

State Cuts Arrowhead's Strawberry Canyon Water Use By 60 Million Gallons

By Amanda Frye and Mark Gutglueck

The California State Water Resources Control Board today acted to curtail the Arrowhead Spring Water Company's drafting of prodigious quantities of water from an ecologically sensitive canyon high in the San Bernardino Mountains.

The state has told the company that it must reduce the 62.56 million gallons of water it has been taking out of the San

Bernardino Forest annually in recent years to 2.365 million gallons.

The action, which came less than a month after Nestlé S.A., a Swiss multinational food and drink processing conglomerate corporation, divested itself of all of its American water holdings including the Arrowhead brand, recognizes the long-held contention of environmentalists that the water bottling company has for more than three

decades been overdrafting water from a spring complex to which its rights are non-existent, disputed or overstated.

Nestlé Waters of North America was until last month owned by Nestlé S.A., headquartered in Vevey, Vaud, Switzerland.

The State Water Resources Control Board made its determination in the face of a two-year running drought in the Golden State and follow-

ing numerous complaints of profligate water use by the bottler, which led to a multi-year investigation into Nestlé's unauthorized spring water diversions at the 5,000 foot elevation level in the San Bernardino National Forest.

For 29 years, as the owner of the Arrowhead Drinking Water Company since 1992, Nestlé Waters of North America had been drawing on the order of 60 million gallons of water from Strawberry

Canyon on average per year pursuant to a permit issued in 1978 to the former operator of the water bottling concern.

Nestlé extracted the water from the Strawberry Canyon watershed, selling it under the Arrowhead 100% Mountain Spring Water brand name. Nestlé acquired the Strawberry Creek water diversion system from Perrier in 1992. The permits for the water extraction system, **See P 2**

Assemblyman Mayes Authors Legislation To Keep Measure K's Salary & Term Limit Reforms From Being Applied

In an effort widely viewed as making good on a political chit he issued over a decade ago, Assemblyman Chad Mayes has authored legislation aimed at preventing Measure K, the county government reform initiative approved by more than two thirds of San Bernardino County's voters in November 2020, from going into effect.

In one fell swoop, Mayes with Assembly Bill 428 is aiming at preventing both prongs of Measure K – the imposition of a one term limit on San Bernardino County supervisors and putting a cap on their pay commensurate with the mean income level of county residents – from being implemented.

Mayes began his political career as a fiscal conservative and anti-big government advocate at the age of 25 when he was elected town councilman in Yucca Valley in 2002. He remained on the council until 2011, twice serving terms as appointed mayor during that time.

In 2010, he was given a major boost in his political/governmental career, when Janice Rutherford, newly elected as San Bernardino County Second District supervisor, hired him to serve as her chief of staff. Mayes's position on the fifth floor of the county administrative building put him at the center of confluence between the county's most powerful elected officials and staff employees and major financial interests in the county, including deep-pocketed donors to political cam- **See P 5**

Rancho Cucamonga Declares A Moratorium On Service Station Development Projects

In a move hailed by both environmentalists and futurists and conversely decried by free marketeers, the City of Rancho Cucamonga this week put a 45-day moratorium on the approval of new or the revamping of old service stations within its city limits.

The vote by the council puts on hold or will

perhaps impede permanently the construction of two pending new gas stations and the revival of two currently shuttered filling stations.

The council action sets the stage for the eventual adaptation of standards intended toward facilitating the so-called net zero carbon target, which origi-

nally six years ago was to entail a stabilization in the use of fossil fuels throughout the entirety of California at 2015 levels by the end of this year going forward even in the face of further state population growth and development. Zero carbon target advocates have more recently reset the fossil fuel use stabi-

lization goal at the year 2030.

On March 17, 2021, the city council asked city staff to gather information pertaining to and conduct some analysis of gas stations in the city of Rancho Cucamonga in order to give that decision-making panel some direction with regard to the regulation of gas sta-

tions and their future development as to be overseen by the city and its planning division.

On Wednesday afternoon, April 21, 2021 the council considered and later that evening signed off on a set of findings that grew out of the municipal planning division's inquiry along the lines **See P 3**

Exemption Sought In Building 722 Apartment Units At Redlands Mall

Next week, the Redlands Planning Commission will consider Village Partners Ventures, LLC's proposal to transform the largely vacant 11.15-acre Redlands Mall, which formerly hosted the Harris' department store, from what was once an intensified and flourishing commercial center into a mixed use development with a dense residential component.

Village Partners' effort hinges on three premises, with the first and most dynamic being that city officials will welcome the rejuvenation of the property after it has remained unproductive for more than a decade, and that those officials will accordingly facilitate the application for the project's approval. The second premise is that it can be considered to be in confor- **See P 3**

Mayor Politically Outmuscles Bare Majority San Bernardino City Council On Concrete Removal

By Mark Gutglueck

A confluence of factors, including three city council members' intense distrust of Mayor John Valdivia, is preventing San Bernardino city officials from resolving the environmental hazard that has come about as a result of over a thousand tons of fragmented concrete having been left unattended at the north end of the city.

On June 5, 2020, a

fire broke out in the Kuehne & Nagel warehouse, a 600,000 square foot structure in the 2200 block of West Lugonia Avenue in Redlands which had served as a holding/distribution/dispatch facility for large items sold by on-line retail behemoth Amazon. The fire gutted the building, which was a total loss.

The concrete walls were torn down. Initial

plans were to haul them off to whatever landfill would take them.

In San Bernardino, some 12.5 miles away as the crow flies or variously 15.6 miles or 18.3 miles distant via differing routes using the local freeway system, there was a place where someone thought the rubble could be put to use.

At the far extension of Palm Avenue in North San Bernardi- **See P 6**

Chino Planning Commission One Vote Shy Of Suspending Agency-To-Agency Privilege

The Chino Planning Commission this week came within one vote of violating the long and hallowed tradition of agency-to-agency privilege that is routinely extended between entities in San Bernardino County's public sector.

By a narrow 4-to-3 vote, that panel, consisting of Commissioner Jimmy Alexander, Chairman Brandon

Blanchard and commissioners Kevin Cisneros, Steve Lewis, Jody Moore, Robert Nastase and Walt Pocock, recommended approval of the Chino Valley Unified School District's request to have the Xebec Building Company engage in just under 385,000 square feet of construction on two sites within the city on its behalf.

The district had asked

for the city to give Xebec Building Company an entitlement to proceed with erecting a 59,798-square-foot administration building on 4.52 acres at 13461 Ramona Avenue, and a 325,000-square-foot of warehousing on 14 acres on Yorba Avenue, between Schaefer and Chino avenues.

In San Bernardino County generally, when

one governmental entity needs assistance or approval from another governmental authority, cooperation and accommodation is automatically extended. This spirit of courtesy and reciprocity is referred to as agency-to-agency privilege. Under the doctrine of agency-to-agency privilege, governmental entities do not hold their fellow and sister gov-

ernmental agencies to as high of a standard as is exacted from the private sector.

As it turned out on Monday night, April 19, Chairman Blanchard and commissioners Jody Moore and Kevin Cisneros opposed the district's request. Their issue was not with the new administration building but rather the warehouse, which is to be **See P 5**

Nestlé Cited Water Rights At 2,000 Foot Level In Foothills To Falsely Claim Access To Spring Water At 5,000 Foot Elevation In The San Bernardino National Forest *from front page*

consisting of borings, horizontal wells, tunnels, pipelines and other appurtenances, expired in 1987. Nestlé, as did Perrier, maintained its operation in Strawberry Canyon by continuing to pay a \$524 annual fee while the Forest Service delayed carrying out the environmental review for the renewal of the permits. The current U.S. Forest Service pipeline permit is around \$2,000, and expires in August 2021.

Nestlé's activity, which has long been decried by environmentalists, came under increasing fire as a statewide drought which lasted for more than five years after it first manifested in 2011 advanced. In 2015 environmental groups were gearing up to file a lawsuit claiming the U.S. Forest Service had violated protocols and harmed the ecology of the mountain by allowing Nestlé Waters North America to continue its operations in Strawberry Canyon for 28 years after its permit expired. At that point, the Forest Service moved to make an environmental review. In the meantime, Nestlé continued its water extraction, pumping an average of 62.56 million gallons of water annually from the San Bernardino Mountains. Environmentalists lodged protests with the water rights division of the California Water Resources Control Board, alleging Nestlé was diverting water without rights, making unreasonable use of the water it was taking, failing to monitor the amount drawn or make an accurate accounting of the water it was taking, and wreaking environmental damage by its action.

Following a two-year investigation, state officials arrived at a tentative determination that Nestlé had the right to divert up to 26 acre-feet of water (8.47 million gallons) per

year. Nestlé had gone far beyond the water drafting limit the company was entitled to, the State Water Resources Control Board said, and was actually drafting 192 acre-feet (62.56 million gallons), such that 166 acre-feet (54.09 million gallons) the company was taking was unauthorized, according to a report released on December 21, 2017.

The water rights division recommended that Nestlé immediately end its diversions beyond the 26 acre-foot threshold or otherwise marshal evidence supporting its current level of diversion within 30 days.

While Nestlé continued to maintain it had established rights to roughly 190 acre-feet of water per year in Strawberry Canyon, it was unable to produce any historical record of water rights approaching the volume of its diversion.

On April 23, 2021, the State Water Resources Control board issued a revised report of its investigation and a draft cease and desist order directing the company which now owns the Arrowhead Spring Water Brand bottling company to stop its unlawful activities, which was defined in the cease and desist order as taking any more than 7.26 acre-feet (2.342 million gallons) of water annually out of Strawberry Canyon.

Nestlé Waters of North America's successor/parent company, BlueTriton, has 20 days to respond to the draft order and request a hearing, or the State Water Board will issue a final order.

The action comes as state agencies are ramping up their efforts to build California's water resilience amid a second consecutive dry year. At the direction of Governor Gavin Newsom, state agencies are coordinating closely with local water districts and municipalities to track and actively respond to changing conditions and issues that impact public health, safety and the environment.

During the historic December 2011-to-March 2017 drought, the State Water Board's Division of Water Rights received multiple complaints alleging

that Nestlé's continual water diversions depleted Strawberry Creek, resulting in reduced downstream drinking water supply and impacts on vulnerable environmental resources. The division conducted a field investigation, which led to the tentative quantification of Nestlé's water rights at 26 acre-feet (8.47 million gallons) annually with recommendations that Nestlé only take amounts within its established water rights. Afterward, the State Water Board received an additional 4,000 comments and thousands of pages of information from the public alleging continued excessive water diversions, including that it had utilized 180 acre-feet (58,680,000 gallons) taken from Strawberry Canyon in 2020, which significantly expanded the investigation that culminated with today's proposed enforcement action.

"It is concerning that these diversions are continuing despite recommendations from the initial report, and while the state is heading into a second dry year," said Jule Rizzardo, the California State Water Resources Board's assistant deputy director for the Division of Water Rights. "The state will use its enforcement authority to protect water and other natural resources as we step up our efforts to further build California's drought resilience."

The *Sentinel's* examination of documentation that Nestlé relied upon in justifying its intensive drafting of water out of Strawberry Canyon illustrates that the Swiss company's assumption of waiving rights there relied on inapplicable case law and the substitution of property outside of the National Forest which was misrepresented as being within the National Forest. It thus appears Nestlé is not entitled to the 26 acre-feet or 8.47 million gallons of annual extraction rights credited to it in December 2017, and may not be entitled to the 7.26 acre-feet or 2.365 million gallons the State Water Control Board has now allotted to Arrowhead.

Nestlé Waters of North America, Inc., a corporate

subsidiary of the Swiss-owned Nestlé Corporation, acquired an expired permit for a pipeline right-of-way to transport water through the San Bernardino National Forest in the San Bernardino Mountains when it bought out Perrier in 1992. Perrier had acquired the permit when it purchased the BCI-Arrowhead Drinking Water Company, formerly called Arrowhead Puritas, in 1987, at which time the permit was yet active. That permit, which expired in 1988, allowed a pipeline across the forest which transported water extracted from a significant below-ground source in the San Bernardino Mountains. In 1978, Arrowhead Puritas, without renewing the permit for transporting the harvested water from Strawberry Canyon extracted by means of boreholes and horizontal wells, applied to be allowed to continue that activity, for which it paid the U.S. Government \$524 per year, then a standard fee for such uses in all National Forests. The Arrowhead Drinking Water Company had assumed water drafting operations from a series of predecessors. But that assumption was based on a dubitable assertion of water extraction rights, for which no basis in the public record exists. Other than renewing the pipeline permit, none of the companies or their corporate predecessors has paid for the forest water it has taken.

In 1929, the California Consolidated Waters Company was formed to merge Los Angeles' three largest water bottlers and distributors of "Arrowhead Water," "Puritas Water" and "Liquid Steam." The property, bottling operations, water distribution and administration of Arrowhead Springs Company, Puritas of California Consumers Company and the water bottling division of Merchants Ice and Storage were all administered by California Consolidated Waters Company. Soon after, California Consolidated Waters, without having obtained any valid authorization or rights, put in place tunnels, boreholes and horizontal wells at the higher elevation of

The San Bernardino County

Sentinel

Published in San Bernardino County.

The Sentinel's main office is located at 10788 Civic Center Drive in Rancho Cucamonga, CA 91730

A Fortunado Publication in conjunction with

Countywide News Service

Mark Gutglueck, Publisher

Call (951) 567-1936

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10808 Foothill Blvd., Suite 160-446

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5,200 feet at the headwaters to Strawberry Creek in Strawberry Canyon.

Charles Anthony, acting president of the Arrowhead Springs resort property and Arrowhead Springs Corporation, sold upper Strawberry Canyon water rights he did not own in the National Forest to California Consolidated Waters Company.

When Nestlé inherited the operation in Strawberry Canyon from Perrier in 1992, it continued to operate under the "Arrowhead Mountain Spring Water Company" shell and the United States Forest Service allowed Nestlé to continue to utilize the expired permit, sending its invoices for the \$524 annual charge to use the "irrigation" transmission pipeline in Strawberry Canyon to the Arrowhead Mountain Spring Water Company. It was concern over the ecological devastation this continued water extraction was having that grew into outrage, which resulted in calls for action by the National Forest Service that led to the report released in December 2017.

The state groundwater recordation relating to the Nestlé/Arrowhead water activity, which is now under the control of BlueTriton, is yet listed under Beatrice's "Arrowhead Drinking Water Co."

This is a matter of contractual agreements versus water rights holders. The "Arrowhead Springs Water Company" incorporated in Los Angeles had an agreement with the Arrowhead Hot Springs Company (the water rights holder and property owner) extending only to obtaining

water from Cold Water Canyon, which was then transported to Los Angeles, bottled, sold and distributed. The water bottler obtained no water rights. It only had a water contract.

Nevertheless, the State Water Board appears to have created a 7.26 annual acre-foot water right for Nestlé from this early water diversion on the private property, even though there is no evidence water rights were transferred from the hotel property to the water bottling entity.

Of crucial importance is that Nestlé's water withdrawals are taking place on San Bernardino National Forest lands where water has been reserved since its founding on February 25, 1893.

Federal reserve rights and overlaying landowner groundwater rights should apply in this case. Appropriation through adverse possession, known as prescriptive rights, is not applicable to U.S. Forest lands. On record is a single adverse possession case pertaining to the San Bernardino Mountains, what is referred to as the Del Rosa Judgment, which through an adverse appropriation process, gave water rights reserved for the National Forest to the Consolidated Waters Company, a now defunct entity, to which Nestlé made an inappropriate claim. The company has conflated physical springs with spring water, as defined in bottling regulations for food labeling purposes. A foreign entity, Nestlé was never a landowner of, nor in, the

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Five-Story, Mixed Use Structure Including 722 Apartments On Redlands Mall Property Will Require Exemption From Measure U Restrictions *from front page*

mance with the Transit Villages Specific Plan, a subcomponent of the Redlands General Plan adopted in 2017 that envisions mixed uses including relatively high density residential units in the districts around the train stations to be built in Redlands as part of the San Bernardino County Transportation Authority's "Arrow" light rail passenger line tentatively slated to begin operating in 2022. Those train stations are to be located proximate to the New York Street/Redlands Boulevard intersection, the Downtown Redlands station at the historic Santa Fe Depot at the convergence of Orange Street and Shoppers Lane and the rail line terminus at University Station at University Street and Park Place. The third premise is that the project will be deemed exempt from Measure U, which was passed by Redlands' voters in 1997 and imposed strict height and density restrictions on development that can only be suspended with a four-fifths vote of the city council.

Noteworthy charac-

teristics of the project are that it will entail a five-story structure and 722 residential units.

On the Redlands Planning Commission agenda for its meeting on Tuesday, April 27 is the consideration of the project, described as "a transit-oriented mixed use project built in phases." Approval of the item would clear the way, according to the staff report accompanying the agenda, for Village Partners Ventures, LLC to "demolish existing on-site buildings and improvements; construct multiple mixed-use buildings with up to 3-, 4-, and 5-stories; construct up to 722 multifamily dwelling units to include live/work, studio, one-bedroom, two-bedroom, and three-bedroom units ranging between 475 and 1,500 square-feet each; construct an approximately 10,000 square-foot recreational amenity multi-story building including an exterior pool and resident areas; construct up to 73,000 square-feet of commercial floor area on ground floors to include retail and restaurant uses, as well as a roof-

top restaurant; construct up to 12,000 square-feet of office space on upper floors; [complete a] pedestrian plaza totaling approximately 16,500 square-feet; construct a six-level parking structure with 780 spaces and two single-level subterranean parking structures each with approximately 240 spaces; construct a 14,600 square-foot single tenant retail building for a pharmacy on the south side of Citrus Avenue at Eureka Street; construct public and private open space areas to include landscaping, shade trees, street trees, and pedestrian improvements; and construct related site improvements to include sidewalks, driveways, landscape, lighting, flood prevention, and public and private utility connections."

The pharmacy referenced pertains to the CVS drug store, one of the last remaining commercial operations yet open on the mall site. It will be relocated across Citrus Avenue onto 1.1 acres located at the southeast corner of Citrus Avenue and Eureka Street, which currently exists as a parking lot.

West State Street, which currently terminates at Orange Street, is to be extended through the project.

The project is intended to be transit-oriented in keeping with the Transit Villages concept, such that the residents in the project's apartments will be able to leave their vehicles parked in the project's parking structures and easily walk to the downtown train platform located at most no more than the distance of three football fields – 1,200 feet – to the north. Those residents will also be able to "make multiple stops at a coffee shop, restaurant, bank, medical office, neighborhood grocery, pharmacy, post office, or cleaners all within a half-mile radius, in about one hour or less, and without needing a motor vehicle," according to the staff report prepared for the planning commission.

The staff report indicates that elements of Measure U, a growth limitation measure passed into law by the city's voters more than two decades ago, can be bypassed. The first section of the staff report addresses the importance of evading the restrictions of Measure U if the project is to proceed.

The report notes that the developer is attempting to maneuver around the city's restrictions banning projects involving structures higher

than two stories or more than 18 units per acre. "The applicant is requesting a city council determination that the proposed project is exempt from Measure 'U' (which included provisions specifically exempting certain types of development)," the report states. "Measure 'U' Section 2, Part B (Exemptions), is listed below. The applicant is requesting exemption based on category D, "Development directly related to proposed Metrolink stations in the City of Redlands..."

The report then quotes the language in Measure U relating to such exemptions. That language reads, "2. *Special Categories of Development. The provisions of this initiative measure shall not apply to the following:*

A. New individual infill construction of single family homes on existing lots of record bounded by developed property as of March 1, 1997;

B. Rehabilitation, remodeling or additions to existing single family residential structures;

C. Reconstruction or replacement of any uses to the same density, intensity and classification of use as existed on the effective date, including legal non-conforming uses;

D. Development directly related to proposed Metrolink stations in the City of Redlands, including one at the University of Redlands;

E. New development projects subject to the Downtown Specific Plan 45, upon a four-fifths (4/5ths) vote of the total authorized membership of the city council; and

F. Special, temporary or occasional uses of public streets including parades, local sporting and cultural events, graduation ceremonies, approved and other occasional public gatherings."

It is Village Partners Ventures, LLC's contention that the project it is proposing qualifies for the exemptions under category D and possibly E. The Downtown Specific Plan 45 has in some measure been superseded by the Transit Villages Specific Plan.

According to the staff report, "The Mall site (11.15 acres) is approximately 650 feet to the south of the Santa Fe Depot train station at its closest point (with three routes of pedestrian access available along Third Street, Orange Street, and Eureka Street), and approximately 1,200 feet to the south of the Santa Fe Depot train station at

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Asked To Process Four Filling Station Applications 9 Years After Welcoming Its Last New One, Rancho Cucamonga Imposes Moratorium On Them *from front page*

the council suggested on March 17. At a specially-called afternoon session devoted to the consideration of the city's future policy with regard to filling stations that was intended to augment the city council's regularly scheduled meeting that night, Planning Director Anne Browning McIntosh said, "We have had a recent activity in our planning department and building and safety [division] around service stations that we haven't seen for other commercial uses."

After having last approved a new gas station

nine years ago, the city is currently considering four applications to build new or revive shuttered existing gas stations.

McIntosh said, "It is a good time to look at this issue and determine whether or not we are adequately prepared to review additional applications, whether or not our codes are adequate to regulate these. There are concerns around land use impacts related to service stations." She said there were questions about the relative financial benefits of gas stations to the city and how they compare with

other potential land uses, as well as what the optimum number of gas stations in the city would or should be.

McIntosh noted that in common parlance there are strict differences in the definitions of gas stations and service stations, with service stations defined as ones providing mechanic services such as radiator work, smog checks and tire replacement, but that the city code uses the term service station as a catch-all that blurs the distinction between gas stations and service stations even if a gas station "does not have those additional vehicle services."

The point was made that service stations that included a full range of

mechanical services and which proliferated in the past are declining, and that gas stations now more commonly entail gas pumps and a convenience store.

McIntosh noted that Rancho Cucamonga, with its 32 active stations and two inactive ones had a larger number of service stations than its surrounding cities, as there are 21 in Fontana, 20 in Ontario and 17 in Upland, though McIntosh said Upland had more stations per square mile than does Rancho Cucamonga.

The findings contained in the staff report presented to and ultimately adopted by the city council suggested that gas stations represent in much of their

aspect negative environmental consequences. A glut of gas stations, the report propounded, could intensify the disadvantage inherent in such land uses because ruinous competition between them could lead to some of the stations closing and being neglected, thus resulting in harm to the environment.

"The Environmental Protection Agency has classified service stations and fuel storage locations as uses that may result in a brownfield site," according to the statement of findings. "Brownfield sites are properties, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous

substance, pollutant, or contaminant. Common contaminants found at service station sites include gasoline, diesel, and petroleum oil, volatile organic compounds and solvents, polycyclic aromatic hydrocarbons, and lead. Exposure to the types of contaminants present, or potentially present, at service stations threatens the public health, safety or welfare of neighboring communities."

The statement of findings continues, "There are thirty-two service stations currently in operation in the City of Rancho Cucamonga. There are an additional two more service stations that are currently

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Nestlé Used Sleight Of Hand In Referencing A Melange Of Water Rights To Claim Drafting Rights Higher Up The Mountain From The Property That The Arrowhead Bottling Company's Corporate Predecessors Owned *from page 4*

National Forest.

There is no documentation that Nestlé or its predecessors-in-interest had any valid water rights in the San Bernardino National Forest for Upper Strawberry Canyon or "Indian Springs" tunnels, from where the water bottled as Arrowhead Spring Water was drawn prior to 1893, nor pre-1914 water rights, as it claimed. The early water bottlers associated with the Arrowhead name drew their water from sources other than Strawberry Creek or Strawberry Canyon. Some contracted water from the Arrowhead Hotel property owners. Some bottlers of "Arrowhead water" were said to use "Los Angeles city" and "hydrant" water. There were multiple companies bottling "Arrowhead water" starting in 1909. The water bottlers and the water rights owners functioned as separate entities pre-1914, which is well-documented by archived lawsuit testimony, judgments and other sources. There is a difference between the water bottling company and the Arrowhead Hotel and Arrowhead Hot Springs property and water rights owner. This is a matter of contractual agreements versus water rights holders.

The "Arrowhead Springs Water Company" incorporated in Los Angeles had only an agreement with the Arrowhead Hot Springs Company (the water rights holder and property owner) to obtain water from Cold Water Canyon, which was

then transported to Los Angeles, bottled, sold and distributed. The water bottlers obtained no water rights. They only had a water contract.

The San Bernardino National Forest was established February 25, 1893, thus any claims for water or land within the forest boundaries were required as publicly noticed in 1894. The water rights associated with the Arrowhead Springs Property ultimately stayed with the property as documented in recorded deeds at the San Bernardino County Recorders Office.

Arrowhead Springs Water Company water was from Cold Water Canyon, known as "Agua Fria," located at the base of Arrowhead Mountain on the NW quarter of Section 12 T1N R4W of the Arrowhead Property. Portions of Cold Water Canyon and its creek are on the Arrowhead Hotel property. Cold water from fissures from stratum on precipices were said to feed Cold Water Creek at this location. A pipeline on the high mesa in this location was run to capture some of this water for bottling. This 1909-1913 water use for bottling is well documented in repeated testimony from the court cases 11399 and 12532 in 1910 and 1913.

There were broken contracts, injunctions and lawsuits between the bottler Arrowhead Springs Water Company and the water rights and property owners, the Arrowhead Hot Springs Company, which caused deteriorated

relationships.

In 1912/1913 the Arrowhead Hot Springs Company resolved to build a water bottling facility near the Arrowhead Springs Hotel to bottle and distribute Arrowhead Springs water. The hotel stood at an elevation of roughly 2,000 feet. The water bottling enterprise was then named Arrowhead Springs Company. In 1917, Arrowhead Springs Company moved its water bottling works to a new facility in Los Angeles at Washington and Compton avenues. However, the water rights remained with the property, not the water bottling works.

The Cold Water Canyon creek water was captured in a pipe to transport water for bottling. "Agua Fria" was the name for the water of Cold Water Canyon, which was also referred to as "Indian Springs" in 1917. The spring "Fuente Frio" was also used for water bottling in 1909, according to several sources, as this was listed as Penyu-gal Cold Springs. Fuente Frio is located in Arrowhead Canyon on the Arrowhead Spring Property in a ravine north of the hot El Penyu-gal Spring. The Arrowhead Water Company of Los Angeles bottled the contracted water from Cold Water Canyon. Reportedly, the company switched to using water from Fuente Frio during the winter when Cold Water Creek turned muddy. The 1910 lawsuits and fraud charges against the Arrowhead Springs Water Company later put the LA Arrowhead Springs Water Company out of business. However, shareholders recapitalized another bottling company, Arrowhead Cold Springs Company, which filed for bankruptcy in 1912.

When Arrowhead Hot Springs Company started its own water bottling company, Arrowhead Springs Company, next to the hotel, it bottled water from the 1,900 foot-elevation Penyu-gal Springs, the hottest spring below the hotel, along with other springs such as 2,022 elevation Granite Hot Springs on the west mesa near Penyu-gal and the Fuente Frio cold spring up the canyon from Penyu-gal. Among the products the company offered were soda and ginger ale, as well as water containing substances that today would be difficult to market. Arrowhead, for example, advertised one bottled water product under the Penyu-gal Springs label as being high in arsenic and "Arrolax" meant to serve as an aperient or laxative. In very minute quantities, arsenic was then considered a nutrient. Arrowhead Springs water was marketed as high in radiation content.

So, two water companies – Arrowhead Springs Water Company and Arrowhead Hot Springs Water Company – were bottling water and competing to sell and distribute water and products after the relationship between them deteriorated, with lawsuits and injunctions filed. Ads show Arrowhead Springs Water Company's Arrowhead Springs water was also called Indian medicine water with an American Indian featured on the Arrowhead Water label. The Arrowhead Hot Springs Company was the owner of the Arrowhead Springs Property, and retained the water rights. The business was later Arrowhead Springs Corporation.

The bottled water withdrawals on San Bernardino National For-

est lands seem to have started around 1929 with an addition at tunnel 2, at which time the Arrowhead Springs Corporation (Ltd.) sold false rights on forest lands to water bottler and distributor California Consolidated Waters in what appears to have been an attempt to raise funds for a bond debt and use water sources other than those on the hotel property. The Arrowhead Springs Corporation admitted no "warranty" rights above section 12 in T1N R4W, located at the base of the Arrowhead, in an agreement which would have included Indian Springs' two tunnels 1,000 feet north of the Arrowhead Springs Property boundaries and west of the landmark Arrowhead and the Strawberry Canyon wells/springs and tunnels, at the approximate 5,200 foot elevation.

It was the dubious claims by then-Arrowhead Springs Hotel property owner Charles Anthony that Consolidated Water could obtain water from the undisclosed forest lands and run a pipeline to the hotel property. Anthony had no right to authorize the water extractions nor the two-mile pipeline.

False claims were acknowledged in some documents. Basically, the false claims made by Arrowhead Springs Corporation to the California Consolidated Waters Company involved false water rights and easements on San Bernardino National Forest lands leading to the unwarranted water withdrawals from the National Forest since 1929.

Arrowhead Springs Corporation didn't transfer water rights to Consolidated Waters, but rather made up new ones

in the San Bernardino National Forest so Consolidated Waters could develop more water sources, give Arrowhead Springs Property more water and promote the Arrowhead name by bottling and selling the water while Arrowhead Springs Corporation profited. The appropriation of non-existent rights became the basis for the adverse possession case involved in the Del Rosa lawsuit.

Federal property is immune from adverse possession; a county court ruling which awarded adversarial rights to a claimant on federal property therefore would not be deemed valid under any circumstances. The federal government was not party to the Del Rosa suit and the San Bernardino National Forest land was not mentioned in the suit. Title insurance clauses exempted water rights title on federal lands, which would have invalidated legal water rights on Forest Service lands to Nestlé's predecessors-in-interest.

These facts can become confusing if location is not the focus. The "1929 Indian Springs tunnels" referenced in a 1929 letter by San Bernardino lawyer Byron Waters have been documented in survey plat maps filed in Map book 2 pages 18 and 19. According to the 1929 pipeline survey plat map, these tunnels are located in T1N R4W, which when plotted on USGS/USFS maps are located 1,000 feet north and 200 feet west of the NE corner marker of Section 11, placing these tunnels directly on the E 1/2 of Sec 2 T1N R4W, which is San Bernardino National Forest land. Nestlé's upper Strawberry Canyon wells/tunnels/springs are also on National Forest lands

Continued on Page 6

Once Committed To Fiscally Conservative Principles, Mayes Flips To Protect SB Supervisors' Quarter Million Dollar Compensation Packages *from front page*

paigns. In 2014, Mayes was able to use the contacts he had made and the favors he had done to various entities to gather the wherewithal to seek election to the California Assembly.

Mayes is the son of the Reverend Roger Mayes, the pastor of Grace Community Church and a politician himself as an elected board member of the Hi-Desert Water District. Young Mayes attended and graduated from an evangelical Christian college in Lynchburg, Virginia, Liberty University, where he obtained a bachelor's degree in government while interning for then-Missouri Senator John Ashcroft.

From the outset of his time in political office, Chad Mayes established his reputation as a social and fiscal conservative devoted to Republican politics and reducing the size and scope of government. Indeed, in 2004, a decade before he made the transition to Sacramento, he voted against a proposed 42-percent pay increase for the Town of Yucca Valley's elected officials. As both councilman and mayor, Mayes worked assiduously at holding spending in check. In his final year as mayor of Yucca Valley he pushed for a reduction of the town's spending from what had been proposed by city staff, paring the city's general fund to \$8.7 million, below what had been the spending allotment the previous year, and ensuring the town had \$5 million salted away in reserves.

That was then. More recently, after six years in Sacramento, he has abandoned the principle of keeping the size and expense of government in check.

Upon his election to the Assembly, Mayes, who was yet adhering to his conservative roots, made an impressive rise up the Republican Party

totem pole. Shortly after his swearing in and being assigned to six committees, he was made vice chairman of the Assembly Human Services Committee. His GOP colleagues bestowed on him the position of Chief Republican Whip less than a month after his arrival at the statehouse.

In his first year in office, he took up two issues of central concern to conservatives and the Republican Party, reducing or streamlining governmental regulation of the private sector and reducing or eliminating double or redundant taxation. He introduced Assembly Bill 1286, which created a subcommittee to reform California's regulatory environment and practices. He then authored Assembly Bill 1202, aimed at substantially reducing the California State Fire Prevention Fee for residents who were already subject to fire prevention or fire service taxes at the local level.

On September 1, 2015, less than ten months after he was sworn in to the Assembly, Mayes was selected by his colleagues to serve as Assembly Republican Leader, succeeding Assemblywoman Kristin Olsen effective January 4, 2016.

In 2017, disaffection between Mayes and the Republican Party set in when he and six other Assembly Republicans joined with the overwhelming Democratic majority in the state's lower legislative house to support the perpetuation of a long-established system in the Golden State by which manufacturing companies which generate hydrocarbons or exhaust as a consequence of their industrial activities are required to obtain through previously established "smokestack rights" air pollution credits that can be bought and sold under a regime controlled by the state's various air quality management districts, a system known as "Cap and Trade." This program is and was considered to be an abomination by conservative Republicans in California. As a consequence, in August 2017 Mayes was deposed as Republican leader in the Assembly.

In the time since then, Mayes has distanced himself from the conservative Republican principles he formerly championed. On December 6, 2019, Mayes left the Republican Party and re-registered as an independent.

The 42nd Assembly District in which Mayes serves is one in which the Republicans hold a distinct registration advantage over Democrats. Despite that and the consideration that Mayes, running as an independent, was opposed by a Republican, Andrew Kotyuk, Mayes's name recognition and heftier political war chest allowed him to overcome Kotyuk by a 10,359 votes or 55.6 percent-to-96,172 votes or 44.4 percent margin in the 2020 election.

During a signature gathering drive that began in 2019 and ended in 2020, the Red Brennan Group, an affiliation of activists devoted to government accountability, succeeded in gathering 75,132 signatures of county voters to put a county government reform initiative on the November 2020 ballot in San Bernardino County. Ultimately dubbed Measure K by the Registrar of Voters Office, it called for setting the total compensation for an elected supervisor in San Bernardino County at \$60,000 per year – including both salary and benefits – and imposed a single four-year term on supervisors. The board of supervisors rushed to place its own initiative on the ballot, which was given the place before Measure K on the voting guide and the ballot as Measure J. Measure J essentially left the supervisors' total compensation at around \$260,000-to-\$280,000 annually by giving each of them a salary equal to 90 percent of that provided to a Superior Court judge and a benefit package equal to that provided to the county government's department heads. It further left intact the current term limit restriction of three four-year terms for the supervisors. Going head-to-head with Measure J as a competing government reform initiative in November, Measure K found far greater support

by the county's electorate. While Measure J garnered passage, with 378,964 votes or 50.72 percent of the 747,188 votes cast supporting it and 368,224 or 49.28 percent opposed, it was soundly outdistanced by Measure K, which passed with 516,184 or 66.84 percent of the 772,282 voters participating supporting it, and 256,098 voters or 33.16 percent opposed.

Because they dealt with the same issues of salary and term limits, under California law Measure K was to go into effect rather than Measure J because it was passed by more votes.

In short order, the board of supervisors sued the supervisors' own employee, San Bernardino County Clerk of the Board Lynna Monell, to prevent her from implementing Measure K. The legal action, a petition for a writ of mandate, alleges that Measure K is fatally flawed because it "violates California Constitution Article XI, Section l(b) by seeking to set supervisor compensation via citizen initiative... [and] it exceeds the initiative power of the electorate by intruding on matters that are exclusively delegated to the governing body, in this case the San Bernardino County Board of Supervisors... [and its] term limit provision for members of the county board of supervisors violates the First and Fourteenth Amendments to the United States Constitution [by] impermissibly infr[ing] on voters' and incumbents' First and Fourteenth Amendment rights." Additionally, the writ of mandate maintains Measure K violates "the single subject rule" pertaining to voter initiatives and that "Measure K must not be implemented because it does not embrace a single subject."

The suit put the enforcement of Measure K on hold while the matter is adjudicated in the court.

It has been pointed out that the grounds cited in the supervisors' lawsuit for invalidating Measure K would equally apply to Measure J, and there is some concern among the supervisors and their supporters that the lawsuit

will fail and eventually Measure K and its salary and term limitations will go into effect.

Accordingly, Supervisor Janice Rutherford, who played a role in advancing Mayes' political career by hiring him as her chief of staff in 2010, importuned him to author legislation that will keep Measure K from achieving the ends the Red Brennan Group designed it for.

Mayes indulged Rutherford by drafting Assembly Bill 428 which, with regard to the number of terms a supervisor may serve, states, "Notwithstanding any other provision of law, the board of supervisors of any general law or charter county may adopt or the residents of the county may propose, by initiative, a proposal to limit to no fewer than two terms or repeal a limit on the number of terms a member of the board of supervisors may serve on the board of supervisors."

With regard to the pay county supervisors are to receive, Assembly Bill 428 explicitly calls for preventing the citizenry at large from setting the pay grade for members of a board of supervisors, stating, "The board of supervisors shall prescribe the compensation of all county officers, including the board of supervisors, and shall provide for the number, compensation, tenure, appointment and conditions of employment of county employees."

On April 7, Scott Kaufman, the legislative director for the Howard Jarvis Taxpayers Association, sent a letter to Mayes. The letter reads, "This is to inform you

that the Howard Jarvis Taxpayers Association must oppose AB 428. AB 428 seeks to undo the overwhelming approval of Measure K in San Bernardino County that amended the county charter to impose a term limit of one term and reduced the total compensation for each member of the board of supervisors to \$5,000 per month."

Kaufman continued, "Now, other counties are concerned about the potential for similar measures. If Measure K is a problem, it is no worse than stripping voters of the ability to designate their preferred length of terms and set pay of the county supervisors because we dislike the outcome of an election."

Kaufman thereafter concluded his letter with a reference to Proposition 218, passed by the state's voters in 1992, and which requires that any general tax the government is going to impose on its citizens must be passed by a majority vote of those upon whom the tax is to be levied and that any "special tax" to be used for a specified purpose by local or state government must be passed by a vote of two-thirds of those upon whom the tax is to be levied. "Elected officials frequently complain when seeking to undermine Prop. 218 that getting two-thirds of voters to agree is almost an impossible feat," Kaufman noted. "Yet Measure K was approved by a two-thirds majority (66.84%) of voters and AB 428 still seeks to undo it. The people have spoken."

Mayes did not respond to inquiries by the *Sentinel*.

-Mark Gutglueck

Divided Planning Commission Vote On School District Buildings *from front page*

located along Yorba Avenue, a relatively narrow two-lane street.

Yorba XC, LLC is a limited liability company that is a corporate offshoot of the Xebec Building Company. Yorba XC, LLC, rather than the school district, is the applicant of record on

the dual-phase project. Yorba XC, LLC entered into an agreement with the Chino Valley Unified School District to construct the district's new administrative office building to be located at 13461 Ramona Avenue in exchange for a long-term ground lease on an adjacent piece of industrial property owned by the Chino Valley Unified School District.

The district's admin-
Continued on Page 12

Nestlé Unloaded Its North American Water Division Just Prior To California Water Board Cutting Its Arrowhead Mountain Spring Access By More Than 56 Million Gallons Annually *from page 4*

T2N R3W. Moreover, the Del Rosa Suit never authorized the appropriation of Section 30, where most of the wells are located.

Nonetheless, these “Indian Springs tunnels” and upper Strawberry Canyon water rights, located at the 2,700-foot and 5,000-foot elevations, respectively, were not claimed as reserved at the time of the forest’s founding in 1893. There is no historical record that the Arrowhead Property owners were using these areas in the National Forest for water. Thus, the Indian Springs tunnels like the upper Strawberry Canyon sites appear to be a “taking” of forest land ecosystems and water starting in the 1920s. “Indian Springs” tunnels on the San Bernardino National Forest land T1N R4W E1/2 of Section 2 and the Upper Strawberry Canyon water withdrawal sites T2N R3W were not the site of the water used for the first water bottling and therefore no pre-1914 rights can be conferred in any way.

Moreover, in 1930, Consolidated Waters quitclaimed water rights of these “Indian Springs” tunnels to Arrowhead Springs Corporation on page 125 of Book 648 pg 122. Archived documents indicate that there is an “Indian Springs” tunnel pipeline running under U.S. Forest land. Nestlé has no valid pre-1914 water rights in the San Bernardino National Forest. The Del Rosa lawsuit was an adverse possession suit that purports no valid claim of forest water or land for Nestlé’s predecessor-in interest within the San Bernardino National Forest boundaries.

The 1929 letter from Byron Waters appears to be an attempt to build the adverse possession case for California Consolidated Waters and Arrowhead Springs Corporation. Byron Waters’ letter is an admission that these “Indian Springs tunnels” are man-made tunnels by appropriation without permission and on federal lands with a legal

description that confirms their location on San Bernardino National Forest land. Federal property is immune from adverse possession. These Indian Spring tunnels are not the water source for pre-1914 water bottling which took place on private land contained on the Arrowhead Springs Property.

Federal and State property adverse possession immunity was never considered in the Del Rosa lawsuit or by the State Water Resource Control Board. The San Bernardino National Forest was founded on February 25, 1893 and public notice to stake a claim within the boundaries was given for a 90-day period in 1894. Thus, any claim of water within the San Bernardino National Forest would be subject to the 1894 rule and not the 1914 rule.

Boundaries and surveys are highly relevant in this case. The United States Geological Service’s and the United States Forest Service’s

topographical maps of the San Bernardino Mountains are properly used as base maps to establish forest service versus private property boundaries. It is clearly evident from the historical record that private owners did stake claims to water and property based on these official topographical and quadrangle maps and reflected boundaries. Rights reserved under federal law and overlaying landowner groundwater rights thus apply to this case.

An examination of the historical record indicates that Nestlé had and BlueTriton has no rights of water withdrawal for surface or groundwater in the San Bernardino National Forest. While there is indeed a corporation chain of title for Nestlé/BlueTriton and their predecessors-in-interest, there is no documentary proof of chain of title for the “real property” water rights filed at the San Bernardino County Recorder’s Office.

There is a lack of clarity as to which 1909 Arrowhead Water bottling company Nestlé/BlueTriton claimed and is claiming as a predecessor-in-interest, between the Los

Angeles-based Arrowhead Spring Water Company and the Arrowhead Hot Springs Company or Arrowhead Springs Company or Arrowhead Cold Springs Company.

Nestlé’s corporate chain of title is essential for its successor-in-interest, BlueTriton.

Over the last generation, there have been billions of gallons of water withdrawn from public land in the San Bernardino Mountains within the National Forest which has negatively impacted the endangered and threatened species habitat, the forest ecosystem and deprived the valleys below with groundwater recharge. Dried creek beds and diminished damp headwater springs offer visual evidence, and the ecological travail to the National Forest has been extensively documented in reports by the Forest Service.

There is evidence to suggest that Nestlé had come to recognize some time ago the dubious nature of its water rights claim in Strawberry Canyon, where the spring complex it used in its Arrowhead Pure Spring Water bottling opera-

tion was located, and that the water rights it actually owned pertained to water at the 2,000 level near the grounds of the Arrowhead Springs Hotel, which is reportedly tainted with radiation as a consequence of the uranium in the bedrock there. Nestlé Waters of North America was beset with other challenges, legal and otherwise, relating to its water holdings throughout the United States, including those in California, Colorado and Maine. Last year, Nestlé made known its North American water holdings were up for sale.

Late last month, Nestlé shed its Nestlé Waters North America division, selling that portion of its operations pertaining to bottling drinking water in the United States and Canada to One Rock Capital Partners, LLC, in partnership with Metropoulos & Company in what was represented as a \$4.3 billion transaction.

One Rock and Metropoulos obtained from Nestlé Waters North America its American/Canadian water portfolio including everything but the North American marketing rights to Perrier.

Now in the possession of Poland Spring® Brand 100% Natural Spring Water, Deer Park® Brand 100% Natural Spring Water, Ozarka® Brand 100% Natural Spring Water, Ice Mountain® Brand 100% Natural Spring Water, Zephyrhills® Brand 100% Natural Spring Water, Arrowhead® Brand Mountain Spring Water, Pure Life® and Splash, One Rock and Metropoulos have consolidated those holding under the name BlueTriton Brands.

The *Sentinel’s* effort this afternoon to reach C. Dean Metropoulos, the CEO of Metropoulos & Company, at his headquarters in the Playboy Mansion, was unsuccessful. Given the time differential between the West Coast and the East Coast, the *Sentinel’s* effort this afternoon to reach Metropoulos & Company spokeswoman Hannah Arnold, was made too late to reach her at her Washington, D.C.



Concrete Discarded In Ssn Bernardino’s Verdemont District *from front page*

no’s Verdemont District, the so-called Oxbow project, a planned development of 40 single-family residential units by Newport Beach-based Oxbow Communities, Inc. that had been on the drawing board for nearly a decade-and-a-half, was on hold. There had been a number of financial, practical and administrative considerations that were preventing the project from moving forward. A key obstruction was that the land upon which the project was to be built was uneven and would require either intensive grading and then hillside reinforcement or the introduction of fill into the low-lying side of the property or its crevices to render it level. The emerging availability of the concrete from the Kuehne & Nagel warehouse represented

what appeared to be an ideal solution to Eric Cernich, Oxbow Communities’ principal. With the approval of Redlands city officials, Cernich arranged to have the concrete walls partially broken up at the Lugonia Avenue property. He then had the concrete trucked over to the Oxbow project site.

In August 2020, Verdemont District residents noted that dump trucks were transiting up Palm Avenue and depositing massive loads of the large shards and chunks of shattered concrete onto vacant land near the Oxbow project site. When they queried of San Bernardino city officials what was happening, they were told that Oxbow Communities had clearance from the city to utilize the concrete as fill. If they would just be patient, those residents were told, the eyesore would disappear as the concrete was pulverized and ground into manageable-sized pieces

and mixed with dirt to be thereafter compacted so it might disappear under the foundations of the homes that were to be built and the yards and lawns that would eventually surround those homes.

When the wind kicked up, however, the people in the neighborhood found themselves, their houses, cars and pets peppered and pelted with dust and concrete fragments anywhere from the size of sand to pebbles. There was concern that the concrete itself was not stable physically or chemically and that it represented a safety and health hazard. When City Hall was met with complaints, then-City Manager Teri Ledoux downplayed the problem, offering an assurance that the Environmental Protection Agency’s standards contained in its Land Development and National Pollutant Discharge Elimination System guidelines rated the concrete as a low-level or nonexistent

health threat.

Residents countered that the dozens of heavily-laden diesel trucks carrying the concrete to its destination were spewing exhaust into the air and tearing up the surface of Palm Avenue.

At that point, in late September and early October 2020, then-Fifth Ward Councilman Henry Nickel, in whose ward the Verdemont District lies, was locked in a reelection effort. For him, the matter represented both a challenge and an opportunity. The challenge consisted of the perception that City Hall was insensitive to the problem, the visual blight and the inconvenience the presence of the concrete represented to the community, and that Nickel was likewise insensitive to the problem or, if he was indeed empathetic to the plight of his constituents, that he was ineffective in bringing about a resolution to the dilemma. The opportunity the situation

presented to Nickel was that if he acted effectively in redressing the issue, he would gain, or retain, a reputation as an effective representative of the Fifth Ward, and that would redound to his benefit in his reelection effort.

Accordingly Nickel was the city council’s most vocal critic of what Oxbow Communities was doing, and he demanded that the city ensure that the processing of the concrete – further crushing or grinding to reduce it into composite for fill – take place off-site so as to obviate the generation of dust and particulates that would represent a health threat to those in the area who were breathing it.

City staff took samples of the concrete, intending to subject them to tests to ascertain if the material represented a toxic threat to nearby residents.

In October, Nickel in conjunction with then-*Continued on Page 11*

Public Notices

FICTITIOUS BUSINESS NAME

STATEMENT FILE NO-20210002690

The following person(s) is(are) doing business as: Heartovrhabit, 9017 Sycamore Ave, 208, Montclair, CA 91763, Carlos A. Aviles, 9017 Sycamore Ave, 208, Montclair, CA 91763

Business is Conducted By: An Individual

Signed: BY SIGNING BELOW, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ Carlos A Aviles
This statement was filed with the County Clerk of San Bernardino on: 03/17/21

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: N/A

County Clerk, s/ I1327

NOTICE- This fictitious business name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

04/02/21, 04/09/21, 04/16/2021, 04/23/21

FICTITIOUS BUSINESS NAME

STATEMENT FILE NO-20210002717

The following person(s) is(are) doing business as: Beautyandsandy, 141 E Foothill Blvd, #15, Upland, CA 91786, Mailing Address: 17494 Marygold Ave, Bloomington, CA 92316, Sandy Chavez, 17494 Marygold Ave, Bloomington, CA 92316

Business is Conducted By: An Individual

Signed: BY SIGNING BELOW, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ Sandy Chavez
This statement was filed with the County Clerk of San Bernardino on: 03/17/21

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: 02/04/21

County Clerk, s/ I1327

NOTICE- This fictitious business name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

04/02/21, 04/09/21, 04/16/2021, 04/23/21

NOTICE OF PETITION TO ADMINISTER ESTATE OF: JESUS Q. SANDOVAL

CASE NO. PROPS 2100337

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of JESUS Q. SANDOVAL

A PETITION FOR PROBATE has been filed by CESAR SANDOVAL in the Superior Court of California, County of SAN BERNARDINO.

THE PETITION FOR PROBATE requests that CESAR SANDOVAL be appointed as personal representative to administer the estate of the decedent.

The petition requests the decedent's wills and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.)

The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A hearing on the petition will be held in Dept. No. S-37 at 9:00 a.m. on MAY 4 2021 at Superior Court of California, County of San Bernardino, 247 West Third Street, San Bernardino, CA 92415, San Bernardino District.

Filed: MARCH 29, 2021

JUDGE TARA REILLY

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

Public Notices

information on this statement becomes Public Record upon filing.

s/ Joseph Bashoura

This statement was filed with the County Clerk of San Bernardino on: 03/29/21

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: N/A

County Clerk, s/ I1327

NOTICE- This fictitious business name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

04/02/21, 04/09/21, 04/16/2021, 04/23/21

FICTITIOUS BUSINESS NAME

STATEMENT FILE NO-20210002259

The following person(s) is(are) doing business as: T.Martin Transportation, 6765 N Wade Ct, San Bernardino, CA 92407, Teahdre K. Martin, 6765 N Wade Ct, San Bernardino, CA 92407

Business is Conducted By: An Individual

Signed: BY SIGNING BELOW, I DECLARE THAT ALL INFORMATION IN THIS STATEMENT IS TRUE AND CORRECT. A registrant who declares as true information, which he or she knows to be false, is guilty of a crime. (B&P Code 17913) I am also aware that all information on this statement becomes Public Record upon filing.

s/ Teahdre K. Martin
This statement was filed with the County Clerk of San Bernardino on: 03/04/21

I hereby certify that this is a correct copy of the original statement on file in my office.

Began Transacting Business: N/A

County Clerk, s/ I1327

NOTICE- This fictitious business name statement expires five years from the date it was filed in the office of the county clerk. A new fictitious business name statement must be filed before that time. The filing of this statement does not of itself authorize the use in this state of a fictitious name in violation of the rights of another under federal, state, or common law (see section 14400 et. Seq. Business & Professions Code).

04/02/21, 04/09/21, 04/16/2021, 04/23/21

NOTICE OF PETITION TO ADMINISTER ESTATE OF: MICHAEL RAY KELLEY

CASE NO. PROPS 2100359

To all heirs, beneficiaries, creditors, contingent creditors, and persons who may otherwise be interested in the will or estate, or both of MICHAEL RAY KELLEY

A PETITION FOR PROBATE has been filed by JEFFREY KELLEY in the Superior Court of California, County of SAN BERNARDINO.

THE PETITION FOR PROBATE requests that JEFFREY KELLEY be appointed as personal representative to administer the estate of the decedent.

The petition requests the decedent's wills and codicils, if any, be admitted to probate. The will and any codicils are available for examination in the file kept by the court.

THE PETITION requests authority to administer the estate under the Independent Administration of Estates Act. (This authority will allow the personal representative to take many actions without obtaining court approval. Before taking certain very important actions, however, the personal representative will be required to give notice to interested persons unless they have waived notice or consented to the proposed action.)

The independent administration authority will be granted unless an interested person files an objection to the petition and shows good cause why the court should not grant the authority.

A hearing on the petition will be held in Dept. No. S-37 at 9:00 a.m. on MAY 4 2021 at Superior Court of California, County of San Bernardino, 247 West Third Street, San Bernardino, CA 92415, San Bernardino District.

Filed: MARCH 29, 2021

JUDGE TARA REILLY

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

Public Notices

A hearing on the petition will be held in Dept. No. S-37P at 9:00 a.m. on MAY 12, 2021 at Superior Court of California, County of San Bernardino, 247 West Third Street, San Bernardino, CA 92415, San Bernardino District.

Filed: MARCH 22, 2021

JUDGE TARA REILLY

IF YOU OBJECT to the granting of the petition, you should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under Section 9052 of the California Probate Code.

Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for the Petitioner: MICHAEL C. MADDUX, ESQ.

1894 COMMERCENTER WEST, SUITE 108

SAN BERNARDINO, CA 92408

Telephone No: (909) 890-2350

Fax No: (909) 890-0106

Published in the San Bernardino County Sentinel on April 9, April 16 & April 23, 2021.

SUMMONS - (CITACION JUDICIAL)

CASE NUMBER (NUMERODEL CASO) CIVDS2018889

NOTICE TO DEFENDANTS (AVISO DEMANDADO): DAVID ZEPEDA, TRUSTEE OF THE DAVID ROSE, IVY KIRBY, JACK CADMAN, LYDIA CADMAN, ALBERT GUSTON, FRANCE GUSTON, TRUST; SB MANAGEMENT, BUSINESS UNKNOWN; ALL PERSONS UNKNOWN CLAIMING ANY LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE, LIEN OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT ADVERSE OF PLAINTIFF'S TITLE, OR ANY CLOUD OF PLAINTIFF'S TITLE THERETO, AND DOES 1 THROUGH 20, INCLUSIVE,

vs. DAVID ZEPEDA, TRUSTEE OF THE DAVID ROSE, IVY KIRBY, JACK CADMAN, LYDIA CADMAN, ALBERT GUSTON, FRANCE GUSTON, TRUST; SB MANAGEMENT, BUSINESS UNKNOWN; ALL PERSONS UNKNOWN CLAIMING ANY LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE, LIEN OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT ADVERSE OF PLAINTIFF'S TITLE, OR ANY CLOUD OF PLAINTIFF'S TITLE THERETO, AND DOES 1 THROUGH 20, INCLUSIVE,

IN RE: REFUGIO ROBELO, Plaintiff

Defendants

Hearing Date: 6/15/2021 9 a.m.

Department 22

Judge: HONORABLE BRYAN FOSTER

The court finds:

1. The Plaintiff has filed an application seeking service of summons and complaint by publication upon the Defendant.

2. After inquiry of the Plaintiff, it appears to the Court that the Plaintiff does not now know where the Defendant live(s). It appears that the Plaintiff has made reasonable efforts to find out where the Defendant is/ (are) living but has not been able to find out that information, and it appears that the Plaintiff has done all things reasonably necessary to try to find out where the Defendant is living. Defendant cannot with reasonable diligence, be served in another manner specified by the California Code of Civil Procedure § 415.10 et Seq. as shown by the declaration attached hereto.

3. The Plaintiff is allowed to give notice to the Defendant(s) DAVID ZEPEDA, TRUSTEE OF THE DAVID ROSE, IVY KIRBY, JACK CADMAN, LYDIA CADMAN, ALBERT GUSTON, FRANCE GUSTON, TRUST; SB MANAGEMENT, BUSINESS UNKNOWN, by publication as is provided by Code of Civil Procedure section 415.10.

It is so ordered Dated 2-2-2021

BRYAN F. FOSTER, Judge

By Veronica Gonzalez, Deputy

MICHAEL C. MADDUX, ESQ.

1894 COMMERCENTER WEST, SUITE 108

SAN BERNARDINO, CA 92408

Telephone No: (909) 890-2350

Attorney for petitioner Refugio Robelo

DATE (Fecha): 07/02/19

Published in the San Bernardino County Sentinel on: 4/09, 4/16, 4/23 & 4/30 2021.

Defendants

Hearing Date: 6/15/2021 9 a.m.

Department 22

Judge: HONORABLE BRYAN FOSTER

The court finds:

1. The Plaintiff has filed an application seeking service of summons and complaint by publication upon the Defendant.

2. After inquiry of the Plaintiff, it appears to the Court that the Plaintiff does not now know where the Defendant live(s). It appears that the Plaintiff has made reasonable efforts to find out where the Defendant is/ (are) living but has not been able to find out that information, and it appears that the Plaintiff has done all things reasonably necessary to try to find out where the Defendant is living. Defendant cannot with reasonable diligence, be served in another manner specified by the California Code of Civil Procedure § 415.10 et Seq. as shown by the declaration attached hereto.

3. The Plaintiff is allowed to give notice to the Defendant(s) SB MANAGEMENT, by publication as is provided by Code of Civil Procedure section 415.10.

It is so ordered Dated 2-2-2021

BRYAN F. FOSTER, Judge

By Veronica Gonzalez, Deputy

MICHAEL C. MADDUX, ESQ.

1894 COMMERCENTER WEST, SUITE 108

SAN BERNARDINO, CA 92408

Telephone No: (909) 890-2350

Attorney for petitioner Refugio Robelo

DATE (Fecha): 07/02/19

Clerk (Secretario), by Nathaniel Johnson, Deputy (Adjunto)

Published in the San Bernardino County Sentinel on: 4/09, 4/16, 4/23 & 4/30 2021.

Defendants

Hearing Date: 6/15/2021 9 a.m.

Department 22

Judge: HONORABLE BRYAN FOSTER

The court finds:

1. The Plaintiff has filed an

Public Notices

should appear at the hearing and state your objections or file written objections with the court before the hearing. Your appearance may be in person or by your attorney.

IF YOU ARE A CREDITOR or a contingent creditor of the decedent, you must file your claim with the court and mail a copy to the personal representative appointed by the court within the later of either (1) four months from the date of first issuance of letters to a general personal representative, as defined in section 58(b) of the California Probate Code, or (2) 60 days from the date of mailing or personal delivery to you of a notice under Section 9052 of the California Probate Code.

Other California statutes and legal authority may affect your rights as a creditor. You may want to consult with an attorney knowledgeable in California law.

YOU MAY EXAMINE the file kept by the court. If you are a person interested in the estate, you may file with the court a Request for Special Notice (form DE-154) of the filing of an inventory and appraisal of estate assets or of any petition or account as provided in Probate Code section 1250. A Request for Special Notice form is available from the court clerk.

Attorney for the Petitioner: MICHAEL C. MADDUX, ESQ.

1894 COMMERCENTER WEST, SUITE 108

SAN BERNARDINO, CA 92408

Telephone No: (909) 890-2350

Fax No: (909) 890-0106

Published in the San Bernardino County Sentinel on April 9, April 16 & April 23, 2021.

SUMMONS - (CITACION JUDICIAL)

CASE NUMBER (NUMERODEL CASO) CIVDS2018889

NOTICE TO DEFENDANTS (AVISO DEMANDADO): DAVID ZEPEDA, TRUSTEE OF THE DAVID ROSE, IVY KIRBY, JACK CADMAN, LYDIA CADMAN, ALBERT GUSTON, FRANCE GUSTON, TRUST; SB MANAGEMENT, BUSINESS UNKNOWN; ALL PERSONS UNKNOWN CLAIMING ANY LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE, LIEN OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT ADVERSE OF PLAINTIFF'S TITLE, OR ANY CLOUD OF PLAINTIFF'S TITLE THERETO, AND DOES 1 THROUGH 20, INCLUSIVE,

vs. DAVID ZEPEDA, TRUSTEE OF THE DAVID ROSE, IVY KIRBY, JACK CADMAN, LYDIA CADMAN, ALBERT GUSTON, FRANCE GUSTON, TRUST; SB MANAGEMENT, BUSINESS UNKNOWN; ALL PERSONS UNKNOWN CLAIMING ANY LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE, LIEN OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT ADVERSE OF PLAINTIFF'S TITLE, OR ANY CLOUD OF PLAINTIFF'S TITLE THERETO, AND DOES 1 THROUGH 20, INCLUSIVE,

IN RE: REFUGIO ROBELO, Plaintiff

Defendants

Hearing Date: 6/15/2021 9 a.m.

Department 22

Judge: HONORABLE BRYAN FOSTER

The court finds:

1. The Plaintiff has filed an application seeking service of summons and complaint by publication upon the Defendant.

2. After inquiry of the Plaintiff, it appears to the Court that the Plaintiff does not now know where the Defendant live(s). It appears that the Plaintiff has made reasonable efforts to find out where the Defendant is/ (are) living but has not been able to find out that information, and it appears that the Plaintiff has done all things reasonably necessary to try to find out where the Defendant is living. Defendant cannot with reasonable diligence, be served in another manner specified by the California Code of Civil Procedure § 415.10 et Seq. as shown by the declaration attached hereto.

3. The Plaintiff is allowed to give notice to the Defendant(s) DAVID ZEPEDA, TRUSTEE OF THE DAVID ROSE, IVY KIRBY, JACK CADMAN, LYDIA CADMAN, ALBERT GUSTON, FRANCE GUSTON, TRUST; SB MANAGEMENT, BUSINESS UNKNOWN, by publication as is provided by Code of Civil Procedure section 415.10.

It is so ordered Dated 2-2-2021

BRYAN F. FOSTER, Judge

By Veronica Gonzalez, Deputy

MICHAEL C. MADDUX, ESQ.

1894 COMMERCENTER WEST, SUITE 108

SAN BERNARDINO, CA 92408

Telephone No: (909) 890-2350

Attorney for petitioner Refugio Robelo

DATE (Fecha): 07/02/19

Clerk (Secretario), by Nathaniel Johnson, Deputy (Adjunto)

Published in the San Bernardino County Sentinel on: 4/09, 4/16, 4/23 & 4/30 2021.

Defendants

Hearing Date: 6/15/2021 9 a.m.

Department 22

Judge: HONORABLE BRYAN FOSTER

The court finds:

1. The Plaintiff has filed an application seeking service of summons and complaint by publication upon the Defendant.

2. After inquiry of the Plaintiff, it appears to the Court that the Plaintiff does not now know where the Defendant live(s). It appears that the Plaintiff has made reasonable efforts to find out where the Defendant is/ (are) living but has not been able to find out that information, and it appears that the Plaintiff has done all things reasonably necessary to try to find out where the Defendant is living. Defendant cannot with reasonable diligence, be served in another manner specified by the California Code of Civil Procedure § 415.10 et Seq. as shown by the declaration attached hereto.

3. The Plaintiff is allowed to give notice to the Defendant(s) SB MANAGEMENT, by publication as is provided by Code of Civil Procedure section 415.10.

It is so ordered Dated 2-2-2021

BRYAN F. FOSTER, Judge

By Veronica Gonzalez, Deputy

MICHAEL C. MADDUX, ESQ.

1894 COMMERCENTER WEST, SUITE 108

SAN BERNARDINO, CA 92408

Telephone No: (909) 890-2350

Attorney for petitioner Refugio Robelo

DATE (Fecha): 07/02/19

Clerk (Secretario), by Nathaniel Johnson, Deputy (Adjunto)

Published in the San Bernardino County Sentinel on: 4/09, 4/16, 4/23 & 4/30 2021.

Defendants

Hearing Date: 6/15/2021 9 a.m.

Department 22

Judge: HONORABLE BRYAN FOSTER

The court finds:

1. The Plaintiff has filed an

application seeking service of summons and complaint by publication upon the Defendant.

2. After inquiry of the Plaintiff, it appears to the Court that the Plaintiff does not now know where the Defendant live(s). It appears that the Plaintiff has made reasonable efforts to find out where the Defendant is/ (are) living but has not been able to find out that information, and it appears that the Plaintiff has done all things reasonably necessary to try to find out where the Defendant

Public Notices

By Veronica Gonzalez, Deputy
MICHAEL C. MADDUX,
ESQ.

1894 COMMERCENTER
WEST, SUITE 108
SAN BERNARDINO, CA
92408
Telephone No: (909) 890-
2350

Attorney for petitioner
Refugio Robelo

DATE (Fecha): 07/02/19
Published in the San Bernar-
dino County Sentinel on:
4/09, 4/16, 4/23 & 4/30 2021.

FBN 20210001983

The following entity is doing
business as COLLECTIVE X 4133 E
ADDINGTON CIRCLE ANAHEIM,
CA 92807: ELIAS CONTESSOTTO
4133 E ADDINGTON CIRCLE
ANAHEIM, CA 92807

This Business is Conducted By:
AN INDIVIDUAL

BY SIGNING BELOW, I DE-
CLARE THAT ALL INFORMA-
TION IN THIS STATEMENT IS
TRUE AND CORRECT. A regis-
trant who declares as true informa-
tion, which he or she knows to be false, is
guilty of a crime. (B&P Code 17913)
I am also aware that all information
on this statement becomes Public Rec-
ord upon filing.

S/ ELIAS CONTESSOTTO
This statement was filed with the
County Clerk of San Bernardino on:
2/26/2021

I hereby certify that this is a cor-
rect copy of the original statement on
file in my office.

Began Transacting Business:
N/A

County Clerk, Deputy I1327

NOTICE- This fictitious busi-
ness name statement expires five
years from the date it was filed in the
office of the county clerk. A new ficti-
tious business name statement must be
filed before that time. The filing of
this statement does not of itself autho-
rize the use in this state of a fictitious
name in violation of the rights of an-
other under federal, state, or common
law (see section 14400 et. Seq. Busi-
ness & Professions Code).

Published in the San Bernardino
County Sentinel on 3/26, 4/2, 4.9 &
4/16, 2021

FBN 20210001984

The following entity is doing
business as DTV LOYALTY PRO-
MO 2661 SOUTH CARL PLACE
SAN BERNARDINO, CA 92408:
ELISHA JAVED 2661 SOUTH
CARL PLACE SAN BERNARDI-
NO, CA 92408

This Business is Conducted By:
AN INDIVIDUAL

BY SIGNING BELOW, I DE-
CLARE THAT ALL INFORMA-
TION IN THIS STATEMENT IS
TRUE AND CORRECT. A regis-
trant who declares as true informa-
tion, which he or she knows to be false, is
guilty of a crime. (B&P Code 17913)
I am also aware that all information
on this statement becomes Public Rec-
ord upon filing.

S/ ELISHA JAVED
This statement was filed with the
County Clerk of San Bernardino on:
2/26/2021

I hereby certify that this is a cor-
rect copy of the original statement on
file in my office.

Began Transacting Business:
N/A

County Clerk, Deputy I1327

NOTICE- This fictitious busi-
ness name statement expires five
years from the date it was filed in the
office of the county clerk. A new ficti-
tious business name statement must be
filed before that time. The filing of
this statement does not of itself autho-
rize the use in this state of a fictitious
name in violation of the rights of an-
other under federal, state, or common
law (see section 14400 et. Seq. Busi-
ness & Professions Code).

Published in the San Bernardino
County Sentinel on 3/26, 4/2, 4.9 &
4/16, 2021

FBN 20210001982

The following entity is doing
business as AMERICAN CAPITAL
FUNDING 17211 PENACOVA ST
CHINO HILLS, CA 91709: JOYCE
ARCE 17211 PENACOVA ST CHI-
NO HILLS, CA 91709

This Business is Conducted By:
AN INDIVIDUAL

BY SIGNING BELOW, I DE-
CLARE THAT ALL INFORMA-
TION IN THIS STATEMENT IS
TRUE AND CORRECT. A regis-
trant who declares as true informa-
tion, which he or she knows to be false, is
guilty of a crime. (B&P Code 17913)
I am also aware that all information
on this statement becomes Public Rec-
ord upon filing.

S/ JOYCE ARCE
This statement was filed with the
County Clerk of San Bernardino on:

Public Notices

2/26/2021
I hereby certify that this is a cor-
rect copy of the original statement on
file in my office.

Began Transacting Business:
N/A

County Clerk, Deputy I1327
NOTICE- This fictitious busi-
ness name statement expires five
years from the date it was filed in the
office of the county clerk. A new ficti-
tious business name statement must be
filed before that time. The filing of
this statement does not of itself autho-
rize the use in this state of a fictitious
name in violation of the rights of an-
other under federal, state, or common
law (see section 14400 et. Seq. Busi-
ness & Professions Code).

Published in the San Bernardino
County Sentinel on 3/26, 4/2, 4.9 &
4/16, 2021

FICTITIOUS	BUSINESS
NAME	STATEMENT FILE NO-
	20210003542

The following person(s) is(are)
doing business as: Gearup Scuba,
14582 Pipeline Ave, Chino, CA 91710,
The YSJL Corp, 1456 S Briar Ave, Onta-
rio, CA 91762

Business is Conducted By: A
Corporation

Signed: BY SIGNING BELOW,
I DECLARE THAT ALL INFOR-
MATION IN THIS STATEMENT IS
TRUE AND CORRECT. A regis-
trant who declares as true informa-
tion, which he or she knows to be false, is
guilty of a crime. (B&P Code 17913)
I am also aware that all information
on this statement becomes Public Record
upon filing.

S/ Joe Yong Ping Lin
This statement was filed with the
County Clerk of San Bernardino on:
04/06/2021

I hereby certify that this is a cor-
rect copy of the original statement on
file in my office.

Began Transacting Business:
03/30/2021

County Clerk, s/ I1327

NOTICE- This fictitious busi-
ness name statement expires five years
from the date it was filed in the office
of the county clerk. A new fictitious
business name statement must be filed
before that time. The filing of this
statement does not of itself authorize
the use in this state of a fictitious name
in violation of the rights of another
under federal, state, or common law
(see section 14400 et. Seq. Business &
Professions Code).

04/09/21, 04/16/2021, 04/23/21, 04/30/21	
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FICTITIOUS	BUSINESS
NAME	STATEMENT FILE NO-
	20210002449

The following person(s) is(are)
doing business as: La Bella Salon
Suites, 5541 Arrow Hwy Suite A,
Montclair, CA 91763, Toni Cum-
mings, 461 Euclid Ave, Upland, CA
91786

Business is Conducted By: A
Corporation

Signed: BY SIGNING BELOW,
I DECLARE THAT ALL INFOR-
MATION IN THIS STATEMENT IS
TRUE AND CORRECT. A regis-
trant who declares as true informa-
tion, which he or she knows to be false, is
guilty of a crime. (B&P Code 17913)
I am also aware that all information
on this statement becomes Public Record
upon filing.

S/ Toni Cummings
This statement was filed with the
County Clerk of San Bernardino on:
03/11/21

I hereby certify that this is a cor-
rect copy of the original statement on
file in my office.

Began Transacting Business:
02/21/21

County Clerk, s/ D5511

NOTICE- This fictitious busi-
ness name statement expires five years
from the date it was filed in the office
of the county clerk. A new fictitious
business name statement must be filed
before that time. The filing of this
statement does not of itself authorize
the use in this state of a fictitious name
in violation of the rights of another
under federal, state, or common law
(see section 14400 et. Seq. Business &
Professions Code).

04/09/21, 04/16/2021, 04/23/21, 04/30/21	
---	--

FICTITIOUS	BUSINESS
NAME	STATEMENT FILE NO-
	20210003230

The following person(s) is(are)
doing business as: Serrot Beauty Sal-
on, 668 N. Mountain Avenue, Upland,
CA 91786, Mailing Address: 390 Cali-
ente Dr, Norco, CA 92860, Alfredo
Torres, 390 Caliente Dr, Norco, CA
92860

Business is Conducted By: An
Individual

Signed: BY SIGNING BELOW,
I DECLARE THAT ALL INFOR-
MATION IN THIS STATEMENT IS
TRUE AND CORRECT. A regis-
trant

Public Notices

who declares as true information,
which he or she knows to be false, is
guilty of a crime. (B&P Code 17913)
I am also aware that all information
on this statement becomes Public Record
upon filing.

S/ Alfredo Torres
This statement was filed with the
County Clerk of San Bernardino on:
03/29/2021

I hereby certify that this is a cor-
rect copy of the original statement on
file in my office.

Began Transacting Business:
03/17/2021

County Clerk, s/ I1327
NOTICE- This fictitious busi-
ness name statement expires five years
from the date it was filed in the office
of the county clerk. A new ficti-
tious business name statement must be
filed before that time. The filing of
this statement does not of itself autho-
rize the use in this state of a fictitious
name in violation of the rights of another
under federal, state, or common law
(see section 14400 et. Seq. Business &
Professions Code).

04/09/21, 04/16/2021, 04/23/21, 04/30/21	
---	--

FBN 20210000017

The fol-
lowing person is doing business as
BEL AIR BLVD 14762 SHADOW
DRIVE FONTANA, CA 92337 JAS-
MINE HENDERSON [and] JANAYA
HENDERSON 14762 SHADOW
DRIVE FONTANA, CA 92337,
TAESHAWNA CLEMONS, 14762
SHADOW DRIVE, FONTANA, CA
92337 This Business is Conducted
By: A GENERAL PARTNERSHIP
BY SIGNING BELOW, I DECLARE
THAT ALL INFORMATION IN
THIS STATEMENT IS TRUE AND
CORRECT. A registrant who declares
as true information, which he or she
knows to be false, is guilty of a crime.
(B&P Code 17913) I am also aware
that all information on this statement
becomes Public Record upon filing. S/
JASMINE HENDERSON This state-
ment was filed with the County Clerk
of San Bernardino on: 1/04/2021 I
hereby certify that this is a correct
copy of the original statement on
file in my office. Began Transacting
Business: N/A County Clerk, Deputy
D5511 NOTICE- This fictitious busi-
ness name statement expires five years
from the date it was filed in the office
of the county clerk. A new fictitious
business name statement must be filed
before that time. The filing of this
statement does not of itself authorize
the use in this state of a fictitious name
in violation of the rights of another
under federal, state, or common law
(see section 14400 et. Seq. Business &
Professions Code). Published in the San
Bernardino County Sentinel on 1/29,
2/5, 2/12 & 2/19, 2021 & Corrected on
03/05/21, 03/12/21, 03/19/21, 03/26/21
& 04/09/21, 04/16/21, 04/23/21,
04/30/21

Published in the San Bernar-
dino County Sentinel April 16, 23, and
30 & May 7, 2021.

Mailing Address: 625 WEST-
PORT PARKWAY GRAPEVINE,
TX 76051

Date of Current Filing: 11/16/2020

Previous FBN#: FBN20200010515

This Business is Conducted
By: A CORPORATION

BY SIGNING BELOW, I DE-
CLARE THAT ALL INFORMA-
TION IN THIS STATEMENT IS
TRUE AND CORRECT. A regis-
trant who declares as true informa-
tion, which he or she knows to be false,
is guilty of a crime. (B&P Code 17913)
I am also aware that all information
on this statement becomes Public Record
upon filing.

S/ GEORGE E. SHERMAN
This statement was filed with
the County Clerk of San Bernardino
on: 03/30/2021 I hereby certify that
this is a correct copy of the original
statement on file in my office. Began
Transacting Business: JUNE 4, 1996
County Clerk, Deputy I6733

NOTICE- This fictitious busi-
ness name statement expires five
years from the date it was filed in
the office of the county clerk. A new
fictitious business name statement
must be filed before that time. The
filing of this statement does not of
itself authorize the use in this state
of a fictitious name in violation of
the rights of another under federal,
state, or common law (see section
14400 et. Seq. Business & Profes-
sions Code).

Published in the San Bernar-
dino County Sentinel April 16, 23,
and 30 & May 7, 2021.

S/ GEORGE E. SHERMAN
This statement was filed with
the County Clerk of San Bernardino
on: 03/30/2021 I hereby certify that
this is a correct copy of the original
statement on file in my office. Began
Transacting Business: JUNE 4, 1996
County Clerk, Deputy I6733

NOTICE- This fictitious busi-
ness name statement expires five
years from the date it was filed in
the office of the county clerk. A new
fictitious business name statement
must be filed before that time. The
filing of this statement does not of
itself authorize the use in this state
of a fictitious name in violation of
the rights of another under federal,
state, or common law (see section
14400 et. Seq. Business & Profes-
sions Code).

Published in the San Bernar-
dino County Sentinel April 16, 23,
and 30 & May 7, 2021.

S/ GEORGE E. SHERMAN
This statement was filed with
the County Clerk of San Bernardino
on: 03/30/2021 I hereby certify that
this is a correct copy of the original
statement on file in my office. Began
Transacting Business: FEBRUARY 4,
2021 County Clerk, Deputy I137
NOTICE- This fictitious busi-
ness name statement expires five
years from the date it was filed in
the office of the county clerk. A new
fictitious business name statement
must be filed before that time. The
filing of this statement does not of
itself authorize the use in this state
of a fictitious name in violation of
the rights of another under federal,
state, or common law (see section
14400 et. Seq. Business & Profes-
sions Code). Published in the San

Bernardino County Sentinel on
3/5/3/12, 3/19 & 3/26, 2021 & Corrected
on: 04/09/21, 04/16/21, 04/23/21,
04/30/21

Mailing Address: 625 WEST-
PORT PARKWAY GRAPEVINE,
TX 76051

Date of current filing:
11/16/2020

Previous FBN #: FBN20200010519

BY SIGNING BELOW, I DE-
CLARE THAT ALL INFORMA-
TION IN THIS STATEMENT IS
TRUE AND CORRECT. A regis-
trant who declares as true informa-
tion, which he or she knows to be false,
is guilty of a crime. (B&P Code 17913)
I am also aware that all information
on this statement becomes Public Record
upon filing.

S/ GEORGE E. SHERMAN
This statement was filed with
the County Clerk of San Bernardino
on: 03/30/2021 I hereby certify that
this is a correct copy of the original
statement on file in my office. Began
Transacting Business: September
25, 2003

County Clerk, Deputy I6733
NOTICE- This fictitious busi-
ness name statement expires five
years from the date it was filed in
the office of the county clerk. A new
fictitious business name statement

must be filed before that time. The
filing of this statement does not of
itself authorize the use in this state
of a fictitious name in violation of
the rights of another under federal,
state, or common law (see section
14400 et. Seq. Business & Profes-
sions Code).

Public Notices

BY A CORPORATION
BY SIGNING BELOW, I DE-
CLARE THAT ALL INFORMA-
TION IN THIS STATEMENT IS
TRUE AND CORRECT. A regis-
trant who declares as true informa-
tion, which he or she knows to be
false, is guilty of a crime. (B&P
Code 17913) I am also aware that
all information on this statement
becomes Public Record upon filing.

S/ GEORGE E. SHERMAN
This statement was filed with
the County Clerk of San Bernardino
on: 03/30/2021 I hereby certify that
this is a correct copy of the original
statement on file in my office.

Began Transacting Business:
DECEMBER 15, 2005
County Clerk, Deputy I6733
NOTICE- This fictitious busi-
ness name statement expires five
years from the date it was filed in
the office of the county clerk. A new
fictitious business name statement
must be filed before that time. The
filing of this statement does not of
itself authorize the use in this state
of a fictitious name in violation of
the rights of another under federal,
state, or common law (see section
14400 et. Seq. Business & Profes-
sions Code).

Published in the San Bernar-
dino County Sentinel April 16, 23,
and 30 & May 7, 2021.

ABANDONMENT OF AN
FBN 20210000320
The following entity is doing
business as GAMESTOP 1296
222 INLAND CENTER DRIVE
SAN BERNARDINO CA 92408:
GAMESTOP, INC 625 WESTPORT
PARKWAY GRAPEVINE, TEXAS
76051 State of Incorporation: MN
Reg. No.: C1969245

Mailing Address: 625 WEST-
PORT PARKWAY GRAPEVINE,
TX 76051

Date of Current Filing:
11/16/2020

Previous FBN#: FBN20200010515

This Business is Conducted
By: A CORPORATION

BY SIGNING BELOW, I DE-
CLARE THAT ALL INFORMA-
TION IN THIS STATEMENT IS
TRUE AND CORRECT. A regis-
trant who declares as true informa-
tion, which he or she knows to be
false, is guilty of a crime. (B&P
Code 17913) I am also aware that
all information on this statement
becomes Public Record upon filing.

S/ GEORGE E. SHERMAN
This statement was filed with
the County Clerk of San Bernardino
on: 03/30/2021 I hereby certify that
this is a correct copy of the original
statement on file in my office. Began
Transacting Business: JUNE 4, 1996
County Clerk, Deputy I6733

NOTICE- This fictitious busi-
ness name statement expires five
years from the date it was filed in
the office of the county clerk. A new
fictitious business name statement
must be filed before that time. The
filing of this statement does not of
itself authorize the use in this state
of a fictitious name in violation of
the rights of another under federal,
state, or common law (see section
14400 et. Seq. Business & Profes-
sions Code).

Published in the San Bernar-
dino County Sentinel April 16, 23,
and 30 & May 7, 2021.

S/ GEORGE E. SHERMAN
This statement was filed with
the County Clerk of San Bernardino
on: 03/30/2021 I hereby certify that
this is a correct copy of the original
statement on file in my office. Began
Transacting Business: JUNE 4, 1996
County Clerk, Deputy I6733

NOTICE- This fictitious busi-
ness name statement expires five
years from the date it was filed in
the office of the county clerk. A new
fictitious business name statement
must be filed before that time. The
filing of this statement does not of
itself authorize the use in this state
of a fictitious name in violation of
the rights of another under federal,
state, or common law (see section
14400 et. Seq. Business & Profes-
sions Code).

Published in the San Bernar-
dino County Sentinel April 16, 23,
and 30 & May 7, 2021.

S/ GEORGE E. SHERMAN
This statement was filed with
the County Clerk of San Bernardino
on: 03/30/2021 I hereby certify that
this is a correct copy of the original
statement on file in my office. Began
Transacting Business: JUNE 4, 1996
County Clerk, Deputy I6733

NOTICE- This fictitious busi-
ness name statement expires five
years from the date it was filed in
the office of the county clerk. A new
fictitious business name statement
must be filed before that time. The
filing of this statement does not of
itself authorize the use in this state
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Published in the San Bernar-
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on: 03/30/2021 I hereby certify that
this is a correct copy of the original
statement on file in my office. Began
Transacting Business: JUNE 4, 1996
County Clerk, Deputy I6733

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The Free Market Rather Than Bureaucrats Should Dictate The Number Of Filling Stations In RC, Resident Maintains *from page 3*

in plan check review for building permits or under construction. Many of the existing service stations are located near sensitive receptors. The close proximity of service stations to these areas increases the risk of contaminant exposure to vulnerable populations. This problem is exacerbated in situations where the service station may become a brownfield site. A disproportionate amount of the city's existing service stations are concentrated in the southwest and central areas of the city. Thirteen service stations are located in District 2 [on the city's south and southwest side] and eleven are located in District 3 [in the city's central core]. In contrast, districts 1 [in the northwest corner of the city] and 4 [on the northeast and east portion of the city] have only five service stations each. The proliferation of service stations in districts 2 and 3 inequitably increases health risks for the residents of these districts due to the potential contaminants present at service stations. As a matter of environmental justice, the city council must carefully consider how such uses are zoned under the city's general plan and development code in order to avoid an undue concentration of service stations in any one part of the city."

The findings touched on the degree to which gas stations appear to be a magnet for crime.

"Based on data provided by the sheriff's department, the amount of criminal activity that occurs specifically at service stations necessitates that police services be routinely deployed to service stations," the statement of findings puts forth. "Over the past five years, the number of calls for service at service stations has steadily increased. In 2020, a total of 1,059 calls for service were made at service stations in the city, resulting in

approximately 2,455 hours of police time spent policing and protecting service stations. The development of additional service stations within the city would result in additional strains on police services to counter the potential for increased criminal activity."

The San Bernardino County Sheriff's Department provides contractual law enforcement services to the city and serves as the Rancho Cucamonga Police Department.

During Wednesday afternoon's meeting, both McIntosh and City Manager John Gillison observed that gas stations in the city are so plentiful that everywhere within the city except at its extreme north end, residents are no more than five minutes driving time from a filling station.

According to the statement of findings, "Applications for additional service stations continue to be submitted to the city despite the already high concentration of service stations in the city and declining demand. The declining demand for gasoline is partly demonstrated by the decline in annual service station revenues in the city. According to revenue estimates reported to the city by existing service stations, such revenues have declined by over half a million dollars from 2019 to 2020, echoing global trends, which have seen the decline in service stations over the past ten years due to a variety of factors, including the proliferation of electric vehicles, shared mobility solutions, and alternative fuel options. Furthermore, vehicle technology is rapidly evolving such that reliance on gas is steadily declining. According to a report from the Boston Consulting Group, it is estimated that by 2030, more than one third of all new vehicles will be fully or par-

tially electric. Charging for electric vehicles can take place in a variety of locations such as at home, work and in parking lots. Ride-sharing solutions further reduce demand for gasoline as car ownership becomes more obsolete."

Moreover, according to the statement of findings, "The declining demand for gasoline may increase competition amongst the existing service stations in the city such that closures may occur over time. Due to their propensity to become brownfield sites, service stations require significant investment to remediate any potential ground contamination prior to redevelopment. Closed sites may be abandoned and left unused for years and removal of contaminants may present health risks for neighboring communities and sensitive receptors. Additional closures could result in increased blight and dangerous conditions throughout the city, thereby threatening public health, safety and welfare. The city council wishes to assess the appropriate concentration and locations of service stations given declining demand."

Dan Titus, a resident of the Alta Loma district of Rancho Cucamonga, in comments provided in writing to the city council, disputed multiple elements of the findings.

"Staff claims that 'The analysis of issues related to service stations makes clear that service stations pose a threat to public health, safety, and welfare and the city must evaluate new regulations to address that threat,'" Titus wrote. "Citing that service stations are a 'threat' is a bold statement, especially in the context of public health, safety and welfare. Staff cites police service calls as a primary criteria in determination that service stations are a 'threat.' However, no other statistics were offered, for a baseline comparison of other business classifications, liquor stores, salons, etc. Therefore, this data does

not support staff's argument in a meaningful way."

Titus took issue with city staff's contention that the definition of service stations does not consider forms of fuel, and is outdated, and that the definition of the use should be refined to contemplate how natural gas and electric vehicle fueling stations are treated under the city's zoning regulations. Calling this "staff speculation," Titus said, "There is no way of knowing what will define a 'service station' in the future. Types of products offered will be predicated by market demand. It is the responsibility of providers of service stations to satisfy the wants of its customers. Those wants will be predicated on the types of vehicles people choose to drive, whether they are gasoline, natural gas, propane, or electric."

With regard to the justification of imposing the moratorium on the basis that it would, in the finding's words, "allow staff to evaluate the typical operations of a service station in greater detail, the technical standards that should apply to them, and, incorporate necessary requirements and regulations that will minimize their operational and site development impacts," Titus countered that "It is pretentious for staff to promote socially-controlled centralized planning by dictating 'technical standards.' It is impossible for staff to evaluate 'typical operations of a service station.' Operations are predicated on the development, manufacture and distribution of products and services. In a capitalist economy, this involves risk. Service stations must adapt to market demand, as previously noted. Those that do will stay in business; those that don't will go out of business."

City staff's assertion that tax revenue from the city's service stations will "decline over time in part due to the availability and preference of alternative energy sources for powering an auto-

mobile," Titus said, "is speculation. No scientific proof for this claim was presented."

Likewise, he dismissed as "conjecture" staff's contention that "electric cars powered by batteries are becoming more commonplace [and] It is estimated that by 2030, more than a one third of all new vehicles sold will be fully or partially electric powered." He disputed the assertion in the statement of findings that "As battery charging can occur at home, work, or in parking lots, the need for service stations is likely to decline in a corresponding manner." This, Titus said, "is based on assumptions; therefore, the likelihood of service stations declining in the future is speculation."

Titus dismissed as a "false statement" staff's claim, layered into the statement of findings ratified by the city council, that "The declining demand for gasoline due to changes in technology and consumer preferences may increase competition among the existing service stations in the city such that closures may occur over time." Rather, he said, "Due to changes in technology, existing service stations will adapt to consumer wants and adapt their business models accordingly in order to stay in business and make a profit."

In the same way, he maintained, the council's finding that "as hydrogen, liquid petroleum service, compressed natural gas service, and biofuels become more readily adopted as power sources for automobiles, conventional service stations could potentially become obsolete or unable to provide the demand for these alternative fuels," is based on assumption and unsupported by any tangible evidence.

Titus further disputed that ride sharing services and mobility alternatives will become more popular in the future to the point that reduced personal automobile usage will result and reduce demand for service sta-

tions of any kind, and that the use of alternative fuels and ride sharing will result in service stations becoming fiscal "underperformers."

Titus told the city council he was "opposed to the moratorium because staff has proposed central economic planning in regards to service stations in the city. At its core, this ordinance is anti-free market. The staff report tries to disparage honest business practices through speculation statements."

During Wednesday afternoon's session, Councilwoman Kristine Scott said, "I'm glad we're taking a look [at the moratorium concept]. I'm not a fan of moratoriums, but in this case I feel that hitting the pause button... is appropriate for this. Let's look at the data, look at what we're doing and [find out if] these are the best options, the best uses for this land. I also understand that we do have some applications in and I understand people put in time and energy so far into those applications, so I would also recommend we do a moratorium exempting those."

Councilman Ryan Hutchison, while saying that the city should consider putting "more detailed standards and operational requirements in the city's development code [including] regulating hours of operation, lighting, security, safety, proximity to neighborhoods, residents, and vehicles queuing on the streets," indicated such examinations should be made for all types of commercial development and should not be confined simply to gas stations. He said a consideration of new development standards would be "a great thing for every single development. I want to be clear: I don't think that I would ever support currently a long-term ban on the development of gas stations in the city. I think that's something the market will bring about as a necessity rather than through government. I

Continued on Page 11

Rancho Cucamonga Council Amenable To A Gas Station Moratorium *from page 10*

also think people that made that significant investment [into planning and seeking permitting for a gas station should] be able to continue and that we're not hitting the pause button for them who are already working on an application."

Mayor L. Dennis Michael expressed the view that the government should exercise its oversight in shaping what sort of development is to come into the city. He

seemed to suggest that the judgment of municipal officials should have at least equal weight as that of the private sector in determining what commercial and other uses, and the types of those uses, are best for the community and its residents.

"I guess I've got a concern," Michael said. "Some of those concerns rest with the competition oversaturation [and] what happens to the older, more well-established stations that don't have the kind of good-looking, nice amenities available to residents, and we start ending up

seeing stations, like the two that are vacant, go out of business. Now we have a brownfield problem when we have a developer come in who wants to do something really cool, but he's got a huge expense in remediation on the site. I want to thank the staff for your recognition that, hey, this seems like we're getting a real spike in these kind of facilities – service stations, gas stations, however you want to call them, and convenience stores – and at least at this point in one specific area of the city." Michael indicated he was concerned that

the proliferation of gas stations with convenient store components, with their propensity to locate at a corner of major intersections, would preclude the development of a substantial shopping center containing a grocery store in the southwest quadrant of the city, which he said was devoid of such uses.

"I would support taking a pause to look at this a little more deeply," he said. "I would like to find out, and maybe staff could do an analysis on, what would happen if a number – three or four – gas stations came in one centralized

area of the community, what that would do to the existing market of the other stations that are currently probably struggling themselves. I just think we need to be careful. We have only so much vacant land left in this city, and we certainly need to look for the highest and best use, and be patient... and look towards what opportunities, what potential risk we are running into when we can never get back what we gave up."

The mayor said he would support up to a two-year moratorium on any new applications for gas stations.

The council deferred voting on the moratorium until the regular meeting held that evening, at which time its members voted unanimously to put it into place.

Titus lamented that "In a convoluted argument, staff conflates service stations as becoming fiscal 'underperformers' in regards to the contribution they make to city tax revenues. They speculate about their profitability potential based on probabilities of future products and services they might offer."

-Mark Gutglueck

Five-Story 772-Unit Apartment Project In Redlands Will Need Exemption From Measure U *from page 3*

its farthest point. The property at the southeast corner of Citrus Avenue and Eureka Street is approximately 1,300 feet to the south of the Santa Fe Depot train station at its farthest point, which is no more than 1/4-mile from the Metrolink and

Arrow train platforms."

It is unknown at this time whether there will be active resistance to granting the exemptions by a heavy contingent of Redlands residents and activists who consider themselves watchdogs with regard to any efforts to compromise the principles of Measure U.

Last year, Redlands residents were called upon to consider Measure G, which was placed by the city council on the March 3, 2020 California Primary ballot. Measure G sought to undo all

of the provisions of Measure R, Measure N and Measure U in the city's 782-acre central corridor and make further general sallies against Measures R, N, and U throughout the city. Specifically, Measure G called for eliminating the requirement that a four-fifths vote of the city council is needed to approve residential densities exceeding 18 dwelling units per acre, eliminate the current requirement that a four-fifths vote of the city

council is needed to approve residential buildings exceeding two stories or 35 feet in height, eliminate the need for developers to ensure that the level of traffic flow that exists at the intersections proximate to their projects prior to the construction of their projects be maintained after the projects are completed, eliminate the requirement that the voters of the city rather than the city council be solely authorized to establish any new land use design-

nations in the city, eliminate the requirement that the proponents of certain new development projects prepare a socioeconomic-cost/benefit study before approval of those projects, eliminate the requirement that certain residential subdivision projects be subject to competitive review for issuance of building permits, and eliminate the requirement that the developers of new projects pay 100 percent of the development impact fees that are imposed on

those projects. Measure G also called for rescinding the earlier voter-approved measures R, N and U, which prohibit more than 400 residential dwelling units being constructed within the city in any year.

Measure G was soundly defeated, gathering 7,798 votes of support, or 35.12 percent of the ballots cast, while being met by 14,407 votes in opposition, equal to 64.88 percent rejection.

-Mark Gutglueck

SB Mayor Used His Veto Power To Save Two Of His Political Donors From Having To Complete \$2 Million Concrete Removal Effort *from page 6*

Seventh Ward Councilman Jim Mulvihill, who was also up for reelection in November, convinced two of their colleagues – Sandra Ibarra and Juan Figueroa – to issue a demand to Oxbow Communities and Cernich that the concrete be removed, and that any processing of the concrete – crushing, grinding or pulverizing – be carried out offsite.

Councilmen Theodore Sanchez and Fred Shorett, who reasoned that allowing Oxbow to keep the concrete onsite so it could be processed to be used as fill would expedite the progression toward the ultimate completion of the Oxbow project, were opposed to

giving Cernich any such ultimatum. Then-Councilwoman Bessine Richard was absent from the October 21 city council meeting, and did not vote on holding Cernich and Oxbow to account. If she had been present and had voted with Sanchez and Shorett, that would have given Mayor John Valdivia authority to veto the vote by Nickel, Mulvihill, Ibarra and Figueroa.

Under normal circumstances, Valdivia, as mayor, is not empowered to vote. He does, however, have veto authority on 4-to-3 or 3-to-2 votes. Since the vote to order the removal of the concrete had passed on a 4-to-2 vote, Valdivia did not have the reach to veto it.

Valdivia was motivated to assist Cernich in keeping the concrete at the Verdumont site. Cernich had provided Valdivia's electioneering fund with \$1,500 in two \$750 installments,

one on July 14, 2020 and another on September 8, 2020. Greenleaf Engineering of Huntington Beach, owned by Tim Greenleaf, who had the contract for the demolition of the Kuehne & Nagel warehouse and relocating its concrete walls to San Bernardino, had provided Valdivia's election fund with \$2,000 in two \$1,000 installments on October 2, 2020 and on October 7, 2020.

On December 16, 2020, Ben Christmas-Reynoso, Kimberly Calvin and Damon Alexander were sworn in to office to replace, respectively Nickel, Richard and Mulvihill, all of whom lost their council berths as a consequence of the 2020 political season.

If Cernich had hopes of convincing the council to allow the concrete to remain onsite so he could crush it there and combine it with dirt and pour it into the crevices and ravines at the site

where the subdivision is to be built, that was dashed when Christmas-Reynoso proved every bit as adamant as Nickel in seeing the concrete removed and Oxbow Development prevented from crushing it on site.

In December or thereabouts, Cernich handed the Oxbow project off to another entity, Carson-based Pacific Coast International Group. In turn, Pacific Coast International created a sub-entity, Palm Avenue Development, based in Irvine, to see the residential subdivision built.

The council at some point in a closed session resolved to mandate that the concrete be removed. On January 15, 2021, Pacific Coast International/Palm Avenue Development and Jazzar Construction Group, a parallel entity involved in the Oxbow project, were presented with a notice that the city was giving the new Oxbow project developer 30 days to re-

move the concrete.

The city indicated that if an effort to remove the concrete was not under way by January 25 and substantial progress toward the complete removal of the concrete was not made by February 14, it would undertake to do that removal and slap a lien against the property to ultimately recover its costs in carrying out that job.

February 14 came and went without any of the concrete being removed.

The city then made good on its threat, seeking from the San Bernardino County Superior Court authorization to go onto Pacific Coast International's property at the top of Palm Avenue and begin the removal of the concrete rubble. Superior Court Judge Charles Umeda granted the city's request for the warrant to do the abatement, contingent upon the city giving Pacific Coast International 24 hour's notice via posting at the

site or 48 hours notice by U.S. Mail or email delivered to the head of Jazzar Construction Group, Ronald Aljazzar.

On April 7, the city council voted to authorize the expenditure of \$2 million toward the concrete removal effort, slating the work to begin on April 12 and proceed at a steady pace, such that the debris would be removed 50 days hence, on June 1. The work was to be done by Cemex, a Mexican multinational building materials company with California corporate headquarters in Ontario. To pay for the abatement, the city intended to place a lien on the property, such that it would be able to recover the \$2 million from Pacific Coast International/Palm Avenue Development/Jazzar Construction Group before the construction on the Oxbow subdivision could proceed.

The vote to give Ce-

Continued on Page 12

Chino Planning Commission Comes Within One Vote Of Denying School District's Administration & Warehouse Project

from page 5

istrative division, currently housed within a part of the Old Chino High School at 5130 Riverside Drive, will move into the Ramona Avenue district headquarters upon that project's completion. The Riverside Drive facility will

yet remain as the storage and facility yard for the district's buses.

The district has owned the Ramona Avenue location since 1990 and currently uses the property for its Student Support Services Department. The Yorba Avenue site is currently vacant.

The proposed warehouse project to be located at 13404 Yorba Avenue is to consist of a 325,300 square foot industrial building that fronts the street. The building is designed to

be flexible with office pods located at both the north and south ends of the building, which could accommodate either a single user or allow the building to be divided for two separate users. Loading doors are located on the west side of the building and face the interior property line.

Access is provided to the site via three driveways on Yorba Avenue. The north and south driveways will accommodate truck traffic and lead directly to the secure yard area at the rear

of the site. The middle driveway is designed for passenger vehicle access only and provides direct access to the parking located in front of the building.

It was this ingress into and egress from the yard surrounding the warehouse that became an issue for Blanchard, Cisneros and Moore. They expressed misgivings about the narrowness of the street, which does not provide for a turning lane into the warehouse yard or an adequate opportunity for vehicles

leaving the property to gradually blend into the Yorba Avenue traffic flow.

Both Blanchard and Moore referred to the convergence that would occur as a "bottleneck." Blanchard said the configuration would "obstruct traffic flow."

Cisneros concurred. The trio voted against the project based on traffic safety concerns, which they said would become more acute when the surrounding properties are developed.

Commissioners Alex-

andris, Lewis and Nastase and Pocock were more sanguine about the traffic issue, and their votes to approve the project prevailed.

The matter is now scheduled to go before the Chino City Council on May 4. That panel, which has the ultimate land use authority in the city, will be called upon to sign off on a zone change and general plan amendment for the project to be allowed to proceed.

City Should Remove Concrete From Oxbow Site And Use Liens To Recover Its Costs, Former SB Councilman Says

from page 11

mex the concrete removal assignment passed 4-to-3, with Christmas-Reynoso, Calvin, Sandra Ibarra and Damon Alexander prevailing, and councilmen Fred Shorett, Ted Sanchez and Juan Figueroa dissenting. Valdivia then vetoed the approval of the abatement plan.

Sanchez, Shorett and Figueroa believe that subjecting the developer to the cost of removing the concrete from the site and carrying out the processing of the material elsewhere before relocating back to the site where it will be used to form the base beneath the subdivision would be prohibitively expensive and that once the material is removed it will never come back and the project will be abandoned, with the land lying fallow for another 15 years.

Shorett prides himself as being pro-development and does not want to see the city surrender the prospect of having upscale homes built at the site.

Sanchez told the *Sentinel* that the fears expressed by some residents that the concrete represents a health hazard do not comport with actuality.

"The concrete has been tested by two scientific labs and they have found it is not toxic,"

Sanchez said. "It will not be hazardous to crush it where it is, as long as it is done correctly. What will be far more hazardous is making thousands of trips using diesel-fueled trucks to get it out of there. The ideal way is for the developer to crush it onsite and then use it as fill along with earth that will be compacted to even out the ground, because those houses cannot be built on those slopes. Doing it any other way at this point will be difficult and will cost millions of dollars."

An issue with the crushing of the concrete is that it will be to some degree powderized into particulates that when stirred up by the wind could spread over the area. Those breathing that concrete dust could suffer severe lung damage. A methodology that could be applied, building industry sources maintain, is to spray the concrete as it is being cut, crushed or stamped into smaller fragments to anchor the dust, after which the final product would be covered until it is mixed with dirt and pressed into place as the base for the construction site.

Sanchez acknowledged that the wind does blow debris from the piles upon piles of concrete mounded about the neighborhood. He also acknowledged that Valdivia has an "ulterior motive" in seeking to help out the developer. Nevertheless, Sanchez said, working out a solution to the circumstance that avoids trucking the

concrete away and back while getting the project site ready for development was the best way to approach the quandary.

Sanchez said he was certain that Christmas-Reynoso and Calvin could not be persuaded to give Pacific Coast International/Palm Avenue Development/Jazzar Construction Group an opportunity to process the concrete onsite to redress the property contour issues and move ahead with the project, and that it was highly doubtful that Ibarra could be made to come around and support Pacific Coast International/Palm Avenue Development/Jazzar Construction Group, either. He did hold out hope, however, that Alexander would see his way clear to fall in line with him, Shorett and Figueroa in forming a coalition with regard to letting Pacific Coast International/Palm Avenue Development/Jazzar Construction Group use the concrete fill too expedite the completion of the Oxbow subdivision.

Henry Nickel, who has now been out of office for more than four months, says he believes that the concrete rubble debacle did him in last November. Nevertheless, he said, "I'm 100 percent behind Ben [Christmas-Reynoso] on this. Ben's definitely on the right track. That concrete needs to be abated. Aside from being a nuisance and an eyesore, it's a hazard. They [Pacific Coast International/Palm Avenue Development/Jazzar Construction Group] are

in absolute violation of whatever permits were issued, of the city code, of everything. That area is not zoned for concrete crushing or grinding. They do not have permits to use that as a dump site or holding site for concrete. It was a major staff faux pas to let them do that."

Nickel said there was a lot of finger-pointing by staff, with no one willing to acknowledge responsibility for having given Oxbow Communities clearance to move the fragmented concrete onto the property near the top of Palm Avenue.

The only criticism he made of Christmas-Reynoso was to say that his successor needs to sharpen his skills in political horsetrading and logrolling. "I wish Ben could get five votes," Nickel said. "Four votes is not enough. Four votes simply throws the decision to the mayor. Ben has to figure out how to amass five votes. He has to figure out how to win Juan's [Figueroa's] support on this. Juan is the swing vote. In October, Juan voted with us. Ben has to work to get that fifth vote. The fifth vote will come around. It's a matter of trade-offs. He has to ask himself what he is willing to give and what Juan is willing to accept so he can get that fifth vote."

Nickel said, "Staff dropped the ball on this. They should never have let the concrete be set down there in the first place. It is hurting our community. The bottom line is that the council has to reconcile this.

How do they fix it now that staff has overstepped their authority and their discretion? This is an example of how there is this constant tension between elected officials and professional staff. Staff should have been defending the community. If they were going to let them bring that concrete in, they should have required a bond in case it had to be abated."

Nickel said he suspected that Cernich and Greenleaf were provided with \$2 million by the owners of the Kuehne & Nagel warehouse to haul the concrete off. He said he further suspected that Oxbow Development/Cernich and Pacific Coast International/Palm Avenue Development are one and the same.

"They may very well have created these shell companies and LLCs," he said. "Corporations have funny ways of moving things around. I have seen so many deals like that, it wouldn't surprise me. Whoever holds that property, whether it is the original owner in another guise or a new owner, has assumed the liability. The city needs to move in there and abate it. We need to get compensated, so we should slap a lien on the property and recover our costs. If it is a new owner, the new owner bought this mess. If the problem wasn't disclosed because the previous owner violated the terms of the permit, then the new owner should sue for nondisclosure."

Nickel said that Shorett was not will-

ing to support forcing the abatement of the concrete because, "He doesn't want to be seen as doing something that will hurt developers. The thing is, I think it is pretty clear the developer in this case accepted money to take the concrete off the hands of the owner of that warehouse and dump it someplace. They ended up dumping that material near existing residential properties. That was probably fraudulent conduct and possibly criminal. The city and the residents are being played for fools here. I am not against development, and I would say that I was as pro-development or more than anyone on the council. But in this case, the developer is taking advantage of the city. This is a threat to the health and safety of the community. There can be no crushing activity in that area. If I was on the council, I would be more than happy to go after everybody who had a hand in this. That is what the council needs to do: The city should front the costs of cleaning this up and then go after anybody and everybody who tried to take advantage of us. We should sue, and not just stop there, but put a lien on their property. We should make their lives a living hell. We need to say to them, 'If you want to pull a fast one on the city, you are going to get your ass handed to you and we are going to get our pound of flesh.'"