



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

Thursday, February 18, 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 February 18, 2021, was called to order at 9:03 a.m. by Chair Weldy. Planning Director Heidi Duron led the Invocation and Administrative Assistant Lupe Biggs 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 Chair Jonathan Weldy, Vice Chair Ray Allard, Commissioner Tom Haughey, Planning Director Heidi Duron, Deputy County Counsel Jason Searles, Senior Planner Anthony DeLuca, and Administrative Assistant Lupe Biggs, Applicant and Owner Nachhattar Chandi, CEO Toni Merrihew, Civil Engineer Mark Chapel, Traffic Engineer Fred Minagar and Consultant Rodger Hernandez.

Participating remotely was Commissioner Michael Stoffel, Commissioner Kareem Gongora, Public Works Traffic Engineer Anthony Pham and Environmental Consultant Bill Vosti,

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. APPROVAL OF MINUTES- OCTOBER 22, 2020 AND DECEMBER 3, 2020

Chair Weldy made a motion to approve the minutes for October 22, 2020. Vice Chair Allard seconded the motion. The motion passed with a 3-0 vote. Commissioner Haughey and Commissioner Gongora abstained from voting.

Vice Chair Allard made a motion to approve the minutes for December 3, 2020. Commissioner Stoffel seconded the motion. The motion passed with a 3-0 vote. Commissioner Haughey and Commissioner Gongora abstained from voting.

b. ADVANCE SCHEDULE

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

c. DIRECTOR'S REPORT

Heidi Duron, Planning Director, provided an update regarding the Jurupa Truck Facility Project from the previous meeting. She explained staff is working with the applicant, Bobby Nassir, prior to presenting the item to the Board of Supervisors as directed by the Planning Commission. Ms. Duron announced the tentative date for the item is at the beginning of April.

d. COMMISSIONER COMMENTS

There were no comments.

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2. PUBLIC HEARING

APPLICANT: Chandu Enterprises, LLC
COMMUNITY: Bloomington / 5th Supervisorial District
PROJECT NO: PROJ-2019-00079
LOCATION: 10951 Cedar Avenue
STAFF: Anthony DeLuca, Senior Planner
PROPOSAL: A Conditional Use Permit, Tentative Parcel Map, and Zoning Amendment for a Commercial/Retail Center to include a 7-pump truck fueling canopy, 8-pump auto fueling canopy, 9,900 square foot convenience store, 3,000 square foot quick service drive-thru restaurant and 2,800 square foot quick service drive thru restaurant, on 8.9 acres.
CEQA RECOMMENDATION: Mitigated Negative Declaration
EST. TIME: 30 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 recommend that the Board of Supervisors:

1. **ADOPT** the Mitigated Negative Declaration (EXHIBIT C);
2. **ADOPT** the Findings as contained in the staff report (EXHIBIT D);
3. **ADOPT** the Zoning Amendment to change the zoning designation from Single Residential one-acre minimum Additional Agriculture (RS-1-AA) to General Commercial (CG);
4. **APPROVE** the Conditional Use Permit for a Commercial/Retail Center to include a 7-pump truck fueling canopy, 8-pump auto fueling canopy, 9,900 square foot convenience store, 3,000 square foot quick service drive-thru restaurant and 2,800 square foot quick service drive thru restaurant, subject to the recommended Conditions of Approval (Exhibit A);
5. **APPROVE** Tentative Parcel Map 20192 to subdivide 8.9 acres into four parcels, subject to the Conditions of Approval; and
6. **DIRECT** the Clerk or the Board to file the Notice of Determination.

COMMISSION COMMENTS:

Vice Chair Allard asked staff to clarify the zoning changes and the updated Countywide Plan. Ms. Duron explained there is now more than one map in the Countywide Plan and it takes time to complete the compatible zoning for properties effected. She continued to state it is up to the applicant to wait or choose to move forward then they would also need to include a Zone Amendment. Chair Weldy asked when the Zoning Designation will go into effect. Ms. Duron replied about 6 months and detailed staff's ongoing work. Vice Chair Allard confirmed the Project falls under the governor's mandate regarding residential and commercial properties. Ms. Duron clarified the Project does have the Senate Bill 330 (SB330) component.

Vice Chair Allard stated he did not see a detention basin on the site plan. Mr. DeLuca pointed out the location and stated he will have the applicant address the details. Vice Chair Allard then discussed his concerns regarding the parcel map and asked if they would be recording a set of

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Covenants, Conditions and Restrictions (CC&Rs). Mr. DeLuca responded he had believed so and this can be address with the applicant. Chair Weldy stated he shared Vice Chair Allard's concerns. He went on to explain the parcels do not have independent access. Chair Weldy asked if Reciprocal Access Agreement has been addressed in the Conditions of Approval. Ms. Duron and Mr. DeLuca replied they would check Chair Weldy then detailed his concerns about to truck parking and potential parcel access issues.

Vice Chair Allard emphasized he wanted to understand where the Water Quality Management Plan (WQMP) basins are. He then addressed the memo from staff that directs this item is not a truck stop. Ms. Duron and Mr. DeLuca explained the conditions the applicant has agreed to, such as no overnight parking. Vice Chair Allard asked how that will be enforced. Mr. Searles discussed the vehicle code allows the property owner to ask vehicles to be removed and enforcement would be from the County. He noted that entitlements could also be revoked if the property owner does not comply. Vice Chair Allard added that since the item is a Conditional Use Permit (CUP) is also subject to periodic review.

Commissioner Stoffel confirmed the east and south sides are residential parcels. He asked if there will be an additional buffer in the future, such as a street on both sides. Mr. DeLuca replied that Traffic may be able to answer the question. Ms. Duron stated it is a possibility with the development of those parcels and when a future use is proposed.

Commissioner Gongora asked what information was provided to the Bloomington Municipal Advisory Council (MAC) in 2019 and summarized some of the concerns from the school district's letter. Mr. DeLuca clarified the original site plan had included a second restaurant, truck and car wash. He stated the applicant can speaker further to the downsizing of the Project. Ms. Duron explained the school district and the Applicant did meet and it was understood that issues were resolved. She stated environmental consultant is available on the conference line for questions. Ms. Duron specified the school district did ask for the item to be continued and the Applicant wishes to proceed.

Commissioner Gongora stated the applied screening tables are not up to standard for Greenhouse Gas admissions and do not meeting Senate Bill (SB32) requirements. He then asked what mitigations have been proposed since the modifications to the Project. He also asked what is being planned to ensure truck routes will not impact traffic flow in the area. Ms. Duron replied the Project's uses had been reduced. She continued to clarify there are mitigations for Traffic and Greenhouse Gas. She also reiterated the traffic engineer, Traffic Division staff and the environmental consultant were also available for responses.

Chair Weldy stated the Commission will circle back to Traffic and Greenhouse Gas (GHG) items after Applicant comments.

APPLICANT COMMENTS:

Amond Chandi, family member, made a brief statement on the family history and staff that are present. Rodger Hernandez, Representative for the Applicant, gave a Project overview and presented a PowerPoint to the Planning Commission, which is on file with the Land Use Services Department.

Vice Chair Allard asked, referencing the site plan, why the trucks will be routed to go west and not east. Mr. Hernandez explained it was a recommendation by former Supervisor Josie Gonzalez and they are upholding the request.

Mr. Hernandez addressed the letter from the school district and he stated they both have met. He described that the Applicant and County are working together to ensure the district's concerns are addressed in the Conditions of Approval.

Chair Weldy noted the Commission would like to hear from the Applicant's Environmental and Traffic staff regarding air quality. He affirmed the left hand exit on Santa Ana Avenue along with traffic flow concerns him and he wants to address the parcel map, to clarify if there is a Reciprocal Easement in the Conditions of Approval.

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Vice Chair Allard asked if and why the fuel tanks are above-ground tanks. Mr. Hernandez replied their engineers are present to respond. He did confirm that a Reciprocal Easement is included for this Project. Ms. Duron confirmed it is not currently documented in the Conditions and staff would include that before it goes to the Board of Supervisors. Chair Weldy recommended to make it a Condition for the parcel map.

Mark Chapel, Civil Engineer for the Project, stated a Reciprocal Access Agreement is a standard for all their projects that are subdivided. Vice Chair Allard asked for a description of what that will include, such as access, parking and drainage. Mr. Chapel explained the easement will be for parking, traffic and water quality management. He stated maintenance and utilities will be included in two separate easement. Mr. Chapel then addressed water quality management and storm water runoff comments. He explained the parking adjacent to Cedar Avenue has underlying line work, which involves underground storm water infiltration. Mr. Chapel concluded by confirming the site will have above ground fuel tanks and noted they will be screened. Vice Chair Allard asked in which direction the water will drain. Mr. Chapel replied northeast to southwest, pre and post development. Vice Chair Allard asked for further clarification regarding the catch basin. Mr. Chapel discussed and explained the concept grading plan that was removed from the tentative parcel map. Vice Chair Allard summarized the information to ensure it was understood. Mr. Chapel continued to explain the drainage and safe outlet on Cedar Avenue. Vice Chair Allard asked whether there is a slope in the area. Mr. Chapel described their current work across Cedar Avenue to provide a garden wall and retaining wall. Vice Chair Allard asked if Santa Ana Avenue will have a median. Mr. Chapel replied it classifies as secondary arterial and will not include a median.

Chair Weldy inquired about site lighting and asked how it is being managed for the neighbors.

Fred Minagar, Project Manager, stated he has been working closely with the County Traffic Division. He described the project's progress and various revisions. He went on to explain in detail traffic data, safety measures they are taking and how they have adhered to regulations and requirements.

Vice Chair Allard asked if the traffic signal at Cedar Avenue is in the permanent location. Mr. Minagar replied he believed so. Vice Chair Allard also asked for information on how the project was downsized. Mr. Minagar described the Project was downsized from the proposed Land Use plans, such as they reduced the number of fueling pumps. Mr. DeLuca explained the original site plan had included a truck and car wash, plus an additional restaurant. Ms. Duron added the Project was downsized relative to the Project description. Vice Chair Allard reiterated his statement regarding the traffic signal and he expected more going towards it. Mr. Minagar explained it is an inexpensive aspect. He continued to detail various studies that were completed and described the infrastructure improvements in the area. Vice Chair Allard asked if the pork chop-median in the intersection allows for a free right-hand turn. Mr. Chapel responded the pork chop island will remain where it is and allows for a free right-hand turn with a Yield sign. He added the right turn movement allows for the traffic signal to go unchanged and accommodates truck traffic. Vice Chair Allard asked how wide the turn is. Mr. Chapel replied it is 22 feet wide. Vice Chair Allard then asked about striping for bike lanes. Mr. Chapel answered those will be worked on during the final construction. Vice Chair Allard asked whether a Vehicle Miles Traveled (VMT) analysis was completed. Mr. Minagar replied yes and it's comprehensive for the Project.

Commissioner Gongora referenced the Traffic Impact Analysis and the project fits the criteria of a truck stop, which has residents concerned. Mr. Minagar clarified the truck stop element has been reduced and compared different truck stops in California. He went on to explain the way they analyze the traffic for this kind of Land Use. Ms. Duron added the Project is not being approved as a truck stop and analysis does a worst case scenario. He continued to clarify it allows for truck parking and provides services to the local community. Mr. Minagar stated we analyzed as truck stop for worst case scenario and will be far less. He further discussed they

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wanted to bring value to the community and accommodate proposed Land Use Trip generation. Commissioner Gongora stated he understood the worst case scenarios, but he also is aware of future impacts and other concerns.

Bill Vosti, Rincon Environmental Consultant for the Project, stated he was available to take questions. Commissioner Gongora stated he has concerns regarding the Greenhouse Gas (GHG) and Air Quality tables mitigation measures. Mr. Vosti went on to explain the GHG study in detail. Commissioner Gongora specified in regards to Air Quality Impact, how were additional trucks measured. Mr. DeLuca clarified the original site plan included 40 spaces for trucks and the numbers was not increased from a lower number. Mr. Hernandez added the proposed number of parking stalls has always been 40 and not 11.

Chair Weldy stated he had concerns about lighting for neighbors. Nachhattar Chandi, Chandi Group owner, responded that the lighting will be provided by photometric and complies with County Code. Chair Weldy asked where the delineation can be found for the residents. Ms. Duron replied Condition number 75 addresses the topic of lighting.

PUBLIC COMMENTS:

Greg Young, resident of Bloomington, spoke in opposition of the Project, stated he is with the West Valley Water District 5. He explained issues with ground water contamination from the basin runoff and asked the Project go back to the Bloomington MAC for further review.

Nancy Telizyn, resident of Bloomington, spoke in opposition of the Project, stated this is another truck project that is being proposed for the area. She asked if there are plans for putting another lane on Cedar Avenue. Ms. Telizyn described traffic she has observed on Santa Ana Avenue and Cedar Avenue. She asked if school traffic was taken into the account.

Roxanne Bazo, resident of Bloomington, spoke in opposition of the Project, declared she heard a truck scale is associated with the Project. She stated concerns regarding sound, safety and asked if any security will be onsite. Ms. Bazo stated she took notes at the previous MAC meeting and referenced her notes.

Elizabeth Fleener, resident of Bloomington, spoke in opposition of the Project, described the changes she has seen occur in the community. She stated the roads are damaged, there are safety concern trucks break down that add to traffic and air quality is unhealthy. Ms. Fleener stated the community needs family-owned restaurants and retail locations, not a truck stop.

Gary Grossich, resident of Bloomington, did not register in favor or in opposition, noted he is a member of the Bloomington MAC and asked for additional time to review the item. He described the communication between the MAC and Chandi Enterprises. Mr. Grossich explained the context of the meeting that had took place. He stated Chandi did not follow-up with Project updates and he was not notified of the status till October 2019. He described the project effect on the community and mentioned additional proposed truck related projects. Mr. Grossich indicated he wants the item returned to the Bloomington MAC for review.

Ellida Beatz, resident of Bloomington, registered in opposition to the Project, submitted a speaker slip to be included for the record.

RikaHanyuu Furude and Owen Chang each submitted comments in opposition of the Project via email, which is on file with the Land Use Services Department.

ADDITIONAL COMMENTS:

Chair Weldy asked Staff to address the concerns of the Bloomington MAC. He also reaffirmed the item is a Recommendation from the Planning Commissioner to the Board of Supervisors.

Chair Weldy asked Staff what additional notice was sent to the MAC. Mr. DeLuca replied meetings between MAC and Chandi Group are not managed by Land Use Services. He continued to explain the project notice was sent in January 2020 and he had been speaking to Mr. Grossich about another project when this item came up. Mr. DeLuca described the internal process for project notices, such as a copy is sent to the Board of Supervisors and they send it

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out to the MAC. Ms. Duron added notification goes through the Supervisor's office and that is the process. She also clarified that Mr. DeLuca had direct communication with the MAC and he personally sent Mr. Grossich the notice via email. Mr. DeLuca indicated he sent Mr. Grossich the Notice of Availability and the Project Notice, and Notice of Hearing directly. Chair Weldy discussed a possible policy to ensure the MAC receive future project notices. Commissioner Gongora asked if the Notice of Availability and Mitigated Negative Declaration was provided in Spanish. Ms. Duron replied it was not noticed in Spanish, but moving forward they are working towards providing them in Spanish. Chair Weldy asked what the status of a translation policy. Ms. Duron responded staff had complied with noticing requirements at the time and are moving towards translating documents.

Commissioner Haughey asked how many homes in the area. Mr. Deluca replied about 18-20 homes within the 300 foot radius. Ms. Duron stated it was appropriate radius for the parcel size. Mr. Chapel addressed the ground water pollution concerns. He described in detail the plans for the ground and storm water treatment. Mr. Chapel also explained the potential discharge to Cedar Avenue is in the event of a rare 100 year storm and described the flood mitigation.

Mr. Hernandez stated this project was developed in a positive way from the community and thanked staff for their work. He also assured the Commissioner that they agree with the Conditions of Approval.

Chair Weldy asked if there is a truck scale included in the Project. Mr. Hernandez explained there is a scale being proposed to provide convenience for the trucker. Chair Weldy stated how the truck scale moves the Project to a different category and then asked how security will be managed. Mr. Hernandez replied Mr. Chandi provides security for his large scale projects. Mr. Chandi described the surveillance system they have and how they will work with local law enforcement.

Vice Chair Allard noted the above ground tanks are not show in the video presentation. He asked if they will be safe and why are they above ground. Mr. Chandi responded they will be protected and are for diesel only. Vice Chair Allard whether an Alcoholic Beverage Control (ABC) license is included in the application. Ms. Duron replied the licenses is a separate process with the Department of Alcoholic Beverage Control. Vice Chair Allard asked if the landscape setback meets the Development Code. Mr. DeLuca answered yes, setback complies with the landscape section of the Code.

Commissioner Haughey asked the Applicant how many facilities has he built in the past. Mr. Chandi replied this is his second facility, plus many convenience stores, gas stations and restaurants. Commissioner Haughey asked Mr. Chandi of his hold and sell history Mr. Chandi described some of his business and stated he will be staying local.

Commissioner Gongora listed various concerns that he wants Conditioned, such as adding a red curb on Santa Ana Avenue, truck restrictions on Santa Ana Avenue and colors of the structures. Mr. Hernandez replied they are open to provide an architectural design to make the community happy. Mr. Chandi responded the Project will provide many local jobs and described community involvement from previous projects. Commissioner Gongora stated he wants a Condition added that the Applicant meet with the school district and Bloomington MAC. Mr. Chandi replied he is open to that, but it may cause more delays for the Project.

Chair Weldy noted the Commission is encouraging the Applicant to maintain dialogue with the community. Vice Chair Allard asked if the Project has a sewer or septic system. Mr. Chandi replied it is sewer on Santa Ana Avenue.

Commissioner Gongora indicated he wants to ensure the community is heard. He also stated he did not want to stall the project, but wants to offer a more fluid discussion.

Vice Chair Allard stated likes the Project and anything that makes it not look like a truck stop would need to be included.

Commissioner Haughey acknowledged there were some great discussions and thanked everyone for coming out.

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Commissioner Gongora proposed moving this item forward and listed some Conditions he wanted add. Chair Weldy stated he is hesitant to add a Condition to have the Applicant meet with the MAC and Colton Joint Unified School District. Ms. Duron explained Conditions of Approval are constructed for construction timing. Commissioner Gongora clarified he wants interaction to occur between the Applicant and the community. He also acknowledged the letter from CJUSD and resident's sentiments of not having been heard. Chair Weldy and Vice Chair Allard discussed how to move forward with Commissioner Gongora's motion. Mr. Searles explained the proposed motion includes recommendations that are not specific. He asked for more clarification and proposed an alternate motion. He continued to state the Commission may provide direction for the Applicant to meet with the MAC and reiterated this item is a recommendation to the Board of Supervisors.

Commissioner Haughey asked when the item will go before the Board of Supervisors. Ms. Duron replied the timeframe is about two months. Chair Weldy asked Commissioner Gongora to clarify his motion. Commissioner Gongora proposed a motion to include mitigating truck stop concerns, adding Conditions requiring security, signage for no truck idling and red curbing on Santa Ana Avenue and having the Applicant meet with the MAC. Chair Weldy explained if there is no second motion then the item will return for discussion. There was no second motion and Chair Weldy stated the Commission will take a vote on staff's recommendation. Ms. Duron declared the recommendation included the memo from Staff. Chair Weldy confirmed Commissioner Stoffel is ok with the modified Conditions of Approval.

Vice Chair Allard clarified the concern of 24 hour security and security monitoring for the site. He noted the Applicant's understanding.

COMMISSION ACTION:

Commissioner Stoffel made a motion to approve staff's recommendation. Commissioner Haughey seconded the motion. The motion passed with a 4-0 vote.

COMMISSION VOTE

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

3. WORKSHOP

Planning Commission Training

STAFF:

Jason Searles, Deputy County Counsel

The workshop was continued to the next Planning Commission hearing.

4. PUBLIC COMMENTS:

Chair Weldy opened the Public Comments at 12:10 p.m. Having no requests to speak, Chair Weldy closed the Public Comments at 12:11 p.m.

5. ADJOURNMENT:

There being no further business, Vice Chair Allard made a motion to adjourn the meeting. Commissioner Haughey seconded the motion. Commissioner Gongora declared to adjourn the meeting in honor of the Texas residents that have passed during the severe weather conditions. The meeting was adjourned at 12:12 p.m.

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

Heidi Duron **Date**
Planning Director, Land Use Services Department

Lupe Biggs **Date**
Administrative Assistant, Land Use Services Department
