

PLANNING COMMISSION REGULAR MEETING MINUTES
August 16, 2022 – 6:00 P.M.

CALL TO ORDER

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

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

Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Gary Chambers, Code Enforcement Officer
Ash Syed, Associate Planner
Camille Goritz, Administrative Assistant III

The Pledge of Allegiance was led by Chair Hamerly.

CONSENT CALENDAR

1. Minutes from the August 2, 2022 Regular Meeting.

A MOTION was made by Vice Chair Thomas, seconded by Commissioner Amaya, to approve the minutes as amended. Motion carried, 4-1, with Commissioner Sutorus abstaining.

PUBLIC HEARING

1. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Properties generally located at 25414 Base Line St., San Bernardino, CA 92410, Tax Assessor's Parcel Numbers 0273-242-20, 0273-242-21, 0273-242-22, & 0273-242-23.

Code Enforcement Officer Chambers presented the staff report.

Vice Chair asked what will happen after the 60 days with the public nuisance declared and if it remains in compliance?

Code Enforcement Officer Chambers stated the case will be closed.

Vice Chair asked are there additional citations that will incur to the property owner because of the nuisance declaration?

Code Enforcement Officer Chambers stated no.

Chair Hamerly stated after the 60 days the case would be officially closed. So, for example in 90 or 120 days, if additional trailers were on the property, would that initiate a new case, or would it reopen the same case?

Code Enforcement Officer Chambers stated that would initiate a new case.

Community Development Director Mainez stated once you adopt a notice of declaration and there's noncompliance, the next step is court action. We will take legal steps to compel the owner to comply. We would not start the case over; we would just use the declaration as evidence that we have exhausted our administrative process and take it to court.

Chair Hamerly opened the public hearing.

Property Owner, Laila Darwish stated my brother and I own the property together and have owned it for 30 years and it has been in compliance with City of Highland. I would like to extend my gratitude to Code Enforcement Officer Chambers. We've had experiences in the past and Mr. Chambers has been helpful. We had a tenant rent the property and moved the trucks on the property. Shortly, we received a citation notice and since then the tenant has moved out. Soon we want to develop that property and we will work with the city; you have been gracious enough to give us 30 years to get to a point where we can start working on a new project.

Public Speaker, Jody Scott stated I have been a business client of the said property at the northeast corner of Base Line and Del Rosa Avenue prior to City of Highland. We all know that the further west you go on this city, the uglier our entryway is. It does not preclude someone from having a business, and I was surprised that a notice from the city issued was to declare a public nuisance. I have the definition of a public nuisance from the chapter 8.32 Highland Municipal Code, and it certainly does not relate to any of these things here. They want to tear everything down and have a very nice shopping center as an entryway into the City of Highland. Unfortunately, we have had several things go wrong, two years of COVID-19 and things are just now beginning to pick back up, and I'm asking you to please give them a chance. I previously gave the city photos of the said property when they had received the first notice and the public nuisance having the homeless inside is much more a public nuisance. It is asphalt, they are not parked on dirt, it is clean, and it kept the homeless out of there. I feel sorry for the truckers, if we did not have our truckers, we wouldn't have a lot of things going in our stores today and they have to have some place to park. We don't allow them on the city streets, however, go down to 14th Street and Victoria Avenue, and you will find a dropped trailer loaded. We must work with people as they make a living.

Property Owner, Laila Darwish stated we have a homeless problem and that is why we did not mind having tenants, we like when we have tenants on the property. It was a continuous job for us every day to have somebody go out there and clean up after homeless people. There was somebody looking over the property and now since we no longer have a tenant homeless are around again.

Chair Hamerly closed the public hearing.

A MOTION was made by Commissioner Amaya, seconded by Commissioner Amaya, to Planning Commission/Appeals Board has conducted the required Public Hearing and

adopt Appeals Board Resolution No 2022 – 022, declaring the existence of a public nuisance on Properties generally located at 25414 Base Line St., San Bernardino, California 92410 (within the corporate boundaries of the City of Highland), and order the abatement thereof. Motion carried, 5-0.

RESOLUTION NO. 2022-022

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTIES IDENTIFIED AS APN's 0273-242-20, 0273-242-21, 0273-242-22, & 0273-242-23, GENERALLY LOCATED AT 25414 Base Line ST., SAN BERNARDINO, CA 92410 (WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF HIGHLAND), AND ORDERING THE OWNERS OF THE PROPERTIES TO ABATE THE NUISANCE CONTAINED THEREON.

2. A Public Hearing to Consider the Appeal of Administrative Citation No. 15539 issued due to Land use violations related to the unpermitted parking or storage of semi-tractors & tractor-trailers in accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code, at the properties generally located at 25191 5th St., San Bernadino, CA 92410 (within the corporate boundaries of the City of Highland). Tax Assessor's Parcel Numbers 0279-162-02, 0279-162-03, & 0279-162-04. Cited: Fayez Shahatit.

Vice Chair Thomas excused herself of this item because of a conflict of interest.

Community Development Director Mainez was required to administer the oath.

The Appellant Fayez Shahatit did not want to participate in the oath, therefore will not speak during the item.

Code Enforcement Officer Chambers presented the staff report.

Chair Hamerly opened the public hearing.

Chair Hamerly stated I did not see in the agenda packet what constitutes the basis for the appeal.

Community Development Director Mainez asked do you mean from the appellant?

Chair Hamerly stated correct. If they are contesting the validity of the citation, there should be some sort of a documentation stating why staff was incorrect in making the findings that they if they made.

Code Enforcement Officer Chambers stated that was incorporated an Exhibit 1, Attachment D.

Chair Hamerly stated that was the application, but that was not a basis for an appeal. That was stating we are appealing, and the appellant said that they have current registration and want permission to do it, but they are not contesting the facts of the matter that states are there or are there not vehicles parked on the property.

Commissioner Amaya stated on page 18 it does have basis a reason for this appeal.

Chair Hamerly stated I am saying that they are not contesting the facts of the citation. They're saying why they may disagree with it, but it doesn't refute the evidence. That's a basis for an appeal, that the facts are stated incorrectly and contesting why the citation was ever issued. If the appellant wishes to state why they are appealing and the basis for the appeal, public hearing is open, and we will entertain that input.

The appellant Faye Shahatit declined.

Commissioner Amaya asked if the Applicant has removed the trucks from two of the parcels?

Code Enforcement Officer Chambers stated I did an inspection today and I observed there were still some vehicles on all three parcels.

Chair Hamerly stated additional exhibit given to us prior to the meeting is stating that these semis, tractor, and trailers have been removed. Is that correct?

Code Enforcement Officer Chambers stated I should clarify that there were two vehicles, so two automobiles on one of the parcels and the semis, tractors, and trailers were on the other two parcels.

Chair Hamerly stated ok, so the e-mail exhibit that we have for item 3, is it staff assertion that that is factually incorrect?

Code Enforcement Officer Chambers stated yes, it is incorrect.

Community Development Director Mainez stated the determination tonight is to say, did that violation occur on that day, at the time that it was issued, and staff was presented that that was indeed a fact. All the other information tonight is irrelevant. Whether this is relevant or not, that's up to the appellant and he refuses to speak.

Chair Hamerly stated I understand that however, there is an exhibit, so it is part of the testimony even though it's written, and it's not verbal. I'm trying to clarify that one of the exhibits was in error because it is a statement of fact and is relative to the hearing. It does not support or deny that the citation was rightfully issued, but it has been entered into the record because it has been submitted. I wanted that clarified for the record.

Chair Hamerly closed the public hearing.

A MOTION was made by Commissioner Miller, seconded by Commissioner Sutorus, to the Planning Commission/Appeals Board uphold Administrative Citation No. 15539 and adopt Resolution No. 2022 - 023. Motion carried 4-1, with Vice Chair Thomas abstaining.

RESOLUTION NO. 2022-023

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT THE VIOLATION EXISTED ON THE PROPERTIES IDENTIFIED AS APN: 0279-162-02, 0279-162-03, & 0279-162-04, GENERALLY LOCATED AT 25191 5TH St., SAN BERNARDINO, CA 92410, ON JULY 05, 2022, THEREBY UPHOLDING ADMINISTRATIVE CITATION NO 15539.

3. Conditional Use Permit (CUP-22-004) to construct a 187,870 square foot warehouse and associated improvements, Variance (VAR 22-002) to allow the warehouse building to exceed the maximum building height permitted in the Business Park Zone by 5 feet, Tentative Parcel Map No. 20584 (TPM 22-005) to merge four (4) existing parcels into one (1), and Design Review Application (DRA 22-006) for the project's Site Plan, Landscape Plan, and Building Elevations.

A MOTION was made by Chair Hamerly seconded by Commissioner Sutorus, to continue the item to September 6, 2022. Motion carried, 5-0.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

Public Speaker, Larry Crabtree stated I'm a resident on Cypress Street. I am speaking on the behalf of the development on Cypress and Victoria Avenue. This is a 150-employee parking lot that's going to exit and enter right across the street from my home. Now, I'm not opposed to development, I've been here for 30 years, but this is going to completely turn our world upside down. We don't know if the operation will be 24/7 or if I can come home on a weekend because there is industrial activity. I'm just pleading with all of you folks here who are also residents, this is unnerving. I would like to ask that all of you for the next meeting, maybe to reversed this. That traffic needs to be going onto Victoria Avenue, not onto a residential street, that is my biggest concern. We have children on that street, I understand CEQA, is that impact study public knowledge? I would like to see how that was completed. In my profession I fill out several CEQA applications and I know that it has an impact on the community. The mission statement on the City of Highlands website states City of Highland is dedicated to the betterment of the individual, the family, the neighborhood, and the community. The City Council and 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. Patriot Warehouse is nothing more than a development company, they have no interest in the community. Thank you for your time

ANNOUNCEMENTS

The next Planning Commission meeting is scheduled September 6, 2022.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 6:58 p.m.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission