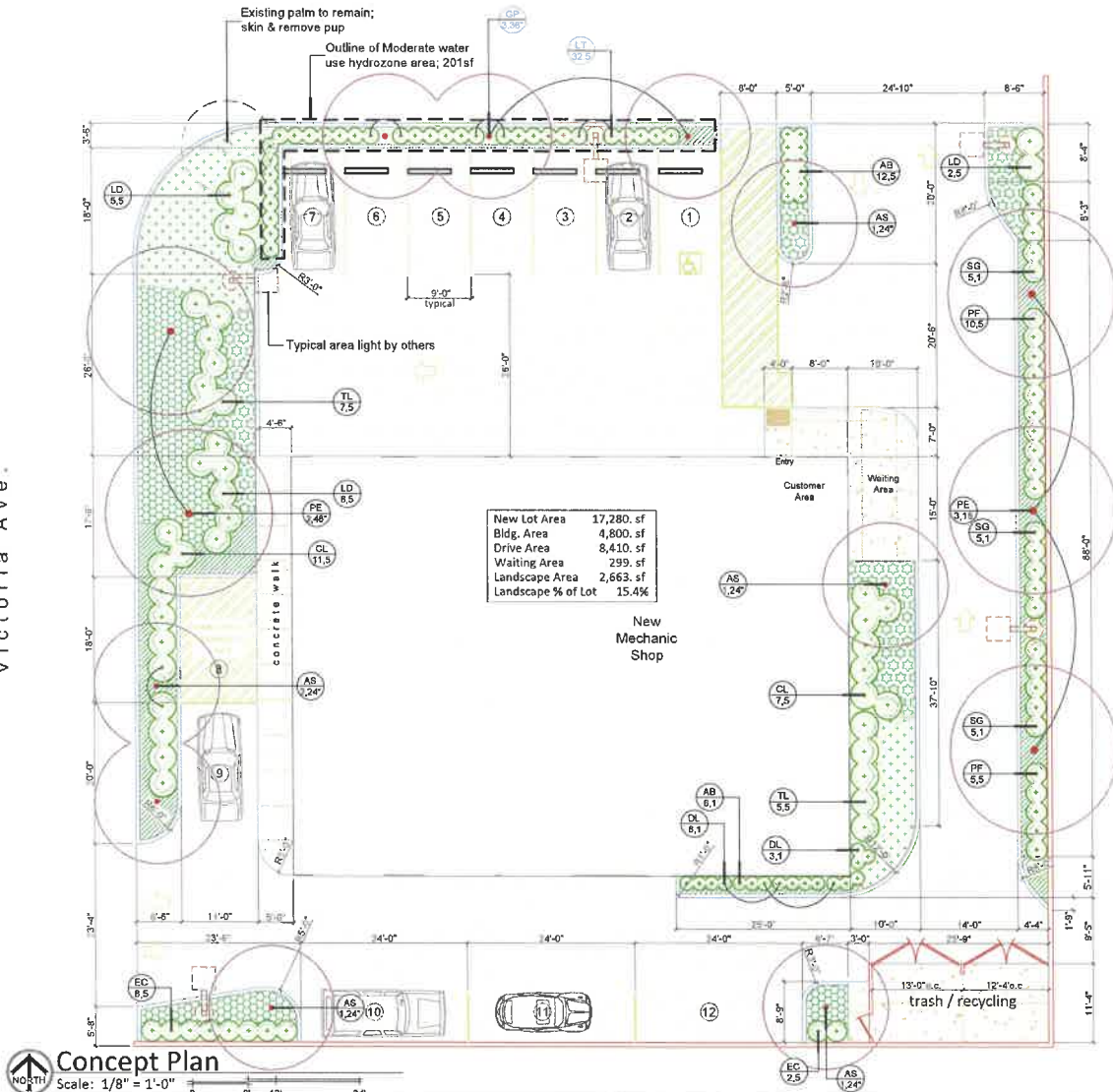
date:

June/ 2024



Base Line St.

Victoria Ave.



New Lot Area 17,280. sf
Bldg. Area 4,800. sf
Drive Area 8,410. sf
Waiting Area 299. sf
Landscape Area 2,663. sf
Landscape % of Lot 15.4%

New Mechanic Shop

Concept Plan
Scale: 1/8" = 1'-0"

Plant Legend

Photo/Sym.	Botanical Name	Common Name	Mat. Size	Qty.	Cont.	WUCOLS	Remarks
	AS <i>Acacia stenophylla</i>	Shoestring Acacia	25'h. x 18'w.	6	24" box	Low	Standard
	GP <i>Geijera parviflora</i>	Australian Willow	25'h x 18'	3	36" box	Mod.	Standard
	PE <i>Pinus aldarica</i>	Afghan Pine	45' x 25'	2, 3	48"b., 15g.	Low	Standard
Shrubs, Perennials -							
	AB <i>Anigozanthos 'Bush Ranger'</i>	Kangaroo Paw	2.5' x 2.5'	12, 6	5 gal., 1 g.	Low	
	CL <i>Callistemon 'Little John'</i>	Dwarf Bottlebrush	3' x 4'	18	5 gal.	Low	
	DL <i>Dianella r. 'Little Rev'</i>	Little Rev Flax Lily	2' x 2'	11	1 gal.	Low	
	EC <i>Encelia californica</i>	Bush Sunflower	3' x 4'	10	5 gal.	Low	
	LM <i>Lavandula d. candicans</i>	French Lavender	2.5' x 3'	13	5 gal.	Low	
	LT <i>Ligustrum texanum</i>	Texas Privet	4' x 2'	32	5 gal.	Mod.	Staked; hedge at 4'
	PF <i>Philom fruticosa</i>	Jerusalem Sage	3' x 4'	15	5 gal.	Low	
	SG <i>Salvia greggii</i>	Autumn Sage	2.5' x 3'	15	1 gal.	Low	
	TL <i>Tagetes lemmonii</i>	Copper Cyn. Daisy	3.5' x 4'	12	5 gal.	Low	

Ground Cover -

Photo/Hatch	Botanical Name / Common Name; Mature Size; Container Size; WUCOLS; Spacing; (sf area)
	<i>Crassula multicaeva</i> / Fairy Crassula; 1' x 3'; 1 gal.; Low; 32" o.c.; (370sf)
	<i>Myoporum p. 'Putah Creek'</i> / Myoporum; 1' x 8'; 1 gal.; Low; 36" o.c.; (407sf)
	<i>Senecio mandraliscae</i> / Blue Chalk Sticks; 1' x 2'; 1 gal.; Low; 18" o.c.; (438sf)
	<i>Westringia 'Low Horizon'</i> / Coast Rosemary; 1.5' x 5'; 1 gal.; Low; 36" o.c.; (301sf)

Notes

1. All planting areas will have drip irrigation.
2. The irrigation system will have an automatic controller regulated by a Hunter Solar-Sync atmospheric sensor.
3. Irrigation point of connection shall be from a dedicated landscape water meter.
4. Irrigation shall be protected by a pressure vacuum breaker backflow preventer.
5. All planting areas shall be mulched with a 3" minimum layer of medium grind shredded bark mulch.
6. All trees shall be planted with root control barriers.

Hydrozone Information

Hydrozone 1: Moderate water use (see plan) 201.5f
Hydrozone 2: Low water use (all other areas) 2,462.5f
Total Landscape Area 2,663.5f

Plant Size Count

Trees: Total Qty. = 14
Sizes required: 7 - 15gal.; 24"b. - 3; 36"b. - 2; 48"b. - 2
Sizes provided: 3 - 15gal.; 6 - 24"b.; 3 - 36"b.; 2 - 48"b.

Shrubs: 75% of 148 total = 111 required; 112 provided
Ground Cover Plant Container sizes are all 1 gallon

Estimated WUCOLS Calculation

MAWA
(55.6) x (0.62) x [(0.45 x 2,663sf) + (1.0 - 0.45) x SLA]
= 34.47 x 1,198 = 41,295 gallons per year

Plant Factors
Low water Drip ((.25 x 2,462) / 0.81) = 760.
Mod. water Drip ((.50 x 201) / 0.81) = 124.
Total 884.

ETWU
(55.6) x (0.62) x (884) x SLA (0)
= 34.47 x 884 = 30,472 gallons per year

ETWU COMPLIES WITH MAWA

Underground Service Alert



Know what's below.
Call before you dig.
1-800-4-A-DIG



LOST WEST landscape
architecture
35+ years
5208 Townsend Ave. Los Angeles, CA 90041
PO BOX 2352 Carlsbad, CA 92018
Tel: (323) 258-8214 OR (760) 533-7338
www.lostwest.com

PLAN REVIEW ONLY
NOT FOR CONSTRUCTION

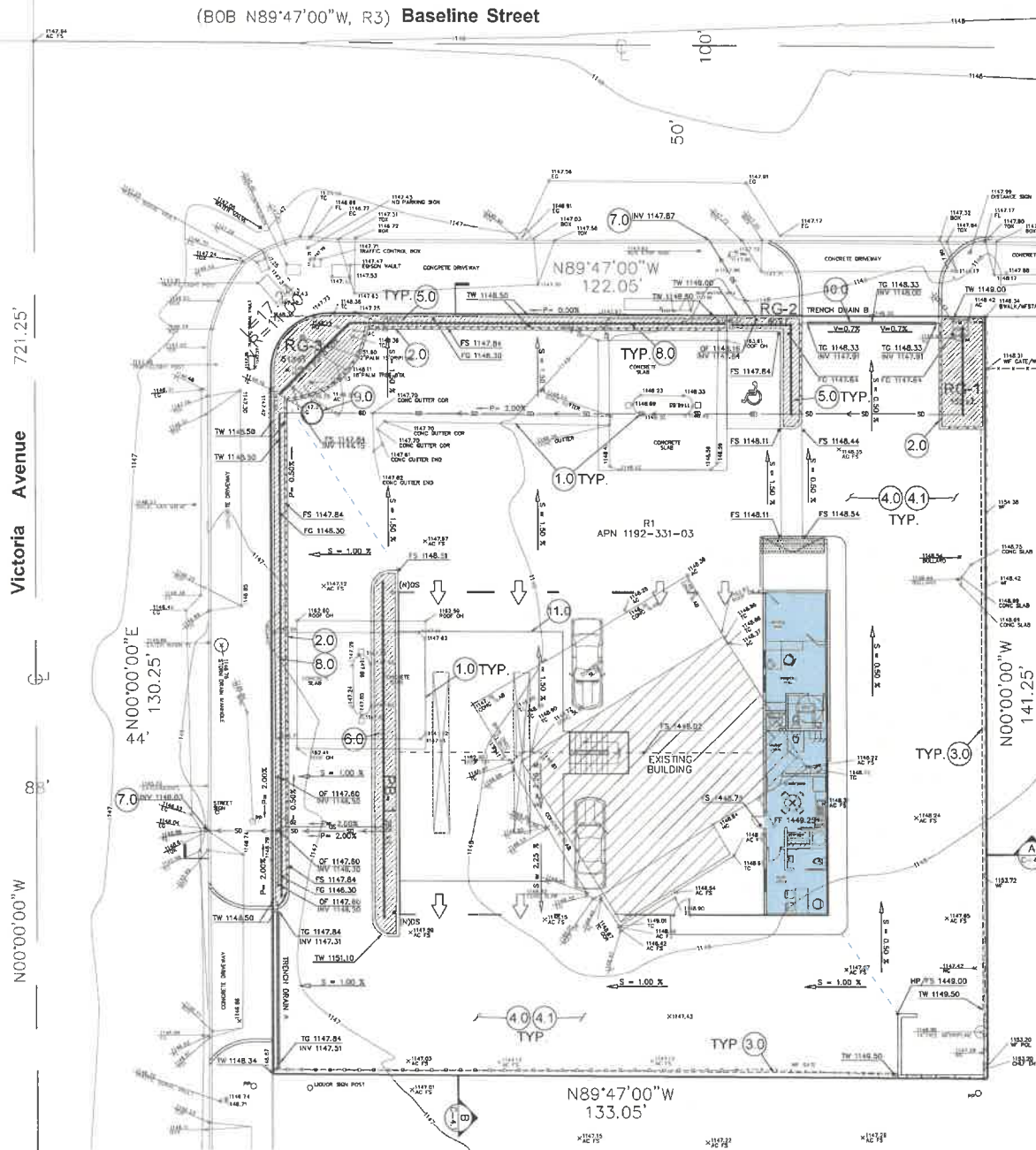
PLAN DATE - 6/12/2024
PROJECT NO. - 2421
CLIENT INFO - JC Rueda
26670 3rd Street
Highland, CA 92348

MARK	REVISIONS	BY	APPR	DATE

APPROVED
Date
By
Drawn By
Checked By
Reviewed By

New Mechanic Shop
26503 Base Line Street, Highland, CA 92346
APN 1192-331-030
Landscape Improvements

Drawing No. **LC-1**
Sheet 1 of 01
SHEET TITLE: **Landscape Concept**



GRADING & DRAINAGE PLAN

Benchmark:
 Elev = 1146.280 feet, PD 5200 SURV. B DEK, STAMPED CS 72-18-2-75
 TOP OF CURB 103 FT N AND 32 FT W OF C/L P1 AT BASELINE AND
 VICTORIA AVENUE.

SCALE 1" = 8'



Legend:

- | | |
|--|---------------------------------------|
| DWY - Driveway | RG - Rain Garden |
| FG - Finish Grade | RW - Retaining Wall |
| FF - Finish Floor | RYSB - Rear Yard Setback |
| FL - Flow Line Slope | S - Slope of the Surface |
| FS - Finish Surface | SD - Storm Drain Pipe |
| FYSB - Front Yard Setback | SSMH - Sanitary Sewer Manhole |
| GFL - Ground Floor Level | SYSB - Side Yard Setback |
| INV - Invert Level (Flow line of the Pipe) | TFC - Top of Front Curve |
| OG - Original Grade | TG - Top of Grate |
| OF - Over Flow Level | TW - Top of Wall |
| P - Slope of the SD Pipe | V - Slope of the Trench-Drain |
| PE - Pad Elevation | (V)INV - Trench Drain Flow Line Level |
| P(INV) - Discharge Pipe Invert (Flow line Level) | WM - Water Meter |

Construction Notes:

- Demolish existing structures down to sub-base level as needed.
- Provide 2" wide x 8" high gap/notch from top of wall at 32" on center to allow passing through of storm water runoff.
- Construct masonry retaining wall at 6" high from new asphalt concrete surface.
- Scarify 6 inches below the sub-grade, or to the depth of undocumented fill, whichever is deeper, and then re-compact to 95% relative compaction.
- Construct asphaltic concrete paver.
- Construct lined rain garden per Sheet C-6, Detail 2.
- Construct planter box per Sheet C-6, Detail 1.
- Coredrill existing curb to allow for 4" SDR 35 pipe, per Sheet C-4.3, Detail 7. Obtain encroachment permit.
- Install longitudinal 4" Dia. perforated SDR pipe wrapped in non-woven geotextile membrane, capped at ends. Placed over 1" minimum gravel layer.
- Construct 4' Dia. 4ft. Depth, Jensen precast sump pit with concentric opening and Flat tops, cast iron ring and cover as per Sheet C-6, Detail 3.
- Construct 4" NDS Deep Dura Slope™ Trench Drain. Combination of continuous pre-sloped sections. Provide trench drain elbow as necessary. See Sheet C-4.3, Details 1 & 2.
- Construct basement per architectural, and structural plan.

RB Engineers, Inc.
 2139 Pinecrest Dr.
 Altadena, CA 91001
 Cell: 1-213-435-2321
 E-mail: resur@engineersinc.com

OWNER: JUAN CARLOS RUEDA
 2803 BASELINE ST.
 HIGHLAND, CA 92346

PROJECT DESCRIPTION:
 MECHANIC SHOP WITH BASEMENT

ISSUE / REVISION	SUBMIT TO CLIENT	SUBMIT TO CLIENT
11-03-22	12-15-22	
C-0		
C-1		
C-2		
C-3		
C-4		
C-5		
C-6		
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C-32		
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C-34		
C-35		
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C-50		
C-51		
C-52		
C-53		
C-54		
C-55		
C-56		
C-57		
C-58		
C-59		
C-60		
C-61		

DATE: 12-15-2022

SCALE: AS NOTED

JOB: RB 22-08

SITE ADDRESS
 2803 BASELINE ST
 HIGHLAND, CA 92346
 APN: 1192333-03

TITLE OF SHEET:
 GRADING & DRAINAGE
 PLAN

SHEET
C-4.0
 OF SHEETS

18

Attachment 4
Parking Analysis

November 7, 2024

City of Highland Planning Department

DRA 24-001

JC Rueda Auto Repair shop project

26503 Baseline St

Highland CA 92410

In our effort to address and justify our proposal to accommodate 11 parking spaces for this Auto Repair Shop Project: 7 parking stalls for customers and the other 4 spaces for staff and transit vendors and deliveries. We conducted a survey that presents existing same functions, businesses, and the number of parking spaces each one of these businesses has on site.

Taking into consideration that there will be strictly no overnight parking, or any type of repair activities outside of the proposed building. Pointing out that these business activities for car repair services don't usually require a long stay at the facilities on behalf of the client of the requested repair service. The use of the customer parking space usually is during the intake process of the car that will be serviced. Clients usually come along with a 3rd party driver who will be on site waiting for the intake process to be finalized considering a time lap within 20-30 minutes depending on the service that will be performed.

In the event of a large demand, we will have the capacity to accommodate more needed spaces (7) inside the building. Lastly our facilities due to the gated perimeter will not let any cars spill into the street for parking.

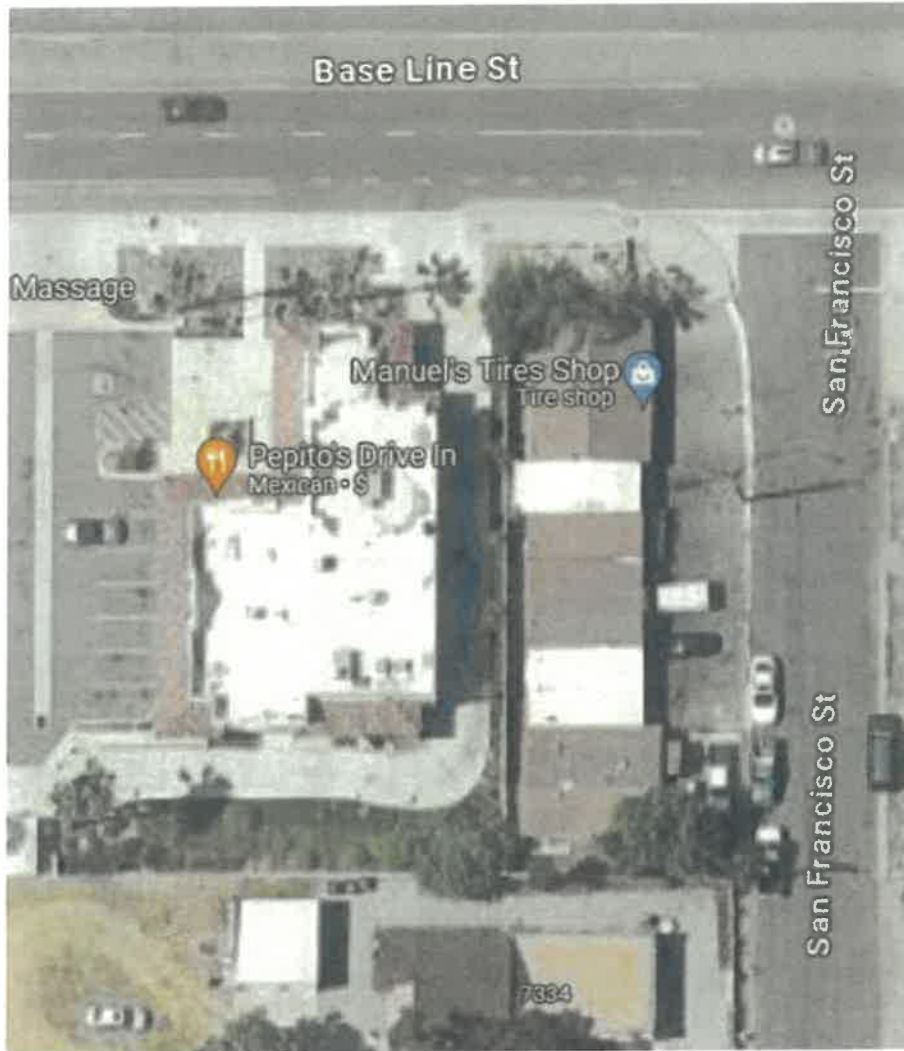
We are hoping this survey is sufficient for your consideration to waive the requirement that the city planning department is pressing that we follow to obtain the authorization to this new building proposal for this type of business activity that we will be offering to the community.

Thank you

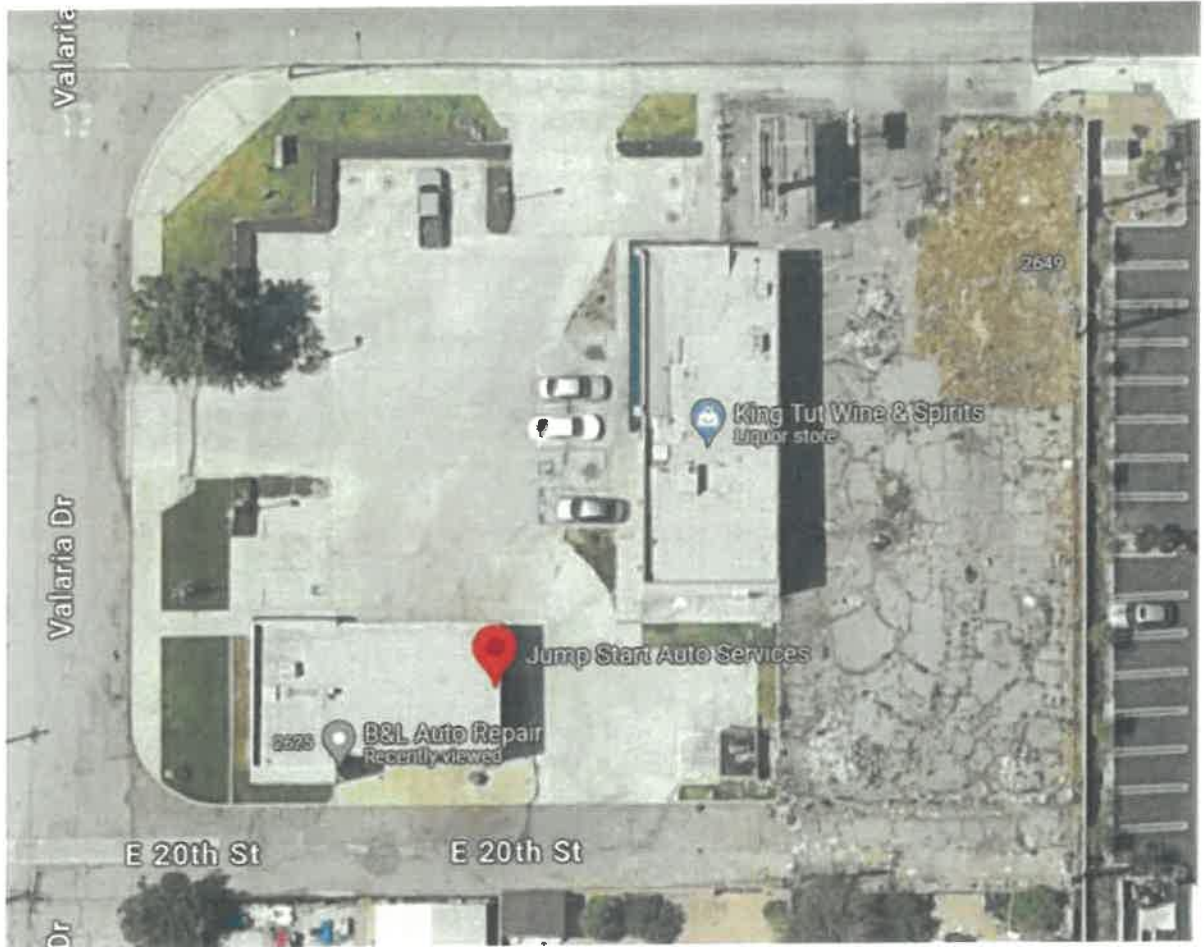
Sergio Herrera

Designer

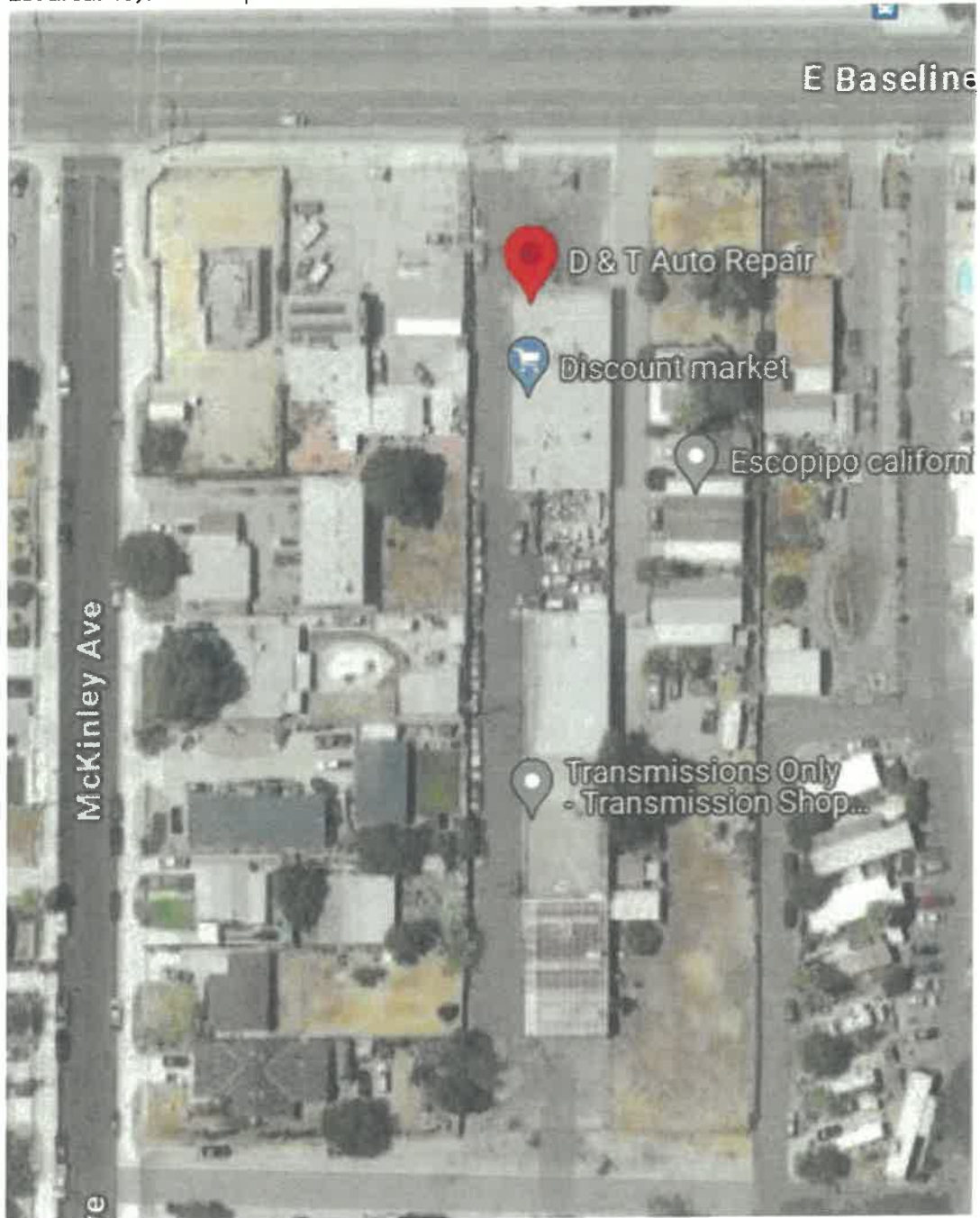
- Manuel's tire shop
26561 Baseline st
Highland Ca 92410
Parcel No.: 1192331080000.
Lot area: 7,000.00 sq.ft
9 client parking spots



- Jump start auto services
2625 Highland St
Highland CA 92410
Parcel No.: 1191111200000
Lot area: 20,874.00 sq.ft
17 parking spaces for 4 existing businesses (2 auto repair “Jump Start & B & L)



- D & t auto repair
26035 baseline st ste 3
Highland CA 92410
Parcel No.: 1192021230000
Lot area: 43,995.00 sq.ft



- Spikes auto repair
25784 E Baseline St.
Highland CA 92410
Parcel No.: 1192021230000
Lot area: 43,995.00 sq.ft
3 parking spaces



- Alvarez auto services & tires,
- evoke motorsports,
- Highland automotive repair

26856 baseline st ste 1a, Sox 4a,

Highland CA 92410

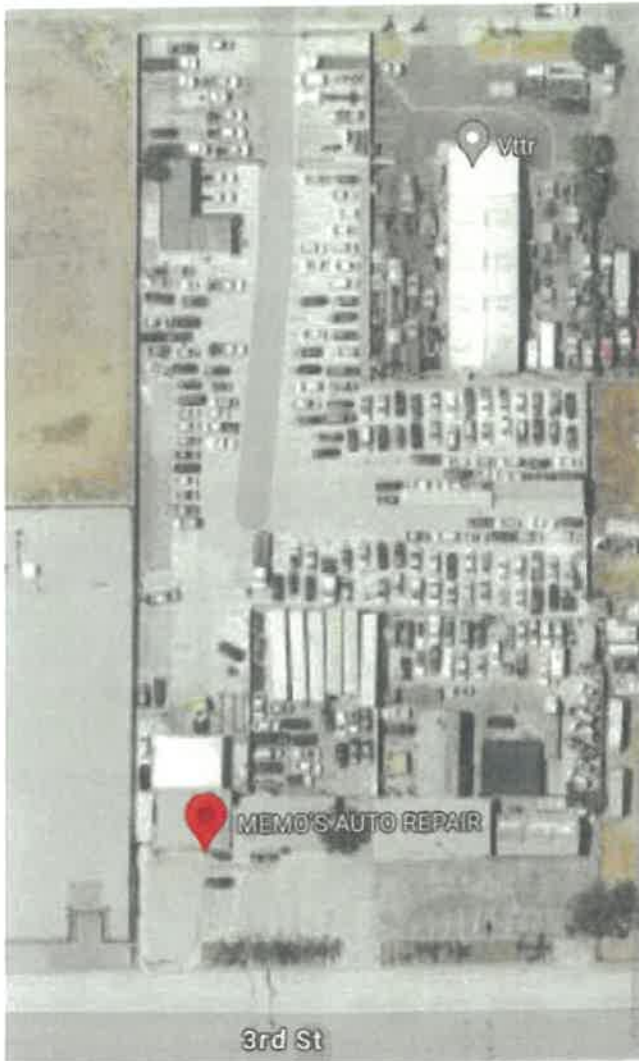
1191421050000

59,241.00 sq.ft

15 parking spaces



- Memos auto repair
2310 e 3rd St.
Highland CA. 92410
1192241030000
69,260.00 sq.ft
9 parking spots, 2 existing buildings



- Good auto & truck
2320 e 3rd St.
Highland CA 92410
1192241040000
71,874.00 sq.ft
9 parking spaces



Attachment 5

Resolution to Approve Conditional Use Permit (CUP-23-001) & Design Review (DRA 24-001)

RESOLUTION NO. 2024-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 23-001) FOR DEVELOPMENT OF AN 4,800 SQUARE FOOT MAJOR AUTOMOTIVE REPAIR SHOP ON A 0.42 ACRE SITE AND DESIGN REVIEW APPLICATION (DRA 24-001) FOR THE SITE PLAN, BUILDING ELEVATIONS, ROUGH GRADING PLAN AND CONCEPTUAL LANDSCAPE PLAN LOCATED AT 26503 BASE LINE ON THE SOUTHWEST CORNER OF BASE LINE AND VICTORIA AVENUE ASSESSOR'S PARCEL NUMBER 1192-331-03.

APPLICANT: Johnny Carlos Rueda

A. RECITALS

1. On January 9, 2024, the Applicant submitted an application for Conditional Use Permit (CUP 23-001) and Design Review Application (DRA 24-001) for the site plan, building elevations, rough grading plan and conceptual landscape for a development consisting of an 4,800 square foot major automotive repair shop on a 0.42 acre site located at 26503 Base Line on the southwest corner of Base Line and Victoria Avenue. The aforementioned entitlements are referred to collectively as "the Project".
2. This site is located on approximately 0.42 acres on the corner of Base Line and Victoria Avenue, within the City's Planned Commercial (PC) Zoning and General Plan Designations.
3. Pursuant to the provision of the California Environmental Quality Act the project is exempt from the California Environmental Quality Act (CEQA), per Class 32, Section 15332. In-Fill Development Projects.
4. On November 19, 2024, the Planning Commission of the City of Highland, conducted a Public Hearing on the subject Project, concluded the Hearing on that date.
5. All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

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

1. The Planning Commission finds that all of the facts set forth in the Recitals, Part "A" of this Resolution, are true and correct.
2. Based upon substantial evidence presented to the Planning Commission during the November 19, 2024, Public Hearing, including public testimony and written and oral Staff Reports, the Planning Commission finds as follows:

- a. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Highland.
3. Findings of Fact for Conditional Use Permit (CUP 23-001) (Highland Municipal Code Section 16.08.050.E. *Conditional Use Permits, Findings*):

Based on the Findings below, the Planning Commission hereby finds:

- a. The proposed use is permitted within the subject district pursuant to the provisions of this section and complies with all of the applicable provisions of this title; and is consistent with the goals, policies, and objectives of the Highland General Plan, and the applicable development policies and standards of the city.

Response: An automotive repair shop, such as the one proposed, is permitted within the General Plan's Planned Commercial (PC) land use designation.

The General Plan goals and policies relevant to the project include its inclusion in the Base Line Corridor and the Victoria Avenue Corridor Policy Areas, and general standards applicable to the Land Use Element, Circulation Element, and Community Design Element. The project meets all relevant goals and policies. the Base Line Corridor to "*ensure quality commercial and residential development through adherence to the Community Design Element policies and guidelines and Development Code standards,*" with the commercial use by having the building include aesthetically pleasing features with the brick and grooved siding, and color. The Victoria Avenue Corridor goal is to "*concentrate commercial uses along Victoria Avenue at Base Line, Pacific Street and Highland Avenue,*" with the location of the project being in the intersection of Base Line and Victoria Avenue and the business will provide a commercial service use.

The Base Line Corridor Goal 2.11 is to revitalize the Base Line Corridor by concentrating commercial uses at strategic intersections. Victoria Avenue Corridor Goal 2.14 is to establish the Victoria Avenue Corridor as the major entryway into the San Bernardino International Airport.

The proposed auto repair shop is an appropriate use described in the General Plan as part of the vision for the General Plan Land use area and Policy Area as a commercial business. The exterior elevation elevations, site circulation, and onsite landscaping are consistent with the general plan and the project's development plans are consistent with the development policies of the City.

- b. The proposed use would not impair the integrity and character of the district in which it is to be established or located.

Response: The Project would be developed in compliance with the Highland General Plan and Municipal Code standards related to automotive repair in the Planned Commercial (PC) District. It meets development code standards such as land use, setbacks, density, and circulation. It has a high quality, modern design complementary to the Policy Area.

Applicable provisions in Title 16, Land Use, include but are not limited to, Chapter 16.20 Commercial Districts, 16.44 Specific Use Development Standards, and 16.54 Parking Regulation with respect to the project. The project satisfies the standards established in chapters 16.20 and 16.44. The applicant provide a parking analysis challenging the City's existing parking standards for Automotive Repair as being more than what's typically necessary, providing adequate analysis and ensuring adequate parking and on-site circulation.

- c. The site is suitable for the type and intensity of use or development which is proposed.

Response: This site is approximately 18,250 square feet and purposing a 4,800 square foot major automobile repair. The site provides two (2) driveways, one off Base Line and the other off Victoria Avenue. Located in a commercial area with other commercial uses to the east, south and west. Vacant lots are located to the north of the project site. The nearest residential use is located off San Francisco Street and one (1) single-family home approximately 300 feet on away the north side of Base Line to the east. The site is generally flat with no known development impediments. There are no issues related to geotechnical, hydrology, flooding, fire protection, storm water, soils and hazards that would prohibit an auto repair development at the site.

- d. There are adequate provisions for water, sanitation, and public utilities and services to ensure public health and safety.

Response: The existing water, public utilities and services for the Project are available to serve the proposed use and ensure public health and safety. Additionally, staff sent out project notices to the different public utility companies and they had no comments.

- e. The proposed use will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity.

Response: The automotive repair development use will be compliant with Highland Municipal Code, Uniform Fire and Building Codes. Each public safety and utility provider has been given an opportunity to comment and condition the project. The necessary permits will be required prior to and during construction. Therefore, the Project will not be detrimental to the

public health, safety or welfare, or materially injurious to properties and improvement in the vicinity.

- f. The proposed use would not result in a significant effect on the environment.

Response: The proposed Project is not expected to have a significant impact on the environment. It is exempt from the California Environmental Quality Act (CEQA), per Class 32, Section 15332. In-Fill Development Projects:

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

- 4. Findings of Fact for Design Review Application (DRA 24-001) (Highland Municipal Code Section 16.08.090.E Design Review, Findings):

Based on the Findings below, the Planning Commission hereby finds:

- a. That the proposed project is consistent with the General Plan or Specific Plan.

Response: The project is located within the Planned Commercial (PC) General Plan land use designation and the General Plan's Base Line Corridor and Victoria Avenue Corridor Community Policy Area. The purpose of the PC district is to provide a means for the development of mixed-use commercial/office projects which recognize and accommodate site-specific constraints. The Base Line Corridor Goal 2.11 is to revitalize the Base Line Corridor by concentrating commercial uses at strategic intersections. Victoria Avenue Corridor Goal 2.14 is to establish the Victoria Avenue Corridor as the major entryway into the San Bernardino International Airport.

The proposed auto repair shop is an appropriate use described in the General Plan as part of the vision for the General Plan Land use area and Policy Area as a commercial business. The exterior elevation elevations, site circulation, and onsite landscaping are consistent with the general plan and the project's development plans are consistent with the development policies of the City.

- b. That the proposed use is in accordance with the objectives of Title 16, Land Use and Development of the City of Highland Municipal Code, and the purposes of the land use district in which the site is located.

Response: the site is located within the Planned Commercial (PC) Zone District designation. The applicant is proposing to comply with the City's General Commercial standards but with several changes, as aforementioned. The proposed use is in keeping with the Planned Commercial and both Community Policy Areas. The project's Site Plan, Conceptual Landscape Plan, Building Elevations and Conceptual Grading Plan satisfy the development standards specified in Section 16.44.240 Vehicle Repair facilities. Section 16.20 Commercial Districts; including permitted uses development standards, screening, and circulation.

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

Response: The conceptual landscape plans have been preliminarily reviewed by the City's Landscape Architect and conditions of approval have been provided for incorporation into the final landscape plans. The plans are in compliance with the City's ordinances and regulations. Prior to installation of any landscape improvements associated with the Project, the Applicant will be required to submit for landscape plan check.

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

Response: This Project will be in compliance with Municipal, Fire & Building codes. Each public safety division of the City has reviewed the project and provided relevant Conditions of Approval that will be adopted by resolution. All project related public utilities and services will be in place. There is no indication that the project would be detrimental to the public health, safety or welfare, or materially injurious to properties and improvement in the vicinity.

5. Based on the Findings and Conclusions set forth above, the Planning Commission approves Design Review Application (DRA 23-001). All improvements will be completed subject to the Conditions of Approval attached hereto and incorporated by reference.
6. That all necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Highland. As described in the Recitals above, the Planning Commission considered the project, and all testimony, comment and evidence regarding the same, at noticed public hearings conducted in accordance with State Law and the City Municipal Code;

7. Based on the Findings and Conclusions set forth above, the Planning Commission approves Conditional Use Permit (CUP 23-001), a development consisting of a 4,800 square foot major automotive repair shop and related improvements on 0.42-acre site. All improvements will be completed subject to the Conditions of Approval attached hereto and the development plans incorporated by reference.
8. The Planning Commission hereby directs Staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board of Supervisors, pursuant to the Public Resources Code and State CEQA Guidelines.

Exhibit 1 – Project Plans

Exhibit 2 - Conditions of Approval

C. ADOPTION OF RESOLUTION.

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

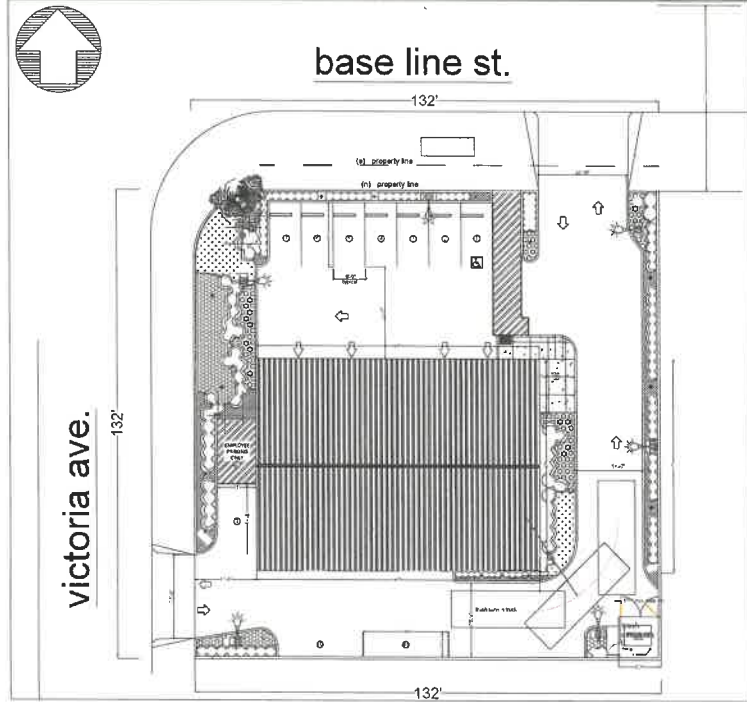
PASSED, APPROVED and ADOPTED this 19th day of November, 2024.

ATTEST:

Randall Hamerly, Chairman
Planning Commission

Lawrence A. Mainez
Community Development Director

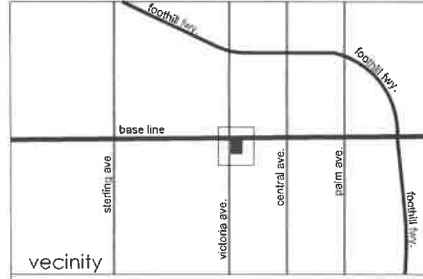
Exhibit 1 - Project Plan



NEW AUTO MECHANIC REPAIR SHOP BUILDING

(n) site plan

scale 1" = 1/8"

	
vecinity 	
BUILDING INFORMATION	
OWNER	Johnny Carlos Rueda
SITE ADDRESS	26503 Base Line St. Highland Ca. 92346
ASSESSOR PARCEL NUMBER	1192331030000
TRACT NUMBER	1794
Lot Number	1
Block Number	1
ZONING	PC (planned commercial)
BUILDING HEIGHT	1 STORY
new auto repair shop building project scope • Demo existing canopies and building • Renovate black top hardscape • Build new Auto repair shop building • New Perimeter Iron fence • New Exterior lighting • Landscape	
I N D E X	
A-01	Cover sheet
A-02	Renderings
A-03	Elevations & material schedule
A-04	Site plan fence/wall plan, trash enclosure plan
A-05	Parking Layout
A-06	Exterior lighting plan
LC-1	Landscaping
(n) lot area coverage	
Lot Size	18,250.00 sqft
Demolition	2,339.00 sqft
(n) Pre Fab Building	4,800.00 sqft
(n) Interior Office space	675.00 sqft
(n) Basement	1,545.00 sqft
(e) HARDSCAPE	11,650.00 sqft
(e) Landscape	1,800.00sqft
PROJECT TO COMPLY WITH 2022 CALIFORNIA STATE ENFORCEABLE CODES	
2022 CALIFORNIA	BUILDING CODE - TITLE 24, PART 2
2022 CALIFORNIA	RESIDENTIAL CODE - TITLE 24, PART 2.5
2022 CALIFORNIA	ELECTRICAL CODE - TITLE 24, PART 3
2022 CALIFORNIA	MECHANICAL CODE - TITLE 24, PART 4
2022 CALIFORNIA	PLUMBING CODE -TITLE 24, PART 5
2022 CALIFORNIA	ENERGY CODE - PART 5, TITLE 24,
2022 CALIFORNIA	GREEN BUILDING STANDARDS CODE - TITLE 24, PART 11
OWNER	
Johnny Carlos Rueda	
designer	
sergio herrera	
CONTEMPO design studio	
26503 Base Line St. Highland, Ca. 92346 parcel # 1192331030000	
3214 W. Beverly Blvd. Montebello, Ca 90640 (323) 812-1103	
sheet #	
A-01	
notes & revisions	
	
date:	
November/ 2024	
	
SITE	

NEW AUTO MECHANIC REPAIR SHOP BUILDING



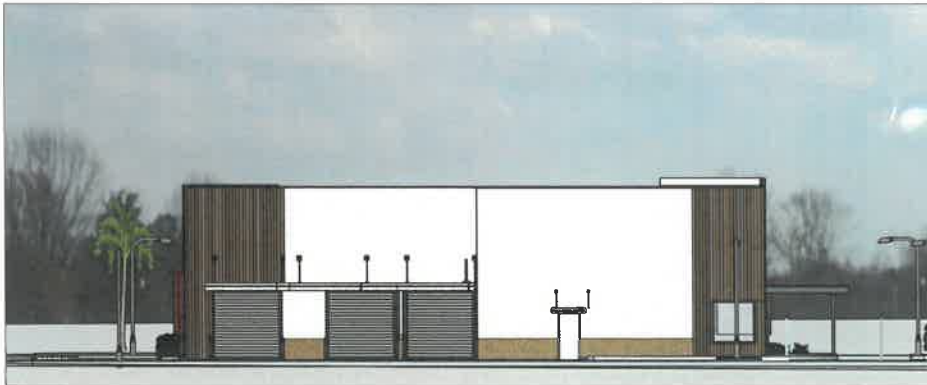
north elevation



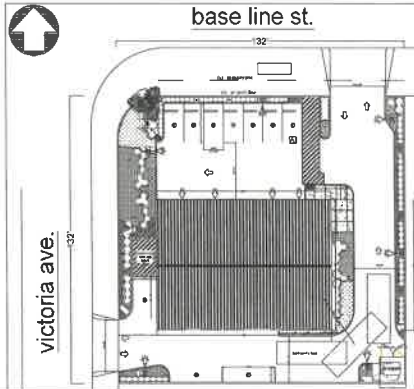
West elevation



East elevation



South elevation



CONTEMPO
design*studio

New Auto Mechanic Repair
Shop Building

PROJECT INFORMATION

OWNER

Johnny Carlos Rueda

26503 Bass Line st.
Highland, Ca.
92346
PHONE #: 1192331030000

DESIGNER

sergio herrera

CONTEMPO
design*studio

3314 W. Beverly blvd.
Montebello
Ca 90640
(323) 612-1103

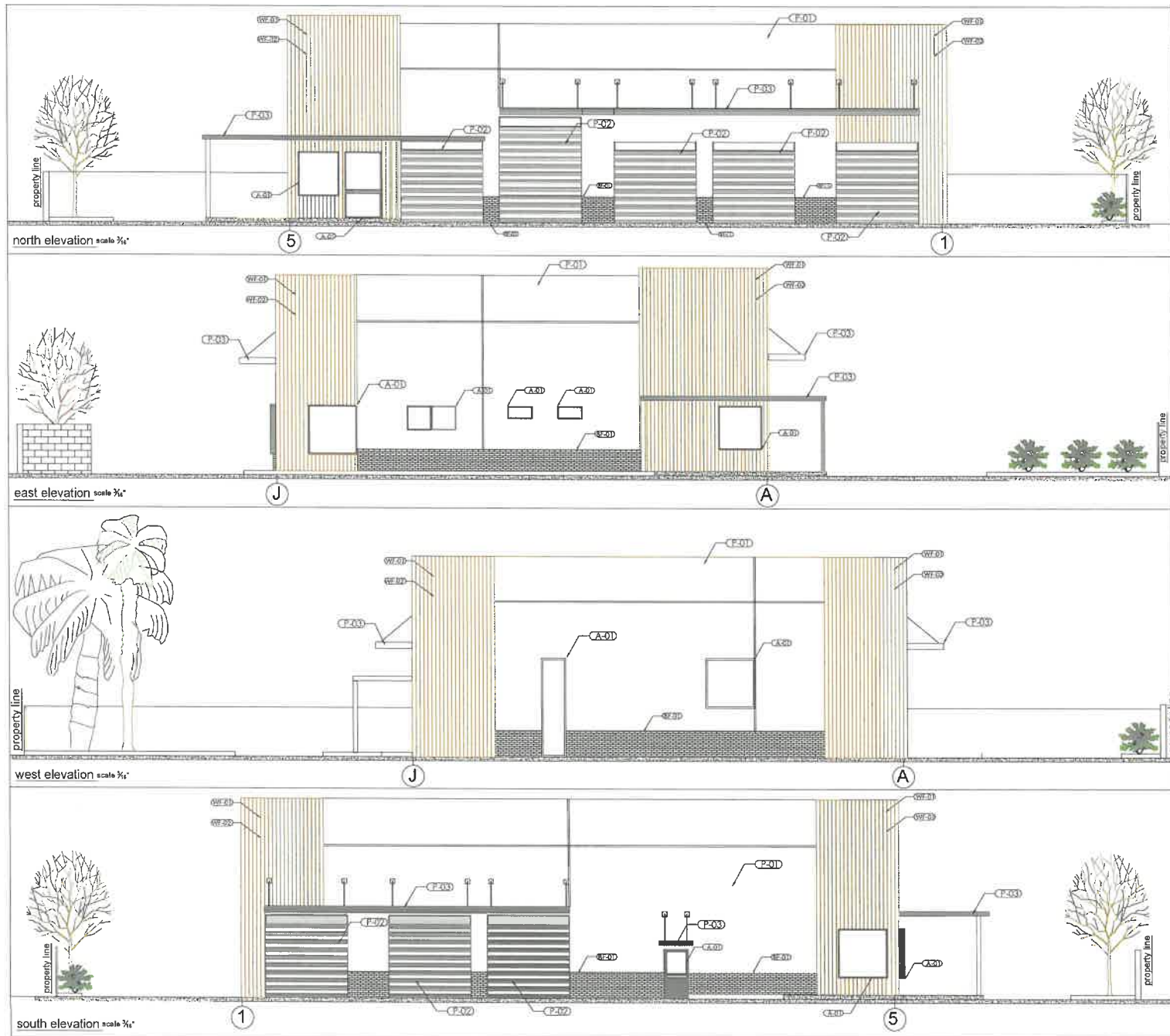
sheet #

A-02

NOTES & REVIEWS

date
November/ 2024

SITE



material reference				
ITEM	SOURCE	LOCATION	DESCRIPTION	SAMPLE
P01	Behr DYNASTY Home Depot	paint: exterior walls	number: OR4V1 color: white/mocha finish: semigloss	
P02	Behr DYNASTY Home Depot	paint: rail up curtain doors	number: NSD6 color: asphalt gray finish: semigloss	
P03	Behr DYNASTY Home Depot	paint: steel case entrance & waiting area canopies	number: 1350 color: Ultramarine black finish: semigloss	
A01	Aluminum vendor catalog	color: pedestrian doors & windows	number: color: Charcoal gray finish:	
BK01	Local masonry brick vendor	brick decor: exterior wall per plan	number: color: Red Clay finish:	
WF01	Behr DYNASTY Home Depot	pine tongue & groove siding: exterior corner wall per plan	number: ST-129 color: Chocolate finish: Semi transparent	
WF02	Behr DYNASTY Home Depot	pine tongue & groove siding: exterior corner wall per plan	number: ST-104 color: Cordovan Brown finish: Semi transparent	

OWNER
Johnny Carlos Rueda
28503 Base Line st. Highland, Ca. 92345 parcel #: 1182331030000
designer
sergio herrera CONTEMPO design studio 3314 W. Beverly Blvd. Hollywood, Ca 90640 (323) 812-1103
sheet #
A-03
notes & reviews
date
November/ 2024
SITE



New Auto Mechanic Repair Shop Building

PROJECT INFORMATION

OWNER

Johnny Carlos Rueda
28503 Base Line st.
Highland, Ca.
92345
parcel #: 1182331030000

designer

sergio herrera
CONTEMPO design studio
3314 W. Beverly Blvd.
Hollywood, Ca 90640
(323) 812-1103

sheet #

A-03

notes & reviews



date

November/ 2024

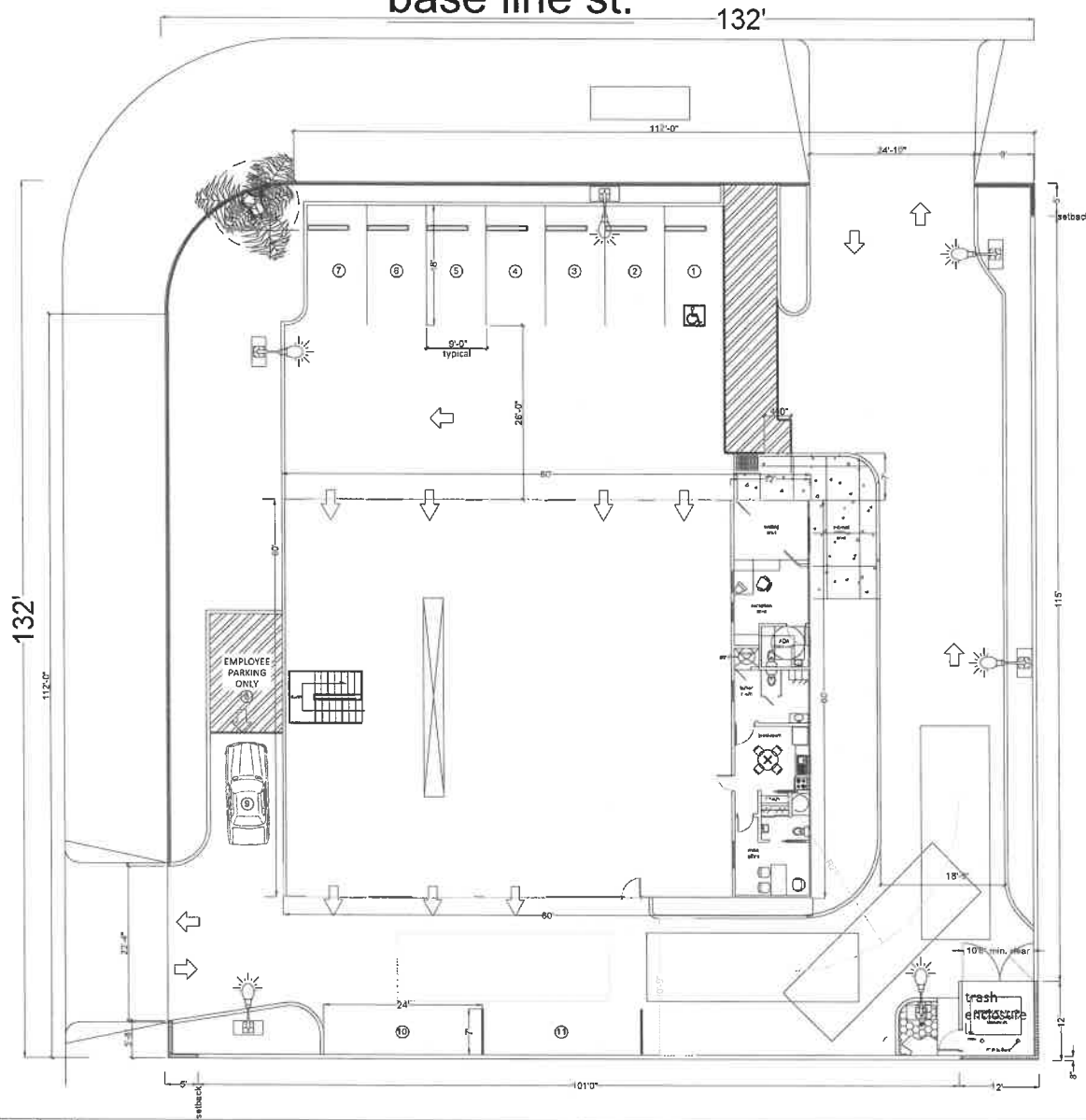


SITE



victoria ave.

base line st.



(n) Parking space floor plan

scale 1" = 1/8"



New Auto Mechanic Repair Shop Building

PROJECT INFORMATION

OWNER

Johnny Carlos
Rusda
28503 Base Line st.
Highland, Ca. 92349
owner #
1182331630800

designer

sergio herrera
CONTEMPO
design+studio
3314 W. Beverly blvd.
Montebello, Ca 90640
(323) 812-1103

sheet

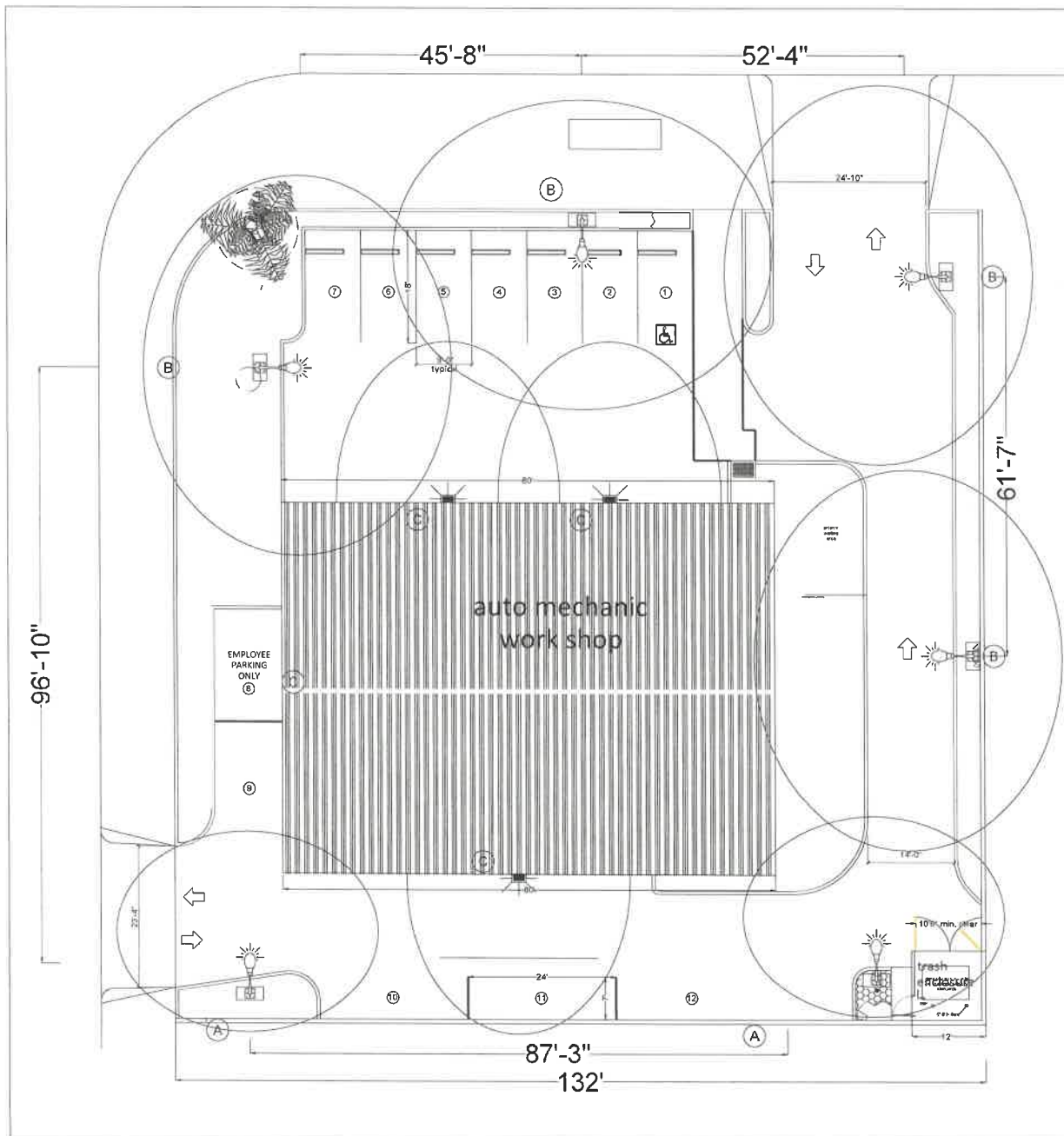
A-05

notes & reviews



date:
November/ 2024





(A) Luminaire:
PLT-13027 - 4000 K
Pole spacing: 85 ft.
Luminaire Height: 24 ft.
min: 0.73 fc
avg: 4.1 fc
max 7.5 fc

max/avg: 1.8
avg/min: 5.6
max/min: 10



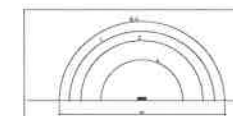
(B) Luminaire:
PLT-13030 - 5000 K
single arm, 36° tilt
Pole spacing: 60 ft.max
Luminaire Height: 18 ft.
min: 2.5 fc
avg: 5.5 fc
max 14 fc

max/avg: 2.0
avg/min: 2.2
max/min: 4.5



(C) Luminaire:
PLT-13030 - 5000 K
single arm, tilt 36°
fixture spacing: 30 ft.max
Luminaire Height: 11 ft.
min: 0.50 fc
avg: 4.8 fc
max 25 fc

max/avg: 5.4
avg/min: 9.5
max/min: 51



New Mechanic Shop Building

PROJECT INFORMATION

OWNER

Johnny Carlos Rueda
26503 Base Line st.
Highland, Ca 92346
parcel #: 1192331030000

designer

sergio herrera
CONTEMPO design+studio
3314 W. Beverly Blvd.
Montebello, Ca 90640
(323) 912-1103

sheet

A-06

notes & reviews

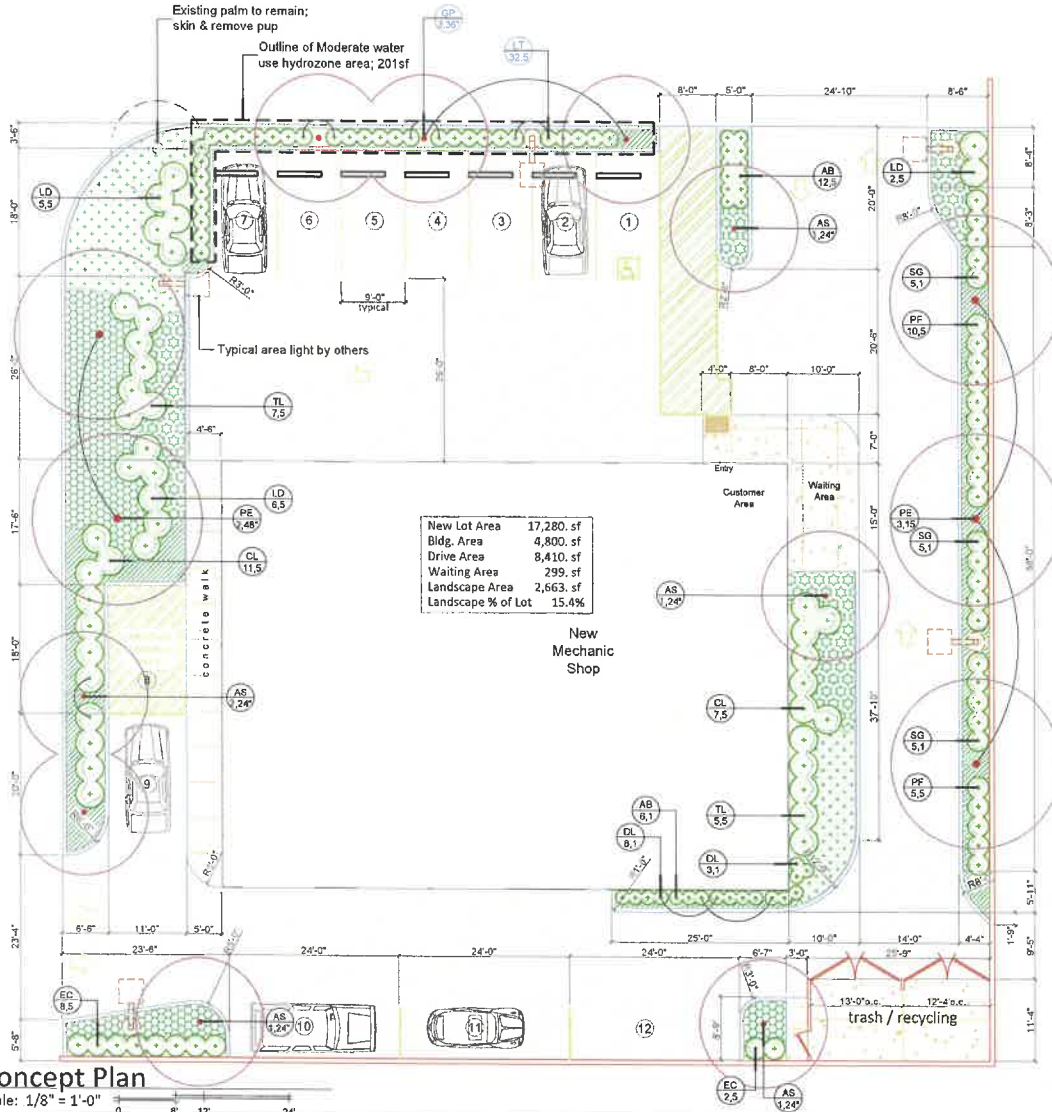


date:
June/ 2024



Base Line St.

Victoria Ave.



Plant Legend

Photo/Sym.	Botanical Name	Common Name	Mat. Size	Qty.	Cont.	WUCOLS	Remarks
	Acacia stenophylla	Shoestring Acacia	25'h. x 18'w. 6	24"	box	Low	Standard
	Geijera parviflora	Australian Willow	25' x 18'	3	36" box	Mod.	Standard
	Pinus eldarica	Afghan Pine	45' x 25'	2, 3	48"b., 15g.	Low	Standard
Shrubs, Perennials -							
	Anigozanthos 'Bush Ranger'	Kangaroo Paw	2.5' x 2.5'	12, 6	5 g., 1 g.	Low	
	Callistemon 'Little John'	Dwarf Bottlebrush	3' x 4'	18	5 gal.	Low	
	Dianella r. 'Little Rev'	Little Rev Flax Lily	2' x 2'	11	1 gal.	Low	
	Encelia californica	Bush Sunflower	3' x 4'	10	5 gal.	Low	
	Lavandula d. candicans	French Lavender	2.5' x 3'	13	5 gal.	Low	
	Ligustrum texanum	Texas Privet	4' x 2'	32	5 gal.	Mod.	Staked; hedge at 4'
	Phlomis fruticosa	Jerusalem Sage	3' x 4'	15	5 gal.	Low	
	Salvia greggii	Autumn Sage	2.5' x 3'	15	1 gal.	Low	
	Tagetes lemmonii	Copper Cyn. Daisy	3.5' x 4'	12	5 gal.	Low	
Ground Cover -							
	Crassula multicaeva / Fairy Crassula	Crassula multicaeva / Fairy Crassula; 1' x 3'; 1 gal.; Low; 32" o.c.; [370sf]					
	Myoporum p. 'Putah Creek' / Myoporum	Myoporum p. 'Putah Creek' / Myoporum; 1' x 8'; 1 gal.; Low; 36" o.c.; [407sf]					
	Senecio mandraliscae / Blue Chalk Sticks	Senecio mandraliscae / Blue Chalk Sticks; 1' x 2'; 1 gal.; Low; 18" o.c.; [438sf]					
	Westringia 'Low Horizon' / Coast Rosemary	Westringia 'Low Horizon' / Coast Rosemary; 1.5' x 5'; 1 gal.; Low; 36" o.c.; [301sf]					

Notes

1. All planting areas will have drip irrigation.
2. The irrigation system will have an automatic controller regulated by a Hunter-Sync atmospheric sensor.
3. Irrigation point of connection shall be from a dedicated landscape water meter.
4. Irrigation shall be protected by a pressure vacuum breaker backflow preventer.
5. All planting areas shall be mulched with a 3" minimum layer of medium grind shredded bark mulch.
6. All trees shall be planted with root control barriers.

Hydrozone Information

Hydrozone 1: Moderate water use (see plan) 201. sf
Hydrozone 2: Low water use (all other areas) 2,462. sf
Total Landscape Area 2,663. sf

Plant Size Count

Trees: Total Qty. = 14
Sizes required: 7 - 15gal.; 24"b. - 3; 36"b. - 2; 48"b. - 2
Sizes provided: 3 - 15gal.; 6 - 24"b.; 3 - 36"b.; 2 - 48"b.

Shrubs: 75% of 148 total = 111 required; 112 provided
Ground Cover Plant Container sizes are all 1 gallon

Estimated WUCOLS Calculation

MAWA
(55.6) x (0.82) x ((0.45 x 2,663sf) + (1.0 - 0.45) x SLA)
= 34,47 x 1,188 = 41,295 gallons per year

Plant Factors
Low water Drip ((.25 x 2,462) / 0.81) = 760.
Mod. water Drip ((.50 x 201) / 0.81) = 124.
Total 884.

ETWU
(55.6) x (0.62) x (884) + SLA (0)
= 34,47 x 884 = 30,472 gallons per year

ETWU COMPLIES WITH MAWA

Concept Plan
Scale: 1/8" = 1'-0"

Underground Service Alert



Know what's below.
Call before you dig.



landscape
architecture
35+ years
5208 Townsend Ave. Los Angeles, CA 90041
PO BOX 2352 Carlsbad, CA 92018
Tel: (323) 258-8214 OR (760) 533-7338
www.lostwest.com

SUBMISSION HISTORY -
Date Plan Name Version No. Description
9/7/24 Landscape Concept V-1 For entitlement review
9/12/24 Landscape Concept V-2 For entitlement review
**PLAN REVIEW ONLY
NOT FOR CONSTRUCTION**

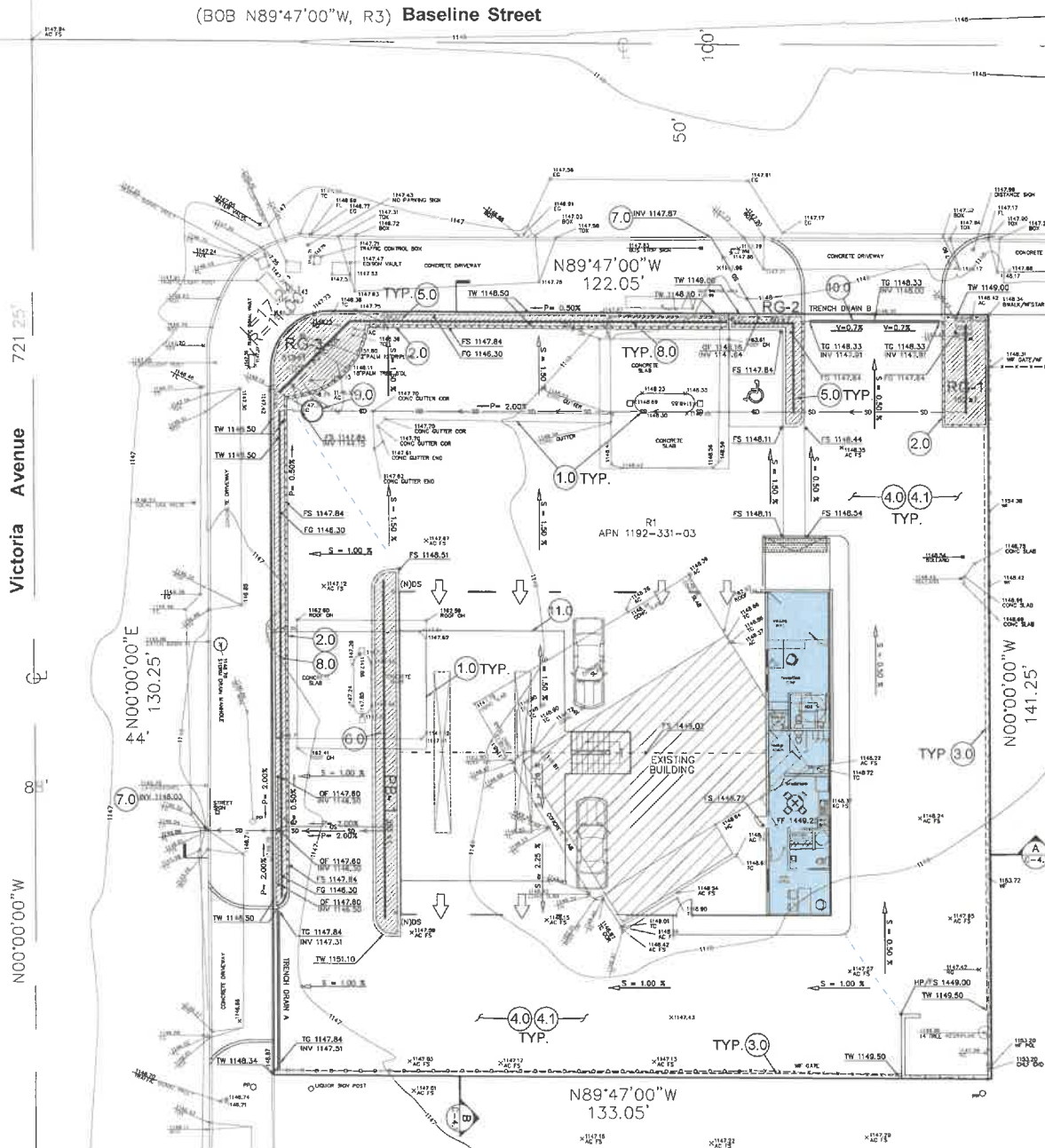
PLAN DATE -
6/12/2024
PROJECT NO. -
2421
CLIENT INFO -
JC Rueda
28570 3rd Street
Highland, CA 92348

MARK REVISIONS BY APRR DATE
BENCH MARK

APPROVED
Date
By:
DRAWN BY
CHECKED BY
REVISIONS BY

New Mechanic Shop
26503 Base Line Street, Highland, CA 92346
APN 1192-331-030
Landscape Improvements
SHEET TITLE
Landscape Concept

Drawing No.
LC-1
Sheet 1 of
01 Sheets



GRADING & DRAINAGE PLAN

Benchmark: Elev = 1146.288 (m), FG SBDO SURV. B DISK STAMPED CS 72-15-2-75
TOP OF CURB 103 FT N AND 32 FT W OF C/L AT BASELINE AND VICTORIA AVENUE.



Legend:

- | | |
|--|---------------------------------------|
| DWY - Driveway | RG - Rain Garden |
| FG - Finish Grade | RW - Retaining Wall |
| FF - Finish Floor | RYSB - Rear Yard Setback |
| FL - Flow Line Slope | S - Slope of the Surface |
| FS - Finish Surface | SD - Storm Drain Pipe |
| FYSB - Front Yard Setback | SSMH - Sanitary Sewer Manhole |
| GFL - Ground Floor Level | SYSB - Side Yard Setback |
| INV - Invert Level (Flow line of the Pipe) | TFC - Top of Front Curve |
| OG - Original Grade | TG - Top of Grate |
| OF - Over Flow Level | TW - Top of Wall |
| P - Slope of the SD Pipe | V - Slope of the Trench-Drain |
| PE - Pad Elevation | (V)INV - Trench Drain Flow Line Level |
| P(INV) - Discharge Pipe Invert (Flow line Level) | WM - Water Meter |

Construction Notes:

- 1.0 Demolish existing structures down to sub-base level as needed.
- 2.0 Provide 2" wide x 8" high gap/notch from top of wall at 32" on center to allow passing through of storm water runoff.
- 3.0 Construct masonry retaining wall at 6" high from new asphalt concrete surface.
- 4.0 Scarify 6 inches below the sub-grade, or to the depth of undocumented fill, whichever is deeper, and then re-compact to 95% relative compaction.
- 4.1 Construct asphaltic concrete paver.
- 5.0 Construct lined rain garden per Sheet C-6, Detail 2.
- 6.0 Construct planter box per Sheet C-6, Detail 1.
- 7.0 Coredrill existing curb to allow for 4" SDR 35 pipe, per Sheet C-4.3, Detail 7. Obtain encroachment permit.
- 8.0 Install longitudinal 4" Dia. perforated SDR pipe wrapped in non-woven geotextile membrane, capped at ends. Placed over 1" minimum gravel layer.
- 9.0 Construct 4' Dia.* 4ft. Depth, Jensen precast sump pit with concentric opening and Flat tops, cast iron ring and cover as per Sheet C-6, Detail 3.
- 10.0 Construct 4" NDS Deep Dura Slope™ Trench Drain. Combination of continuous pre-sloped sections. Provide trench drain elbow as necessary. See Sheet C-4.3, Details 1 & 2.
- 11.0 Construct basement per architectural, and structural plan.

RB Engineers, Inc. 2139 Piedmont Dr. Alhambra, CA 91801 Cell: 1-813-435-8521 E-mail: resur@bengineersinc.com										
OWNER: MR. JOHNNY CARLOS RILEA 2550 BASE LINE ST. HIGHLAND, CA 92345	PROJECT DESCRIPTION: PROPOSED 1 STORY MECHANIC SHOP WITH BASEMENT									
ISSUE / REVISION <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>10-03-22</td> <td>SUBMIT TO CLIENT</td> </tr> <tr> <td>2</td> <td>12-15-22</td> <td>SUBMIT TO CLIENT</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	1	10-03-22	SUBMIT TO CLIENT	2	12-15-22	SUBMIT TO CLIENT	DATE: 12-15-2022 SCALE: AS NOTED JOB: RB 22 09
NO.	DATE	DESCRIPTION								
1	10-03-22	SUBMIT TO CLIENT								
2	12-15-22	SUBMIT TO CLIENT								
SITE ADDRESS: 2550 BASE LINE ST. HIGHLAND, CA 92345 APN: 1122-331-03										
TITLE OF SHEET: GRADING & DRAINAGE PLAN										
SHEET C-4.0 OF SHEETS										

Exhibit 2 - Conditions of Approval

PLANNING DIVISION CONDITIONS OF APPROVAL

Date: November 19, 2024
Applicant: Johnny Carlos Rueda
File/Index: Conditional Use Permit (CUP 23-001) & Design Review Application (DRA 24-001)
Proposal: Construction of a 4,800 square foot major automotive repair shop.
Location: 26503 Base Line, 0.42 acre site, located at on the corner of Base Line and Victoria Avenue.
Assessor's Parcel Number: 1192-331-03

PLANNING CONDITIONS OF APPROVAL

Note: These conditions represent Planning Division conditions only and are meant to be only one part of the Project's overall conditions that may include Building and Safety, Engineering, and the Fire Department conditions of approval. All required on-site and off-site improvements shall be completed and approved prior to final inspection for occupancy, except where noted.

Conditional Use Permit (CUP 23-001) and Design Review Application (DRA 24-001) is conditionally approved, subject to compliance with the requirements as specified below. The Conditions listed below are continuing Conditions; failure of the Applicant and/or operator to comply with any or all Conditions at any time, shall result in initiating revocation of the subject permit.

1. Conditional Use Permit (CUP 23-001) and Design Review Application (DRA 24-001) shall become null and void:
 - a. Unless all conditions have been complied with and the occupancy or use of the land or structures authorized by this design review application, and have occurred within thirty-six (36) months from the approval date this design review application shall expire and be null and void without further action by the City of Highland.
 - b. Where circumstances beyond the control of the Applicant cause delays which do not permit compliance within the time limitation established in this Section, the Planning Commission may grant an extension of time for a period of time not to exceed an additional thirty-six (36) months. An application for an extension of time must be set forth in writing, stating the reasons for the extension, and must be filed with the community development department no less than 30 calendar days nor more than 90 calendar days prior to the expiration date of the permit or approval. Such application shall be filed together with the City's processing fee, as established by the City Council.

NOTE: All required on-site and off-site improvements shall be completed and approved prior to final inspection for occupancy.

2. The proposed Entitlement permits the construction of a 4,800 square foot automotive repair shop and Design Review Application is for the Site Plan, Conceptual Landscape Plan, Rough Grading Plan, and Elevations on an 0.42-acre site.
 - a. The approval of the Design Review Application is applicable to the proposed use, Site Plan, Grading Plan, Landscape Plan, and design features on the auto repair building.

The subject property shall be developed in accordance with plans and materials approved by the Planning Commission on November 19, 2024, and attached hereto on file with the City of Highland Planning Division, and shall be in compliance with all conditions of approval contained herein.

3. The operator and recorded owner of the property shall submit to the Planning Division written evidence of agreement with all conditions of this approval before the approval becomes effective. Plan check cannot begin prior to receipt of this signed documentation.
4. The business hours are limited to Monday through Saturday, 8:00 am to 6:00 pm.
5. The project has been reviewed and approved for a major automotive repair shop. All repair activities and operations shall be conducted entirely within the proposed enclosed building on-site. Outdoor hoists and outdoor repair activities are prohibited. The type of repair that will be performed are vehicle maintenance, brakes, any suspension related repairs and alignments, smog and emissions repair, new tires, electrical repair, engine repairs or replacements, transmission replacement, A/C service and repairs, and vehicle diagnostics repairs.
6. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance.
7. Exterior parking area shall be used for employee and customer parking only, and not for the repair or finishing work or long-term (over one week) storage of vehicles. No vehicles to be repaired shall be parked or stored on any street or in any alley. No used or discarded automotive parts or equipment or permanently disabled, junked or wrecked vehicles may be stored outside the main building.
8. No storage of materials outside the building shall be permitted.
9. Any handling, treatment, storage or use of hazardous materials shall be subject to the requirements of HMC 16.40.130. (Ord. 171 § 11.240, 1994).

10. Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City. The Applicant shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") from and against any claims, damages, actions, causes of actions, lawsuits, suits, proceedings, losses, judgments, costs, and expenses (including, without limitation, attorneys' fees or court costs) in any manner arising out of or incident to the Planning Commission's actions, the City Council's actions, related entitlements, or the City's environmental review thereof. The Applicant shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding. The City shall promptly notify the Applicant of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the Applicant of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the Applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnitees. The City shall have the right to select counsel of its choice. The Applicant shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Nothing in this condition shall be construed to require the Applicant to indemnify Indemnitees for any claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the approval, the City shall estimate its expenses for the litigation. The Applicant shall deposit said amount with the City within thirty days of being notified of the estimate cost or, at the discretion of the City, enter into an agreement with the City to pay such expenses as they become due.
11. The Owner/Applicant is responsible for implementing all conditions of approval to the satisfaction of the Community Development Director, City Engineer, Fire Department, and Police Department. No final inspection or clearances shall be given until all conditions are met. Each condition of approval is separately enforced, and if one of the conditions of approval is found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.
12. Revisions, modification, or deletions of associated plans must be submitted to the Planning Division for review and approval. Revisions may require additional review by the Planning Commission.
13. In compliance with the Highland Municipal Code, the Applicant/Owner shall agree, at his/her sole cost and expense, to defend, indemnify, and hold harmless, the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul an approval of the City Council, Planning Commission, or other decision-making body,

including staff, concerning this project. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve the Applicant/Owner of his/her obligations under this condition.

14. The subject property shall be developed in accordance with plans and materials approved by the Planning Commission, on file with the City of Highland Planning Division, and shall be in compliance with all conditions of approval contained herein. Revisions, modification, or deletions of associated plans must be submitted to the Planning Division for review and approval. Revisions may require additional review by the Planning Commission.
15. The applicant shall be responsible for making arrangements with the City's franchised waste collection and hauling services provider for any/all construction debris or solid waste generated as a result of this project.
16. Prior to issuance of Building Permits, the Applicant/Contractor/Occupant shall submit and obtain approval from the Public Services Division, a Construction Waste Diversion Plan, in accordance with Section 8.12.285 of the Highland Municipal Code.
17. Development Impact Fees shall be paid in accordance with City Ordinance. Fees are subject to change by action of the City Council as may be amended from time to time. Fees are locked in upon submission of application to the Building & Safety Division for plan check.
18. The design and installation of business signs shall be in accordance with Chapter 16.56, Sign Regulations, of the Highland Municipal Code, unless otherwise approved by the Planning Commission.
19. All rooftop mounted mechanical equipment, with the exception of solar panels, shall be screened from public view. This can be accomplished by architectural treatments of parapets equal in height to the tallest piece of roof-mounted equipment, but not to exceed an overall height of 44 feet.
20. The photometric plan shall be provided to the Planning Department for review and approval prior to issuance of a grading plan in compliance with Municipal Code Sections 16.40.160 *Lighting* and 16.48.080 *Light and glare*.
 - a. The amount of illumination projected onto a residentially zoned property or use should not exceed 0.1 foot-candle at the property line. Illumination should not exceed 0.5 foot-candles measured at the property line adjacent to non-residential properties.
 - b. Lights shall be shielded and directed away from surrounding properties and right-of-way.

- c. Parking lot light standards shall not exceed twenty-five feet (25') in height measured from grade.
- d. Parking lot light standards shall be located at a distance from parking lot trees, so the trees do not interfere with the lighting pattern or the light fixture. Lighting standards shall be shown on the landscape plans and appropriately positioned so as not to displace the intended location of trees in parking lot planters.

Landscaping

- 22. Conceptual landscape plans shall include the following as per Highland Municipal Code 16.40.390 Water Efficient Landscape requirements:
 - a. A shade tree exhibit shall be included, and planting shall be installed to provide shade over 50% of the parking areas and 20% of landscape areas within 15 years of installation per Title 24 of the most current version of the California Green Building Code. Applicant shall prepare an exhibit showing the coverage estimated at noon on the summer solstice including overall parking area in sq. ft. and shaded area in sq. ft.
- 23. Include all site plan information on the landscape plans including, property lines, ROW, easements, existing vehicle sight lines, and any required setbacks.
- 24. All sidewalks shall be provided with ample shade from a combination of street trees and onsite trees, all trees shall be located to be excluded from any sight line corridors. (NOTE- Does the City want to encourage the applicant to add trees to the ROW which is all concrete currently- if not, please disregard).
- 25. Required street trees shall be a minimum of 24" box, overall tree sizes for the project shall meet the following criteria:
 - a. Applicant shall coordinate with the City Landscape Architect for street tree species and required spacing if required.
 - b. Please note that trees that create excessive debris from flowering/ seed production such as Palo Verde are prohibited due to Water Quality concerns.
- 26. All planter areas shall be a minimum of 5 feet wide excluding curbs and required concrete strip adjacent to parking spaces (12" wide by 4" deep doveled into the 6" wide curb or 12" wide by full depth poured in place curb) and excluding walkways, walls, wall footings and overhead obstructions.
- 27. If tree diamonds shall be used, they shall be a minimum of 25 sq. ft., trees in areas surrounded by imperviable paving may require specialized growing media, soil support, or other instruments to create healthy aerated soil for long term root and tree health.

28. It would appear that gates and further enclosures would be added to the complete perimeter wall layout, if so the applicant shall call out and locate type and any impacts caused by opening travel pockets or swing arcs/ open position layout of gates.
29. Coordinate the landscape plan layout with the project's Water Quality Management Plan to ensure that the landscape layout aligns with the required Best Management Practices (BMP) for the facilities, include all structures on plan even is sub surface for reference. No information is given on how it will be addressed per plan.
30. Shrubs and groundcovers vulnerable to frost damage shall be avoided due to Highland's seasonal temperatures that can result in frost and freeze events in the winter months.
31. Planting shall offer horizontal and vertical variation in form, texture, and scale that compliments the scale of the structures and shall include multiple varied species to prevent against loss of a monoculture of a single species from species specific pest or other environmental cause. Due to the proposed perimeter walls planting may need to be adjusted to be viewed more from the interior rather than street- may require shifting planting height hierarchy to parking lot side being low and then wall side higher.
32. A minimum of three different levels of planting shall be provided and shall include groundcover, accents, and foundation or massing groupings, that shall vary species and flowering or interest seasons to offer year-round performance and avoid seasons or large swaths of planting in dormancy or in need of severe pruning.
33. On center spacing shall be approved by the City Landscape Architect to achieve appropriate plant coverage within 2 years of the installation.
34. Call out any proposed signage locations and supply reference images for verification planting does not interfere. Actual signage or artwork approval shall be per separate review by the Planning division.
35. The maximum coverage of gravel or rock used as groundcover/ mulch shall be 50% of planting areas and be a minimum of 3" thick.
36. No light fixture, electric transformer, fire detector check, fire hydrant, or other utilities shall be designed for any location in a planting area, which would make it necessary to eliminate a tree or masses of shrubs. All overhead light fixtures and utilities shall be identified on the grading and site plans. Utilities shall be screened appropriately with landscaping. Any trees that are determined to be in conflict through the design development process shall be relocated to keep the same quantities shown on the approved entitlement plan, this shall include adjusting, adding, and revising or creating additional planting areas to support the total required number.

City of Highland

Engineering Department

Conditions of Approval

SRP 18-001

26503 Base Line

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

GRADING

- E 1. Submit precise grading plans to the City Engineer for review and approval. Comply with the City of Highland grading standards as shown on the grading plan checklist.
- E 2. Design on-site improvement to accommodate off-site drainage, if any, around or through the project site in a manner that does not adversely affect adjacent properties.
- E 3. Submit structural design and location for trash enclosure structure for review and approval by the City Engineer.
- E 4. Prepare grading and landscaping plans to comply with the City's sight distance requirements at public street intersections and at private driveways. Walls, fencing, monument signs, slope, landscaping, utility structures, etc. in the line of sight must not exceed 30" in height measured from the flowline of the street.
- E 5. Design short term erosion control in accordance with Best Management Practices such as, silt fencing to control site perimeter, sand bag barriers or other methods to stabilize disturbed areas, as approved by the City Engineer.
- E 6. Obtain written permission from the adjoining property owner(s) for offsite grading or fences or walls, if located on property line.

STREET IMPROVEMENTS

- C* 7. Remove the existing driveway approaches along Victoria Avenue and Base Line adjacent to the signalized intersection and replace with full height curb, gutter and sidewalk. The new curb on Victoria Avenue shall be painted red. The limits of existing street improvement removals shall be as directed by the City Engineer.
- C* 8. Coordinate and pay SCE to install a street light luminaire on the existing utility pole located on Victoria Avenue at the southwest corner of the project or install solar street light luminaire as per City Engineer. Pay the City for the initial 12-month of street lighting energy and maintenance charges if SCE mounted street light is installed.

- E 9. Submit on-site improvement plans to the City Engineer and Community Development Director for review and approval. Include in the plan all proposed/required onsite and offsite private and public improvements.
- E 10. Design public sidewalk in accordance with the State of California Accessibility Standards, Title 24 of the California Administrative Code.
- C 11. Submit "Record Revisions" to all design plans to reflect the improvements as constructed, and any changes made during construction.

WATER QUALITY/DRAINAGE

- E* 12. Obtain approval by the City Engineer of a Final Water Quality Management Plan (F-WQMP), prepared in accordance with the City's National Pollutant Discharge Elimination System (NPDES) permit requirements in effect at the time the Conceptual Water Quality Management Plan was approved unless subsequent City NPDES permits require otherwise. The F-WQMP shall (1) be prepared, signed, and sealed by a licensed Civil Engineer, (2) include Site Design Low Impact Development and Source Control Best Management Practices (BMPs) appropriate for residential development, (3) include a BMP implementation, operation, and funding mechanism, and (4) be certified by the property owner. The property owner shall also enter into a Stormwater BMP Transfer, Access, and Maintenance Agreement with the City on standard City form. Include a copy of the recorded agreement in the F-WQMP. Construct BMPs in accordance with the approved F-WQMP. Include the project grading plan, landscape plan and utility plan with the first submittal of the F-WQMP.
- C 13. Submit two sets of WQMP BMP Exhibits with a "WQMP BMP As-Built Certificate" wet signed and sealed by the Engineer of Record. The Certificate shall state:

"I hereby certify that the Water Quality Management Plan Best Management Practices have been constructed under my supervision in accordance with the approved plans and are functional to the best of my knowledge."
- E* 14. Comply with applicable requirements of the National Pollutant Discharge Elimination System (NPDES) permit program. Demonstrate erosion/ sediment control measures to be utilized during grading and construction.
- E* 15. Construct under sidewalk drain or area drains with curb cores to discharge overflow from underground infiltration basin into Meines Street right of way.

DEDICATION/ANNEXATION

- B* 16. Dedicate to the City, via a separate instrument, landscape easements across Base Line and Victoria Avenue frontage as approved by the City Engineer.
- B* 17. Dedicate to the City, via a separate instrument, public right-of-way to provide a 52-foot half-width public street across the Base Line frontage.

- B* 18. Dedicate to the City, via an irrevocable offer of dedication document, (1) an additional 8'-wide of street right-of-way across the project frontage of Victoria Avenue in order to accommodate the City's future construction of a northbound right-turn pocket, (2) additional street right-of-way for a corner cutoff at the northwest corner of the project in order to accommodate the City's future relocation/reconstruction of curb return, curb ramp and sidewalk, and (3) a temporary construction easement granting permission for the City to enter the property, and to construct street widening, landscape restoration and other related work.
- C* 19. Apply to the City to annex into the City's LMD for future maintenance of a landscaped median to be located on Base Line. Submit a ballot to the City agreeing to the annexation and amount of assessment. When the Base Line landscaped median is constructed by the City in the future, landscaping in the median will be maintained by the City utilizing LMD revenue.

FEES/PERMITS

- C* 20. Make a cash payment in-lieu of the design and construction of the future landscaped median across the Base Line project frontage. The amount of in-lieu fee shall be based on a layout of the future median and cost estimate to be provided by the City Engineer.
- E 21. Obtain a grading and/or construction permit from the City Engineer prior to any on-site grading or construction within the City's right-of-way.
- D 22. Pay appropriate City fees for district annexations, dedications, plan check, structural calculation review, on-site and off-site inspection, utility excavation permits, GIS map update, microfilming and storage of maps and plans, and other required fees.

UTILITIES/CONSTRUCTION

- E 23. Install construction fencing and screening in accordance with Building and Safety Division Policy 335.
- C 24. Construct handicap-accessible trash enclosure with a solid roof per City Standard 700.
- C 25. Coordinate, and where necessary, pay for the relocation of any existing public utilities as necessary.
- C 26. Provide utility services to the proposed building, including sanitary sewers, water, electric, cable, internet, gas, and telephone. All onsite utilities are to be underground.
- C 27. Reconstruct existing public improvements removed or damaged during construction as approved by the City Engineer. Pavement repair, which may include A.C. overlay, T-cut trench repair and/or slurry seal shall be across all or a portion of damaged pavement as determined by the City Engineer.
- D 28. Comply with the prevailing City design and construction standards and requirements at the time of permit issuance.

- E 29. Plot all easements on grading plan and note disposition of any existing utilities, appurtenances, fences, and access roads.
- E 30. At the time of formal development application, provide a preliminary title report for the subject site.



City of Highland, **FIRE PREVENTION DIVISION**, Conditions of Approval.

DATE : 2/15/24

Page 1 of 5

APPLICANT : Johnny Carlos Rueda

ADDRESS : 26503 Base Line Street

SITE LOCATION: 1192-331-03-0000

FILE / INDEX No.: CUP 23-001 DRA 24-001

A tiered level of mitigation options has been developed and listed below are the systems and/or modifications required for your project. Compliance of the following items are a condition of **FINAL OCCUPANCY APPROVAL**. These conditions are required as acceptable solutions to the adverse fire conditions impacting firefighting and emergency operations accompanying the site/area. They will either assist in detection and extinguishment of the fire and/or facilitate the anticipated emergency operations.

This project is protected by the City of Highland Fire Department / Cal-Fire / California Department of Forestry and Fire Protection. Prior to any construction occurring on any parcel, the applicant shall contact the city of highland fire marshal office for verification of current fire protection development requirements. All new construction shall comply with the currently adopted California Fire Code and all applicable statutes, appendices, codes, ordinances, standards and policies of the City of Highland Fire Department/ Fire Prevention Division / Cal-Fire / California Department of Forestry and Fire Protection.

Fire Department Review of all projects is required.

ALL CONSTRUCTION (New and renovations to existing) SHALL COMPLY WITH THE CALIFORNIA FIRE CODE Along with amendments as adopted within the Highland Municipal Code (Ord. #411).

Note: All weather access roads (CFC) and fire hydrant/water system installations shall be in place, inspected and approved, **PRIOR** to combustible material being brought on site.

Note: The City of Highland has 2 areas within the '**FIRE SAFETY OVERLAY DISTRICT**' designated as **FR-1** and **FR-2**. Both areas may border or overlap areas identified by the State/CalFire as '**High Fire Severity Zone**' or '**Very High Fire Severity Zone**'. See **HMC** for construction requirements.

GENERAL.

1. **HF3:** A fuel break of one hundred (100) feet (brush and weed clearance) is required prior to construction. The clearance shall be maintained on a year-round basis. **CFC & HMC**
2. **HF4:** An additional fuel modification zone of _____ feet shall be provided on _____ side(s) of the proposed lot(s)_____. Fuels in this zone are to be thinned and/or removed or otherwise modified to provide a reasonable level of fire defense protection to the proposed structure(s). **CFC & HMC**
3. **HF31:** Approved fire hydrant pavement markers (blue dots) shall be installed at every hydrant.
4. **HF51:** The main electrical panel and all sub-panel(s) shall be labeled on inside cover for all circuits. **CEC**
5. **HF52:** Water heater (fuel fired), shall be properly vented to exterior of structure. Water heater shall be seismic strapped to wall and be located 18" above a garage floor. **CBC**
6. **HF55:** Commercial exit requirements:
 - A. Required exit doors shall be maintained in an operable condition at all times
 - B. Required exit doors shall swing outward and away in the direction of exit travel.
 - C. Obstructions shall not be placed in the required width of an exit. Exits shall not be blocked or locked shut or obstructed in any manner during business hours.
 - D. Exit paths shall be illuminated when structure is occupied.
 - E. Exit path illumination shall be supplied from two (2) sources of power when occupant load is one hundred (100) persons or more.
 - F. When exit way/exit pathway and/or exit doorway is not easily identified, additional exit signs shall be installed.
7. Exit signs shall be internally or externally illuminated by two lamps or shall be of the self-luminous type. **CFC; CBC**

ACCESS:

8. **HF7:** Fire department **access** roads shall meet the fire dept. minimum unobstructed width of twenty (20) feet. (twenty-six (26) feet within FR-1&2 zones). **This standard shall not lessen other agency requirements.** Access roads shall be paved (asphalt/concrete) and in place **prior** to delivery of combustible building materials on site. Roads shall be designed and constructed to meet adopted city standards. **CFC**

9. **HF8:** All access roads, public, private streets and residential driveways shall maintain a minimum vertical clearance of thirteen (13) feet-six (6) inches. **CFC**
10. **HF11:** Fire department access roadway(s) and/or public/private street(s) exceeding one hundred fifty (150) feet in length shall provide an approved turn-around at the terminus (**cul-de-sac**). Minimum radius shall be **not less than forty (40)** feet. Or as approved by the fire marshal. Cul-de-sacs providing access to perimeter emergency access roads shall have a minimum radius of forty four (44) feet. **CFC / APPENDIX D, SBCO TRANSPORTATION STD**
11. **HF12:** Fire department access roadway(s); public/private street(s) and driveways shall not exceed 12% grade. **CBC / APPENDIX D, HMC**
12. **HF13:** Fire department access roadway(s); shall extend to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building.
An access road, approved by the fire dept., shall be provided to within fifty (50) feet of all structures when the natural grade between access road and structure is in excess of 30%.
Where an approved access road cannot be provided, a fire protection system shall be required and approved by the fire department. **CFC**
13. **HF19:** Manually operated gates across fire department access roadways, public and/or private streets and driveways, shall be equipped with approved emergency key-operated “**KNOX**” padlock or box containing key to open the private lock. For **automatic** gates, a “**KNOX**” emergency access switch, shall be installed, at location determined by fire department, and shall over-ride all command functions and open gate automatically upon activation. All automatic gates shall have a manual over-ride for use during loss of electric power. “**KNOX BOX**” request form is available from the fire marshal or may be ordered directly from www.knoxbox.com (specify City of Highland, CA) **CFC – Appendix D Note: The city of Highland also requires an electronic “H” key system (Ord. #320) for multi-family, gated communities or secured storage facilities. HMC**
14. **HF24:** “**NO PARKING – FIRE LANE**” signs shall be posted at locations designated by fire marshal. Fire lane curbs shall be painted red, with white letters stating, “**NO PARKING – FIRE LANE**” on top, not face. **CFC - APPENDIX D**
15. **HF54:** commercial and industrial structures-occupancies and gated complexes shall have a “**KNOX BOX**” system installed on the exterior of the building(s) or complex. location of device to be determined by the fire department. The box shall contain keys necessary to gain access and may contain pre-plans and MSDS information as required by the fire department. New and existing multi-tenant commercial buildings shall provide a ‘**KNOX**’ box large enough to contain keys to access each individual tenant space. Installation location(s) to be determined by

the fire marshal. The box shall contain clearly marked keys to each tenant space or other areas as determined by the fire marshal. **CFC**

WATER:

16. **HF25:** Minimum required fire flow, as determined by i.s.o. formula, is as follows:
COMMERCIAL; GPM = 3000; at 20 psi residual; for 3 hour duration.

System shall be looped with minimum eight (8) inch mains; six (6) inch laterals, six (6) inch risers; six (6) inch dia. Hydrants with two 2 ½" outlet(s) and one 4" outlet.
CFC APPENDIX B AND C

Note: Hydrants shall meet EVWD standards.

17. **HF29:** Fire hydrant spacing shall be:
Commercial retail: 300 FEET
CFC / APPENDIX B AND C.

Note: Existing fire hydrants (off-site) can be included if they meet spacing requirements. Hydrants shall not be located at the 'bulb' end of cul-de-sacs.

18. **HF28:** Fire hydrants shall be installed, inspected and operational as per approved water system delivery plans **prior** to any framing, construction or delivery of combustible materials to project site. **CFC / CFC**

ADDRESSING – IDENTIFICATION:

19. **HF21:** **Commercial and multi-family residential** address numbers shall be displayed on all **new and existing** structures in such a manner as to be plainly visible and legible from the access roadway or street. Numerals shall be of a contrasting color to the building and electrically illuminated.

Minimum size of the numerals shall be **8" height, 3/4" stroke**, or as approved by the fire marshal.

Industrial occupancies shall have address numbers of 12" height, 1" stroke and shall be electrically illuminated so as to be visible and legible from access roadway or street.

Note: Depending on height and setback of a building, larger numerals may be required and at additional locations on the building, as determined by a case-by-case review.

HMC

20. **HF22:** Commercial-retail structures with rear access shall display address numbers on rear entry doorways, **4" in height, 1/2" stroke**, on contrasting background. **CFC**

FIRE PROTECTION & ALARM SYSTEMS:

21. **HF36:** Automatic fire sprinklers shall be installed according to **NFPA 13** and fire dept. requirements. Submit three (3) sets of shop plans with material cut sheets and hydraulic calculations, indicating the type of occupancy, type of materials to be stored (if any), for fire dept. review and approval prior to any installation. Submit copy of California C-16 license. **CFC; CBC; HMC**
22. **HF37:** Automatic fire sprinkler control devices (P.I.V & O.S.&Y.) Shall be visible from fire dept. access roadway, and identify system being controlled and address of structure.
Fire Dept. Connection (FDC) shall be located no closer than forty (40) feet and not to exceed one hundred fifty (150) from structure. Required fire hydrant shall have a maximum distance from FDC of thirty (30) feet. FDC shall identify address and system of structure being protected. **CFC**
23. **HF41:** A minimum of one 2A-10BC fire extinguisher shall be installed for each 3,000 sq.ft. of floor area. Travel distance to any one fire extinguisher shall not exceed 75 feet. Additional fire extinguishers, size and class to be determined by fire department, may be required. Fire extinguishers shall be serviced bi-annually and shall have a current State Fire Marshall service tag attached. Fire extinguishers are to be serviced every two years and inspected & tagged every year. **CFC; NFPA**
24. **HF43:** An automatic fire detection and alarm system meeting the requirements of CFC 907, CBC and NFPA 72 shall be installed. Three (3) sets of shop plans with material cut sheets and calculations shall be submitted to the fire department for review and approval prior to installation. **CFC; CBC; NFPA**
25. **HF60:** California Fire Code, **FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION**, shall apply to this project. it is the responsibility of the project manager to meet with the fire marshal to discuss requirements specific to this project.
26. **HF61: TENANT IMPROVEMENT.** Review the 'tenant improvement information' handout. If any of the items listed apply to this project, they must be included in the 'fire department notes' section on the plan.

Craig Sanchez, Fire Marshal
City of Highland Fire Prevention
(909) 864-8732 x 248

Building and Safety Division Conditions of Approval

Date: January 15, 2024
Project: 4,800 sqft Major Auto Repair Shop with 5 bays
Applicant: Johnny Carlos Rueda
Site Location: 26503 Base Line
Project Numbers: CUP: 23-001 DRA: 24-001
APN(s): 1192-331-03

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

- (3) Architectural Plans
 - (3) Project Condition of Approval from all departments:
To be included in Architectural plan set at plan submittal.
 - (3) Structural Plans
 - (3) Plot/Site Plans
 - (3) Electrical Plans
 - (3) Electrical Load Calculations
 - (3) Exiting Plans
 - (3) Plumbing Plans/Isometrics
 - (3) Mechanical Plans
 - (3) HVAC Duct Layout Plans
 - (3) Precise Grading Plans
 - *Grading, Photometric, or Landscape Plans: Please mark "FOR REFERENCE ONLY"*
 - (3) Site Disabled Access Plan
 - (3) Temporary Construction Fence Plan
 - (2) Roof and Floor Truss Plans
 - (2) Title 24 Energy Calculations
 - (2) Soils Report
 - (2) Structural Calculations
 - (1) Fire Flow Test – At submittal with hydrant location dimensioned on the site plan.
- Provide before permit issuance.
- (1) East Valley Water District (EVWD) – A copy of the signed Discharge Permit Application

2. All structures shall be designed in accordance with the current version of the California Building Codes at the time of submittal (Currently the 2022 codes), including the California Green Building Standards Code. Design all structures to Risk Category II at exposure "C" (ASCE7-22), and Energy Climate Zone 10.
3. All onsite utilities are to be underground. As approved by the Planning Division, utility cabinets and transformers are exempt.
4. All construction projects shall comply with the NPDES Stormwater Best Management Program. Prior to building permit issuance submit a copy of the Water Quality Management Program Report. (WQMP)
5. All deferred plan items & required deputy inspections are to be identified on the plans cover sheet.
6. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits and access to normal paths of travel. The accessible route(s) of travel shall be the most practical direct route from each site arrival point.
7. All dead and removed trees and foliage is to be properly removed from the site.
8. The City enforces the State of California provisions of the California Building Code disabled access requirements. The Federal Americans with Disabilities Act (ADA) standards may differ in some cases from the California State requirements; therefore, it is the building owner's responsibility to be aware of those differences and comply accordingly.
9. All construction materials, which are not used, shall be recycled pursuant to the requirements set forth by Ordinance No. 269. Receipts from the recycle company responsible for picking up the materials shall be kept in the construction office. After the construction is complete and before final occupancy, the trash receipts shall be forwarded to the City Public Services division.
 - a. Prior to Permit issuance – The permit holder shall register a project Construction & Demolition Debris Program application for self-haul or contract services through the City's Franchise hauler.
10. The building is to be connected to the public sewer system, when provided or within 250 feet of the nearest sewer main
 - a. When the public system is not available, an onsite septic system is to be installed. Please provide Building Staff with a will-not/sewer not available letter from East Valley Water District (EVWD) and an approved septic system design from the Santa Ana Regional Water Quality Control Board (please contact Susan Beeson at (951) 782-4902). An approved design

with percolation test will be required to be submitted to Building & Safety for separate review and permitting prior to issuance of a building Permit.

11. Prior to building permit issuance - submit copy of the East Valley Water District (EVWD) –signed Discharge Permit Application to the Building & Safety staff. Discharges into the sewer collection system and POTW could potentially introduce hazardous or undesired matter into the sewage infrastructure.
 - For additional information, please contact a member of the Source Control staff at (909) 806-4222 or via email at sourcecontrol@eastvalley.org. Thank you for your cooperation.
12. Prior to the issuance of Building Permits, site-grading certifications, compaction reports, and survey report shall be submitted to Building and Safety or to Public Works, as applicable.
13. Prior to the issuance of Building Permits, on-site water service shall be installed and approved by the responsible agency. On site fire hydrants shall be approved by the Fire Department. No flammable materials will be allowed on the site until the fire hydrants are established and approved. No flammable construction materials shall be placed on the site without approvals by the Fire Department. All street and access roadways around the project shall be paved for emergency response vehicles before flammable materials are placed on the project. Fire flow tests shall be obtained by East Valley Water District.
14. Prior to the issuance of Building Permits, construction projects requiring fire permits must apply and submit fire plans prior to the issuance of the building permit, including fire sprinkler submittals.
15. Prior to the issuance of Building Permits, provide a receipt from the appropriate Unified School District stating that all school fees have been paid.
(San Bernardino Unified School Districts)
16. Construction projects, requiring temporary electrical power, shall obtain an electrical permit from Building and Safety. No temporary electrical power will be granted to a project unless the following item is in place and approved by Building and Safety and the Planning Division.
 - a. Installation of a construction trailer through the “Temporary Occupancy Permit”, alternatively, a security fenced area where the electrical power will be located. Installation of construction/sales trailers must be located on private property. No trailers can be located in the street unless a permit from the Engineering Department is obtained.
17. A security fence with screening shall protect all construction sites. The fencing and screening shall be maintained at all times to protect pedestrians. All development projects shall submit a construction fencing plan with the construction design plans.

Construction projects that have phased occupancy shall be completely separated by a construction fence that is screened and show the adjusted fence locations at each phase. The construction fencing shall be removed from the site at the completion of the project.

18. On-site toilet facilities shall be provided for construction workers and such facilities shall be maintained in a sanitary condition. Construction toilet facilities of the non-sewer type shall conform to ANSI ZA.3 and on site per NPDES stormwater requirements.
19. Construction activities shall not commence prior to 7:00 a.m. and shall terminate no later than 7:00 p.m. Monday through Saturday with no construction activities preformed during city or Federal Holidays. (Ordinance 420 HMC) unless restricted further by environmental review mitigation.
20. Building and Safety inspection requests must be made by 4:00 pm. on the previous City working day to receive the next business day inspection. Please contact (909) 864-6861, Ext 228.
21. The Developer/Owner is responsible for the coordination of the final occupancy. The Developer/Owner shall request clearances from each department and/or applicable agency at least two weeks prior to requesting a final building inspection from Building and Safety. Each agency shall sign the back of the Building and Safety Job Card, or provide agency approved signed documentation, and provide a copy of the signatures to Building and Safety at the time the final inspection is requested.
22. Prior to final inspection, provide Building & Safety with a flash disk of the approved plans and documents.
23. Building and Safety does not release all meters until final approvals are obtained from all agencies and departments. Commercial and industrial projects, see Policy 295.
24. The Developer/Owner is responsible for the coordination of releasing any Deferral of Development Impact Fees or Bonds after such fees have been paid. The Developer/Owner should be aware, once the deferral notice is sent to the San Bernardino County Recorder's Office; the release process takes two to three weeks. This process will delay final Certificates of Occupancy.

Site Specific Conditions:

25. Provide site accessibility from arrival points, including the pedestrian sidewalk, to all accessible buildings & facilities on site. The trash enclosure shall be accessible to persons with disabilities and located on an accessible route (CBC Section 11B-206.2.1 & 206.2.2)

26. Van Accessible parking - It appears the access aisle and van accessible parking space are not compliant with CBC 11-B 502.2 please adjust.
27. A permit for the demolition of the buildings and canopies only was obtained in 2022 and has since expired without any inspections. Please obtain a new permit to verify the Demolition of the structure, site elements and any foundations. Verify the termination of utility and proper abatement of any onsite underground storage tanks prior to grading activities. Contact the City of Highland Public Services Division for current abatement and documentation requirements include waste hauling/ recycling receipts prior to proceeding any further demolition activities.

Development Impact Fee (DIF) Flyer



**CITY OF HIGHLAND
DEVELOPMENT IMPACT FEES
Effective 4/1/24
Non-Subdivided Development**

	<u>Detached Dwelling</u>	<u>Attached Dwelling</u>	<u>Mobile Home</u>	<u>Commercial Lodging</u>	<u>Commercial/Office</u>	<u>Industrial</u>
Law Enforcement Facilities	\$87	\$137	\$77	\$58	\$0.049	\$0.003
Fire Suppression Facilities, Vehicles & Equipment	\$779	\$252	\$915	\$1,237	\$0.012	\$0.004
Local Circulation System	\$2,814	\$1,879	\$1,465	\$1,484	\$2.628	\$1.818
Regional Circulation System	\$16,409	\$10,956	\$8,539	\$8,653	\$15.319	\$10.599
Regional Flood Control Facilities	\$2,687	\$946	\$1,612	\$943	\$1.011	\$1.250
General Facilities, Vehicles & Equipment	\$3,473	\$3,473	\$3,473	\$1,813	\$1.930	\$1.930
Library Facilities & Collection	\$1,563	\$1,424	\$1,020	N/A	N/A	N/A
Public Use (Community Center Facilities)	N/A	N/A	N/A	N/A	N/A	N/A
Park Land Acquisition & Park Facilities Development	\$3,537	\$3,220	\$2,307	N/A	N/A	N/A
TOTAL:	\$31,349	\$22,287	\$19,408	\$14,188	\$20.949	\$15.604

Notes:

1. Fees applicable City-wide except for East Highlands Ranch which is subject to a different fee schedule. Certain properties fronting Greenspot Road, between Gold Buckle Road and Santa Paula Street, must also pay a Greenspot Impact Fee (Resolution No.1994-037).
2. Fees are per dwelling unit for residential, per lodging unit for commercial lodging, and per gross square footage for commercial or industrial.
3. Fee locked in at time of permit application. (Reso. 2023-040)
4. Fee collected at time of Building permit issuance or occupancy. (Reso. 2023-040)
5. Additional inclusionary housing fees of \$3,750 for all new units required per Resolution 2006-020 & Ordinance 306.
6. Certain projects may be charged an impact fee based on the Alternative Cost Methodology for Regional Circulation (\$383.95 per trip-mile), and for Local Circulation (\$156.00 per trip-mile.)

IMPACT FEE FOR BUILDING EXPANSION

(no charge for first 499 square feet of residential building expansion)

DETACHED DWELLING.....	\$20.899	per square foot
ATTACHED DWELLING.....	\$14.858	per square foot
MOBILE HOME.....	\$12.939	per square foot
COMMERCIAL LODGING.....	\$ 9.459	per square foot
COMMERCIAL/OFFICE.....	\$20.949	per square foot
INDUSTRIAL.....	\$15.604	per square foot



STAFF REPORT

TO THE PLANNING COMMISSION / APPEALS BOARD

DATE: November 19, 2024

FROM: Lawrence Mainez, Community Development Director

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

SUBJECT: A Public Hearing to Consider the Appeal of Administrative Citation No. 15255 issued due to Land use violations related to the unpermitted parking and storage of trucks & tractor-trailers in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code, at the property generally located at 27356 5th St., Highland, CA 92346, Tax Assessor Parcel Number 1201-301-16. Cited: William Graham 1 LLC

APPELLANT: William Graham 1 LLC

RECOMMENDATION: Staff recommends the Planning Commission/Appeals Board conduct the required Public Hearing and uphold Administrative Citation No. 15255 and adopt Resolution No. 2024 - ____.

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

PUBLIC NOTICE: Pursuant to Chapter 2.56, Public Hearing Notices were mailed via First Class Mail, and Certified Mail, Return Receipt Requested, to William Graham I LLC on November 01, 2024 (attached hereto as Attachment "B" and incorporated herein by reference). In addition, on November 01, 2024, staff posted the Public Hearing Notice in the three designated posting locations, and a copy of said Notice was placed on the City's Website (see Affidavit of Posting / Mailing and attached hereto as Exhibit "5" and incorporated herein by reference).

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

BACKGROUND:

May 30, 2024

This case was initiated due to a complaint received regarding an expired business license on the property generally located at 27356 5th St., Highland, CA 92346, Parcel number: 1201-301-16. Further research revealed that the business license for Matheson Postal Services, Inc., Entity #2367, expired on September 30, 2023, and had not been renewed. Code Compliance Officer Gary Chambers contacted Brad Yates, from William Graham 1 LLC, by phone. Mr. Yates stated that Matheson Postal Services Inc. was no longer operating from the property, but two other companies were operating. Further research revealed that Matheson Postal Service Inc. entered into lease agreements on September 23, 2024, with Falcon's trailer Repair, a trailer repair and maintenance company, and AJR Trucking Inc., a mail hauling service that contracts with the United States Postal Service. Both Falcon's Trailer Repair and AJR Trucking Inc. did not have City Land use/Zoning approval to operate on the property nor did they have a City of Highland Business License.

Jun 03, 2024

Analysis by the City's Planning Division determined that the non-conforming trucking company/parking business, Matheson Trucking, had been discontinued for more than 180 days. According to the City of Highland Municipal Code, any new proposed business would need to comply with the Employment District Land Use Table (Table 16.24.030A) and bring the site up to current code standards. Falcons Trailer Repair would not be permitted for trailer repair and storage because the site is not improved and in compliance with code standards for repair work, and storage is not a listed land use in the Industrial Zone District. Additionally, the operation of another trucking services company, AJR Trucking Inc., would not be permitted because the use is not a listed land use in the Industrial Zone District.

Jun. 14, 2024

Code Compliance Officer Gary Chambers arrived at the property to conduct an inspection and observed the parking and storage of semi-trucks and tractor-trailers without City approval or permits. A **Notice of Violation** was mailed to the property owner's address of record by certified mail. A copy of the Notice of Violation was also emailed to Mr. Brad Yates, William Graham I LLC.

- Aug. 07, 2024** The City Attorney's Office sent a letter (attached hereto as Exhibit "3" dated August 06, 2024) to Benjamin S. Brown (Attorney At Law), Allen Matkins Leek Gamble Mallory & Natsis LLP, representing William Graham 1 LLC (property owner), in response to a letter that the City had received from Mr. Brown dated June 24, 2024. The City Attorney's Letter concluded that the current, primary use of the property for semi-truck and tractor-trailer parking and storage was not permitted and not in compliance with the City's Land Use & Development Code. Furthermore, the property owner, William Graham 1 LLC, was requested to cease the current non-permitted and illegal semi-truck and tractor-trailer parking and storage use of the Property.
- Aug. 26, 2024** Code Compliance Officer Gary Chambers arrived at the property to conduct a reinspection and observed the parking and storage of semi-trucks and tractor-trailers without City approval or permits.
- Oct. 01, 2024** Code Compliance Officer Gary Chambers arrived at the property to conduct a reinspection and observed the parking and storage of semi-trucks and tractor-trailers without City approval or permits. Due to continued non-compliance, **Administrative Citation #15255, \$100**, was issued to the property owner. A copy of the citation was emailed to Mr. Brad Yates, William Graham 1 LLC.
- Oct. 08, 2024** Michael Johnson, representative for William Graham 1, LLC, submitted a City of Highland Administrative Citation **Notice of Appeal Request for Hearing** (attached hereto as Exhibit "4"). In response to the property owner's appeal, a stay was placed on further code enforcement action until the appeal is resolved.
- Nov. 01, 2024** Code Compliance Officer Gary Chambers arrived at the property and posted a **Public Hearing Notice** informing the property owner that an Administrative Citation Appeal Hearing had been scheduled for November 19, 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. While posting the Public Hearing Notice, Code Compliance Officer Gary Chambers also observed the parking and storage of semi-trucks and tractor-trailers as well as a large sign advertising, "Parking Available, Hiring Drivers."

CONCLUSION: As evidenced by all inspections conducted and the exhibits incorporated herein by reference, Staff recommends the Appeals Board uphold Administrative Citation No. 15255 and approve the attached Resolution (Exhibit 1). Specifically, the Administrative Citation was issued for the following violations of the Highland Municipal & Development Code:

- I. Highland Municipal Code Section 5.04.030 (A) (Operating without a business license).
- 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).
- III. Highland Municipal Code Section 16.24.030 (Use Regulations for Employment Districts); There is no use specifically listed for the parking and storage of semi-trucks or tractor-trailers in Employment Districts. 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. semi-trucks and tractor-trailers) is only allowed in the Industrial "I" 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 subject property being used for the unpermitted parking and storage of semi trucking services and terminals (i.e. semi-trucks and tractor-trailers) not related to and/or ancillary to an on-site warehousing or similar type use constitutes a violation.

Exhibit "1" Appeals Board Resolution 2024-_____, inclusive of the following attachments:

- A. Administrative Citation, 15255, issued October 01, 2024
- B. Notice of Public Hearing dated November 01, 2024

Exhibit "2" Notice of Violation Letter dated June 14, 2024

Exhibit "3" City Attorney Letter dated August 06, 2024

Exhibit "4" Notice of Appeal, Request for Hearing, dated October 08, 2024

Exhibit "5" Notice of Public hearing (Affidavit of Mailing) dated November 01, 2024

Exhibit "6" Aerial / Site Location Map

Exhibit "7" Case photographs dated Jun 14, 2024

November 19, 2024

Exhibit “8” Case photographs dated August 26, 2024

Exhibit “9” Case photographs dated October 01, 2024

Exhibit “10” Case photographs, Posted Public Hearing Notice, dated November 01, 2024

EXHIBIT “1”

Appeals Board 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 THE VIOLATION EXISTED ON THE PROPERTY IDENTIFIED AS APN: 1201-301-16, GENERALLY LOCATED AT 27356 5th St., HIGHLAND, CA 92346, ON OCTOBER 01, 2024, THEREBY UPHOLDING ADMINISTRATIVE CITATION NO 15255.

WHEREAS, on, October 01, 2024, Highland Staff issued Administrative Citation No. 15255 which is attached hereto and incorporated herein by this reference, for violations of the Highland Municipal & Land Use Development Code on the property located at 27356 5th St., Highland, CA 92346 and,

WHEREAS, Highland Code Compliance Staff served the Citation on October, 01, 2024 to William Graham 1 LLC, who is the Property Owner, ("Appellant") by way of mail, which is attached hereto and incorporated herein by this reference, and,

WHEREAS, the Appellant timely submitted a Request for Hearing Form in order to appeal the Citation to the Planning Commission/Appeals Board, and,

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

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 Appellant that the Planning Commission/Appeals Board would be holding a Public Hearing on November 19, 2024, via certified mail; that Notice is attached hereto and incorporated herein by this reference. The Planning Commission/Appeals Board held a Public Hearing on that Hearing Date, at which time, with all written and oral evidence and testimony from the Appellant, the Public and Staff were considered.
3. Based upon the evidence and testimony presented to the Planning Commission/Appeals Board during the above referenced Hearing, the Planning Commission/Appeals Board finds that violations of the Highland Municipal & Land Use Development Code, Sections 5.04.030(A), 8.32.020(C), & 16.24.030, existed on the Property on the Citation Date, as follows:

A. The Code Compliance Officer arrived at the property on October 01, 2024, to conduct a reinspection. The Code Compliance Officer observed the parking and storage of semi-trucks and tractor-trailers on the property without City approval or permits.

The aforementioned constitutes a Violation of the Highland Municipal & Development Code, and thus the Planning Commission/Appeals Board hereby upholds Administrative Citation No. 15255 and orders Appellant to abate the Violation.

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

PASSED, APPROVED AND ADOPTED this 19th day of November 2024

AYES

NOES:

ABSENT:

ATTEST

Randall Hamerly
Planning Commission/Appeals Board Chairman

Lawrence Mainez
Community Development Director

Attachment(s):

A. Administrative Citation, 15255, issued October 01, 2024

B. Notice of Public Hearing dated November 01, 2024

ATTACHMENT "A"

Administrative Citation, #15255, issued
October 01, 2024

ADMINISTRATIVE CITATIONS

Highland Municipal Code Chapter 2.56 allows designated City officials to issue administrative citations ("Citations") for Municipal Code violations. Unless otherwise specified in the Municipal Code, the fines for most violations are: \$100 for the first Citation, \$200 for the second Citation, and \$500 for the third Citation and subsequent Citations. The fines for most violations of the California Building Code, California Fire Code, Uniform Housing Code, Plumbing Code, Mechanical Code, Electrical Code, Uniform Sign Code and Uniform Code for Abatement of Dangerous Buildings, as adopted by the Municipal Code are: \$500 for the first Citation, \$750 for the second Citation, and \$1000 for the third Citation and subsequent Citations. These fines accumulate within a one-year period from the date of the first Citation. A warning, if issued, does not incur a fine.

CONSEQUENCES OF FAILURE TO CORRECT VIOLATIONS

It is the City's desire to gain voluntary compliance to promote and maintain safe and desirable living and working conditions. When voluntary compliance is not achieved, a Citation may be issued. If the Citation does not result in compliance there are numerous enforcement options that can be used to encourage the correction of violations, including but not limited to civil penalties, abatement, criminal prosecution, civil litigation, recording the violation with the County Recorder, and forfeiture of certain State tax benefits for substandard residential rental property. These options can empower the City to collect fines, demolish structures or make necessary repairs at the owner's expense, and/or incarcerate violators. The City may use any of these options or multiple options to correct the violations.

HOW TO PAY THE FINE

The amount of the fine is indicated on the front of this Citation. You can make a payment by mail or in person to the City of Highland located at 27215 Base Line, Highland, CA 92346. Payment should be made by personal check, cashier's check, or money order payable to the City of Highland. Please write the Citation number and violation address on your check or money order.

If you do not properly appeal the Citation within ten (10) calendar days from the date of service of the Citation as explained below, you have twenty-five (25) calendar days to pay the entire fine, or a penalty fee will be added to the Citation and the case referred to the City's collection agency for further legal action. Payment of the fine and/or penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement by the City.

CONSEQUENCES OF FAILURE TO PAY THE FINE

The failure of any person to pay the fine assessed by the Citation within the time specified may result in a claim being filed with the Superior Court of California, County of San Bernardino, or any other available legal remedy.

RIGHTS TO APPEAL

You have the right to appeal the Citation within ten (10) calendar days from the date of service of the Citation. The date the Citation was personally issued to you is the date of service. Service by registered or certified mail is deemed effective on the date it is served; service by United States mail is deemed effective three (3) days after the date of the deposit. If you were served in multiple ways, the earliest date of service shall prevail.

The appeal must be delivered or mailed on the City's official form, which is available from the City of Highland Finance Department, to the City of Highland Finance Department, 27215 Base Line, Highland, CA 92346. At the time the appeal is filed, it must include a deposit in the amount of the fine specified on the Citation and the administrative hearing fee. Any person who is financially unable to make the advance deposit of the fine and the administrative hearing fee may file a request for an advance deposit hardship waiver available from the City Finance Department, with the appeal.

Failure of any person to properly file a written appeal, including either depositing the full fine amount specified in the Citation and the administrative hearing fee or filing a request for an advance deposit hardship waiver, within ten (10) calendar days from the date of service of the Citation shall constitute a waiver of his or her right to an administrative hearing and adjudication of the Citation, or any portion thereof and the total amount of the fine.

The appeal will result in an administrative hearing before a hearing board and is further appealable. The hearing board's decision is final if not appealed.

If you need further clarification about payment or appeal of the Citation, please call (909) 864-6861. If you need further information about the violations and/or how to comply, please call the issuing officer designated on the front of this Citation.



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

CITATION NO. **15255**

ADMINISTRATIVE CITATION

Date: **10-01-2024** Time: **2:19 pm** (Violation Observed)

☐ WARNING

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

☐ 3rd Subsequent - \$

The payment listed above is due by **10-26-2024** See reverse side for payment and appeal instructions.

Corrections indicated below are required by **10-31-2024**. 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

William Graham I LLC

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

MAILING ADDRESS: **13681 Newport Ave #8201
Tustin, CA 92780**

VIOLATION ADDRESS: **27356 5th St.
Highland, CA 92346**

MUNI. / STATE CODE SECTION VIOLATED VIOLATION DESCRIPTION

HMC 5.04.030A **Business License required.**

HMC 8.37.020 (c) **Violation of any provision of the Highland Municipal or Development Code**

HMC 16.24.030 **Use regulations for employment district**

CORRECTIONS REQUIRED: **Cease operations**

Unpermitted truck parking or storage business from property. Obtain land use approvals or any other applicable permits prior to the establishment of any future uses on the property.

Signature of Issuing Officer

10-01-2024
Issued Date

Printed Name of Issuing Officer

"Mailed"
Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

WHITE COPY: FINANCE

ATTACHMENT “B”

Notice of Public Hearing Dated November 01, 2024



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: November 01, 2024

A PUBLIC HEARING HAS BEEN SCHEDULED BEFORE THE HIGHLAND APPEALS BOARD TO CONSIDER THE APPEAL OF ADMINISTRATIVE CITATION NO. 15255 ISSUED FOR THE FOLLOWING DESCRIBED PROPERTY DUE TO LAND USE VIOLATIONS RELATED TO THE UNPERMITTED PARKING AND STORAGE OF TRUCKS AND TRACTOR TRAILERS.

File Number: APPEALS BOARD ADMINISTRATIVE CITATION
HEARING CASE # 11382

SUBJECT: A Public Hearing to consider the Appeal of Administrative Citation No. 15255 issued for the unpermitted parking or storage of trucks & tractor-trailers in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code on the following Assessor's Parcel Number: 1201-301-16.

PROPERTY OWNER(S): William Graham 1, LLC

VIOLATION ADDRESS/APN: 27356 5th St., Highland, CA 92346, Parcel number 1201-301-16.

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

DATE AND TIME OF HEARING: Tuesday November 19, 2024, at 6:00 PM
(Or soon thereafter)

EXHIBIT “2”

Notice of Violation Letter dated June 14, 2024

Notice of Violation

City of Highland - Community Development Dept.

27215 E. Base Line

Highland, CA 92346

(909) 864-6861

Case Number: 11382



06/14/2024

WILLIAM GRAHAM I LLC
13681 NEWPORT AVE # 8301
Tustin, CA 92780

Subject Property: 27356 5TH ST, HIGHLAND, CA 92346
Property ID Number: 1201-301-16-0000

Dear Property Owner:

An inspection by our Division has determined the property listed above is in violation of following Ordinance(s):

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
8.32.020 C

Discontinuation of Nonconforming Use;
16.08.150(C)

Use regulations for employment districts
HMC 16.24.030

The following action must be taken to correct the above stated violation(s):

Tractor-trailer parking or storage is no longer permitted on the property due to the loss of the legal non-conforming use. Remove all tractor-trailers from the property. Cease any unpermitted business activity, Falcons Trailer Repair, that may be operating from property. Obtain land use approvals and any other applicable permits prior to the establishment of any future uses on the property. Please contact the Planning Division for any questions concerning Land Use.

The correspondence will serve as official notification that the above state violations must be corrected before 07/14/2024. Fines, liens or special assessments may be placed on the property for noncompliance and/or the costs of abatement, repair or demolition by the City.

For further information, you may contact me at (909) 864-6861 ext. 220.

Sincerely,

Gary Chambers
Code Enforcement Officer

EXHIBIT “3”

City Attorney Letter dated August 06, 2024



Kevin G. Ennis

T 213.626.8484
F 213.626.0078
E kennis@rwglaw.com

350 South Grand Avenue
37th Floor
Los Angeles, CA 90071
rwglaw.com

August 6, 2024

VIA ELECTRONIC MAIL
bsbrown@allenmatkins.com

Benjamin S. Brown
Allen Matkins Leek Gamble Mallory & Natsis LLP
600 West Broadway, 27th Floor
San Diego, California 92101

Re: William Graham I LLC - Notice of Violation - Case Number 11382 - Truck and Tractor -
Trailer Parking and Storage Use on 27356 5th Street, Highland CA 92346

Dear Mr. Brown:

The City of Highland is in receipt of your letter dated June 21, 2024. We understand that you represent William Graham I LLC, the owner ("Owner") of property in the City of Highland located at 27356 5th Street (the "Property"). You have responded to a Notice of Violation that the City issued to the Owner on June 14, 2024 regarding the use of the Property for truck and tractor-trailer parking and storage.

In your letter you begin by noting that the City staff indicated on August 8, 2021 and again on September 30, 2021, that the use of the property for truck and tractor-trailer parking and storage was a legal nonconforming use. The Notice of Violation issued by the City on June 14, 2024 also makes that assertion. It is a correct statement that City staff made those statements, and you have included copies of the form and an email from 2021 issued by the City in which those statements appear. However, upon further investigation of the background facts, the City has concluded that this conclusion was only partially correct, as explained below.

According to recent analysis by City staff, truck and tractor-trailer parking and storage has never been a permitted or conditionally permitted *principal* use of the property. It has only been allowed as an *accessory* use to a principally permitted use of property within the Industrial Zone. The City's zonings standards have not changed since truck and tractor-trailer parking and storage commenced on the Property and therefore the current use is not a *legal* nonconforming use but an *illegal* nonconforming use. For these reasons, the right to maintain and continue the use as a *principal* use of the Property does not exist and the use therefore violates the Zoning Code, unless and until it becomes an accessory use to an allowed principal use of the Property.

A. Background Facts.

The City's General Plan designation of the Property is Industrial (I) and the zoning designation is also Industrial (I). The Industrial Zone is a subset of the City's "Employment Districts," which is provided for in Chapter 16.24 of the Highland Municipal Code and the uses allowed in the Industrial Zone are set forth in Table 16.24.030 A of that City's Code. If a use is not listed, it is not allowed. (Highland Municipal Code Section 16.04.030).

According to City staff, the Property has had those same General Plan and zoning designations since 1988. Under the Industrial (I) zoning designation, truck and tractor-trailer parking and storage has never been listed as a permitted or conditionally permitted use since the adoption of the current zoning designation of Industrial (I) on June 28, 1988 (Highland Ordinance No. 26 adopted the San Bernardino Code by reference and then Highland Ordinance No. 26 was replaced by Ordinance No. 171, which adopted the Zoning Chapter of the Highland Municipal Code on March 8, 1994).

According to City records, prior uses of the Property included commercial office uses such as tax preparation. In your letter, you assert that the Property was then used by Matheson Postal Service, Inc. ("Matheson") from about 2016 in connection with its work for the United States Postal Service. During this time and until recently, Matheson maintained an office use on the property. Truck and tractor-trailer parking and storage was allowed at that time as an *accessory use* of the Property.

The City's Zoning Code defines an "accessory use" to mean "any use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or premises." (Highland Municipal Code Section 16.06.010).

Under the more recent arrangements between the Property Owner and tenants and licensees, the office use (the prior permitted and principal use of the Property) has ceased and the accessory uses (truck and tractor-trailer parking and storage) are continuing but as the predominant and thus principal use of the Property.

In your letter, you recite the more recent history regarding the use of the Property, including a September 2023 license agreement between Matheson and Falcons Trailer Repair ("Falcons") by which Matheson allowed Falcons to use the Property for tractor-trailer parking and storage on the Property. You indicate that in November 2023, Matheson granted another license agreement, this time to AJR Trucking, Inc. ("AJR"), also for tractor-trailer parking and storage. Thereafter, on February 29, 2024, you indicate that Matheson terminated its lease with the Owner and then the Owner entered into license agreements directly with AJR and Falcons for tractor-trailer parking and storage. You attach copies of those documents to your letter.

The City is aware of no facts to contradict that history of license agreements from 2023 to the present. The City is also not currently aware of any facts to indicate that the truck and tractor-

trailer parking and storage has not continued as a use on the Property without an interruption for more than 180 days in the last few years. But as indicated above, and more fully explained below, that lack of interruption in truck and tractor trailer use over the last several years is not the relevant analysis as to whether that use may continue on the Property.

B. Analysis.

The principal issue is that truck and tractor-trailer parking and storage is occurring on the Property as the principal use and such use is not allowed on that site under the City's Zoning Code. You assert that your client is permitted to continue that operation as a *legal nonconforming use* because the use was lawfully commenced and has continued without cessation for many years. However, the use is actually not a *legal nonconforming use* but an *illegal nonconforming use* because truck and tractor-trailer parking has never been a permitted or conditionally permitted use on the property except as an accessory use to a principally permitted use. When the principal and permitted office use of the property ceased, the truck and tractor-trailer parking was no longer accessory to a principally permitted or conditionally permitted use. At that point, its continuance was not permitted and its continuance in a form that has become the principal use of the property violates the City's Zoning Code.

This is in contrast to a situation in which a permitted or conditionally permitted use commences, the zoning is changed so as to not allow the use, and the use becomes legal nonconforming and takes on the benefits and limitations of a legal nonconforming use. The classic definition of a legal nonconforming use is "one that existed lawfully before a zoning restriction became effective and that is not in conformity with the ordinance when it continues thereafter." (*Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 540, fn. 1).

Here, it was not the City's change in its Zoning Code of the allowable uses in the applicable zone that made the use nonconforming but a change in the operation and use of the property from a commercial office use of the property, with truck and tractor-trailer parking as an accessory use, to a truck and tractor-trailer use of the property as the principal and remaining use. Just because a use commences as an accessory use does not mean that it can continue as a principal use when the principal use to which it is accessory ceases to exist on the property. If that were the case, then any accessory use of property would automatically be treated as a permitted principal use of property notwithstanding it commenced when it was only permitted to be an accessory use. Thus, the change in use from an accessory to a principal use converted the use from one authorized by the City's Zoning Code to one not permitted and unlawful, and it was the Property Owner's change of use, and not a change to the City's Zoning Code, that caused the Property to become non-compliant with the City's Zoning Code.

It is well settled that uses that are not permitted on property, even if legal at one point in time as an accessory use, cannot be expanded and become the principal use of the property. That is, an expansion or enlargement of the use from accessory to principal, even if it was legal when

commenced, loses that categorization when converted into a principal use of the property. This principal is explained in *Hansen Brothers Enterprises, Inc.*, at p. 552 as follows:

“When continuance of an existing use is permitted by a zoning ordinance, the continued nonconforming use must be similar to the use existing at the time the zoning ordinance became effective. (See *Rehfeld v. City and County of San Francisco* (1933) 218 Cal. 83, 21 P.2d 419; *City of Yuba City v. Cherniavsky* (1931) 117 Cal.App. 568, 4 P.2d 299.) Intensification or expansion of the existing nonconforming use, or moving the operation to another location on the property is not permitted. (*County of San Diego v. McClurken*, supra, 37 Cal.2d 683, 687–688, 234 P.2d 972. See also 8A *McQuillin*, supra, § 25.206, p.114.) “[I]n determining whether the nonconforming use was the same before and after the passage of a zoning ordinance, each case must stand on its own facts.” (*Edmonds v. County of Los Angeles* (1953) 40 Cal.2d 642, 651, 255 P.2d 772. See also, *Livingston Rock etc. Co. v. County of L.A.*, supra, 43 Cal.2d 121, 127, 272 P.2d 4; *City of La Mesa v. Tweed & Gambrell Mill* (1956) 146 Cal.App.2d 762, 768, 304 P.2d 803.)”

Thus, by expanding the accessory use into the principal use, the right to continue the accessory use in that altered relationship is not permitted and does not retain any rights as a legal nonconforming use. “Changes or additions to the existing use are not protected which make the use more noisome (*County of Orange v. Goldring*, supra, p. 446, 263 P.2d 321), or which enlarge it or tend to make it more permanent (*Dienelt v. County of Monterey*, 113 Cal.App.2d 128, 131, 247 P.2d 925; *Paramount Rock Co. v. County of San Diego*, 180 Cal.App.2d 217, 229, 4 Cal.Rptr. 317).” (*City of Los Altos v. Silvey* (1962) 206 CA 2d 606, 609, in which the court upheld the city’s decision to preclude a change from bottling wines to manufacture of boats and trailers.)

Here, the principal use of the Property was industrial office with accessory parking uses, whereas with discontinuance of the office use, the principal use has become truck and tractor-trailer parking and storage. This is a change in use as well as an alteration or expansion of an accessory use to a principal use.

Any inadvertent error in how City staff labeled the use on a form and email in 2021 does not now preclude the City from correcting that labeling error and enforcing the Code. It is well settled that any error in providing information to a property owner as to the allowed uses of one’s property does not preclude the City from having the ability to enforce its Zoning Code. (“[A]n estoppel will not be applied against the government if to do so would effectively nullify ‘a strong rule of policy, adopted for the benefit of the public....’” (*City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 493, *Golden Gate Water Ski Club v. County of Contra Costa* (2008), 165 Cal.App. 4th 249, 263). “It follows that the doctrine of equitable estoppel will not be invoked as a matter of law even where a property owner relies on a permit issued by the public entity but the permit

violates a zoning ordinance.” (*Golden Gate Water Ski Club* at p. 260, citing to *Pettitt v. City of Fresno*, 34 Cal.App.3d 813, 819 (1973)).

In this case, the City correctly informed the Property Owner that truck and tractor-trailer parking and storage was a nonconforming use, but mislabeled that use as *legal* non-conforming rather than *illegal* non-conforming. However, that error does not preclude the City from clarifying that issue now and seeking compliance with the City’s Zoning Code.

Therefore, the City now seeks to enforce its Zoning Code and hereby notifies the Property Owner that it must bring its Property into compliance with the Zoning Code by commencing a lawful and permitted use of the Property, ceasing the current non-permitted and illegal truck and tractor-trailer parking and storage use of the Property, or both.

The City’s Municipal Code states that “no use of land, and no use, construction, maintenance, operation, reconstruction or enlargement of any building structure shall be allowed unless permitted under the express provisions of this title or by applicable ordinance of the city.” (See Highland Municipal Code § 16.04.030).

Any violation of the City’s Municipal Code is a public nuisance *per se* and may be abated by the City through administrative, civil, or criminal proceedings. (See Highland Municipal Code § 16.04.040.)

C. Appeal to City’s Notice of Violation.

As part of your letter of June 21, 2024, you include a form entitled “City of Highland Administrative Citation Notice of Appeal Request for Hearing.” The City issued a “Notice of Violation” to your client asking the Owner to bring the Property into compliance with the Code by ceasing the truck and tractor-trailer parking and storage uses on the Property. The Notice was not labeled as an Administrative Citation. It did not list or impose any fine. The Notice says that fines may be placed on the property in the future. Chapter 2.56 of the City’s Code provides for the issuance and processing of Administrative Citations. Section 2.56.060 provides the contents of an Administrative Citation shall state the amount of the penalty imposed for the violation. (Section 2.56.060 (D)). The Notice provided to the Property Owner did not state the penalty that was being imposed. Accordingly, the Notice of Violation does not qualify as an Administrative Citation and thus the appeal of the “Administrative Citation” is not timely or applicable because the action appealed (issuance of an Administrative Citation) has not yet occurred. If and when the City issues an Administrative Citation, and the Property Owner seeks to appeal that Citation, the City will process that appeal up to the Planning Commission pursuant to Chapter 2.56 of the Highland Municipal Code.

Prior to having the need to issue any Administrative Citations to the Owner or taking other Code Compliance enforcement actions, the City looks forward to the Property Owner's prompt cooperation in bringing the Property into compliance with the Code.

If you have any questions, please feel free to contact me.

Very truly yours,



Kevin G. Ennis
City Attorney's Office

cc: Maricela Marroquin, City Attorney
Gary Chamber, Code Compliance Officer
Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director

11026-0001\2987841v5.doc

EXHIBIT “4”

Notice of Appeal, Request for Hearing, dated October 08, 2024



City of Highland
Administrative Citation Notice of Appeal
Request for Hearing

In regards to property located at: 27356 5th Street, Highland, California, an Appeal is hereby made relative to Administrative Citation No. #15255 (the "Citation"). It is my desire to Appeal this Citation.

Please select one:

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

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

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

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

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

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

Select one:

☒ This is my first appeal, so I am submitting the advance deposit of the Citation fine and the \$35.00 Administrative Hearing Fee for the first appeal.

☐ This is my first appeal, but I am unable to pay the advance deposit of the Citation fine and the \$35.00 Administrative Hearing Fee, so I am filing an Administrative Citation Hardship Waiver Request.

☐ This is my second appeal, and I have already submitted the advance deposit of the Citation fine and the \$35.00 first Administrative Hearing Fee, so I am submitting the \$35.00 Administrative Hearing Fee for the second appeal.

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

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

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

Basis or reason for this appeal? My property has been an industrial
use for decades and most recently, had a tenant, Matheson Postal Services
in occupancy since 2016 (although I think since 2008). My property had
grandfathered legal, non-conforming status. When Matheson vacated in March 2020
I am delivering or mailing all my documents to: the City immediately issued a code violation
Shortly after Matheson vacated, we
released the property to a similar user.
The City has denied our new
occupant's business license.

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

Today's Date: 10/02/24

Name of Appellant: Michael Johnson - William Graham I, LLC

Address: 13581 Newport Ave, Ste 8301
Twisting, CA 92280

Signature of Appellant: 



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

CITATION NO. **15255**

ADMINISTRATIVE CITATION

Date: 10-01-2014 Time: 2:17 pm (Violation Observed)

☐ WARNING

☒ 1st Citation - \$ 102.00 ☐ 2nd Citation - \$ _____

☐ 3rd Subsequent - \$ _____

The payment listed above is due by 10-21-2014. See reverse side for payment and appeal instructions.

Corrections indicated below are required by 10-31-2014. 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 #: William C. L... DOB: ...

MAILING ADDRESS: 136 1st St - Apt 4 201

VIOLATION ADDRESS: 27356 Base Line

MUNI. / STATE CODE SECTION VIOLATED VIOLATION DESCRIPTION

HMC
5.24.020 Revised noise ordinance

HMC
8.22.020 Prohibition of noise on property

HMC
16.24.030 Leaving debris on property

CORRECTIONS REQUIRED:

Stop the noise on property
Remove debris from property
Obtain a noise abatement order
Pay the assessed fines on the property.

Signature of Issuing Officer

Issued Date

Printed Name of Issuing Officer

Acknowledgement of Receipt (Signature)

**READ REVERSE SIDE
FOR IMPORTANT INFORMATION**

City of Highland-Finance
 12 / 107774
 10/08/2024 12:33:29.000 Reg CASHIER
 Validation Receipt

Payor: LAKE CREEK INDUSTRIAL MICHAEL JOHNSON PRINCIPAL

CHARGES-

3005 \$ 35.00

ADMIN CITE#15255 APPEAL

001.1450.8160

5218 \$ 100.00

ADMIN CITE#15255 PMT

001.1450.8202

Sub-total *****135.00

PAYMENT-

Check - 1397 \$ 135.00

Change *****0.00

City of Highland-Finance
 27215 Base Line
 (907)-864-6861

City of Highland 12 / 107774
 10/08/2024 12:33:29.000 Reg CASHIER

Validation Receipt

Payor: LAKE CREEK INDUSTRIAL MICHAEL JOHNSON PRINCIPAL

CHARGES-

3005 \$ 35.00

ADMIN CITE#15255 APPEAL

001.1450.8160

5218 \$ 100.00

ADMIN CITE#15255 PMT

001.1450.8202

Sub-total *****135.00

PAYMENT-

Check - 1397 \$ 135.00

Change *****0.00

Michael Johnson

Change *****0.00

Change

Check - 1397 \$ 135.00

PAYMENT-

Sub-total *****135.00

001.1450.8160

ADMIN CITE#15255 PMT

3005 \$ 100.00

001.1450.8160

ADMIN CITE#15255 APPEAL

3005 \$ 35.00

CHARGES-

Payor: LAKE CREEK INDUSTRIAL MICHAEL JOHNSON PRINCIPAL

Validation Receipt

10/08/2024 12:27:34.000 Reg CASHIER

City of Highland 12 / 107774

27215 Base Line

(907)-864-6861

City of Highland-Finance

EXHIBIT “5”

Notice of Public hearing (Affidavit of Mailing)
dated November 01, 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 November 01, 2024, I caused to be served a copy of the attached Public Hearing Notice, Case #11382, Certified Mail, Return Receipt Requested, to the following parties: William Graham 1 LLC. 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.

William Graham 1 LLC
13681 NEWPORT AVE # 8301
TUSTIN, CA 92780

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 November 01, 2024.

Dated: 11/01/2024



Nicole Subia, Administrative Assistant III
City of Highland

EXHIBIT “6”

Aerial / Site Location Map



27356 5th St., Highland



EXHIBIT “7”

Case photographs dated Jun 14, 2024



EXHIBIT “8”

Case photographs dated August 26, 2024



EXHIBIT “9”

Case photographs dated October 01, 2024





EXHIBIT “10”

Case photographs, Posted Public Hearing Notice,
dated November 01, 2024



