

PLANNING COMMISSION REGULAR MEETING MINUTES
October 4, 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 6:01 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

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

Absent: Commissioner Edward Amaya
 Commissioner Jessica Sutorus

Staff Present: Lawrence Mainez, Community Development Director
 Gary Chamber, Code Enforcement Officer
 Barrie Owens, Code Enforcement Officer
 Joel Ramos, Code Enforcement Officer
 Matt Wirz, Building Official
 Camille Goritz, Administrative Assistant III

The Pledge of Allegiance was led by Chair Hamerly.

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None.

CONSENT CALENDAR

1. Minutes from the September 20, 2022 Regular Meeting.

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

PUBLIC HEARINGS

2. Conditional Use Permit (CUP 22-009) to permit the development of a contractors equipment rental yard for construction and building equipment that includes a 3,900 square foot warehouse and outdoor storage space. Related entitlements include Design Review Application (DRA 22-012) for the Site Plan, Building Elevations, Grading Plan and Conceptual Landscape Plan, and Parcel Merger (PM 22-001) to combine three (3) parcels into one (1). (APN No.: 1192-641-12,22, & 23)

Chair Hamerly reiterated staff's recommendation to continue this item until October 18, 2022.

A MOTION was made by Chair Hamerly, seconded by Commissioner Miller, to continue the item to October 18, 2022.

3. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 6956 Palm Ave, Highland, CA 92346, Tax Assessor's Parcel Number 1191-471-62.

Code Enforcement Officer Chambers presented the staff report.

Chair Hamerly stated regarding the last recital on the certificate, the property owners requested to obtain a Certificate of Appropriateness from the City's Historic and Cultural Preservation Board, is 60 days enough time for that to occur?

Code Enforcement Officer Chambers stated yes.

Chair Hamerly asked why was the building not condemned? The roof is in danger of collapsing. In my opinion, it would not be safe to enter to do an inspection and it looked like the parapet wall was getting ready to collapse as well. There is a solid crack that is all the way along the plate line where the roof elements intersect the wall.

Code Enforcement Officer Chambers stated I believe that would be the buildings historic value. We would not demolish it; we try to preserve it.

Chair Hamerly stated yes, it is the historic value of the building that's the only thing keeping it from being condemned.

Code Enforcement Officer Chambers stated yes.

Chair Hamerly opened the public hearing.

Chair Hamerly closed the public hearing.

A MOTION was made by Vice Chair Thomas, seconded by Commissioner Miller, to conduct the required Public Hearing and adopt Appeals Board Resolution No 2022 - 036, declaring the existence of a public nuisance on the Property generally located at 6956 Palm Ave, Highland, CA 92346, and order the abatement thereof. Motion carried, 3-0, with Commissioner Amaya and Sutorus being absent.

RESOLUTION NO. 2022-036

A RESOLUTION OF THE PLANNING COMMISSION/APPEALS BOARD OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC NUISANCE EXISTS ON THE PROPERTY IDENTIFIED AS APN 1191-471-62, GENERALLY LOCATED AT 6956 PALM AVE., HIGHLAND, CA 92346, AND ORDERING THE OWNER OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.

4. A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property generally located at 25191 5th St., San Bernardino, CA 92410, Tax Assessor's Parcel Numbers 0279-162-02, 0279-162-03, & 0279-162-04.

Vice Chair Thomas stated I would just like to add for the record that I previously had excused myself from the last hearing, but since there's no financial interest and I attend

the same church as the property owner, I feel like I can be objective and impartial and making the decision for this case.

Code Enforcement Officer Chambers presented the staff report.

Vice Chair Thomas asked has the property owner made any progress and if so, what was the percentage?

Code Enforcement Officer Chambers stated during today's inspection there was no progress, and it looked a little bit worse, to be honest with you.

Chair Hamerly asked has there been any contact with the property owners since the public hearing that we had when they appealed the original citation?

Code Enforcement Officer Chambers stated he's not made any contact.

Chair Hamerly opened the public hearing.

Chair Hamerly closed the public hearing.

A MOTION was made by Commissioner Miller, seconded by Vice Chair Thomas, to adopt Appeals Board Resolution No 2022 - 037, declaring the existence of a public nuisance on the Property generally located at 25191 5th St., San Bernardino, CA 92410 and order the abatement thereof. Motion carried, 3-0, with Commissioner Amaya and Sutorus being absent.

RESOLUTION NO. 2022-037

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 APNS: 0279-162-02, 0279-162-03, & 0279-162-04, GENERALLY LOCATED AT 25191 5TH ST., SAN BERNARDINO, CA 92410, AND ORDERING THE OWNERS OF THE PROPERTY TO ABATE THE NUISANCE CONTAINED THEREON.

5. 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 the NW corner of 3rd St. & Central Ave., Highland, CA 92346, Tax Assessor's Parcel Numbers 1192-561-11, 1192-561-15, 1192-561-16, 1192-561-17, 1192-561-18, 1192-561-19, 1192-561-20, and 1192-561-21.

Code Enforcement Officer Chambers presented the staff report.

Vice Chair Thomas noted during the last correspondence regarding the property owner and the previous correspondence he had responded right away, did they respond to the last one?

Code Enforcement Officer Chambers stated they have not responded since the second email on June 14, 2022.

Chair Hamerly stated the last clause in the conclusion where it states obtain land use approvals or other applicable permits prior to the establishment of any future uses no later than 60 days. Is that requesting all the nuisance items be vacated or is it including

the Applicant to submit the land use approval within the 60 days? It looks like based on the configuration of the parcels that they are in the process of acquiring contiguous properties for doing another larger scale development which may or may not occur within 60 days. I am wondering if the abatement is a standalone clause within that conclusion.

Code Enforcement Officer Chambers stated they need to abate all violations on the properties within 60 days. I'm not sure if the property owner already has an application that has been submitted.

Community Development Director Mainez stated yes, this is our general language and I understand what you are saying. The proposed development for this property did come before the Planning Commission, and they received their entitlements already. It is the warehouse at the corner. Staff should have stated that in the staff report. Staff will make that connection in the Resolution prior to your signature.

Chair Hamerly stated yes, that is one of the recitals stating these were the actions or this is the chronology of the project, so I was trying to place this project in the context of that.

Public Speaker Thomas Magione stated he cleaned the graffiti up and is going to secure the building as of tonight. The graffiti has been cleaned up, the trash has been cleaned to one corner and been dumping it for them because I need access at one of the corners to empty a yard that is adjacent to it because the property owner has restricted me. They have stopped me from using the property to remove my vehicles from the property behind (the subject property) it. The person in the building will be gone, should have already been gone. The motorhome that is there will be gone. The trash will be removed, I have already hauled four loads to the dump. I'm working on it.

Chair Hamerly asked will the site be cleaned and secured within the 60 days from date of notice?

Public Speaker Thomas Mangione stated yes, I will secure it myself. If they don't want to I will secure it myself because I need access to a property adjacent to it (north of the subject property) and the only way I can empty my property or the property I have rented is to use that entrance there (through the subject property).

Chair Hamerly asked so the landlocked parcel that is indicated on here looks like the northernmost parcel that's represented by number 11, would that be the property that you're referring to?

Code Enforcement Officer Chambers stated it is parcel number 10, at 8460 Central Avenue, the parcel number he is referring to is 1192-561-10 which is above parcel 11.

Public Speaker Thomas Mangione stated so if I am allowed to move my vehicles through that gate, I need access to this property to put trucks, trailers, and things on to move them out such as forklifts. If the city will allow me to do that I will in turn keep this property clean and free of graffiti, and I will dump all the trash myself.

Chair Hamerly asked are those acceptable terms to the city?

Code Enforcement Officer Chambers stated we cannot authorize that, that would be between Mr. Mangione and the subject property owner.

Public Speaker Thomas Mangione stated I will contact the property owner myself.

Chair Hamerly stated the speaker is offering to do all the recitals that the city is issued. That is good, but the question before us is whether the citation was issued properly and whether or not there does exist a public nuisance, regardless of the state or abatement thereof at this point in time. So, the representations by the speaker are appreciated, but we would still be declaring the presence of a public nuisance as a matter of record and then it's up to the property owner to comply with the notice.

Community Development Director Mainez stated yes that is correct. I want to point out that the speaker is not an official representative of the property owner. We appreciate him coming and bringing up these points, but that should have no bearing in your decision tonight. It is a civil issue occurring right now, so the last part is accurate. Planning Commissioners need to determine that there is an existing public nuisance.

Chair Hamerly asked is Mr. Rice the owner of the property?

Community Development Director Mainez responded yes, he is

Chair Hamerly closed the public hearing.

A MOTION was made by Vice Chair Thomas, seconded by Commissioner Miller, to adopt Appeals Board Resolution No 2022 - 038, declaring the existence of a public nuisance on the Properties generally located at the NW corner of 3rd St. & Central Ave., Highland, CA 92346, and order the abatement thereof. Motion carried, 3-0, with Commissioner Amaya and Sutorus being absent.

RESOLUTION NO. 2022-038

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 1192-561-11, 1192-561-15, 1192-561-16, 1192-561-17, 1192-561-18, 1192-561-19, 1192-561-20, & 1192-561-21, GENERALLY LOCATED AT THE NORTHWEST CORNER OF 3RD ST. AND CENTRAL AVE. AND ORDERING THE OWNERS OF THE PROPERTIES TO ABATE THE NUISANCE CONTAINED THEREON.

ANNOUNCEMENTS

The next Planning Commission meeting is scheduled October 18, 2022.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 6:36 p.m.

Submitted by:

Approved by:

Camille Goritz, Administrative Assistant III
Community Development Department

Randall Hamerly, Chair
Planning Commission