



SAN BERNARDINO COUNTY PLANNING COMMISSION MEETING MINUTES

**County Government Center
Covington Chambers
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415**

Thursday, February 4, 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
Tom Nieves, Contract Planner, LUSD
Magda Gonzalez, Senior Planner, LUSD
Lupe Biggs, Administrative Assistant, LUSD

The Planning Commission meeting of February 4, 2021, was called to order at 9:09 a.m. by Chair Pro Tem Allard. Commissioner Weldy led the Invocation and Commissioner Haughey 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, Commissioner Kareem Gongora, Planning Director Heidi Duron, Deputy County Counsel Jason Searles, Senior Planner Anthony DeLuca, Contract Planner Tom Nieves, Senior Planner Magda Gonzalez, Administrative Assistant Lupe Biggs, Deputy Fire Marshal Adam Panos, Applicant Kirsten Royston, Applicant Bobby Nassir and Representative Ed Bonadiman. Participating remotely was Commissioner Michael Stoffel.

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. ADMINISTRATION OF THE OATH OF OFFICE FOR COMMISSIONER KAREEM GONGORA, 5th Supervisorial District Appointee

b. ELECTION OF OFFICERS

Chair Pro Tem Allard nominated Commissioner Weldy as Chair of the Commission, Commissioner Haughey seconded the motion. Commissioner Haughey nominated Chair Pro Tem Allard as Vice Chair of the Commission, Commissioner Gongora seconded the motion. The motions passed with a 5-0 vote.

c. APPROVAL OF MINUTES- OCTOBER 22, 2020

The Minutes will be brought back to the Commission on February 18, 2021 for approval.

d. ADVANCE SCHEDULE

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

e. DIRECTOR'S REPORT

Heidi Duron, Planning Director, welcomed everyone in the audience and Commissioner Gongora. She reminded the Commissioner to complete and submit the Form 700. She also described upcoming trainings for the Commissioners. Lastly, Ms. Duron said some kind words regarding Commissioner Mathews' passing and mentioned future plans to honor her memory.

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f. COMMISSIONER COMMENTS

Vice Chair Allard welcomed Commissioner Gongora and sent his condolences to the Mathews family.

Commissioner Haughey welcomed Commissioner Gongora.

Commissioner Stoffel also welcomed Commissioner Gongora.

Commissioner Gongora stated he was excited to be here.

Chair Weldy described an overview of trainings and procedures to the new Commissioners.

g. MEMORIAL ADJOURNMENT

2. PUBLIC HEARING

APPLICANT:	Kirsten Royston/Stone Oak Manor
COMMUNITY:	Oak Glen / 3rd Supervisorial District
PROJECT NO:	PROJ-2019-00063
LOCATION:	38433 Potato Canyon Road
STAFF:	Anthony DeLuca, Senior Planner
PROPOSAL:	A Conditional Use Permit (CUP) for the establishment of a 5-bedroom/4.5- bathroom bed and breakfast within an existing 4,751 sf home, to include a limited number of planned events on 14.9 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:

1. **ADOPT** the Mitigated Negative Declaration (Exhibit A);
2. **ADOPT** the recommended Findings as contained in the staff report (Exhibit C);
3. **APPROVE** the Conditional Use Permit (CUP) for the establishment of a 5-bedroom/4.5-bathroom bed and breakfast within an existing 4,751 square feet historically designated home, to include a limited number of small events on 14.9 acres subject to the Conditions of Approval (Exhibit B); and
4. **DIRECT** staff to file the Notice of Determination.

COMMISSION COMMENTS:

Commissioner Gongora asked if there will be any construction outside the structure. Mr. DeLuca replied construction will only take place inside.

Vice Chair Allard inquired about the 300 foot radius for the required project notice that was sent out to the surrounding property owners. Mr. DeLuca further explained the distance was based on the size of the parcel. Ms. Duron confirmed. Vice Chair Allard asked some questions regarding parking. Mr. DeLuca responded the max attendance for events is 200 people and 50

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spaces allows adequate parking. Vice Chair Allard described some of the County curfews and ordinance requirements. Mr. DeLuca confirmed the requirements.

Chair Weldy inquired about onsite overhead lighting or tent lighting. Mr. DeLuca replied he would have the Applicant answer the question.

APPLICANT COMMENTS:

Kirsten Royston and Timothy Goble, Applicants, presented a PowerPoint to the Planning Commission, which is on file with the Land Use Services Department.

Commissioner Haughey asked if weddings will be taking place. Ms. Royston replied yes and they will enforce a 10:00 p.m. curfew.

Commissioner Gongora acknowledged the local sustainable farm and appreciated Americans with Disabilities Act (ADA) improvements.

Chair Weldy asked for clarification regarding tent lights. Ms. Royston responded the light will be used for emergencies and in the event of rain, to have a tent with lighting. Chair Weldy confirmed the Applicant had read the Conditions of Approval. Ms. Royston acknowledged she is in agreement with the conditions of approval.

PUBLIC COMMENTS:

There were no comments.

ADDITIONAL COMMENTS:

Vice Chair Allard inquired about the double trash enclosures. Ms. Royston explained it will be enclosed twice per Environmental Health Services requirements.

COMMISSION ACTION:

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

COMMISSION VOTE

MOTION: Haughey

SECOND: Gongora

AYES: Weldy, Allard, Stoffel, Haughey and Gongora

NOES: None

RECUSED: None

ABSENT: None

ABSTAIN: None

3. PUBLIC HEARING

APPLICANT:	Jurupa Truck Terminal Facility
COMMUNITY:	Bloomington / 5th Supervisorial District
PROJECT NO:	P201800159 (PROJ-2020-00148)
LOCATION:	Jurupa Avenue between Cactus Avenue and Lilac Avenue
STAFF:	Tom Nieves, Contract Planner
PROPOSAL:	Zoning Amendment from Single Residential One-acre minimum Additional Agriculture (RS-1-AA) to Light Industrial (IL), and a Conditional Use Permit to construct and operate a truck terminal facility on 8.89 acres.
CEQA RECOMMENDATION:	Mitigated Negative Declaration
EST. TIME:	30 minutes

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STAFF PRESENTATION:

Tom Nieves, Contract 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 Board of Supervisors:

1. **ADOPT** the Mitigated Negative Declaration (Exhibit A);
2. **ADOPT** the findings as contained in the staff report (Exhibit B);
3. **ADOPT** the Zoning Amendment from Single Residential One-acre Minimum Additional Agriculture (BL/RS 1-AA) to Light Industrial (IL);
4. **APPROVE** the Conditional Use Permit for the construction and operation of a truck terminal facility on 8.89 acres, subject to the recommended Conditions of Approval (Exhibit C); and
5. **DIRECT** the Clerk of the Board to file a Notice of Determination.

COMMISSION COMMENTS:

Vice Chair Allard asked about residents.

Commissioner Gongora asked about emissions from trucks during construction and no signage mentioned in the Condition of Approval. Mr. Nieves answered Green House Gas studies were reviewed and there were no comments received. Commissioner Gongora then asked what the setbacks were. Mr. Nieves replied 25 feet on Cactus Avenue from the Right of Way. Commissioner Gongora asked about any landscape to mitigate the Project site. Mr. Nieves stated the Applicant will have to come to the County to submit the Landscaping Plans. He continued to state with the recent revisions to the Countywide Plan, the Project is subject to the new designations and zoning will comply. Ms. Duron added the recommendation includes the amended Condition 94. Commissioner Gongora asked about Conditions to improve the streets. Mr. Nieves reference the requirements from Traffic and Land Development for Jurupa Avenue, Cactus Avenue and Lilac Avenue, which also requires the Plan Check process. Ms. Duron stated Condition 83 describes the improvements and there will be forthcoming improvement plans. Mr. Nieves briefly described the Applicant's comments on the Conditions.

Vice Chair Allard asked how the Project is in a Light industrial zone. Ms. Duron described the new designations and zoning that are being adopted in the Countywide Plan. Vice Chair Allard asked if it is in the Agua Mansa Specific Plan. Mr. Nieves and Ms. Duron replied no. Vice Chair Allard then asked about the residential one acre. Ms. Duron-also noted that this Project was accepted prior to the adoption of the Countywide Plan and that the zoning for the property will be updated at a later time, but as projects comes in, we do have to correct the zoning. Vice Chair Allard- asked about the 25-foot landscape setback, worried about the new homes on Cactus and whether there would be mature landscaping or dense landscaping and about a berm. Ms. Duron indicated that the applicant understands the buffer and landscaping for the Project.

APPLICANT COMMENTS:

Ed Bonadiman, Representative for the Applicant, stated they are satisfied with the Condition of Approval and mentioned a concern regarding a Condition from the Traffic Division pertaining to design responsibility of and financial participation in off-site improvements. He believes the wording may need clarification. Ms. Duron stated the wording for the item can be amended before presenting the item to the Board of Supervisors.

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Chair Weldy mentioned the modification to Condition 94. Mr. Bonadiman acknowledged the changes to the Condition. Chair Weldy asked if Mr. Bonadiman would address the landscaping concerns. Mr. Bonadiman described the plans for Cactus Avenue and Lilac Avenue. Chair Weldy noted visibility will be an issue.

Vice Chair Allard also asked where the 25 foot buffer will be placed on Cactus Avenue. Mr. Bonadiman clarified the location of the landscaping. He also suggested that the wall be moved away from the right-of-way if possible to provide more landscaping on the street side of the walls. Mr. Bonadiman indicated they would consider moving the wall where possible.

Chair Weldy asked about the necessity and location of the wall and the landscaping. Mr. Nieves stated the location of the wall and described the landscaping requirements in more detail. Mr. Bonadiman stated they were in agreement and the site will include a six foot wall, although they prefer an 8 foot wall. Ms. Duron stated the Commission can recommend an 8 foot wall. Mr. Bonadiman introduced the Applicant, Bobby Nassir. Mr. Nassir described issues with the berm and asked for permission for an eight foot wall. Chair Weldy defined the Commission's inability to make changes to the Project today. He also stated some probable options for the wall and suggested to continue to work with Staff on the item. Mr. Searles clarified the Commissioners can recommend to approve project with direction to staff to work with the applicant on certain conditions prior to Board of Supervisors meeting and address the landscape wall.

Vice Chair Allard briefly went over his logistic concerns and operation of the facility.

Commissioner Gongora returned to his question regarding idling trucks coming in and out of the Project site. Mr. Bonadiman replied they can put a "no idling" sign and noted trucks are already onsite. Mr. Nassir confirmed there are always signs for no idling on his Project sites. Ms. Duron stated it can be added to the Conditions of Approval. Commissioner Gongora asked if there will be the option of electric infrastructure for the trucks. Mr. Nassir explained his interest in it.

Vice Chair Allard asked if there will be refrigeration onsite. Mr. Nassir replied no.

PUBLIC COMMENTS:

Augie Pena, resident from Bloomington, spoke in favor of the Project, he stated it will beautify the neighborhood. He mentioned Mr. Nassir met with all the neighbors and asked for the input of the Project. Mr. Pena briefly described the homeless issues in the area and noted he is looking forward to this Project.

Gary Grossich submitted a comment in favor of the Project via email, which is on file with the Land Use Services Department.

ADDITIONAL COMMENTS:

Commissioner Gongora asked if the notices are made available in Spanish. Ms. Duron replied for this area, they will be, and will move forward to address that issue for future projects. Commissioner Gongora asked for the operational hours. Mr. Nieves responded they will be 24 hours a day, seven days a week.

Chair Weldy clarified the modified recommendation for the Board of Supervisors, which will include clarification regarding road improvements, landscaping buffer, signage regarding idling and the memo for the modified Condition, 94.

COMMISSION ACTION:

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

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COMMISSION VOTE

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

4. PUBLIC HEARING

APPLICANT: Land Use Services
COMMUNITY: Countywide
PROJECT NO: PMISC-2020-00005
LOCATION: Countywide
STAFF: Magda Gonzalez, Senior Planner
PROPOSAL: Development Code Amendment to repeal Chapter 83.07 ("Glare and Outdoor Lighting") of Division 3 of Title 8 of the San Bernardino County Code and to add Chapter 83.07 ("Light Trespass") to Division 3 of Title 8 of the San Bernardino County Code, relating to countywide light standards.
CEQA RECOMMENDATION: Notice of Exemption
EST. TIME: 30 minutes

STAFF PRESENTATION:

Magda Gonzalez, 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 take the following actions:

1. **FIND** that the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3);
2. **ADOPT** the findings as contained in the staff report;
3. **ADOPT** the proposed Ordinance to repeal Chapter 83.07 ("Glare and Outdoor Lighting") of Division 3 of Title 8 of the San Bernardino County Code and to add Chapter 83.07 ("Light Trespass") to Division 3 of Title 8 of the San Bernardino County Code, relating to countywide light standards; and
4. **DIRECT** the Clerk of the Board to file a Notice of Exemption.

COMMISSION COMMENTS:

Vice Chair Allard excused himself from this item and the remainder of the meeting.

APPLICANT COMMENTS:

There were no comments.

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PUBLIC COMMENTS:

Jane Hunt-Ruble, resident of Muscoy, spoke in favor of the Project, she stated she is happy to see this item on the agenda. She described issues with lighting in her community and we really need this. Stated there are light pollution issues currently and described issues with enforcing it. Ted Stimpfel, resident of Newberry Springs, spoke in opposition of the Project, he stated the item is supported by organizations that want dark skies and it will have negative impacts to the County. He mentioned there will be a negative financial impact to residents and the elderly. He also noted the curfew is an invitation to crime. Mr. Stimpfel continues to state star gazing should be addressed by the Local Community Plan and the Ordinance is over-governing.

Susan Zanercik submitted a comment via email, which is on file with the Land Use Service Department.

ADDITIONAL COMMENTS:

Commissioner Gongora referenced the residents' concerns and asked what has been done to mitigate the concerns. Ms. Gonzalez replied part of the recommendation is to amend the curfew. She also addressed Mr. Stimpfel's concern, explained what the curfew specifically applies to and noted the residents are given two years to comply with the updated Ordinance.

Chair Weldy asked what the requirements are. Ms. Gonzalez explained the various options. Ms. Duron described how the item was started by an organization that brought it to the County's attention and was something former Code Enforcement Chief, Andy Wingert, wanted to pursue before he passed. She continued to explain the County took it into review and supports it.

Commissioner Haughey asked if other counties have done something similar. Ms. Duron stated staff looked at neighboring areas and San Bernardino County's Ordinance is more robust. Commissioner Haughey explained how the Ordinance can become an issue within the Code Enforcement. He also asked for clarification on the 11:00 p.m. curfew enforcement for lights around houses. Mr. Searles explained the curfew applies to mountain and desert regions and explained the ordinance.

Chair Weldy asked for clarification for residents that have larger properties, such as security lights or a pole light. He also asked if staff spoke with desert residents. Ms. Duron replied that meetings were conducted and the staff compared the Ordinance to other jurisdictions. She also stated she does not expect there to be conflicts and staff made the Ordinance clearer.

Commissioner Stoffel asked if the regulations for string lights are for the entire County. Ms. Duron confirmed that it is a Countywide standard. Mr. Searles stated he did not see that as a standard for the Valley. Chair Weldy read the Development Code language regarding string lights. The Commissioners and staff discussed the language in order to clarify it for County residents. Ms. Duron stated staff is welcome to further feedback. Commissioner Stoffel described spending more time in his yard since pandemic. Mr. Searles added prior drafts did require a curfew for string lights and explained the implementation. Commissioner Haughey then listed the exemptions and stated he foresees issues for holiday lights.

Chair Weldy discussed how the Commissioners should proceed with the recommendation. Commissioner Gongora suggested to have the item put on a future agenda and create a workshop for the item. Mr. Searles added options for the item returning on a future meeting. Chair Weldy explained the necessity for continuing item. Chair Weldy and Mr. Searles clarified the modified recommendation to continue the item. Ms. Duron stated staff appreciates the direction and it is helpful.

COMMISSION ACTION:

Commissioner Haughey made a motion to continue the item with the intent to bring the item back to the Commission with a workshop. Commissioner Gongora seconded the motion. The motion passed with a 4-0 vote.

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COMMISSION VOTE

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

5. PUBLIC COMMENTS:

Chair Weldy opened the Public Comments at 11:45 a.m. Having two requests to speak, Chair Weldy closed the Public Comments at 11:50 a.m.

Jane Hunt-Ruble, resident of Muscoy, stated concerns regarding the warehouse and truck stops along Cajon Boulevard. She stated trucking facilities keep getting accepted for the area. She also asked for clarification between City and County jurisdiction decisions. She continued to describe various issues in her neighborhood and offered some recommendations for solutions.

Sylvan Kirtley, Gary Stiler and Gracie Torres each submitted a comment via email, which is on file with the Land Use Services Department.

6. ADJOURNMENT:

There being no further business, Chair Weldy made a motion to adjourn today's meeting in honor of Commissioner Audrey Mathews. Commissioner Haughey seconded the motion. The meeting was adjourned at 11:51 a.m.

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Chair Weldy

Date

Chair Weldy, Planning Commission


Heidi Duron

Date

Planning Director, Land Use Services Department

3/4/2021


Lupe Biggs

Date

Administrative Assistant, Land Use Services Department

3.4.21