



**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, September 5, 2019**

**COMMISSIONERS PRESENT**

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

**STAFF PRESENT**

Heldi Duron, Planning Director, LUSD  
Jason Searles, Deputy County Counsel  
Suzanne Peterson, Planner II, LUSD  
Magda Gonzalez, Senior Planner, LUSD  
Chrystale Sonick, Executive Assistant, LUSD  
Lupe Biggs, Administrative Assistant I, LUSD

Absent: Ray Allard, Vice Chair, Second District

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The Planning Commission Meeting of September 5, 2019, was called to order at 9:06 a.m. by Chair Weldy. Chair Weldy led the Invocation and Commissioner Chavez led the Pledge of Allegiance.

**1. a. APPROVAL OF MINUTES-JULY 25, 2019**

Commissioner Stoffel made a motion to approve the minutes for July 25, 2019, Commissioner Chavez seconded the motion. The motion passed with a 4-0 vote, with Vice Chair Allard absent.

**b. ADVANCE SCHEDULE**

The advanced schedule was presented by Chrystale Sonick, Executive Assistant.

**c. DIRECTOR'S REPORT**

Heldi Duron, Planning Director, stated that the Lytle Creek North Project would be heard by the Board of Supervisors on September 10, 2019. She advised the Commission on September 19, 2019, the Daggett Solar project would come before the Commission and the High Desert Government Center would be open for the public to comment. She also stated that the Airport Commission would be in attendance for the Daggett Solar item. Lastly, she advised that the Countywide Plan has been taken off calendar.

**d. COMMISSIONER COMMENTS**

There were no comments.

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### **2. PUBLIC HEARING**

APPLICANT:	County of San Bernardino Land Use Services Department
COMMUNITY:	Desert and Mountain Communities/1-3 Supervisorial Districts
PROJECT NO:	P201900058
LOCATION:	Desert and Mountain Regions
STAFF:	Suzanne Peterson, Planner II
PROPOSAL:	Development Code Amendment to revise the regulations relating to Short-Term Residential Rentals in Chapter 84.28.
CEQA RECOMMENDATION:	Notice of Exemption
EST. TIME:	30 minutes

### **STAFF PRESENTATION:**

Suzanne Peterson, Planner II, presented the staff report and memo to the Planning Commission, which report 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 to make the amendments to the Development Code as recommended in the staff report and attachments.
2. **RECOMMEND** the following actions to the Board of Supervisors:
  - a. **ADOPT** the findings as contained in the staff report;
  - b. **ADOPT** the proposed Ordinance amending Title 8 of the County Code (Development Code) to revise the regulations relating to Short-Term Residential Rentals in Chapter 84.28 and Accessory Dwelling Units in Subsection 84.01.060(c); and
  - c. **ADOPT** the findings as contained in the staff report

### **COMMISSION COMMENTS:**

Commissioner Chavez stated that he was pleased with information that was provided by staff.

### **PUBLIC COMMENTS:**

#### **Joshua Tree Office Speakers:**

Miriam Seger, resident of Joshua Tree, registered in favor of the item, stating that she would like to see the following be addressed: max occupancy and fire restrictions. She stated that she would like a hold harmless so that the process can continue for the permits.

Sharon Dove, resident of Morongo Valley, registered in opposition of the item, stating concerns for zoning protection, not enough Law Enforcement Officers, Code Enforcement's back log and protection for single-family residents and for those who are long term renters.

Susan Lefevre, resident of Morongo Valley, registered in opposition of the item, stating that this was a way around for not rezoning as a commercial business. She also expressed concerns for long-term renters that could be impacted.

Clive Wright, resident of Joshua Tree, registered in opposition of the item, stating concerns for the permitting fees being the same for small and larger structures, capacity limits and potential for outside investors.

Patty Hume, resident of Joshua Tree, registered in opposition of the item, stating that she appreciated the staff's efforts on the item. She stated that it was not uncommon for people to have vacation rentals and expressed concerns for the maximum number of occupancy.

Bernard Leibov, resident of Joshua Tree, registered in favor of the item, thanked staff for the responsiveness to the comments at the previous hearing. He asked there to be a check in time

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so guests are arriving at reasonable hours. He also asked that the trash requirement be implemented from the previous version.

Laura McCormally, resident of Yucca Valley, did not register in favor or opposition of the item. She thanked staff for addressing the concerns from the last meeting. She requested that there be a trash restrictions as several properties use one dumpster. She expressed concerns regarding rules and regulations and for clarity on the permit requirements.

Valya Kindelvich, resident of Joshua Tree, registered in favor and in opposition of the item. She stated she was a licensed realtor and moved to the desert because it's residential area. She stated that she was surrounded by eight short-term rental properties and stated concerns for the driving on non-paved roads, flooding issues and lack of law enforcement.

David Irain, resident of Joshua Tree, did not register in favor or opposition of the item stating that he was a business owner and thanked staff for their efforts on the item. He expressed concerns with guests not respecting the community as those who live there and requested that an extra tax be placed on short-term rentals that would go back to the community for infrastructure and roads.

Dawn Bostrom, resident of Joshua Tree, registered in opposition of the item, stating that she moved from Los Angeles to enjoy the quietness of the desert, she now has a short-term rental next door and the guests are outside at late hours of the night. She stated concerns with Code Enforcement not handling the complaints and the sheriff department is too busy to respond to complaints.

Jessie Lutz, resident of Joshua Tree, registered in favor of the item, stating she was a professional residential vacation rentals and that the majority follow the codes and do not disturb neighbors. She requested that the permit fees should be on levels depending on the size of the rental.

Jane Jarlsberg, resident of Joshua Tree, did not register in favor or opposition of the item stating concerns for affordable housing and long term rentals needs. She stated she would like property owners to have liability insurance and for parking restrictions to be implemented.

Pamela Goodchild, resident of Joshua Tree, registered in favor and in opposition of the item, thanking staff for their work on the item and requested permit requirements on long term and short term with separate rules. She stated she liked the electronic communication but had concerns regarding animals being controlled.

Denise Terry, resident of Morongo Valley, did not register in favor or opposition of the item, reciting a personal story about the employment opportunity an Air BNB gave to her in order for her to cover her mortgage. She supports property rights allowing the owner to rent out their home or trailer for income.

Jose Dominguez, resident of Joshua Tree, registered in opposition of the item, stating that a motel was built in front of his house which has caused unsafe activity around the area.

Michele Banas, resident of Joshua Tree, registered in favor of the item but did not wish to speak.

### **San Bernardino Office Speakers:**

Bijan Hakimian, resident of Morongo Valley, did not register in favor or opposition of the item, stated that short-term rentals should be registered based on income and be taxed to help pay for the roads and a portion go back into the community. He requested the item be continued until the CSD could have an opportunity to ask questions.

Gary Stiler, resident of Morongo Valley, registered in favor and opposition of the item, stating concerns with parking and the impact on the desert environment. He also stated that accessory dwelling units were being built in storm flood locations. Lastly, he was in favor with taxes being given to the local communities.

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Darren McGarvie, resident of Joshua Tree, registered in favor of the item, stating that most structures in the desert were alternative structures and would like to see more reference to those structures.

Clint Stocker, resident of Joshua Tree, registered in favor and in opposition of the item, stating his concerns were digital acceptance and that the rules and regulations be posted on the hosting platform.

Mark Johnson, resident of Joshua Tree, registered in favor of the item, stating that the hosting platform was unclear and requested a check list for inspections so the host knows what the County is expecting.

Kirsten Ames, resident of Joshua Tree, registered in favor of the item, stating that she rents out her home seven to ten days a month in order to provide additional income to ultimately purchase the home in full. She stated the short-term rentals not only help the homeowner but also provides local jobs to the community.

Melissa Guzzetta, resident of Irvine, registered in favor of the item, stated that she owned property in Joshua Tree and rents it out not long term but short term so she can enjoy it as well. She also stated that her home used to get broken into when she was not there and since she started renting it out on a short-term basis it has not been broken into.

### **ADDITIONAL COMMENTS:**

Ms. Duron and Jason Searles, Deputy County Counsel, provided clarification regarding the terms owner or legal agent.

Ms. Duron also emphasized that individual permits could have specific language added to them.

Philip Salazar, Code Enforcement Supervisor, stated that in regards to the grace period they have not established a time but are leaning towards 30 days, it was still under consideration.

Commissioner Stoffel and Commissioner Chavez requested further clarification regarding the trash requirement.

Chair Weldy asked if the checklist for inspections could be implemented. Mr. Salazar replied that the application process is online with the checklist included.

Ms. Duron also stated that the permit fees were intended to recoup the cost of permitting and inspections which is for anyone that applies based on issuing the permit.

Mr. Salazar explained the trash requirement stating that it was a pull out service that could be left on the property and the trash company would go in the location and place where it was left and pick it up. This helps with animals not getting into the trash several days before service comes and for residence to not share a large trash bin.

Commissioner Stoffel asked if the fire restrictions could be handled during the permitting process. Mr. Salazar responded that they could condition permits based on the vegetation on the property.

### **COMMISSION ACTION:**

Commissioner Chavez made a motion to approve staff's recommendation. Commissioner Stoffel seconded the motion. The motion passed with a 4-0 vote with Vice Chair Allard being absent.

### **COMMISSION VOTE**

**MOTION:** Chavez

**SECOND:** Stoffel

**AYES:** Weldy, Stoffel, Chavez, Mathews

**NOES:** None

**RECUSED:** None

**ABSENT:** Allard

**ABSTAIN:** None

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### **3. PUBLIC HEARING**

<b>APPLICANT:</b>	Munem Maida
<b>COMMUNITY:</b>	Apple Valley/1 <sup>st</sup> Supervisorial District
<b>PROJECT NO:</b>	P201800369
<b>LOCATION:</b>	8986 Deep Creek Road, Apple Valley
<b>STAFF:</b>	Magda Gonzalez, Senior Planner
<b>PROPOSAL:</b>	Tentative Parcel Map to subdivide 6.28-acres into four (4) lots and a Conditional Use Permit to construct and operate a 4,995 square-foot convenience store with tobacco, beer and type 21 off-site sales, a six (6) fuel pump service station and a 500-gallon propane tank for propane sales.
<b>CEQA RECOMMENDATION:</b>	Mitigated Negative Declaration
<b>EST. TIME:</b>	30 minutes

### **STAFF PRESENTATION:**

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

### **RECOMMENDATION:** That the Planning Commission:

1. **ADOPT** the Mitigated Negative Declaration;
2. **ADOPT** the Findings as contained in the Staff Report;
3. **APPROVE** the Conditional Use Permit for the construction of a 4,995 sq. ft. convenience store with six (6) pump fuel stations, a 500 gallon propane tank of propane sales and an Alcohol & Beverage Control license, subject to the recommended Conditions of Approval;
4. **APPROVE** the Tentative Parcel Map (19991) for the subdivision of 6.28-acres into four (4) lots; and
5. **DIRECT** staff to file the Notice of Determination.

### **COMMISSION COMMENTS:**

Commissioner Chavez asked how many lanes were at the intersection of Rock Spring Road. Ms. Gonzalez responded one in each direction.

### **APPLICANT COMMENT:**

Tom Steeno, with Steeno Designs, representing the Applicant addressed the Commission stating that people wanted the Project for local needs. He stated that as of now residents have to drive a distance to obtain groceries and fueling needs. He referred to the design as a country store in order to fit into the local surroundings. He stated that the fueling would also include diesel for the local horse trailers and big trucks that are frequently used in the area. Lastly, he mentioned that the applicants have multiple projects and have no current concerns with trash or loitering.

### **PUBLIC COMMENTS:**

Judi Schmidt, resident of unincorporated Apple Valley, spoke in opposition of the Project and submitted a letter to the Commission that is on file with the Land Use Services Department. She stated that her residence was at the northeast corner of the Project which was 5 acres of horse property. She referenced her letter and concerns with unmaintained roads and traffic.

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Mike Arias Jr., resident of Apple Valley, spoke in favor of the Project stating that the Project is needed to bring store needs to the community.

Bruce Kallen, resident of Apple Valley, spoke in favor of the Project stating that he owned 6.2 acres near the Project and would like a store close by.

**ADDITIONAL COMMENTS:**

Commissioner Chavez asked if the homeowner behind the Project was in opposition. Ms. Gonzalez stated she did not receive anything in opposition from the owner.

**COMMISSION ACTION:**

Commissioner Chavez made a motion to approve staff's recommendation. Commissioner Mathews seconded the motion. The motion passed with a 4-0 vote with Vice Chair Allard being absent.

**COMMISSION VOTE**

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

- 4. WORKSHOP** Planning Commission Training  
STAFF: Jason Searles, Deputy County Counsel  
The workshop was continued to the next Planning Commission hearing.

**5. PUBLIC COMMENTS:**

Chair Weldy opened the Public Comments at 11:53 a.m. Having no requests to speak, Chair Weldy closed the Public Comments at 11:53 p.m.

**6. ADJOURNMENT:**

There being no further business, Commissioner Stoffel made a motion to adjourn the meeting. Commissioner Mathews seconded the motion. The meeting was adjourned at 11:54 p.m.

  
Chair Weldy \_\_\_\_\_ Date \_\_\_\_\_  
Chair Weldy, Planning Commission

  
Heidi Duron \_\_\_\_\_ Date 10/3/2019  
Planning Director, Land Use Services Department

  
Chrystale Sonick \_\_\_\_\_ Date 10/3/19  
Executive Assistant, Land Use Services Department