



**SAN BERNARDINO COUNTY
PLANNING COMMISSION MEETING MINUTES**
County Government Center
Covington Chambers
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415

Thursday, June 18, 2020

COMMISSIONERS PRESENT

Jonathan Weldy, Commissioner, First District
Ray Allard, Vice Chair, Second District
Michael Stoffel, Commissioner, Third District
Gabriel Chavez, Chair, Fourth District
Audrey Mathews, Commissioner, Fifth District

STAFF PRESENT

Heidi Duron, Planning Director, LUSD
Jason Searles, Deputy County Counsel
Steven Valdez, Senior Planner, LUSD
Irene Romero, Associate Planner, LUSD
Lupe Biggs, Administrative Assistant, LUSD

The Planning Commission meeting of June 18, 2020, was called to order at 9:01 a.m. by Chair Chavez. Chair Chavez led the Invocation and Planning Director Heidi Duron, led the Pledge of Allegiance.

Due to the guidance from the California Department of Public Health, the Governor's Executive Order and the San Bernardino County Public Health Officer to stay home a limited number of staff was present at the meeting.

Present at the meeting was Chair Chavez, Planning Director Heidi Duron, Lupe Biggs, Administrative Assistant, Jason Searles, Deputy County Counsel, Steven Valdez, Senior Planner, Irene Romero, Associate Planner and the project Applicant.

Participating remotely was Vice Chair Allard, Commissioner Jonathan Weldy, Commissioner Michael Stoffel and Commissioner Audrey Mathews.

The meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20 dated March 17, 2020, which suspends certain requirements of the Ralph M. Brown Act.

1. a. ADVANCE SCHEDULE

The advanced schedule was presented by Lupe Biggs, Administrative Assistant.

b. DIRECTOR'S REPORT

There were no comments.

c. COMMISSIONER COMMENTS

There were no comments.

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2. PUBLIC HEARING

APPLICANT: Johnny Murad, PE for Huitt-Zollars
COMMUNITY: Chino/4th Supervisorial District
PROJECT NO: PROJ-2019-00004
LOCATION: 13225 Serenity Trail
STAFF: Steven Valdez, Senior Planner
PROPOSAL: General Plan Land Use Amendment from Single Residential (RS-1, 1 acre minimum) to General Commercial (CG) and a Conditional Use Permit for a 3-story, 45-foot-high residential care facility, consisting of 109 units.
CEQA RECOMMENDATION: Mitigated Negative Declaration
EST. TIME: 60 minutes

STAFF PRESENTATION:

Steven Valdez, Senior Planner, presented the staff report and memo to the Planning Commission, which is on file with the Land Use Services Department.

RECOMMENDATION: That the Planning Commission **RECOMMEND** that the Board of Supervisors:

- 1) **ADOPT** the Mitigated Negative Declaration (Exhibit B);
- 2) **ADOPT** the recommended Findings for approval of the General Plan Amendment, and Conditional Use Permit (Exhibit G);
- 3) **ADOPT** the General Plan Amendment to amend the General Plan Land Use Zoning Designation from Single Residential, 1 acre minimum (RS-1) to General Commercial (CG);
- 4) **APPROVE** the Conditional Use Permit for the construction of a 3-story, 45 foot tall residential care facility, consisting of 109 units, subject to the Conditions of Approval (Exhibit D); and
- 5) **DIRECT** the Clerk of the Board to File the Notice of Determination

COMMISSION COMMENTS:

Vice Chair Allard asked for clarification for the onsite septic system. Mr. Valdez explained the size of the septic system is sufficient to accommodate the Project. He added the onsite waste treatment system was reviewed by Environment Health Services and the Regional Water Quality Control Board.

APPLICANT COMMENTS:

Edward Horovitz, the developer and Doug Pancake, the architect for the Project, presented the project plans to the Planning Commission, which are on file with the Land Use Services Department.

Chair Chavez asked how wide is the road that encircles the entire site. Mr. Pancake stated it is 26 feet and added it was designed to meet Fire Department access. Chair Chavez asked how many feet of landscaping is on the north boundary. Mr. Pancake stated it is 10 feet. Chair Chavez confirmed that the site entrance from the southeast corner, Mr. Pancake stated it is. Commissioner Stoffel asked for further explanation of the lighting and exterior wall around the property. Mr. Pancake stated there will be site lighting and discussed the Police Department requirements. He continued stating there is a 6 foot masonry wall along the parcel boundary.

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PUBLIC COMMENTS:

Lester O'Malley, resident of Chino, spoke in opposition of the Project, stating there is no need for the facility in a residential neighborhood. He added the facility will eliminate the views from his home and will change the characteristics of the neighborhood. Mr. O'Malley described the soil in the area and stated the Project is not aesthetically reasonable.

Armando Diaz, resident of Chino, spoke in opposition of the Project, stating he is a firefighter and a dispatcher. He described a colleague's experience with another care facility in Los Angeles County. Mr. Diaz added he moved to his neighborhood for quietness and the facility will bring more sirens. He also described issues with traffic, noise and parking. He ended with stating most of the community is against the Project.

Miguel Cisneros, resident of Chino, spoke in opposition of the Project, stating there are beautiful views from home and he will now be looking into a building. He described the parking issues along Serenity Trail and stated concerns about the perimeter wall.

ADDITIONAL COMMENTS:

Mr. Pancake addressed some of the concerns stated by each public speaker. He also described how emergency vehicles will access the facility.

Chair Chavez asked what the setbacks are on the east property line. Mr. Pancake responded it is about 240 feet. Chair Chavez stated the 71 Freeway is near Serenity Trail and asked if the traffic sounds were taken into account. Mr. Pancake responded the building will act as a sound buffer and described some details.

Abel Diaz Sr., resident of Chino, spoke in opposition of the Project, stating he moved to Chino from Los Angeles. He stated concerns about the parking issues on Serenity Trail. Mr. Diaz added the area is residential and the Project could change the zoning in the area. He ended by describing the family care for his father.

Tami Taylor, resident of Chino, submitted comments in opposition to the Project via email, which is on file with the Land Use Services Department.

Chair Chavez asked Mr. Valdez to discuss the traffic impact. Mr. Valdez stated the Department of Public Works Traffic Division found no issues.

COMMISSION ACTION:

Commissioner Weldy made a motion to approve staff's recommendation. Commissioner Stoffel seconded the motion. The motion passed with a 5-0 vote.

COMMISSION VOTE

MOTION: Weldy
SECOND: Stoffel
AYES: Chavez, Allard, Weldy, Stoffel and Mathews
NOES: None
RECUSED: None
ABSENT: None
ABSTAIN: None

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3. PUBLIC HEARING

APPLICANT: County of San Bernardino Land Use Services Department
COMMUNITY: Countywide
PROJECT NO: PMISC-2020-00005
LOCATION: Countywide
STAFF: Irene Romero, Associate Planner
PROPOSAL: Development Code Amendment to correct text errors and add clarification to various sections of the County Development Code. This amendment includes revisions to the following topics: Recreational Cabins, Manufactured Homes over 10 years old, Sign Regulations, Lien Agreements, Floodplain Overlay, Community Gardens and Contiguous Abutting Parcels.

CEQA RECOMMENDATION: Notice of Exemption
EST. TIME: 30 minutes

STAFF PRESENTATION:

Irene Romero, Associate Planner, presented the staff report and memo to the Planning Commission, which is on file with the Land Use Services Department.

RECOMMENDATION: That the Planning Commission:

- 1) **DIRECT** staff to prepare an ordinance amending Title 8 of the County Code as recommended in the staff report and illustrated in the draft ordinance, presented in Exhibit A as red-line changes to the existing Development Code text (the Ordinance).
- 2) **RECOMMEND** that the Board of Supervisors take the following action:
 - A) **ADOPT** the proposed Ordinance amending Title 8 of the County Code related to the corrections of minor errors, addition of an allowed use, clarifications of existing language, remove and update references, expand a use definition, and update department decisions or actions no longer required or performed in the various sections listed in the Ordinance.
 - B) **ADOPT** the findings as contained in the staff report.
 - C) **DIRECT** the Clerk of the Board to file a Notice of Exemption.

COMMISSION COMMENTS:

Vice Chair Allard asked whether Lien Agreements were removed from the Subdivision Map Act as an acceptable security. Mr. Searles explained the Board of Supervisors' decision to adopt it in 2008 with a sunset date that expired December 31, 2015. He added that it would be removed from the Development Code because it is no longer applicable. Mr. Searles stated the Board of Supervisors are able to reinstate it. Vice Chair Allard stated he is in favor of Lien Agreements as an acceptable security and asked if they are currently allowed since it remains in the Development Code. Ms. Duron responded they are no longer allowed and this recommendation is to remove language.

Commissioner Weldy described his familiarity with Lien Agreements and suggested extending the sunset date. Ms. Duron stated it would need to be discussed with the Board of Supervisors. Mr. Searles stated the Commission can make an alternative recommendation regarding Lien Agreements. Commissioner Weldy suggested asking staff to revise the portion regarding Lien Agreements and extend the sunset date as part of the recommendation to the Board of Super-

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visors. Ms. Duron asked for direction from the Commission to change or remove the sunset date. Chair Chavez clarified the Commission is able to include in the recommendation to the Board of Supervisors to have staff review the language of the Lien Agreement. Mr. Searles provided the Commission additional clarification and information for their recommendation to the Board of Supervisors to keep lien agreements as an acceptable security with no sunset date. Commissioner Mathews stated she was in agreement with Commissioner Weldy's comments.

Commissioner Stoffel asked if people are able to use Recreational Cabins longer than the four consecutive days out of the 30 days allowed. Ms. Duron stated that it was an existing language in the Development Code and with the Commission's recommendation can offer some flexibility on frequent use of Recreational Cabins. Vice Chair Allard asked for clarification on the allowed time within a 30 day period and an example of a recreational cabin. Ms. Duron briefly described the requirements. Commissioner Stoffel asked who is policing the Recreational Cabins. Ms. Duron stated the Building and Safety Division has the most involvement with how the structure is being used. Commissioner Stoffel asked whether staff can study expanded use on Recreational Cabins before it goes to the Board of Supervisors. Ms. Duron asked for direction and clarity of the Commission's recommendation. Commissioner Mathews recalled previous discussions regarding Recreational Cabins. Ms. Duron explained they are for limited recreational purposes. Mr. Searles asked the Commission to provide staff with specific guidance in their recommendation. Vice Chair Allard confirmed that this language does include not camping in the mountains, Ms. Duron responded yes. Commissioner Weldy asked for an explanation of the four day use limit. Ms. Duron stated it is intended to limit use as opposed to a full time residential use. Mr. Searles referred the Commission to the specific section in the Development Code. Commissioner Stoffel suggested amending the timeframe for allowed use to 14 days out of a 30 day period. Ms. Duron asked for clarification of the recommendation regarding Recreational Cabins.

Commissioner Weldy stated the Commission accepts staff's recommendation with removal of the sunset date regarding Lien Agreements and the number of allowed use days for Recreational Cabins.

APPLICANT COMMENTS:

There were no comments.

PUBLIC COMMENTS:

There were no comments.

ADDITIONAL COMMENTS:

There were no comments.

COMMISSION ACTION:

Commissioner Weldy made a motion to approve staff's recommendation. Commissioner Stoffel seconded the motion. The motion passed with a 5-0 vote.

COMMISSION VOTE

MOTION: Weldy
SECOND: Stoffel
AYES: Chavez, Allard, Weldy, Stoffel and Mathews
NOES: None
RECUSED: None
ABSENT: None
ABSTAIN: None

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4. PUBLIC COMMENTS:

Chair Chavez opened the Public Comments at 10:50 a.m. Having no requests to speak, Chair Chavez closed the Public Comments at 10:50 a.m.

5. ADJOURNMENT:

There being no further business, Commissioner Weldy made a motion to adjourn the meeting. Commissioner Stoffel seconded the motion. The meeting was adjourned at 10:50 a.m.

 8/6/2020
Chair Chavez **Date**
Chair Chavez, Planning Commission

 8/6/2020
Heidi Duron **Date**
Planning Director, Land Use Services Department

 8/6/2020
Lupe Biggs **Date**
Administrative Assistant, Land Use Services Department
