



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

**Thursday, April 8, 2021**

**COMMISSIONERS PRESENT**

Jonathan Weldy, Chair, First District  
Ray Allard, Vice Chair, Second District  
Michael Stoffel, Commissioner, Third District  
Tom Haughey, Commissioner, Fourth District  
Kareem Gongora, Commissioner, Fifth District

**STAFF PRESENT**

Heidi Duron, Planning Director, LUSD  
Jason Searles, Deputy County Counsel  
Anthony DeLuca, Senior Planner, LUSD  
Lupe Biggs, Administrative Assistant, LUSD

The Planning Commission meeting of April 8, 2021, was called to order at 9:02 a.m. by Chair Weldy. Chair Weldy led the Invocation and Senior Planner Anthony DeLuca led the Pledge of Allegiance.

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

Present at the meeting was Planning Director Heidi Duron, Deputy County Counsel Jason Searles, Senior Planner Anthony DeLuca, Administrative Assistant Lupe Biggs, the Architect Jay Nelson, Civil Engineer Doug Goodman, Traffic Engineer Jano Baghdanian and Environmental Consultant Marc Blodgett.

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. ROLL CALL**

Chair Weldy and Commissioner Haughey were present at the meeting.

Vice Chair Allard Commissioner, Commissioner Stoffel and Commissioner Gongora participated remotely.

**b. APPROVAL OF MINUTES-FEBRUARY 18, 2021**

Vice Chair Allard made a motion to approve the minutes for February 18, 2021. Commissioner Haughey seconded the motion. The motion passed with a 5-0 vote.

**c. ADVANCE SCHEDULE**

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

**d. DIRECTOR'S REPORT**

Heidi Duron, Planning Director, summarized the approval of the Project for Bobby Nassir and Project for the Chandi Group at the previous Board of Supervisors meeting.

**e. COMMISSIONER COMMENTS**

Commissioner Gongora stated he attended the Bloomington Municipal Advisory Council (MAC) meeting last night and asked staff about the notification process for the area and other communities. He indicated, he wants to increase engagement from the communities. Ms. Duron stated staff is following current Development Code procedures for project notifications. She continued to explain staff is updating the Development Code to match the newly adopted Countywide Plan.

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### 2. PUBLIC HEARING

APPLICANT: Bloomington Hills, LLC  
COMMUNITY: Bloomington / 5th Supervisorial District  
PROJECT NO: P201900307  
LOCATION: 11279 Cedar Avenue/Northeast corner of Cedar Avenue and Jurupa Avenue  
STAFF: Anthony DeLuca, Senior Planner  
PROPOSAL: (1) Policy Plan Amendment to change the Land Use Category from Low Density Residential (LDR) to Commercial (C) on 2.32-acres;  
(2) Zoning Amendment from Single Residential 1-acre minimum (RS-1-AA) to General Commercial (CG) on 2.32-acres;  
(3) Conditional Use Permit for a 5,000 square-foot convenience store and service station with four fueling islands, a 5,324 square-foot canopy, a 2,634 square-foot car wash, a 2,550 square-foot drive thru restaurant, and a 2,244square-foot storage building;  
(4) Appeal of a Director decision to deny a request for a waiver of certain street improvement requirements.  
CEQA RECOMMENDATION: Mitigated Negative Declaration  
EST. TIME: 60 minutes

### STAFF PRESENTATION:

Anthony DeLuca, 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:

1. **DENY** the appeal and affirm the decision of the Directors of Land Use Services Department and Department of Public Works, denying the request for waiver of dedications and street improvements identified in the appeal (Exhibit C).
  2. **RECOMMEND** that the Board of Supervisors:
    - a. **ADOPT** the Mitigated Negative Declaration (EXHIBIT D);
    - b. **ADOPT** the Findings as contained in the staff report (EXHIBIT F);
    - c. **ADOPT** the Policy Plan Amendment to change the Land Use Category from Low Density Residential (LDR) to Commercial (C) on approximately 2.32-acres;
    - d. **ADOPT** the Zoning Amendment to change the zoning designation from Single Residential one-acre minimum Additional Agriculture (RS-1-AA) to General Commercial (CG) on approximately 2.32-acres;
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- e. **APPROVE** the Conditional Use Permit for a Commercial/Retail Center to include a 5,000-sf convenience store and service station with four fueling islands, a 5,318-sf canopy, a 2,634-sf car wash, a 2,550 sf drive-thru restaurant, and a 2,244-sf storage building subject to the recommended Conditions of Approval (Exhibit G); and
- f. **DIRECT** the Clerk or the Board to file the Notice of Determination.

### **COMMISSION COMMENTS:**

Vice Chair Allard asked Mr. DeLuca to point out the utility poles on the plans.

Commissioner Gongora stated the Bloomington MAC has undergone some changes and asked about the notice sent out in 2019. Chair Weldy stated Gary Grossich is present at the meeting and he can respond on behalf of the Bloomington MAC.

Commissioner Gongora noted the memo and comments received from the Colton Joint Unified School District (CJUSD). He asked if staff had responded. Mr. DeLuca stated explained staff received the letter just this morning and have not yet responded. Ms. Duron added staff will have a full response prior to taking the project to the Board of Supervisors.

Chair Weldy asked Deputy County Counsel Jason Searles what if staff's response changes the Recommendation. Mr. Searles explained the direction the Commissioners can take time to review the letter and address the comments. Ms. Duron stated during staff's preliminary notice, they did not receive any comments during the circulation of the environmental document. Chair Weldy asked if it is staff's recommendation that the letter will not alter the current recommendation to the Board of Supervisors. Ms. Duron replied yes and the Environmental Consultant is present for questions.

Commissioner Gongora stated there are issues from the letter regarding the underground storage tanks and school developer fees. He stated in the Mitigated Negative Declaration (MND) there is a discrepancy regarding the impact of the Project. Ms. Duron responded some of the concerns listed in the letter regarding the underground storage tanks are mitigated through the Conditions of Approval from County Fire and Hazmat.

Mr. Searles provided clarification to information on page 47 of the Initial Study/MND, provides analysis of the Project and the distance from the Project to the School. He continued to explain the analysis portion also notes an error in the description on page 6. Chair Weldy asked if there was anyone with CJUSD present. There was no response.

Chair Weldy then asked staff if the denial for the waiver and the recommendation to the Board of Supervisors are separate items, then is the waiver is appealable. Mr. Searles confirmed there are two decisions to be made and the Commissioners are able take vote at the same time or separate and explained what is appealable. Chair Weldy stated the commission will vote on it separately. Ms. Duron stated that in the presentation there was also the option for a Delayed Improvement Agreement. Chair Weldy asked why. Ms. Duron stated it is an option in the Development Code and was requested by the applicant.

Vice Chair Allard asked if the Project will be developed in multiple phases. Mr. DeLuca replied it will be a single phase. Vice Chair Allard then asked whether the Conditional Use Permit (CUP) included the site plan or is it a separate approval process. Ms. Duron replied the recommendation does not state the approval of the site plan, but it is included in the CUP. Vice Chair Allard and Ms. Duron discussed staff's recommendation for further clarification. Vice Chair Allard asked for more information regarding the delay for a dedication. Ms. Duron explained the delay is not for the dedication, it is for the improvements. Ms. Duron and Chair Weldy further clarified the information.

Vice Chair Allard asked to confirm there was only one Initial Study completed. Mr. DeLuca stated there was only one and did an overview of the site plan.

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Commissioner Gongora referenced the Zoning Amendment for the Project and if Senate Bill (SB) 330 is applicable. Ms. Duron explained this was addressed during the adoption of the Countywide Plan. Commissioner Haughey and Ms. Duron discussed the zoning of the Project.

### **APPLICANT COMMENTS:**

Jay Nelson, Architect for the Project, stated he is available for questions.

Chair Weldy asked for further information regarding the waiver. Mr. Nelson explained they found better wisdom to not go through with the waiver and stated he has additional representation to explain the deferral for the Project. Chair Weldy asked whether Item 1 of staff's recommendation should be removed. Mr. Searles provided direction to the Commissioners to still take action. Mr. Nelson explained he is following staff's recommendation regarding the waiver and deferral. Chair Weldy asked if they reviewed the letter from CJUSD. Mr. Nelson replied he had not yet reviewed it. Chair Weldy asked whether the Applicant had reviewed the Conditions of Approval. Mr. Nelson replied yes.

Vice Chair Allard asked who will be assigned to the drive thru. Mr. Nelson replied once the project is approved, and has a better idea of the timeline, then he can look into national chains who are interested. Vice Chair Allard asked about the landscaped area near the drive thru and if it could be used as a sitting area. Mr. Nelson responded it can be and the inspiration for creating the landscaping was to be exceeding the required stacking for the drive thru.

Chair Weldy addressed staff regarding the double stacked lanes. Ms. Duron explained changes could be done as a Minor Revision. Chair Weldy asked if the Commission can give a recommendation that staff has authority to address in the final site plan. Ms. Duron replied a Minor Revision or staff level review is applicable.

Doug Goodman, Civil Engineer for the Project, stated he had reviewed the work completed by the County at the intersection of Jurupa and Cedar Avenue. He continued to explain the Right of Way and street improvements for the area. Mr. Nelson stated they plan on providing enough deferral time for the improvements for further development in the area and giving time to have them done in an effective way. Chair Weldy and Mr. Nelson discussed what future developments for the area could look like and asked how long the deferral is. Mr. Nelson stated the deferral is within a 5-year period.

Vice Chair Allard described the road driving eastbound. He stated he suggested the power be stored underground and feels it is a bigger deal than the traffic. Vice Chair also asked if the water quality and drainage is mitigated underground. Chair Weldy asked if the power poles will be relocated or moved underground. Mr. Nelson replied he is following staff's guidelines. Chair Weldy explained that moving the pole makes more sense and they would not be able to move them underground. Vice Chair stated he thought one pole was required to be moved. Mr. Nelson replied it is the easterly pole.

Jano Baghdanian, Traffic Engineer, discussed and explained the traffic data for the Project. Vice Chair Allard stated he agrees with the concept and asked for clarification for the taper going eastbound. Chair Weldy discussed options for the taper. He also asked why is deferring the improvements better than completing them now. Mr. Nelson replied give time to discuss and consult the best solution for the Project. Chair Weldy stated that provides a complicated process. Mr. Nelson explained his experience and of having done something similar. Chair Weldy added it will be more difficult to execute with multiple tenants. Mr. Nelson discussed his reasonings.

Chair Weldy stated they had an opportunity to review the letter from CJUSD and wants to discuss the content. He asked Ms. Duron to assist with clarifying the location of the Crestmore Elementary School. Ms. Duron responded by stating the correct location is in the analysis of the Initial Study and this will not change the conclusion. She also stated the environmental consultant can provide more information. Chair Weldy then moved to item 2, the concern of the underground storage tanks. Mr. Searles added the CJUSD references Title 5 of the California

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Code of Regulations and explained the criteria for site selections for schools. He continued to discuss the Initial Study does discuss the Project's effect on schools and advised the Code section is not relevant. Chair Weldy stated items 3, 4 and 7 address construction, traffic and noise. Mr. Duron responded that through the Development Code and Conditions of Approval, those concerns have been addressed. Chair Weldy continued to item 5 displacement of future residential development. Ms. Duron referenced the recent adoption of the Countywide Plan and Senate Bill (SB) 330, additional units were added through the Countywide Plan and no longer an issue. Chair Weldy lastly addressed item 6, school developer fees. Mr. Duron replied school developer fees are required and what the amount is at the time of construction is what they will be required to pay.

Commissioner Gongora referenced the recommendations listed for obstructing the noises and if it can be addressed in the Conditions. He then recalled previous comments regarding an 8-foot wall. Ms. Duron stated the project is not immediately adjacent to the school and there are provisions in the Conditions of Approval and Development Code for construction noise. Commissioner Gongora asked if the wall will go up before construction. Ms. Duron replied that is correct. Commissioner Gongora then described a similar topic for another project and asked to Condition an additional 2-feet for the wall. Chair Weldy confirmed with Mr. Nelson is not opposed to building a wall prior to construction. Mr. Nelson agreed and stated the site needs to be graded prior to construction of the wall. Chair Weldy asked staff if that Condition can be added. Ms. Duron stated yes if that is the Commission's recommendation. Commissioner Gongora asked what the Development Code requirement for the height of the wall. Ms. Duron stated 6 feet is the minimum for the Code and explained there is flexibility for a Conditional Use Permit. Chair Weldy confirmed he does not have an issue with the wall. Mr. Nelson replied the developer will be willing to follow County standard for development. Chair Weldy reminded the Commissioners what items to keep in mind for their motion.

Marc Blodgett, Environmental Consultant for the Project, stated he reviewed the letter and the issue with the distance refers to the distance to the campus. He also stated he will prepare a letter to provide a response to CJUSD.

### **PUBLIC COMMENTS:**

Gary Grossich, resident of Bloomington, spoke in favor of the Project, stated he serves on the Colton Planning Commission and Bloomington MAC. He explained in October 2019, the Bloomington MAC approved the Project and three of five members that voted are still participating members. Mr. Grossich discussed other projects along Cedar Avenue. He also stated he is unaware of the CJUSD's concerns and they haven't addressed it with the Bloomington MAC. Mr. Grossich ended by describing some concerns regarding Alcoholic Beverage Control (ABC).

Chair Weldy asked staff if there are concerns of override or ABC. Ms. Duron replied she was not aware of an ABC request as part of this Project. Chair Weldy asked Mr. Grossich if the MAC has opinions of the improvement as part of the initial construction or deferral. Mr. Grossich replied no opinion, the extent was just support for the Project.

### **ADDITIONAL COMMENTS:**

Commissioner Gongora asked for more information about the existing project on Lemon Street and Cedar Avenue. Mr. Nelson stated it is the same operator/owner and it will be rebranded. Commissioner Gongora asked about street lighting elements for this Project. Mr. Nelson described some options and stated he will listen to staff during plan check. Ms. Duron added street lighting is required to be standard for street improvement plans. Chair Weldy stated this is a part of current Code. Commissioner Gongora asked about electrification infrastructure, such as charging structures for vehicles. Mr. Nelson stated the current Building Code does require stations to be installed, but not hooked up. Commissioner Gongora asked if the deferral can be

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changed from 5 years to 2 years. Mr. Nelson explained he still prefers a 5 year deferral. Commissioner Gongora asked for additional information for the timeframe of the deferral. Mr. Nelson asked if he is able to change it to 3 years.

Vice Chair Allard asked if the approval for height of wall and equipment comes at a later date. Mr. DeLuca explained there is a Condition for a silencer package that mitigated noise.

Commissioner Stoffel stated he has concerns for the hours of operation regarding the noise of the dryers for the residents. Mr. DeLuca stated the silencer package mitigates the noise. Mr. Nelson replied he believes the hours of operation are 8:00 a.m. to 8:00 p.m. Ms. Duron stated it would comply with County Noise Standards. Chair Weldy stated we will leave that to current Code and County standards. Commissioner Stoffel asked for a description of the silencer package. Ms. Duron replied it is something required and done on similar projects. Chair Weldy asked if the Commission could receive more information on that at a later time.

The Planning Commissioners discussed and clarified the motion with County Counsel.

### **COMMISSION ACTION:**

Commissioner ~~Haughey~~ Gongora made a motion to approve staff's recommendation, Proposal 1-3. Commissioner Haughey seconded the motion. The motion passed with a 5-0 vote.

### **COMMISSION VOTE**

MOTION: Gongora  
SECOND: Haughey  
AYES: Weldy, Allard, Stoffel, Haughey and Gongora  
NOES: None  
RECUSED: None  
ABSENT: None  
ABSTAIN: None

Commissioner Gongora made a motion to deny staff's recommendation, Proposal 4. Vice Chair Allard seconded the motion. The motion passed with a 5-0 vote.

### **COMMISSION VOTE**

MOTION: Gongora  
SECOND: Allard  
AYES: Weldy, Allard, Stoffel, Haughey and Gongora  
NOES: None  
RECUSED: None  
ABSENT: None  
ABSTAIN: None

### **3. PUBLIC COMMENTS:**

Chair Weldy opened the Public Comments at 11:11 a.m. Having no requests to speak, Chair Weldy closed the Public Comments at 11:11 a.m.

### **4. ADJOURNMENT:**


There being no further business, Commissioner Haughey made a motion to adjourn the meeting. Commissioner Gongora seconded the motion in memory of Anthony Rhodes. The meeting was adjourned at 11:11 a.m.


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**Chair Weldy**                      **Date**  
Chair Weldy, Planning Commission

 6/3/2021  
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**Heidi Duron**                      **Date**  
Planning Director, Land Use Services Department

 6-3-2021  
\_\_\_\_\_  
**Lupe Biggs**                      **Date**  
Administrative Assistant, Land Use Services Department

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