



Interoffice Memo

DATE: May 18, 2023

PHONE: 387-4110

FROM: REUBEN ARCEO, CONTRACT PLANNER *RA*
Land Use Services Department

TO: HONORABLE PLANNING COMMISSION

SUBJECT: APPLICANT: ABRAHAM MAIDA & SALAM MAIDA; PROJECT NUMBER: PROJ-2020-00135 (AGENDA ITEM #4)

Since the distribution of the staff report, Staff has received additional comments for the above-referenced Project. These additional comments are attached for your consideration.

RA/lb

From: [John McClendon](#)
To: [Planning Commission Comments](#)
Cc: [Arceo, Reuben](#)
Subject: Planning Commission's 5/18/2023 Agenda Item #4
Date: Wednesday, May 17, 2023 7:43:04 PM
Attachments: [SanBerdo County PC protest_01.let.pdf](#)
Importance: High

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My clients wish to participate in the Planning Commission's May 18, 2023, Public Meeting. As per page one of the Agenda for that meeting, please forward their attached protest letter to the members of the Planning Commission for their review prior to the start of the meeting.

Kindly acknowledge receipt of this email and its attachment.

Thank you.

John G. McClendon
Leibold McClendon & Mann, P.C.
9841 Irvine Center Drive
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LEIBOLD McCLENDON & MANN
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JOHN G. McCLENDON
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May 17, 2023

VIA E-MAIL: PlanningCommissionComments@lus.sbcounty.gov

San Bernardino County Planning Commission
% County of San Bernardino – Land Use Services Department
385 North Arrowhead Avenue, 1st floor
San Bernardino, CA 92415

Re: Public Hearing on Agenda Item #4: Helendale Fuel & Convenience Center
[Applicants: Abraham Maida & Salam Maida / PROJ-2020-00135 & MND]

Honorable Chairman and Members of the Planning Commission:

Leibold McClendon & Mann submits this letter on behalf of several High Desert residents and property owners who are concerned with the above-referenced applicants' request to develop another liquor store (the "Project") in a community that already has plenty of such stores.

I went on the County's website, pulled up the agenda for your May 18, 2023, public meeting, and found the Project listed as "Public Hearing #4." I clicked on the link to the Staff Report and it opened without a problem. Reading through the Staff Report, I came to a section (page 20) briefly summarizing a Mitigated Negative Declaration that the report said had been prepared for the Project and was attached as Exhibit A. However, when I scrolled down to Exhibit A (page 23), all I found was a clickable link, and when I clicked on that link it opened to an Initial Study/Mitigated Negative Declaration for an entirely different project: the "Stewart Almond Warehouse Project—PROJ-2022-00147." (See attached cover page.)

My folks want to review the IS/MND for the Project, not a different project 57 miles away. Without a doubt they and other County residents should be accorded this right.

Moreover, the last sentence of the findings (Exhibit E, pages 77-78) that you are being asked to make in approving the Project is the following finding:

"A Mitigated Negative Declaration is adopted and represents the independent judgment and analysis of the County acting as lead agency for the Project."

Honorable Chairman and Members of the Planning Commission
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How can your commission make this finding with regard to the MND for this Project representing your “independent judgment” when your staff failed to provide you a correct link to that document? (Perhaps staff did this as a test to see if commission members actually review their Staff Reports.)

In my 33 years of providing legal services to cities and counties throughout California on literally hundreds of CEQA and land use matters, I cannot recall a single occasion where a project applicant requested the continuance of a hearing on its project and that request was denied. Given what happened here, I am requesting that you extend my folks the same courtesy by continuing the hearing on your Agenda Item #4 to a later date and instruct staff to provide the correct link to the IS/MND for the Project with their next Staff Report so that my folks and other members of the public can review and comment on it.

If, however, you choose instead to ignore our request and rubberstamp approval of the Project, at least please afford the basic courtesy of letting me know that immediately so that my folks can timely exercise their right to appeal that approval to the Board of Supervisors.

Thank you for your consideration of our request.

Very truly yours,

LEIBOLD McCLENDON & MANN, P.C.

John G. McClendon

By: John G. McClendon

Attachment: IS/MND cover page for Stewart Almond Warehouse Project