

Case Against Alleged Outlaw Deputy Hinges As Much On What is Not Told As What Is

By Mark Gutglueck

The San Bernardino County Sheriff's Department by arresting one of its own deputies on somewhat nebulous charges relating to his ties with what has been termed "an outlaw motorcycle gang" appears to have opened a can of worms that now cannot be untangled short of the involvement of federal investigators and prosecutors, if at all.

At issue is whether

the guilt by association implied with some of the department's actions and statements together with that of the San Bernardino County District Attorney's Office can pass constitutional muster, taken together with a test of the accuracy of the assumptions the department and prosecutors have made with regard to the case's underlying facts, a circumstance complicated further still by whatever investiga-

tive role the deputy was serving in which may not have been known by all or even most of his colleagues within the department.

Even assuming the deputy was, as is alleged, a criminal who had insinuated himself into the county's primary law enforcement agency and was in possession of illegal weaponry he was not allowed to possess in his off-duty capacity, questions attend the ad-

missibility of the materials seized in the effort to adduce his guilt thus far, given the dubious grounds cited in obtaining the warrant used in conducting the search of his premises that yielded that evidence.

In analyzing the case against Deputy Christopher Bingham, the most important determination may not turn on whether what the sheriff's department and the district attorney's office is at this

point disclosing about him is true, which it might very well be, but rather what information about him is not being provided or deliberately withheld.

Bingham is a former Marine, one who enlisted in August 1998 and was inducted in September of that year at the age of 19 and one day shy of four years later in September 2002 was honorably discharged, having achieved **See P 4**

Redlands Solons Using Parking Enforcement To Clear Downtown For Future Skyscrapers

The gulf between the city of Redlands' elected officials, who are celebrated as forward-looking futurists, and the most vocal and effective of that city's politically active residents, who pride themselves on their traditionalism, has long been apparent.

Time and again the action of City Hall has sought to break or overcome that resident re-

solve but never succeeded, though, curiously, anti-traditionalists manage to get elected to the city council in Redlands.

Since the beginning of the month, yet another issue has been raised by city officials, one impacting not just the city's residents but its downtown business community, which is threatening to move a major portion of the city's business

community, which has previously steered clear of the struggle between the traditionalists and the futurists, into the traditionalists' camp.

One report has it that senior Redlands officials are using parking enforcement downtown in an effort to clear the city of its quaint but aging mercantile district to make way for a forest of highrises.

Incorporated in 1888, the third San Bernardino County to become a municipality, Redlands was founded by a group of wealthy investors from Chicago, who became known as the Chicago Colony, on land that was previously sparsely developed for agricultural use. The city attracted affluent Easterners wanting winter homes in the region and became

what was arguably the grandest residential/agricultural/resort venue in Southern California at that time, and through subsequent generations its residents built on and enhanced that status. By the late mid-20th Century, a core of sophisticated and energetic city residents were acutely conscious of the city's rich heritage and assets and, looking at **See P 3**

Yucaipa Developing At A Rapid Pace Residentially & Commercially

The City of Yucaipa is galloping toward an intensive round of development, a profile of applications pending before the 54,254-population city's community development/planning department shows.

Fully 42 commercial/industrial/institutional projects, ones of relatively minor scope to one involving a light industrial

logistics facility of more than two million square feet under roof located on site larger than 300 acres are either proposed, have been approved, are under construction or were recently completed.

The city is undergoing an even more substantial transformation in terms of residential development, one that is likely to see its popu- **See P 6**

Consortium San Bernardino Selected To Redo The Carousel Mall Is The Latest Entity To Sue The City

San Bernardino Development Company LLC, the joint venture between Renaissance Downtowns USA and ICO Real Estate Group chosen by San Bernardino officials to undertake a makeover of the Carousel Mall in 2021, has sued the city over its cancellation of that contract.

After years of de-

terioration at the mall, which first opened in 1972 as the Central City Mall by incorporating the 1927 Harris Department Store at its east end, city officials in earnest about two decades ago undertook, through its redevelopment and economic development agencies, to revive it as a commercial center. This involved several entities,

including the Spanish company El Corte Inglés, S.A.; LNR Corporation; the San Manuel Band of Mission Indians; AECOM; the Fransen Company; KB Homes; Lynwood-based developer Placo, functioning as Placo San Bernardino LLC; Tishman Construction Corporation and Hunt Development Group. None of **See P 3**

Legislators Mull Practical & Financial Assistance To Citrus Farmers For Fruit Fly Losses

State legislators are pressing for way to assist citrus farmers who are seeing the profitability of the agricultural operations evaporate as a consequence of the Oriental fruit fly quarantine.

The California Department of Food and Agriculture earlier this year implemented quarantine measures in Contra Costa, Riverside,

Sacramento, San Bernardino, and Santa Clara counties to address the presence of the Oriental fruit fly. The oriental fruit fly, previously known by the scientific name, *Dacus dorsalis* and now referred to as *Bactrocera dorsalis*, is a species of tephritid fruit fly that was endemic to Southeast Asia. It is a major pest species, with

a broad host range of cultivated and wild fruits.

In January, the California Department of Food and Agriculture imposed quarantine and initiated a fruit removal program locally in the target area centered in Redlands north and south of I-10, with a northern boundary of East Highland Ave, a western boundary at the

intersection of Garden and Elizabeth streets, an eastern boundary of Alta Vista Drive and a southern boundary of Silver Leaf Court. "If left unchecked," the Department of Food and Agriculture said at that time, "the Oriental fruit fly could become permanently established and cause billions of dollars worth of losses annually,

which would significantly impact California's food supply," according to the Department of Food and Agriculture.

The state's action meant, essentially, that citrus growers would not be able to market any of the fruit they grow this year. No arrangements to reimbursement those farmers were made at the time. **See P 3**

State Appellate Panel Clears The Way For Upland Amazon Project To Proceed

In an impactful reversal, a three-member panel of the California State Court of Appeal, Fourth Appellate District Division Two in Riverside has set aside the 2021 ruling of San Bernardino County Superior Court Judge David Cohn that has prevented a the construction of a warehouse in Upland that which was to serve as the center for online retail behemoth Amazon's distribution efforts in western San Bernardino County and eastern Los Angeles County.

While the basis for Cohn's ruling suspending the project had been what he had determined to be insufficient recognition, and inadequate mitigation, of the anticipated air quality impacts of the proposed project, the delay had provided the community an opportunity to focus on what a substantial cross section of Uplanders felt was city officials' failure to insist upon the company providing adequate offsets in terms of financing and offsite/infrastructure improvements to balance the downsides of the massive operation.

With the Court of Appeal panel's tentative ruling, which is likely to be finalized in June or shortly thereafter, the legal and practical leverage a group of activists had previously seemed to have secured toward imposing further conditions on the company building the warehouse now appears to have vanished.

On April 1, 2020, the Upland City **See P 7**

Deputy, A Former Marine Rifleman, Moonlighted As A Gun Dealer In Twentynine Palms from front page

the rank of corporal and received numerous commendations to include the Navy's Distinguished Service Medal, the National Defense Service Medal, two Sea Service Deployment Ribbons and the Marine Corps Good Conduct Medal. His final tour of duty was with the 1st Battalion, 7th Marines at the Marine Corps Air Ground Combat Center in Twentynine Palms.

At the age of 23, he was looking for gainful employment. As rifleman in Marine Corps, he had extensive experience with firearms. After spinning his wheels, for a time, he looked into the possibility of a career in law enforcement.

The San Bernardino County Sheriff's Department, which actively recruits from among recently discharged military personnel, had advertised that it was seeking to fill deputy positions with qualified candidates, which led him to apply for and obtain almost immediate admission to the basic sheriff's academy at the Frank Bland Training Center in Devore run by the sheriff's department. He excelled at most of the courses and training, particularly those relating to the physical training program, firearms and defensive tactics.

Shortly after graduation as a member of the 142nd Class of the Frank Bland Basic Police Academy in 2005, having already been screened to be admitted to the academy, he passed a more intensive background investigation and was hired as a deputy by the San Bernardino County Sheriff's Department in September of that year. By going to work with the sheriff's department rather than any of a number of other law enforcement agencies, including the Azusa, Barstow, Chino, Claremont, Corona, Fontana,

La Verne, Montclair, Pomona, Rialto, Riverside and San Bernardino police departments which routinely hired Frank Bland Basic Academy graduates, Bingham figured he would be able, after working at other locations throughout far-flung 20,105-square-mile San Bernardino County, to eventually obtain a duty assignment close to his home in Twentynine Palms.

After his acclimation to the department, Bingham, as a firearms expert, former Marine stationed locally and someone who had grown intimately familiar with the Highway 62 communities of Twentynine Palms, Joshua Tree, Yucca Valley and the Morongo Valley and many of the rugged individualist types who are attracted to that sparsely populated sub-region, to say nothing of his own demeanor as an individual up for physical challenges, including functioning as a motorcycle patrolman on the open desert highway, became a valuable department asset. He was able to meld into the milieu of desert life and, on occasion, pick up information that was of some value to the department and its mission of enforcing the law, keeping the peace, exploring behaviors among the area's residents, visitors and servicemen that represented the near occasion of violence or criminality.

In 2015, just around the time of his son's first birthday, Bingham registered a limited liability company in which he was the sole owner with California Secretary of State, O'Three Tactical, located at 73749 29 Palms Highway in Twentynine Palms. At that point, his effectiveness as a receptor of information being casually and passively collected mushroomed by a factor of more than one hundred. O'Three Tactical was a gun shop, one that dealt in standard firearm sales as well as obtaining for its customers specialized equipment and hardware prized by gun aficionados, particularly ones looking to replicate

the actuality or mystique of military firepower. Contained within a shop next to a Mexican restaurant east of Adobe Road in the downtown section of Twentynine Palms on Highway 62, known in that neck of the woods as 29 Palms Highway, O'Three Tactical had found a niche in a place where both current and former military personnel lived and congregated. While he was sometimes engaged during normal business hours working daytime shifts with the sheriff's department, for certain periods, Bingham worked swing or graveyard patrol or duty within the sheriff's jail system, freeing him to be present at O'Three Tactical, which was normally manned by one of four different employees, all of whom were current or former military personnel or law enforcement officers, he had over the years O'Three Tactical remained in operation. Because of his own affinity for guns and weaponry, his shop became one known for the ability to track down and deliver specialized firearms, as well as for providing servicing and augmenting equipment to those products, along with, as the shop's name implied, all order of tactical gear. Knives, bulletproof wear and helmets, ammunition, magazines, cartridges, powders, primers, sights and scopes and all order of other accessories. O'Three Tactical did deal, legally insofar as the sheriff's department certified, in some weaponry and equipment that was banned or outlawed in California, such as certain types of firearms and silencers, devices that in some other states can be purchased or possessed legally.

Bingham maintained, however, and the sheriff's department's standoffishness seemed to confirm, that such items were being sold, as Bingham stated more than once, to "individual California law enforcement officers properly licensed and permitted to carry them or out of state buyers." His shop also engaged in gunsmith-

ing, making firearms to order, and legal firearm adaptations.

Bingham decried the "liberal" California legislature and state government which was, in his view, infringing on the Second Amendment rights of law abiding citizens by engaging in excessive regulation of firearms and gun ownership. California citizens should be free to own and practice with firearms, as long as the firearms themselves fell within the rubric of the type of weapons that could be owned and used, and their owners properly registered and responsibly stored and used them.

His second job as a gun shop owner brought him into contact with a subset of the not just the Morongo Basin's population, but many people from outside the area who traveled hundreds of miles and occasionally from outside of California to look at, examine and buy the oftentimes exotic models of firearms he had obtained.

Bingham fastidiously adhered to the law with regard to regulations about whom guns can be sold to. One report held that he had a policy of asking anyone who came into O'Three Tactical smelling of marijuana to leave. At one point, in 2019, the sheriff's department's internal affairs division, referred to as professional standards, initiated an investigation into Bingham when it was alleged that he was improperly using the CLETS – California Law Enforcement Telecommunications System – the data base available to California law enforcement agencies that, among other things, catalogs the arrest histories and criminal convictions of the state's residents. That investigation came to nothing, however, when it was determined that Bingham was merely delving into whether he could make gun sales to certain individuals seeking to purchase firearms whom he had legitimate grounds to believe might actually be felons who could not

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legally purchase, own or possess firearms as a consequence of their convictions. The department ended that investigation without taking any action against him.

There is information to suggest that on a multitude of occasions, Bingham's status as a gun shop owner resulted in the production of information useful in the sheriff's department's operations, as he became privy to potential or actual criminal activity through his or his employees' interaction with customers or would-be customers, which was passed along to his colleagues within the sheriff's department.

On at least one occasion, Bingham himself became involved as a witness in a prosecution in which he had knowledge about activity/a circumstance relevant to a crime. In 2019, Lance Corporal Rafael Aikens, who had been stationed at the Marine Corps Air Ground Combat Center in Twentynine Palms, went on trial for the March 23, 2017 murders of Christy McKissic and her mother, Renee Metcalf, who were shot in their Twentynine Palms home. Aikens had been in a dating relationship with McKissic, whom he had met at the Virginian bar in downtown Twentynine Palms, where she worked with her mother. The San Bernardino County District Attorney's Office put on a largely circumstantial case against Aikens, a machine gunner attached to 2nd Battalion, 7th Marines at the time of killings. The case against

him was strengthened by his alleged confiding in two of the Marines housed within his living quarters at the Marine Corps Air Ground Combat Center in Twentynine Palms and by the testimony of Bingham. Bingham told the jury that O'Three Tactical sold a 45-caliber handgun to Aikens a month before the killings.

O'Three Tactical was popular with customers and did what was a relatively brisk business, at least for a time, providing Bingham's employees with a steady income. Nevertheless, Bingham was not a particularly astute businessman, as he saw O'Three Tactical as a more of a vehicle by which he could support the Second Amendment and engage in the milieu of gun ownership and paramilitary pride rather than make a lot of money. Because his profit margins were not that high and the cost he sometimes went to to obtain rare firearms requested by his patrons, O'Three Tactical was, somewhat surprisingly, hurt by the increase in demand for both firearms and ammunition that accompanied the rioting nationwide that followed in the aftermath of the May 25, 2020 death of George Floyd during his arrest by Minneapolis Police. O'Three Tactical, which might have otherwise enjoyed a windfall as a result of the increase in sales, at first kept up with that demand by scrambling to find ammo and guns from creatively derived sources, as sup-

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San Bernardino Struggled In Dealing With The White Elephant Mall At Its Municipal Core *from front page*

those efforts panned out.

City officials in 2020 resolved to hold a competition to find a contract redeveloper of the property and perhaps see it regain the glory of its heyday in the 1980s when it was host to Montgomery Ward, JC Penney, Harris' and 114 other tenants. Bidding for that opportunity were SCG America, an American affiliate of a Chinese-owned company; Los Angeles-based BLVD Communities, Calabasas-based Alliant Strategic Development, Renaissance Downtowns USA and ICO Real Estate Group. Along the way, Hun-

tington Station, New York-based Renaissance Downtowns USA and Los Angeles-based ICO Real Estate Group, which had initially entered competing bids but which had cooperated on projects previously, elected to combine their efforts.

Ultimately, despite then-Mayor John Valdivia, because SCG had slipped him a lot of money, and then-City Manager Bob Field militating heavily on behalf of SCG America, Renaissance Downtowns USA and ICO Real Estate Group, functioning under the collective name San Bernardino Development Company LLC, on March 3, 2021, captured the right to develop the mall property when a majority of the San Bernardino City Council consisting of Councilman Theodore

Sanchez, Councilwoman Sandra Ibarra, Councilman Fred Shorett, Councilman Ben Reynoso, Councilwoman Kimberly Calvin and Councilman Damon Alexander voted in favor of accepting the San Bernardino Development Company LLC proposal to serve as the mall's combined master redeveloper.

Things proceeded apace, but on March 16, 2023, David Zisser, the assistant deputy director for the California Department of Housing and Community Development's accountability unit, stated in a publicly-released letter that the City of San Bernardino had violated four state laws or policies with its action in approving the arrangement with Renaissance Downtowns USA and ICO Real Estate Group and its subsequent fa-

ilitating of that deal. According to Zisser, the city violated the Surplus Land Act in its disposition of the entire mall property by having submitted to the California Department of Housing and Community Development documentation on August 5, 2021 that was inaccurate and incomplete, to wit, that no affordable housing developers had expressed interest in the Carousel Mall property. While the California Department of Housing and Community Development initially accepted that documentation and issued a letter to the city on September 2, 2021 approving the disposition based on the information and documentation, subsequently, according to Zisser, the department learned of the inaccuracies in the August 5, 2021 letter and

rescinded its approval and referred the matter to California Attorney General Rob Bonta for possible criminal or civil action against the city and its officials. In August 2021, according to Zisser, San Bernardino city officials dissembled by representing that the city had been provided with no qualified notices of interest in developing/redeveloping the Carousel Mall property by low-income housing developers. In actuality, Zisser said, two entities, BLVD Communities and Alliant Strategic Development – both of which have divisions concentrating on building affordable residential units – responded to the city's notice of availability. The city did not meet its obligation of holding a round of "good faith" negotiations with BLVD

and Alliant, according to the State of California. In recent years, the California Department of Housing and Community Development has been stressing the need for local governmental jurisdictions, both cities and counties, to develop affordable housing in response to what is widely considered a housing crisis in the Golden State. According to Zisser, the city issued a preliminary exclusive negotiating agreement with Renaissance Downtowns USA/ICO Real Estate Group on May 26, 2021, less than a week after the notice of availability was issued and during the subsequent 60-day notice period. "Based on publicly available documents on the city's website, it is evident that the city negotiated with at *Continued on Page 16*

For Three Generations, Redlands Establishment Futurists Have Been At Odds With The City's Traditionalist Residents *from front page*

the unbridled development occurring in many areas within Southern California, undertook efforts to head off the wall-to-wall urbanization of their city. This vanguard – traditionalists who were in place as many as three and four generations ago, worked together to codify protections against the urbanization that was consuming most of the surrounding communities. Using the initiative

process, they bypassed their elected pro-development city council, authoring among themselves ordinances to be placed into the city code, then obtained the needed signatures to qualify them for the citywide ballot and then convinced a majority of the city's voters to pass them. This was done with Proposition R in 1978, Measure N in 1987 and Measure U in 1997, all of which were intended to reduce growth to manageable levels.

1978's Proposition R in relevant part provided that no more than 450 residential dwelling units could be developed within the city in any single year.

1987's Measure N amended Proposition "R" to reduce the number of residential dwelling units could be developed within the city in any one calendar year to 400 and extended the issue of controlling the growth rate by further setting standards for development and making requirements that for citrus groves to be developed a portion of that agricultural land had to be maintained as undeveloped open space. It put into place limitations on how much density could be created with any particular development.

1997's Measure U enacted several further principles of managed

development within Redlands, requiring a four-fifths vote of the council for projects that exceed two stories in height, disallowing any project that exceeded 27 units to the acre, requiring a four-fifths vote of the council for any project exceeding 18 dwelling units per acre and imposing a myriad of requirements on the city and developers with regard to assessing what that development was to entail requiring that conditions be imposed on that growth to offset the impacts that development would have on the quality of life of those already living in Redlands or who would live there in the future.

In combination with Measure U, the city created a mechanism by which 100 acres of citrus came under city ownership."

Today, Redlands contains more of the vestiges of the verdant citrus-growing empire that the region once was than any of the other cities in San Bernardino or Riverside counties.

As has long been the case, however, with the diminishing profitability of farming, the increase in the value of property adapted for residential, commercial and industrial use, the aging or eventual demise of those who once operated large swaths of property in Redlands for agricultur-

al production, succeeding generations of heirs to that property no longer interested in farming and/or the acquisition of those properties by real estate speculators or developers, city officials – in particular the city council members who possess the ultimate land use decision-making authority – view the further maturation of Redlands as an urban entity in a far more positive light than do its residents who are motivated to preserving its late 19th Century/early 20th Century character. At virtually every turn, city officials – both elected and the municipal management professionals *Continued on Page 9*

Upland Warehouse Developer Radically Changed The Scope Of The Project, Engendering Resident Skepticism *from front page*

Council, over the protests of 22 residents who went on record as being opposed to the warehouse/distribution center project during a remotely held city council meeting to consider the project, gave 4-to-1 approval of Bridge Development Partners' request to con-

struct the Bridgepoint Distribution Center, a single 201,096-square foot facility involving 25 dock-high loading bays for 18-wheeler trucks, another 32 bays for delivery vans and trucks, along with 1,438 parking spaces around the building. The facility was slated for a 50-acre site in Upland north of Foothill Boulevard slightly east of Central Avenue and south of Cable Airport on property owned by the Biogiovani Family Trust. Bridge Development was to lease the

property from the trust for 50 years, subject to an option to extend the lease another 50 years. In approving the project proposal, the city council accepted the terms of a \$17 million development agreement offered by Bridge Development Partners. Some city residents saw that as a show of generosity on Bridge Development's part. Others, taking stock of the consideration that the city would realize no sales tax revenue from the project because of Amazon's non-Califor-

nia-based internet sales model, felt that the deal was a bad one since the impacts of the Amazon operation, which would remain in place for at least 50 years per the ground lease Bridge Development had for the 50-acre site and perhaps a full century if the lease was renewed, would far exceed \$17 million when wear and tear on the city's roads and other infrastructure demands of the project were considered. From the time the project had been proposed, it was steeped in con-

troversy. It was originally previewed to the community by Bridge Development's corporate representatives

in June 2019 as three buildings comprising 977,000 square feet. Over the next several *Continued on Page 5*

Help For Citrus Grove Owners Hit By quarantine Sought *from front page*

In February, Assemblywoman Eloise Gomez Reyes in February introduced Assembly Bill 2827, calling for the state to formulate and put in place policies to provide

for early detection of and programs to exterminate invasive species to protect California's crops.

On March 1, state senators Rosilicie Ochoa Bogh, Josh Newman, Kelly Seyarto and Scott Wilk, together with Assemblymen Greg Wallis, Tom Lackey and Bill Essayli wrote to Governor *Continued on Page 14*

Deputy Bingham Existed At The Convergence Of The Testosterone-Fueled And Sometimes Synchronous, Sometimes Conflicting Worlds Of The Military, Law Enforcement, Firearms & Biking *from page 2*

plies of both dwindled because of the stepped-up demand. But Bingham's commitments to make guns and ammunition available to those who wanted them at prices that existed prior to the panic fueled by the riots not only ate into his profit margin but created a circumstance in which he was functioning at a loss.

"After being unable to maintain any kind of inventory and hemorrhaging my own personal finances over the last year trying to keep our doors open, O'Three Tactical will be permanently closing its doors on Wednesday, June 23rd," Bingham posted to O'Three Tactical's Facebook page on June 5, 2021.

At that point, Bingham maintained with regard to O'Three Tactical's inventory, "Anything remaining will be sent back to manufacturers or wholesalers. After refunds are issued, anyone owed balances or refunds will be contacted within 90 days of closing for payments.

Unfortunately there will be no closing sales as remaining inventory will be sold off to pay some of our debts we have accrued trying to stay open."

Concurrent with his operation of O'Three Tactical and his functioning as a sheriff's deputy, it was known that Bingham was both an off-road enthusiast, and that he used both dune buggies and dirt bikes in pursuing that passion. Moreover, it was recognized by at least some of his department colleagues, that Bingham's motorcycling had brought him into contact with other bikers.

Both the Hells Angels and the Devils Disciples, what are referred to as "outlaw motorcycle clubs" originated in San Bernardino County, that is Fontana, in 1948 and 1967, respectively.

Beginning in 1977,

the Hells Angels became involved in a long-running feud with the Mongols, another outlaw motorcycle club founded in Montebello in 1969. By 1988, the Hells Angels ceded control of much of Southern California, including portions of San Bernardino County, to the Mongols, based on an arrangement by which they agreed to discontinue the overt hostilities between them and the Mongols would respect the Hells Angels primacy in Northern California. The Hells Angels, while remaining preeminent in Fontana and San Bernardino, have little or no presence in the eastern Mojave Desert, such as in the Morongo Basin generally or in Twentynine Palms. Thus, Bingham's interaction with bikers in the area in which he lives has pretty much been confined to those who associate with the Mongols.

Given that several of his fellow deputies with the San Bernardino County Sheriff's Department and at least a handful of the detectives and sergeants he worked with knew of his casual relationship with other motorcyclists, including most definitely some members of the Mongols, it is impossible for those knowledgeable about San Bernardino County in general, the greater Twentynine Palms area in particular, the fashion in which law enforcement agencies operate and specifics with regard to the San Bernardino County Sheriff's Department's operations to believe that Bingham and members of the Mongols having existed in the same orbit was unknown up the chain of command in the sheriff's department for some time.

Nevertheless, the department has put out that what it now has come to see as Bingham's "unacceptable" relationship with the Mongols, or at least some of its mem-

bers, was something realized only within the last three or four months.

At 06:40 p.m. on Thursday April 4, the sheriff's department's public affairs division put out a release slugged, "Extensive Investigation Leads to the Arrest of a Deputy Sheriff in Twentynine Palms."

According to that release, the incident extended to Bingham's "possession of a machine gun, possession of silencers, possession of destructive device[s], possession of [a] stolen firearm" and his being an "active participant in a criminal street gang."

According to the department, "In January 2024, the Gangs/Narcotics Division began an investigation into Deputy Christopher Bingham and his association with a local outlaw motorcycle gang. During the investigation it was learned Bingham rode and socialized with several members from the outlaw motorcycle gang."

Further, according to the press release, "On Saturday, March 23, 2024, Bingham was observed riding his motorcycle with two outlaw motorcycle gang members. With the assistance of the California Highway Patrol, a traffic stop was conducted on Bingham and the two outlaw motorcycle gang members. During a search of Bingham's person, a loaded, unregistered firearm was located. Bingham was arrested and booked at the Smith Correctional Facility in Banning." The release goes on to state, "Investigators from the gangs/narcotics division conducted a search warrant on Bingham's residence. Investigators located approximately 160 firearms. One of the firearms was a fully automatic assault rifle, with an attached grenade launcher. Investigators also located, destructive devices, silencers, outlaw motorcycle gang paraphernalia, and a stolen San Bernardino County Sheriff's Department shotgun. "On Thursday, April

4, 2024, the San Bernardino County District Attorney's Office filed several felony charges against Bingham and issued an arrest warrant," according to the release. "The charges are Penal Code 32625 - Possession of a Machine Gun, Penal Code 33210 - Possession of a Short-Barreled Rifle, Penal Code 487(D)(2) - Grand Theft of a Firearm, Penal Code 496(A) - Possession of a Stolen Firearm, Penal Code 18710 - Possession of a Destructive Device, PC 33410 - Possession of Silencers, and PC 186.22(B)(1)(A) - Participation in a Criminal Street Gang."

At approximately 1:00 p.m. on April 4, investigators from the Specialized Enforcement Division and the Gangs/Narcotics Division arrested Bingham at his home at 7225 Adobe Road in Twentynine Palms. He was booked at the West Valley Detention Center in lieu of \$500,000 bail. He remains there, being held in lieu of what has been reduced to \$240,000 bail."

Sheriff Shannon Dicus was quoted in the April 4 press release stating, "The actions of this deputy are alarming and inexcusable; he not only tarnishes his badge but also undermines the integrity and credibility of the entire department. Criminal behavior will not be tolerated, and we have placed him on compulsory leave effective immediately. The investigation has been forwarded to the District Attorney's Office, and charges have been filed." Certain anomalies attend the case.

Much of what occurred with regard to Bingham is shrouded in mystery. A difficulty with the sheriff's department's operation with regard to him is a conflict that might already exist relating to the precedence that federal law has over state law when it comes to firearms, one which might cut Bingham's way. Another is recent federal experience with the Mongols,

in which the federal government has a burning grudge against the gang and its members, making Bingham an individual of interest to federal prosecutors, who may see him as a more inviting target than does the San Bernardino County District Attorney's Office. Complicating that, however, is the suggestion that Bingham is not, as the sheriff and district attorney's office are implying, a member of the Mongols. Just off stage is a nightmare scenario, one not confirmed but hinted at by circumstance, suggesting Bingham is some order of undercover operative, perhaps for one federal agency or other, and the sheriff's department by its action has stepped all over that investigation.

Of significant relevance is whether Bingham's federal firearms license is yet operative. A federal firearms license allows the entity, an individual or a company, to whom or which it is issued to engage in business or transactions relating to firearms. Licenses vary, ranging from ones which pertain to manufacturing, importation, or interstate and intrastate sale of firearms, ammunition, or destructive devices. Such licenses are issued and controlled by the Bureau of Alcohol, Tobacco, Firearms and Explosives under the auspices of the Gun Control Act of 1968. Such licensees must be 21 years or older, not be prohibited from handling or possessing firearms or ammunition as the consequence of any state or federal criminal convictions, cannot have violated any provisions of the Gun Control Act of 1968, have disclosed all required information in connection with his application and have premises for conducting business or collecting firearms. Such licenses are specific as to what they permit, including manufacturing of firearms, manufacturing of destructive devices, manufacturing of ammunition, dealing in firearms, dealing in destructive devices, importing firearms, importing destructive devices, pawnbroking in firearms and collecting of curios and relics. Firearms considered curios, relics or antiques, which include primarily manually operated and semi-automatic firearms that have not been changed out of their original configurations which were used by a military force prior to 1974 can be subject to the National Firearms Act of 1934, a slightly different set of rules. For the most part, Bingham and his customers seemed to be interested in modern, or relatively modern, state-of-the-art weaponry.

One of the requirements of obtaining a federal firearms license is providing certification that the firearm-related business is conducted meeting the requirements of State and local law and that the applicant has sent or delivered a form to the chief law enforcement officer where the premises are located notifying the officer that the applicant intends to apply for a license. In this way, Bingham, as the sole owner of O'Three Tactical, had to have informed the sheriff's department, which is the contract law enforcement provider to the City of Twentynine Palms, that he was dealing in firearms.

Further requirements for obtaining a license relate to having secure gun storage and safety devices and maintaining a registry of firearms sales in a Bureau of Alcohol, Tobacco, Firearms and Explosives-approved Bound Book, or a computerized equivalent using Bureau of Alcohol, Tobacco, Firearms and Explosives-approved software. Licensed dealers must also maintain file copies of Form 4473 or eForm 4473 "firearms transaction record" documents for a period of not less than 20 years after the date of sale or disposition."

As O'Three Tactical went out of business on

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State Wanted SB To Contemplate, At Least, Using Mall For Housing *from page 3*

least one prospective developer before the city declared the property surplus or issued a notice of availability," according to Zisser. Since the city did not negotiate with BLVD Communities or Alliant Strategic Development while negotiating with Renaissance Downtowns USA/ICO Real Estate Group, which did not respond to the notice of availability, the city

further violated California law in that it "failed to properly prioritize affordable housing," according to Zisser. The city was given until May 15, 2023 to cure the violations. On May 3, 2023 a five-sevenths majority of the city council voted to abrogate its agreement with the Renaissance Downtowns USA and ICO Real Estate Group consortium. To head off any legal action that Renaissance/ICO might pursue for having been crossed up after spending two years preparing to make good

on its proposal, the city council voted to pay the partnership \$100,000 for its trouble. The vote officially terminated the city's exclusive negotiating agreement with the two entities, or so the city thought.

As it turns out, lawyers for Renaissance Downtowns USA and ICO Real Estate Group say that is not good enough.

In a complaint for open-ended damages filed in San Bernardino Superior Court on March 28 that does not delineate precisely what Renaissance Down-

towns USA and ICO Real Estate Group are owed, attorneys Anthony Barron, Carlos Becerra and Adriana Levendowski of the Los Angeles-based law firm Nixon Peabody maintain that "[San Bernardino City officials controlled and manipulated the process in bad faith for their own ends by systematically misleading the state housing authority, obstructing the negotiations, delaying key milestones, refusing to provide exclusive negotiating agreement-mandated progress reports to the city council and the

community (including exclusive negotiating agreement-mandated prepared by the San Bernardino Development Company which were purposefully withheld from elected officials), hiding material information from the San Bernardino Development Company and publicly disparaging the project and the San Bernardino Development Company. If that were not enough, city officials engaged with other developers relative to the project while the exclusive negotiating agreement remained in effect."

This amounted to a "web of deceit," according to Barron, Becerra and Levendowski, that led Renaissance Downtowns USA and ICO Real Estate Group down the garden path. The city used the state complaint to back out of the deal with the San Bernardino Development Company.

"After the San Bernardino Development Company spent years and millions of dollars for services and intellectual property contributions upholding its end of the bargain, the city unilaterally terminated *Continued on Page 14*

City Approved Amazon Warehouse Project In 2020 Without An EIR, Triggering A Lawsuit *from page 3*

months, as objections to the scope of the proposal manifested, the tentative site plan was modified several times until in October 2019, a revamped conception of the project was presented, one that was reduced to a single structure of 276,250 square feet. When the environmental certification documentation for the project was posted on December 16, 2019, it came in the form of a mitigated negative declaration. In that documentation, the project was shown as a having been reduced once more to a 201,096-square-foot distribution center, with 1,438 parking spaces contained on the project grounds. The city allowed the project to proceed toward approval without being subject to a comprehensive environmental impact report, which many Upland residents believed should have been carried out for a project of such size, intensity and complexity. Rather, the city elected to use a mitigated negative declaration to complete the environmental review process. An environmental impact report is an involved study of the project site, the project proposal, the potential and actual impacts the project will have on the site and sur-

rounding area in terms of all conceivable issues, including land use, water use, air quality, potential contamination, noise, traffic, and biological and cultural resources. It specifies in detail what measures can, will and must be carried out to offset those impacts. A mitigated negative declaration is a far less exacting size-up of the impacts of a project, by which the panel entrusted with the city's ultimate land use authority, in this case the city council, issues a declaration that all adverse environmental impacts from the project will be mitigated, or offset, by the conditions of approval of the project imposed upon the developer. A committed group of city residents disputed the city council's declaration that all impacts from the project had been adequately mitigated, based both on the magnitude of the project and the consideration that the city council lacked land use and environmental expertise. There were questions as well as to whether the zoning at the project site would allow a distribution facility to be established there. Suspicion remained that the project would be subject to substantial expansion, without any further environmental analysis, perhaps to as large as the 977,000 square feet originally proposed, since 1,438 parking spaces is far in excess of what would normally be needed for a 201,096-square

foot warehouse. On February 12, 2020, the Upland Planning Commission voted 3-to-2, with Commissioner Alexander Novikov absent, to recommend that the city council not approve project. Two weeks later, on February 26, 2020, the commission met again, and in a move unprecedented in Upland's history, reversed itself, voting 4-to-2 to recommend that the city council approve the project, with two of the members who had voted against the project on February 12, Linden Brouse and Gary Schwary, changing their votes, while Novikov, on this occasion present, registering his opposition to the undertaking. Less than five weeks later, the city council recorded its 4-to-1 vote to approve the project. Thereafter, a contingent of Upland citizens banded together in an effort to challenge that approval, taking on the name Upland Community First. The group's members retained attorney Cory Briggs, who then filed a petition for a writ of mandate, seeking from the court an order that the city revisit the environmental review process for the project, make a determination that the mitigated negative declaration was inadequate and require that a full-blown environmental impact report for the project be carried out before the project is allowed to proceed. In its filing, Upland Commu-

nity First named the City of Upland and its council as defendants and Bridge Development Partners as a real party in interest.

As a consequence of the Upland Community First legal filing, any action toward the completion of the project, including site grading, was suspended.

The case was assigned to San Bernardino Superior court Judge David Cohn.

In the meantime, Bridge Development Partners seemingly recruited Bill Velto, who voted in April 2020 as a member of the city council to approve the project and who in November 2020 was elected Upland mayor, to serve as its agent in approaching members of Upland Community First in an effort to get that group to end its challenge of the project approval. To that end, Velto indicated via text messages that Bridge Development Partners had expressed a willingness to more than double the \$17 million in project impact offsets the company had agreed to pay in the development agreement for the project approved in April 2020 to \$40 million. That offer was conditional upon Upland Community First dropping its demand for a comprehensive environmental impact report and accepting an environmental review that would allow the project to proceed, without any of the changes that would typically be required by an environmental impact

report.

Upland Community First members, skeptical that Velto could guarantee that Bridge Development would ever deliver on its offer, requested Velto to have Bridge Development Partners put the offer in writing. Velto was unable to get Bridge Development to do so.

Inquiries by the Sentinel with Bridge Development corporate officers in late December 2020/early January 2021 produced a denial from Bridge Development's First Vice President for Development, Heather Crossner that the company was willing to up the combination of development fees, infrastructure damage/impact offset fees and fees in lieu of sales tax from the \$17 million referenced in the documentation considered by the city council when it ratified the development agreement and gave go-ahead to the project in April 2020.

"We cannot comment on any confidential settlement discussions that may or may not be happening, because any such discussions would be confidential under the California Civil Code," Crossner said at the time, as was quoted in the January 8, 2021 edition of the Sentinel. "We can comment that dollar figures referenced in your questions [\$38 million to \$40 million] are wholly inaccurate." Instead, Crossner in her statement indicated that the best the city could hope to get out of the

project was the \$17 million the documentation presented to the city council at the April 1, 2020 meeting appeared to promise.

Upland Community First spurned the successive \$38 million and \$40 offers, insisting that the matter be resolved though the writ of mandate proceeding.

In July 2021, when Judge Cohn finalized his analysis of Upland Community First's contentions and the city's responses, he rejected Upland Community First's contention that the mitigated negative declaration underestimated traffic counts anticipated from the distribution center; misdefined the project as a high-cube parcel hub warehouse instead of classifying it as a fulfillment center; failed to recognize the project was in conflict with Upland's general plan and zoning code; mistakenly allowed a distribution center to be built in an area zoned for commercial/industrial mixed-use; failed to recognize that the project was an impermissible use where it was located; inadequately defined the project; and that the project was improperly ratified during a meeting which was not publicly held but rather conducted remotely and electronically and therefore did not give Upland residents adequate opportunity to provide input with regard to the project. Furthermore, Judge *Continued on Page 7*

An Investigation Of Unknown Origin Led To A Detective Trailing Bingham As He Took A Saturday Motorcycle Ride In The Company Of A Couple Of Mongols *from page 4*

June 23, 2021, it is possible, though not likely, that the license Bingham had then is yet valid. Despite his statement at the time any of O'Three Tactical's remaining inventory was to be sent back to manufacturers or wholesalers, it is not known, precisely, if that in fact occurred. What is known is that at least some of the O'Three Tactical merchandise was transferred to Bingham's 7225 Adobe Road home, which had standard locking doors and windows.

According to the department, Bingham, who was off duty on March 23, a Saturday, was under surveillance by a detective, who observed

him riding a Harley-Davidson along with two known Mongols gang members near Onaga Trail and Elk Trail in Yucca Valley.

While Bingham was not flying immediately apparent gang colors, his fellow riders were attired in black leather vests, one of which had two Mongols gang patches and the other with at least a single Mongols gang patch. It is not clear whether the motorcyclists became aware that they were being followed. The detective, however, was able to observe them and follow at a distance as they headed first west and then south on Highway 62 to the 10 Freeway, which they en-

tered westbound.

The detective made agency-to-agency contact with the California Highway Patrol, which had a patrol unit make a visual apprehension of the bikers further west. When the Highway Patrol officer clocked the motorcycles moving in excess of the speed limit, he pulled them over for speeding just as they were coming to Highland Springs Road in Beaumont.

To the highway patrolman's inquiry as to whether they were armed, Bingham and one of the other riders acknowledges they had knives. Bingham, who at some point told the highway patrolman that he was "law enforcement" was searched, at which point he was discovered to also be carrying a Glock 9 millimeter handgun. Bingham and at least one of the other

riders were arrested and taken to the Smith Correctional Facility in Banning. While there, he was searched more thoroughly, at which point it was noted that he was wearing a T-shirt beneath his jacket emblazoned "Fuck the 81!" and "SYLM." The number "81" is a gang code for the Hells Angels, the Mongols' rivals. The acronym "SYLM," translates to "Support Your Local Mongols." On a chain around his neck was a ring with a black letter M signet, which was interpreted to refer to the Mongols.

Bingham's arrest had been effected and he was booked on the somewhat questionable charge of being a suspected gang member. He was released on his own recognizance in relatively short order. Nevertheless, based on what was represented in an affidavit as indicia of

gang membership, the detective who had been following Bingham was able to obtain a search warrant for Bingham's premises at 7225 Adobe Road that was served that day. While a deputy remained on watch outside, three detectives went into Bingham's home to search it, where they came upon "about 160 firearms." These included a Remington 870 shotgun that the department later said was the property of the department and which Bingham had stolen. Other notable finds, according to the department were a modified, fully automatic assault rifle with an attached grenade launcher, a customized AR-15 12-inch barrel assault rifle, four silencers and two projectile explosive devices. The cache represented, a detective said, "a virtual arsenal."

Grenade launchers,

which are specially designed, large caliber projectile weapons, can be legally owned in several states, although they are subject to restrictions. They are Classified as a destructive device by the National Firearms Act. Silencers can be legally purchased and owned under the penal codes of 42 states, with California, Delaware, Hawaii, Illinois, Massachusetts, New York, New Jersey and Rhode Island having outlawed them outright or restricting them to those who have a permit to outfit their guns with them.

In addition to the weaponry and ammunition found at Bingham's house, investigators found what they cataloged as "gang paraphernalia." In his bedroom closet was a vest with multiple Mongols patches and insignia, in-

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Once Home To Mom & Pop Operations, Yucaipa To Soon See Its Main Drags Cluttered With More & More Outlets Of Franchised Corporate America *from front page*

lation double or close to double in the next 20 years.

The Freeway Corridor Specific Plan, approved in 2008 just before the massive economic downturn that became known as the great recession which resulted in dramatic changes to the retail and commercial industry, was intended to provide a development blueprint for the largest undeveloped area in Yucaipa, extending to both commercial and residential uses. Before adjustments were made to the Freeway Corridor Specific Plan as part of a Yucaipa General Plan adopted in 2016 which resulted in the modification to the City's Hillside Overlay District requirements, roughly 2,400 housing units, give or take a few hundred were anticipated to eventually built in the freeway

corridor. Assuming four people to a household that was the norm in the late 1990s and very early 2000s and the average of six people or more to a household that is a more recent trend, Yucaipa should see a boost in its population of something between 9,600 residents to 14,400 residents through the build-out of a limited area around the freeway alone.

In addition, the Oak Glen Creek Specific Plan calls for the eventual development of a 47.7-acre residential district and plans for the College Village Overlay District encourage the development of a range of housing, including at least 418 residential units.

There are 53 applications relating to residential uses either under consideration, approved, under construction or close to completion at present. While 16 of those are minor projects involving remodels and expansions, changes to fence and wall heights, modifications to existing homes, constructing a detached or attached garage, building a shed, adding an oversized structure to a property or a single accessory

dwelling unit being built to augment an existing residential unit, 37 of those projects are more substantial and some are significantly large.

Among the commercial/industrial projects is one undertaken by Chicago Capital Funds, LLC, which now has under construction a storage facility at 33063 Yucaipa Boulevard with accessory recreational vehicle storage on the site.

The city planning division is now reviewing Pacific Industrial's application for the Pacific Oaks Commerce Center, a proposed development of a light industrial logistics facility consisting of two concrete tilt-up buildings totaling approximately 2,054,801 square feet on an approximate 312.91 gross acres of land located at 32335 Live Oak Canyon Road within the Freeway Corridor Specific Plan Area. For approval to be granted, Pacific Industrial will need to obtain a conditional use permit and tentative map ratification.

Transwestern Development has site preparation in progress to begin construction of the

Brookfield Commerce Center, an approximately 363,000-square foot tilt-up concrete warehouse and office project, located on 19.32 acres at the corner of 7th Place and County Line Lane within the regional commercial land use district of the Freeway Corridor Specific Plan Area. A conditional use permit was given for the project, which further required architectural review.

SG Opal, Inc has obtained approval of its plan to proceed with the Oak Glen Road Hotel and Fuel Station Project. A conditional use permit has been granted and a development agreement is in place for the phased development of a commercial center that includes a fuel station with a 9,000 square foot building to house a convenience store, quick service restaurant, and office space. Featured will be a fuel canopy under which will be 16 fuel dispensers and an express carwash, and a 66-room hotel with a rooftop bar and restaurant. 49,630- square foot

A series of projects to fit within Vantage One's commercial center located on the southwest

corner of Yucaipa Boulevard and 18th Street. One is a restaurant pad at 31607 Yucaipa Boulevard. Another is a Mobile Gas Station at 31429 Yucaipa Boulevard. A third is a Chipotle drive-thru pad at 31495 Yucaipa Boulevard. Another is a Jack-in-the-Box at 31500 Yucaipa Boulevard. Other approved uses include an Ono Hawaiian, Panera Bread, Quick Quack Car Wash, and a Dutch Bros Coffee kiosk.

Electronic messaging billboards are to be completed at 13500 Calimesa Boulevard, 31103 Outer Highway 10 and 31547 Outer Highway 10.

An Arby's Drive Thru has been approved for 33281 Yucaipa Boulevard.

The city has given a approval by means of a conditional use permit and architectural review passage for the construction of a self-storage facility, including four (4) one-story buildings and 781 individual units, that would yield a total of 122,150 square feet of storage space at 31875 Dunlap Boulevard. The business's name is to be Alpine Storage.

A Jack-In-The-Box

application for 34504 Yucaipa Boulevard is under review and will be considered by the planning commission on April 19, 2023.

Sabbah Development, LLC was given approval on its conditional use permit application for a phased commercial complex that would include a 4,988 square foot gas station, a 4,335 square foot convenience store, a 2,866 square foot drive-thru car wash, a 2,105 drive-thru restaurant, and a 5,000 square foot office and retail building at 32598 Oak Glen Road. The project required architectural review.

The city is reviewing an application for a conditional use permit for a retail commercial truck dealership at 31497 Outer Highway 10 S.

A Taco Bell has been approved at 31522 Yucaipa Boulevard.

Dr. Fadi Batar has obtained approval to more than double the size of his existing 1,280-square foot dental office at 34895 Yucaipa Boulevard with a 1,663 square foot addition.

An entity known simply as Sorenson is seeking approval of the So-

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Upland Citizen Group's Seeming Victory In Stopping The Amazon Warehouse Project Based On What They Said Was A Flawed Air Pollution Calculation Turns To Naught With The Appellate Court Saying The Carbon Dioxide Threshold From Smokestacks & Exhaust Pipe Emissions Will Not Be Exceeded *from page 5*

Cohn ruled that any conclusions Upland Community First's members may have drawn based on the number of parking spaces included in the project plans, most particularly that Bridge Development Partners and Amazon intended at some indefinite point in the future to expand the project from 201,096 square feet to as much as 977,000 square feet, were speculative.

Nevertheless, Judge Cohn entered a finding that the mitigated negative declaration the city council made to clear the way for the project to proceed was inadequate. According to Judge Cohn, Upland Community First and its attorney, Briggs, were correct in acceptance of their assertion that the city had wrongfully used a greenhouse gas threshold of ten thousand metric tons of carbon dioxide equivalent in calculating emissions from the distribution facility on a yearly basis as a maximum allowable limit. Since the city had sought to use an inoperative maximum threshold for emissions, he said, the mitigated negative declaration was flawed, and had to be done over.

Greenhouse gasses are those such as carbon dioxide and chlorofluorocarbons, which create a "greenhouse" effect, that is, causing the atmosphere to increase in temperature through the constant absorption of infrared radiation.

Judge Cohn concluded that the ten thousand metric ton maximum allowable limit of carbon dioxide used by the city in its mitigated negative declaration was on the order of 333 percent of the three thousand metric ton maximum allowable limit of carbon dioxide it should have been. "The failure to provide substantial evidence to

justify the single quantitative method used as the greenhouse gas threshold of significance constitutes a prejudicial abuse of discretion," Judge Cohn ruled. "The public and decision-makers have not been provided sufficient information necessary to understand the threshold or the data used in the analysis establishing the threshold and reason for the significant change in baseline emissions in the subsequent greenhouse gas analysis. Accordingly, the city's approval of the mitigated negative declaration is set aside."

Upon the city revisiting the greenhouse gasses analysis for the warehouse project, Judge Cohn said, it would have the discretion to choose an appropriate "threshold of significance" and to determine under that standard whether an environmental impact report is required, or it might reconduct a more comprehensive study and analysis and redraft the mitigated negative declaration accordingly, one that would presumably include a description of how the operations at the distribution facility would need to be altered to mitigate or offset the impacts/damages from the generation of greenhouse gasses there.

Judge Cohn ordered that the mitigated negative declaration with regard to the emission of greenhouse gasses had to be done over, but his order did not include a requirement that a full-blown environmental impact report had to be completed. The city could rather utilize the mitigated negative declaration process once more, as long as it did a more thorough assessment and cataloging of mitigations, he ruled.

Though Judge Cohn's ruling against the city was done on on rela-

tively narrow grounds – that being over the issue of the project's impact on air quality – it delayed the project and gave those with misgivings about the project time and an opportunity to revisit in a public fashion through social media postings and word of mouth the longterm problems the project would entail.

According to Upland Community First members and others who had analyzed all that the Amazon operation at the BridgePoint Distribution Center was to entail, the city stood to sustain a \$160 million liability over the 50-year life of the Bongiovanni Family Trust's lease of the 50-acres in question to Bridge Development Partners in terms of the loss of sales tax revenue, the destruction or deterioration of the road infrastructure, covering the cost of reducing the production of harmful air pollutants and redressing any other untoward impacts of the project. Upland Community First members said they hoped the lawsuit they had brought would force city officials to take stock of that reality and they would therefore insist on reconsidering the April 2020 approval of the project. In doing so, Upland Community First Members said, they wanted the city to incorporate conditions of approval of a revamped project and development agreement that would involve Bridge Development Partners entering into a community benefit agreement that would require state of the art machinery and vehicles be used as the center to reduce air pollution. In addition, Upland Community First wanted Bridge Development Partners/Amazon to cover the cost of repairing damage to the city's roadways from the truck traffic generated by the center's operation. Lastly, Upland Community First members felt city officials should insist that the City of Upland receive from Amazon payments in lieu of sales tax on all merchandise distributed from Ama-

zon's Upland Distribution Center equivalent to the 1 percent in sales tax the city receives from retail sales that take place in the city.

While Upland city officials were at that point ready to go back to the drawing board and reconsider the project approval, Bridge Development Partners took up the gauntlet and filed an appeal of Judge Cohn's ruling. The city, initially, did not join in that appeal.

Subsequently, in the November 2022 election, the lone member of the Upland City Council who had voted to oppose the project in April 2020, Janice Elliott, was voted out of office. The presence of her replacement, James Breitling, on the council changed that panel's dynamics, and in 2023 the council voted to have the city join with Bridge Development Partners in its appeal to the Fourth District Court of Appeal in Riverside.

When Bridge Development Partners had raised its objections to Judge Cohn's ruling against the city on the lone issue of air quality, Upland Community First utilized the opportunity to revisit the issues it had raised in the writ of mandate upon which Judge Cohn had ruled against it.

The Court of Appeal has now entered a tentative ruling in which it reversed Cohn's lone finding in favor of Upland Community First.

In that tentative ruling, the Court of Appeal panel summarizes the history of the project proposal and its approval and covers the issues raised in the writ of mandate. With regard to the pertinent issue of of the excessive greenhouse gas emissions that will result from the completion of the project, the panel wrote, "As the California Environmental Quality Act requires, the city performed an initial study of the project to determine whether it may have significant environmental effects. On December 16, 2019, the city circulated the draft initial study and proposed mitigated neg-

ative declaration to the public for review and comment. As indicated, the draft mitigated negative declaration analyzed the project as a larger, 276,350-square-foot warehouse, not as the 201,096-

square-foot warehouse Bridge was proposing. The draft mitigated negative declaration concluded that, with mitigation, all environmental impacts of the project would be less than significant. The draft mitigated negative declaration analyzed potential impacts from the project's greenhouse gas emissions using (1) a quantitative comparison to the 10,000 [metric tons] threshold, which, according to the draft was recommended by the South Coast Air Quality Management District (the SCAQMD), and (2) a qualitative evaluation of the consistency of the project's greenhouse gas emissions with the Upland 2015 general plan update and climate action plan. Comments on the draft mitigated negative declaration indicated the 10,000 threshold was too high for a mixed-use commercial/industrial warehouse project, and urged the city to use a 3,000 threshold that the South coast Air quality Management District had proposed lead agencies use for all land use projects, and for 'mixed-use' commercial/industrial projects in particular."

The panel's narrative continues, "In response, and following further working group sessions with the city planning commission, Bridge further refined the project by adding sustainability features 'to reduce the project's greenhouse gas emissions even further so that they would be less than 3,000 metric tons of [carbon dioxide equivalent] per year.'

The added sustainability features include solar panels to allow the building to operate with 'net-zero' electricity consumption; EV [electric vehicle]-ready parking spaces and charging stations; and additional landscaping. The city also completed a 'supple-

mental greenhouse gas analysis of the project's emissions, showing that, with revised (increased) baseline emissions, and the added sustainability features, the project would generate 2,904 [metric tons of carbon dioxide each year], less than the 3,000 threshold.' Like the original greenhouse gas analysis in the draft mitigated negative declaration, the supplemental greenhouse gas analysis assumed the project would be a 276,250-square foot warehouse building. Two peer review entities evaluated and confirmed the city's supplemental greenhouse gas analysis."

The panel wrote that Judge Cohn "questioned whether the city 'relied on' the 3,000 threshold, given that the supplemental greenhouse gas analysis stated that it was prepared 'for informational purposes only' and the city 'continued to assert' that the 10,000 threshold 'was the threshold that applied.' In sum, the court concluded the city prejudicially abused its discretion in failing 'to provide substantial evidence to justify the quantitative method used as the greenhouse gas threshold.' The court also ruled an environmental impact report was not necessarily required; the city could still 'establish an appropriate threshold of significance' for greenhouse gas emissions and conclude an mitigated negative declaration was appropriate."

According to the panel, "a lead agency has substantial discretion in determining the appropriate threshold of significance to evaluate the severity of a particular impact, and the agency's choice of threshold will be upheld if it is 'founded on substantial evidence.' Substantial evidence shows that the 3,000 threshold is an appropriate numerical threshold for measuring the significance of the project's greenhouse gas emissions. Substantial evidence shows that screening nonindustrial projects for whether

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Court Of Appeal Says It Will Dismiss Upland Community First's Suit In Its Entirety *from page 7*

their greenhouse gas emissions fall above or below the 3,000 threshold is a reasonable way to screen such projects for cumulatively considerably greenhouse gas emissions.

Substantial evidence also supports the City's use of the 3,000 threshold in evaluating the significance of this project's greenhouse gas emissions, after the project was revised during the public comment period to add the sustainability features."

According to the panel, "The use of the 3,000 threshold use for this project was conservative-it tended to underestimate a reasonable level of greenhouse gas emissions for this project, which a mixed use commercial and industrial project. The record indicates that industrial projects and mixed use commercial and indus-

trial projects tend to have higher greenhouse gas emissions than mixed use commercial and residential projects, commercial projects, and residential projects. But this project, despite its industrial component, is projected to have greenhouse gas emissions below the 3,000 threshold. Thus, the city did not abuse its discretion in concluding the project's greenhouse gas emissions would not be cumulatively considerable because they will be below the 3,000 threshold. Substantial evidence supports the City's determination, in its resolution adopting the mitigated negative declaration, that the project, with the added sustainability features and related greenhouse gas-related mitigation measures, will not have significant impacts on greenhouse gas emissions."

According to the panel, "[T]he city's resolution adopting the final mitigated negative declaration is supported by substantial evidence, including the supplemental

greenhouse gas analysis, which concluded that the project's greenhouse gas impacts would not be cumulatively considerable because they would not exceed the 3,000 threshold."

The panel continued, "Upland Community First suggests the supplemental greenhouse gas analysis does not constitute sufficient evidence to support the city's resolution adopting the mitigated negative declaration because the supplemental greenhouse gas analysis states that it was prepared 'for informational purposes only.' As Bridge points out, however, Upland Community First cites no authority that 'discounts' the supplemental greenhouse gas analysis 'as substantial evidence.' In sum, the city's resolution adopting the final mitigated negative declaration is supported by the supplemental greenhouse gas analysis and the record as a whole, which show that the project's net greenhouse gas emissions will not be cumulatively considerable

as they will not exceed the 3,000 threshold."

Moreover, according to the panel, "In its appeal, Upland Community First claims its petition should have been granted on an additional ground, namely, (1) the city performed a legally inadequate analysis of the project's traffic impacts, and (2) the city's analyses of the project's impacts on air quality and greenhouse gas emissions are also inadequate because they relied in part on the city's deficient traffic analysis. We find no merit to this claim; thus, we reject Upland Community First's appeal."

According to the Fourth District Court of Appeal panel, "Upland Community First claims 'there is a fair argument that the project will have significant transportation impacts' because the mitigated negative declaration 'severely understates' the number of vehicles and vehicle trips the project would generate. As we explain, no substantial evidence shows that the mitigated

negative declaration underestimated the number of vehicles or vehicle trips the project would generate."

Furthermore, the panel stated, "Upland Community First has not shown that the City, in the mitigated negative declaration, the traffic impact analysis, or the vehicle miles travelled analysis, undercounted the 'vehicles and vehicle trips' daily passenger car equivalent trips attributable to the project. More broadly, Upland Community First has pointed to no substantial evidence supporting a fair argument that the project could have significant traffic or transportation impacts, based on a vehicle miles travelled methodology or any other analysis."

In total, Upland Community First fell short in supporting its claim the city's mitigated negative declaration overlooked significant environmental impacts that will result from the project, the Court of Appeal panel maintains.

Upland Community

First's claim that the project could have significant impacts on air quality and greenhouse gas emissions is based solely on Upland Community First's unsupported claim that the project could have significant impacts on transportation," according to the panel. "Because there is no merit to Upland Community First's claim that the project could have significant transportation impacts, there no merit to Upland Community First's claim that the project could also, by extension, have significant impacts on air quality and greenhouse gas emissions. The judgment is reversed. The matter is remanded to the superior court with directions to enter a new judgment denying Upland Community First's writ petition in its entirety."

The Court Of Appeal has scheduled a hearing for June 3 in which Upland Community First's attorney, Cory Briggs, will have 15 minutes to persuade it not to reverse Judge Cohn.

-Mark Gutglueck

Sheriff's Department's Action Against Bingham Raises Questions About Where A Lawman's Constitutional Rights Of Free Association End *from page 6*

cluding a red and white "1%er" [one-percenter] patch, which is a common piece of regalia that motorcycle club members wear to signal that they are among the one percent of motorcycle riders who are bonafide criminals and not among the 99 percent of motorcycle owners who are law abiding. Another patch bore the acronym "MFFM," interpreted as "Mongols Forever Forever Mongols."

The upshot, those investigators insist, is that Bingham is a gang member. With his public statement, Sheriff Shannon Dicus said as much.

On April 10, San Bernardino Sun reporter Joe Nelson was able to carry out an exclusive interview with Bingham at the West Valley Detention Center where he is being housed. During that interview, according to Nelson, Bingham

told him, "100 percent, I am not a Mongols gang member."

The Mongols self-describe themselves using law enforcement's imposed sobriquet of an "outlaw motorcycle club" and are ranked as the world's fifth-largest such organization behind, respectively, the Hells Angels, the Bandidos, the Outlaws and the Pagans. Mongols members individually and as a group have been subject to repeated legal challenges both civil and criminal, with many of its members and leaders convicted of murder, assault, racketeering, engaging in the illegal distribution of drugs, money laundering, robbery, extortion and firearms violations. While being a member of the Mongols Motorcycle Club may expose prospective members to illegal activities, not

all members engage in criminal behavior, and the club's bylaws officially prohibit criminals and drug users from being members. While criminal activity the gang or its members participate in have legal consequences, being a Mongols gang member is not inherently illegal. Similarly, associating with, socializing with, being acquainted with, being in the presence of or knowing a Mongol member – or any gang member – is not in and of itself a crime. Possessing or displaying so-called indicia of gang membership is not expressly illegal nor is it clear what the San Bernardino County Sheriff's Department meant by the use of the term "gang paraphernalia."

The sheriff's department has acknowledged that on March 23, when Bingham was spotted by the detective surveilling him and then encountered by the Highway Patrol officer who later effectuated his arrest,

he was not overtly making a show of his Mongol affiliation. The shirt he was wearing with the Mongol references was beneath a jacket and the ring with the Mongols signet was on a chain around his neck, neither of which was apparent until he was subject to a more exacting search at the Banning incarceration facility.

The quick action of the sheriff's department on March 23 in which it used the Mongols "indicia" on Bingham's person as at least a partial basis contained in the affidavit for a search warrant to obtain that search warrant and then serve it undeniably resulted in the department's investigators finding within Bingham's premises the items – weaponry, equipment and further gang indicia – which the has now formed the basis of the charges against Bingham. Nevertheless, the department's investigators might have gotten out in front of themselves. Undoubtedly,

the search warrant will come under attack by a Franks motion, which will call into question the sufficiency, veracity of the search warrant. Moreover, the manner in which the case against Bingham has been pursued sets up the grounds for a 402 motion to exclude that evidence if the matter should get to a pretrial or preliminary hearing stage.

Bingham's mere possession of Mongols paraphernalia, while indicative of something, is hardly probative that he is a gang member. The internal chambers of the Fontana Police Department, for example, is a veritable museum of Hells Angels regalia, equipment, symbols and memorabilia. That Bingham kept Mongols patchwork as souvenirs is not criminal. That he rode his own motorcycle in the company of Mongols members does not establish him either as a member of the Mongols or as a criminal. While the prosecution may

want to put on a case-in-chief against Bingham relating to the firearms, explosive devices and banned equipment such as the silencers and simultaneously have the jury hear about his gang affiliation, Evidence Code section 352 states that if evidence is not less probative than it is prejudicial the trial court has the discretion to exclude it.

As a matter of course, the attorney representing Bingham will most certainly allege, with cause, that the detectives with the department omitted facts from the search warrant affidavit and that they failed to present mitigating evidence that would have caused the magistrate to not issue the warrant. If Bingham's defense team succeeds in establishing, as Bingham has already unequivocally stated to Nelson, that he is not a Mongols member, the prosecution's current strategy, which includes seeking gang enhance-

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Redlands Officials Two Years Ago Got Out In Front Of Themselves By Compromising With The Godfather Of The City's Low Growth On A Measure To Allow Highrises, Only To See It Fail At The Ballot Box *from page 6*

they have hired to run the city on a day-to-day basis – have militated to cast off the development restrictions that have been put in place in order to accommodate the “more modern” concepts of massive residential and commercial subdivisions being built throughout the city and displacing the city’s agricultural zones together with an urban core featuring skyscrapers. Their intent is to transform, by the latter 21st Century, what is today San Bernardino County’s 12th most populous city at 74,441 residents, into what will be its first, second-, or third-largest, with upwards of 300,000 living within its 36.13 square miles.

City officials have made multiple attempts to get around those restrictions imposed by its residents and their intent to preserve both the quality of life and the slower pace of existence Redlands has traditionally offered.

One of those efforts was the introduction of the Transit Villages Concept, which tapped into a trend in urban planning in recent years which emphasizes the need to facilitate heavier use of public transportation, including commuter rail systems.

In Redlands, the transit villages plan calls for high density residential uses in multi-story structures to be built within walking distance of train stations located near Redlands University, Downtown Redlands and in the New York Avenue, Alabama Street and California Street districts. Those projects involve constructing highrises will entail as many as 100 units per acre. Thus, city officials indicated they were ready to embrace having clusters of high-rise apartment buildings in what was envisioned as five densely packed

neighborhoods throughout the city where previously commercial development or far lower density housing existed. This flew in the face of not just the quality-of-life values embodied in Proposition R, Measure N and Measure U, but the restrictions contained therein, as well. At first, Redlands officials tried to fashion some bureaucratic, procedural, land use regulation or by-council-fiat workarounds, but were unable to do so, given the vigilance of the city’s traditionalists.

A next effort was formulated in 2019, when the city council used its authority to place on the March 2020 ballot Measure G, an initiative that was intended to free the council and City Hall generally from the limitations on development inherent in past measures approved by voters in Redlands. Measure G asked the city’s residents to eliminate, in one fell swoop, the restrictions of Proposition R, Measure N and Measure U. Measure G asked the city’s voters to allow developers to construct up to 27 housing units per acre, eliminate height limits on buildings in the city, relieve developers of the requirement that in completing their projects they have to provide infrastructure to maintain traffic-bearing capacity on the city’s streets equal to what was available prior to the development taking place, permit residential land use designations to be placed into the city’s general plan that did not previously exist and abolish the requirement that developers carry out socioeconomic cost/benefit studies for the projects they are proposing. Moreover, Measure G would have eliminated the requirement that a four-fifths vote of the city council is needed to approve residential

densities exceeding 18 dwelling units per acre, would have eliminated the requirement that a four-fifths vote of the city council is needed to approve residential buildings exceeding two stories or 35 feet in height, would have eliminated the requirement that the voters of the city rather than the city council be solely authorized to establish any new land use designations in the city, would have eliminated the requirement that certain residential subdivision projects be subject to competitive review for issuance of building permits, would have eliminated the requirement that the developers of new projects pay 100 percent of the development impact fees that are imposed on those projects and would have permanently exempted residential dwelling units constructed within Redlands’ Transit Village Planning Area from the 400 dwelling unit per year limitation.

The city’s voters in March 2020 soundly rejected Measure G, with 9,321 votes or 64.88 percent opposing it and 5,052 votes or 35.12 percent in favor of it. Undaunted, the city council and city staff continued to accommodate developers in their submission of projects which sought density levels substantially greater than what has been the standard in Redlands since its 1888 founding as a municipality.

In 2022, city officials once more took a stab at getting the city’s residents to suspend key elements of the city’s low growth initiatives when it persuaded the late former Mayor Bill Cunningham, perhaps the most committed controlled-growth advocate in city history, to alter an initiative he had qualified for that year’s ballot – Measure F – from its original form in a way that would have allowed the city to proceed with the first major phase of its Transit Villages Plan.

In 2021, the then-95-year-old Cunningham had authored and with

the assistance of other controlled-growth enthusiasts qualified for the ballot an initiative calling for a height limitation of 50 feet – essentially three stories or less – on structures to be built in the area around the University of Redlands and Downtown Redlands and no more than 62 feet – tantamount to no more than four stories – in the New York Street district.

Officials with the University of Redlands, in particular, were intent on being able to build dormitories to house more students as well as to rent or lease housing at a profit to nonstudents to shore up the university’s dwindling revenue. University officials, along with city officials, brought to bear all the leverage they possessed in the discussion with Cunningham, including that Cunningham had once taught at the university. As the author and official sponsor of what had been designated as Measure F for the November 2022 ballot, Cunningham had the authority to pull the measure or alter its terms. Would he consider, university and city officials holding those discussions with him asked, allowing a slightly higher height limitation on the buildings near the university train station? Cunningham balked at that request, but then city officials sought to persuade him by offering, if he were to accept the four-story university limitation, to include a provision that would prevent any alteration of the agricultural zoning in the city’s south end without a prior vote of the city’s residents. As that accomplished a goal Cunningham had long sought, he agreed. Thereby, Measure F was reconstituted to call for limiting building heights near the downtown train stations and buildings more than a quarter-mile from the university station to three stories and 43 feet. It called for limiting buildings within a quarter-mile of the university station and near the planned stations on Alabama Street, Cali-

fornia Street and in the New York Street district to four stories and 68 feet. It called for removing the city’s development fee policy from any development near the university station, which was instead to be government funded and/or subsidized. It called for prohibiting buildings more than two stories tall from being built near single-family residences, with specified exceptions. It called for requiring approval by voters before certain agricultural land in San Timoteo Canyon can be rezoned. When Cunningham agreed to those alterations to Measure F, the city used its authority to place it onto the November 8, 2022 ballot, large numbers of the city residents who had assisted him in getting the original version of Measure F onto the ballot objected, believing the concession of allowing buildings in the university district to reach four stories to be an unacceptable sell out. They revolted when the matter came to a vote on November 8, 2022 and Measure F was defeated by an overwhelming margin, with 8,504 or 38.19 percent of the 22,267 voters participating in the election in favor of it and 13,763 or 61.81 percent opposed.

In August 2022, banking on the passage of Measure, the Redlands Planning Commission unanimously approved two four-story projects in the downtown area, both proposed by Vantage One Real Estate Investments, LLC. One entailed a single four-story 145-unit apartment building on 1.49 acres, “The Grand” on the grounds formerly occupied by an approximately 40,000-square foot retail furniture store constructed in 1975 at the northeast corner of Redlands Boulevard and Eureka Street. The second, the “City Center Project,” located two blocks south from The Grand Project, at 212 and 216 Brookside Avenue, entailed the consolidation of 17 parcels totaling 3.01

acres at the northwest corner of Eureka Street and Brookside Avenue where the city’s safety hall and police station, city council chamber, a San Bernardino County courthouse, and two single-family residences were located. It called for four buildings, including a four-story apartment structure with 131 units.

The approval of that project stood at the time and remains a provocation of the traditionalists in the city.

The latest effort by the pro-development Redlands City Council to counteract or otherwise neutralize the efforts of the city’s well-organized and energetic group of city residents intent on controlling the intensity of growth in Redlands and clear the way for a radical transformation of the city over the next several decades now appears to be focused on dislodging the entrepreneurs in the city’s quaint downtown district, which has as its epicenter State Street running between Orange Street and 7th Street. Being hatched, according to individuals ensconced deep within City Hall, is a scheme by which the city is to rid itself of the historic buildings in the downtown area – ones that are between 80 and 120 years old, and replace them with high-rises. This is to include, the lion’s share of the structures along Orange Street south of the 10 Freeway on the east side, the buildings along both sides of State Street running east from Orange to 7th Street, the buildings along the north side of Citrus Avenue from Orange Street/Cajon Avenue to 6th Street and the buildings along the east side of Cajon from Vine Street to Olive Street with the exception of the Methodist Church. City officials are anxious to see these buildings go, one well-placed source says, because of the seismic instability as well as what the council deems to be the age and appearance of the structures in question, extending to those that house So-

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Public Notices

FBN 20240003153
The following person is doing business as: ZAPATO AUTO SALES CORP. 363 WEST 6TH STREET SUITE 113 SAN BERNARDINO, CA 92401;

Public Notices

The address of the court is Superior Court of California, County of San Bernardino San Bernardino District-Civil Division 247 West Third Street, San Bernardino, CA 92415 IT IS FURTHER ORDERED that a copy of this order be published in the San Bernardino County California, once a week for four successive weeks prior to the date set for hearing of the petition.

Public Notices

Click By:/Deputy
Notice-This fictitious 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.

Public Notices

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 business name in violation of the rights of another under federal, state, or common law (see Section 14400 et seq., Business and Professions Code).

Public Notices

Published in the San Bernardino County Sentinel 04/05/2024, 04/12/2024, 04/19/2024, 04/26/2024 CN-BB14202417CV

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Public Notices

nel 04/12/2024, 04/19/2024, 04/26/2024, 05/03/2024 CN-BB15202404MT
FBN 20240003440
The following person is doing business as: 2ND CHANCE COLLISION & AUTOBODY. 909 W 21ST STREET SAN BERNARDINO, CA 2405; MOUNTAIN SHADOW LN PERRIS, CA 92570;

Cavalry Coming For Citrus Farmers

from page 3

nor Gavin Newsom, Assembly Speaker Robert Rivas, California Senate President Pro Tem Mike McGuire, State Senate Budget and Fiscal Review Chairman Scott Wiener and Assembly Committee on the Budget Chairman Hess Gabriel request that the legislature and governor free up \$45 million in

emergency funding to assist citrus growers being hurt by the invasive fruit fly infestation.

The \$45 million being sought is some \$23 million more than the \$22 million Newsom has already indicated he is willing to devote toward the problem in the 2024-25 budget.

“The infestation has led to restrictions on moving fruit from the quarantine areas,” according to the letter. “While we understand

there will be catastrophic consequences for California’s economy if the outbreaks are not controlled, these restric-

tions are currently having a significant impact on commercial growers within the quarantined areas. The \$45 million

appropriation would be available in the form of grants to growers within the quarantine areas who have significant crop loss

and are not eligible for crop insurance to cover their losses.”

-Mark Gutglueck

Consortium Claims SB Deliberately Aced It Out Of Mall Redevelopment Contract After Choosing It For That Task

from page 5

the exclusive negotiating agreement on May

3, 2023, without warning and in breach of the exclusive negotiating agreement,” according to Barron, Becerra and Levendowski. “As a result of the city’s and its staff’s misconduct, the San Bernardino Development Company has suffered millions of dollars in damages.”

According to Bar-

ron, Becerra and Levendowski, the city simply pulled the plug on the deal it had going with Renaissance Downtowns USA and ICO Real Estate Group instead of endeavoring to incorporate an affordable housing component into the mall redevelopment project as the California Department

of Community Development and Housing was seeking and which Renaissance Downtowns USA and ICO Real Estate Group.

City officials, who are still rocking back on their heels two weeks after the suit was filed, have given no public response to the suit.

-Mark Gutglueck

Yucaipa Rapidly Losing Its Semi-Countrified Character

from page 6

renson Building, to be located at 17th & Dunlap Boulevard. Sorenson is seeking a conditional use permit for the construction of a phased manufacturing facility with the first phase consisting of a 25,548 sf structure and the second phase consisting of the remaining 33,652 square feet for a total footprint of 59,200 square feet.

A 2,899-square foot Raising Cane’s restaurant with 1,360 square feet of outdoor patio area and associated parking lot, landscaping and signage has been approved for the southeast corner of Yucaipa Boulevard and 12th Street.

A 9,300 square-foot multiple tenant general commercial facility at 12154 6th Street has been approved.

With regard to residential projects in the city, in addition to the 16 minor alterations that include the building an accessory dwelling unit – also known as a granny flat – wing additions, addition of carports, garages, storage sheds, recreational vehicle covers, a small horse barn, awnings and structure enlargements, a 52-unit residential senior project proposed by John Nejad consisting of four two-story residential buildings, a club house, barbecue area and community garden has been approved for construction at 34567 Wildwood Canyon Road. The

22,854 square feet under roof on this 6.27 acre site project are to entail very small living quarters, with 18 439.5 square feet one-bedroom units and 32 two-bedroom units and two additional one bedroom units, along with a 1,070 square foot clubhouse. The average space of the units will be 858.42 square feet.

The city is engaged in a renewal of prior entitlements and reconfirming the conditional use permit for Century Community’s gated community consisting of 57 detached condos on 7.48 acres at Avenue H & 4th Street, to be known as Stonebrook Meadows.

Yucaipa 52, LLC & Premium Land Development have obtained approval for Serrano Estates, a planned development project that includes a preliminary development plan and tentative tract map and final development plan for 51 single family residential lots on parcels greater than 12,000 square feet and averaging over 20,000 square feet, of which 41 of the lots will be age restricted to those over 55, some lots being reserved for water quality basins, and a combined 12-acre area that is to include space for vineyards, and 13 acres of what the city has referred to as “permanent” open space, located on three existing parcels totaling 52 acres.

Under construction I Century Communities Willow Park, consisting of 33 detached condominiums on 5.47 Acres located at 12742 5th Street.

The city is reviewing

Dan Gruner’s application to subdivide approximately 2.21 acres into three single-family lots with a minimum lot size of 20,000 square feet at 32568 Kentucky Street.

The city is reviewing Mohammed Khalifa’s application for the Wildwood Meadows apartment complex, to consist of 216 units on an undeveloped 9.20-acre parcel lot at the northwest corner of Avenue G and 6th Place. Khalifa is requesting the city grant him a general plan amendment to change the land use district from RM-I OM (Multiple Residential) to RM-24 (High Density Multiple Residential). That entails a land use compliance review.

The city is reviewing the Rockwell Land Company’s application of its proposed Starling Heights Specific Plan, a request for a tentative tract map for the proposed construction of a townhome residential development located at the northeast corner of 12th Street and Avenue E. The map would facilitate the project by merging four existing parcel lots totaling 14.78 acres, followed by subdividing the combined lots into 128 single unit parcels.

The city has approved Everett Homes, LLC’s conditional use permit for a 22 unit duplex project east of 4th Street and Nunnally Court on 2.72 acres for the construction of eleven duplexes, essentially multi-family apartment units, that each provide a footprint of 2,173 square feet.

Brenson Homes has been given planning commission approval

for a 15-unit detached single-family condominium Project, and a tentative tract map for the one-lot subdivision for condominium purposes located on the 1.7 acre property east side of 4th street, south of Avenue E and north of Wildwood Canyon Road.

The city has approved Nova Homes and Premium Land Development’s privately gated 172-unit two-story multi-family Fallbrook Meadows apartment project on 8.39 acres between 3rd Street and 2nd Street, north of County Line Road, that includes an affordability provision that provided the developers a density bonus on four parcels totaling 8.39 acres.

The city is reviewing West Coast Entitlement Wang Subdivision, which calls for a general plan amendment to change the land use designation on four parcels totaling 14.05 acres from RS-20M (single residential, 20,000 square foot minimum lot sizes) to RS-72C (single residential, 7,200 square foot minimum lot sizes) and a tentative tract map to subdivide the properties into forty-nine single-family residential properties at 10555 Bryant Street.

The city has approved D&J Construction’s overture to subdivide a 2.17 acre-lot into four parcels with one remainder parcel at the southeast corner of Oak Glen Road and 10th Street

The city has approved RAMCAM Engineering’s proposal to construct a 16-unit, multi-family phased housing

project which will allocate three (3) of the units as low-income affordable throughout the proposed development north of Avenue D and Poplar Street. City documents give no indication of the size of the lot or the unit sizes.

The city is considering Pristine Builders request to greatly intensify the land use in the area around 12419 13th Street by granting a zoning change on the surrounding property from RS-20M (Single-Residential, 20,000 square foot minimum lot size) and RM-10M (Multiple-Residential, 10,000 square foot minimum lot size) to RM-24 (High Density Multiple Residential, 24 dwelling units/acre), and granting a density bonus request to permit a 24.5% increase in density for agreeing to covenant 23 units as affordable, thereby allowing a 216-unit housing project across four (4) adjacent parcels. The city gives no indication of how large the lot sizes are. They are proximate to Dunlap elementary School.

The city has approved Hobbs Companies’ request for a conditional use permit to develop a 22-unit detached single-family condominium project and a tentative tract map for a one-lot subdivision for condominium purposes located on an approximate 2.85-acre property at 31711 Avenue E.

A 22-lot subdivision for single-family residences associated with Tract Map 17349 being undertaken by Pacific Horizon Builders

is now under construction west of Bryan Street and south of Sunnyside Drive. There is no indication in the readily available city documentation as how large the lots are.

Premium Land Company and the Moss Family have gotten their proposal to construct “The Cottages” multiple-family project consisting of 144 units on 5.1 gross acres on 14th Street approved.

Mark Bouye has initiated construction on his “Apartments at 5th Street” project, which required a conditional use permit for the 17-unit complex at 13561 5th Street.

Western Heights has obtained approval for its tentative map to subdivide an 8.57 acre parcel north of Marbeth Road, south of Tennessee Street, and east of Overcrest Drive into twelve 20,000-square foot minimum size single-family residential parcels

Levy Affiliated Holdings has obtained approval for three modular residential projects intended for senior citizens, defined as those who are 55-years-old or older. One is a 32-Unit modular senior project on the west side of 4th Street between Yucaipa Boulevard and Avenue E. It is under construction. Another 52 units, which are also age-restricted, have been approved for construction at 12845 3rd Street. Thirty more units are under construction at 34855 Avenue E.

A company with the moniker Neighborhood Improvement has ob-

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Was Bingham Gathering Information Of Value To Sheriff's Department Operations By Means Of His Off-Duty Social Interactions & Did The Department Withhold Crucial Information From The Judge Who Gave Investigators Clearance To Search His Premises? *from page 8*

ments with regard to the ten charges now lodged against the deputy is weakened. If his defense team goes beyond that to convincingly refute the representations contained in the affidavit for the search warrant that the indicia in his possession established him as a Mongols member, the search warrant itself could be invalidated and therefore the fruit of the search at Bingham's home – the 160 or firearms, the explosive devices, Mongols paraphernalia and whatnot – deemed inadmissible evidence against Bingham.

Yet even if the prosecution manages to move beyond that threshold and have the search warrant and all that it led to upheld, the coast for the prosecution is not automatically clear. There is still the consideration that Bingham was a gun dealer in good standing, that he had or maybe yet holds a federal a federal firearms license, one that would have or maybe yet allows him to warehouse the items found in his home for sale to out-of-state purchasers.

Sheriff Dicus, perhaps, cannot be faulted

for wanting to purge his department of any members who are involved in any criminal activity or have entangled themselves directly or even indirectly with criminal figures or those who are actively engaged in violating the law or participating in murder, kidnapping, racketeering, the illegal distribution of drugs, money laundering, robbery or extortion. At the same time, it is not clearly established at this point that any of those Mongols Bingham had contact with were engaged in any such activity and there is nothing at all that has been publicly revealed to indicate Bingham was himself involved in any of that.

Another anomaly, a disturbing one that must be resolved, relates to exactly what Bingham was up to and how or why certain lines – indeed wires – were crossed. Bingham was a Marine turned lawman yet living in a community chock full of Marines, ones engaging in testosterone-driven forms of amusement, such as acquiring guns and then riding out into remote areas of

the desert to engage in target practice. In their orbit and hanging out at the same watering holes were members of the dominant biker gang. In such a cauldron, extraordinary and crazy things can occur. Bingham was plopped down right in the middle of all of that, a window into that world, someone who had established trust among people with certain lifestyles who are normally distrustful of law enforcement personnel. Yet five days a week, week-in and week-out, he was reporting to work as sheriff's deputy. If the sheriff's department was not availing itself of the insight he could provide into certain reaches of the community, it should have. Indeed, it is hard to accept that the department didn't value Bingham for the intelligence he could pass on. Sheriff's deputies who are bold enough to report to work Monday through Friday or Saturday thru Thursday or Sunday through Friday, working the streets, collaring criminals or working the jails and dealing with inmates and then, one day a week or two days a week ride with members of an outlaw motorcycle club have to be pretty rare. Someone such as that must also be either brave or not very smart. According to Sheriff Dicus and District Attorney Jason Anderson, Bingham was the latter,

someone who mistakenly believed he could be involved in a criminal enterprise and serve as a lawman at the same time. An alternative theory is that Bingham isn't stupid but rather intrepid, riding the cutting edge and gathering information for the department among the crooks, cranies and recesses of society where normal peace officers cannot or dare not go to serve as the eyes and ears of the law. Under that theory, on March 23 and then again on April 4, the sheriff's department blew what little cover Bingham had. If that theory, as far fetched as it is, is true, the questions are: Why? Why was the department willing to give up a scout who had advanced not just up to the doorstep of what Sheriff Dicus calls "an outlaw motorcycle gang" but right into the living room? What has Christopher Bingham learned from the unique vantage point he had acceded to? Why is there now a move on to discredit him?

In court for a hearing before Judge Colin Bilash in Department S2 in San Bernardino Superior Court on April 9, Bingham was clad in blue, to distinguish him from the general population of the San Bernardino County jail system, members of which wear orange jumpsuits. He is being held in protective custody, separate from other

inmates who might take the opportunity to harm him, given that he is, or at least was, a law enforcement officer. It was Bingham's first court appearance beyond his April 5 video arraignment. He appeared, if not frightened, confused and out of his element.

District Attorney Anderson has assigned Deputy District Attorney Alberto Juan, who has previously handled multiple serious felony cases including murder prosecutions, to the case.

Given the difficulties the case represents, however, there is an expectation that the San Bernardino County District Attorney's Office might back off and allow the U.S. Attorney's Office, to take up the matter.

Federal prosecutors have had a mixed degree of traction prosecuting the Mongols in recent years. The U.S. Department of Justice has put as much or even more of a priority in going after the Mongols as the granddaddy of all criminal motorcycle gangs, the Hells Angels. According to the U.S. Department of Justice, the Mongols exists as "a highly organized criminal organization."

The intensity with which the U.S. Attorney has wanted to undercut the Mongols is demonstrated by the determination with which the federal government sought, in the penalty phase of

a racketeering conviction obtained against the Mongols in 2015, to use civil forfeiture laws to seize all right to the Mongols emblems and patches to prevent members from wearing them. At the center of this controversy is the Mongols' insignia, which shows a Mongol warrior reputed to be Genghis Khan with a topknot, wearing bell-bottoms and sunglasses, riding a motorcycle. After the federal government argued that the Mongols should surrender their ownership of the insignia – which is trademarked with the U.S. Patent and Trademark Office – Federal District Judge David O. Carter dismissed the case. The federal government pressed on and in 2019, after a In January 2019, a California jury had ruled that federal prosecutors could strip the motorcycle club of its brand, but a panel of federal judges with the United States District Court for the Central District of California concluded that would violate the First Amendment's right to free expression and the Eight Amendment protection from excessive punishment.

For his part, Bingham may prefer to wrestle with the U.S. Attorney's Office over the matter rather than with Anderson and Juan, given their degree of allegiance to the sheriff's department.

Are Redlands City Officials At The Highest Levels Determined To Have The Downtown District's Aging & Seismically Vulnerable Buildings Housing More Than 50 Unique Businesses Razed To Accommodate Skyscrapers? *from page 9*

sugu Ramen & BBQ, Landeros Furniture, Aoi Mak Mak, the Flamingo, Romano's Italian Restaurant, The Three Stags Pub, Greensleeves Steakhouse, Jersey's Pizza, Baelash Esthetics, the Tartan, Parliament Chocolate, Kluddes Kitchen, the Royal Falconer, Darby's Cantina Moon and Mirror Hair Studio, Rok n Fondue, Leroy's Boardshop, Emerson Jewelry,

The Treatment Skin Boutique, Gardenia Aesthetics & Wellness, Pacific Premier Bank, State Street Dental, the Redlands Art Association, McDuff's, State Street Pilates, the Village Candy Kitchen, Mina Koshari, Nicho's Ice Cream, The Mane Collective, Pacific Western Bank, Wells Fargo Bank, The Gourmet Pizzeria Shoppe, Hair By Dio, na, Salon Motif, Melt'm

Jewelry, The Frugal Frigate, Brookside Dental, Caprice Cafe, Wok In Cafe, The State, For Good, Redlands Oyster Cult, Nectar Clothing, Ozel Jewelers, Redlands Jewelers, Crepes of Wrath, The District, The Redlands Underground Restaurant, Batter Rebellion, Cheesewalla, A Shop Called Quest, the Vault, Bricks & Birch, the Rose of Sharon, Wilson's Classic Barber Shop and Cajon Cleaners, among other shops and businesses.

Furthermore, it is reported city officials have reached a consensus about the desirability of razing City Hall/ the civic center and

will ultimately take out Ed Hales Square to assemble a large T-shaped piece of real estate that is to be marketed to a developmental interest with the proviso that it will be developed into a project to rival or exceed the seven-story structure being contemplated in Upland just north of the 210 Freeway by developer Jeff Burum. This would entail, at the least, a structure that would in places be seven stories and would potentially extend to eight, nine, ten or even 11 stories or perhaps more.

To convince the owners of the land in question to sell their property, the city has three

options, it was related to the Sentinel. One approach would be to let the project evolve organically, with the developer seeking to assemble the land on his own. The second would be to use eminent domain to force the sale of the property. The third is the course now being taken, which is to conduct a rather draconian parking enforcement program in the downtown area that will make it so that customers cannot possibly hope to engage in normal shopping or dining activity without being subject to a parking ticket, which is to run to well over \$150, including tacked on city and

court fees. With customers unable to enjoy a meal at restaurants, or shop at a store for more than either 15 minutes or 30 minutes before having to head out to repark their vehicles or put more quarters into parking meters, it is said that it is the hope and expectation of Mayor Eddie Tejada and that of City Councilman Paul Barich, City Councilman Mario Salceda, Councilwoman Denise Davis and Councilwoman Jenna Guzman-Lowery that patrons of the businesses in question will simply get the message and not shop or dine at those establishments, rendering

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Yucaipa Taking On Denser & Denser Residential Uses, Often With Senior Citizen Housing Covenants from page 14

tained approval for an 18-unit senior citizen housing project at 12710 3rd Street. The company obtained a density bonus on the project. Either despite that or because of that the city has not made clear in its documentation what the acreage of the project is or the size of the units.

The city has given approval to Randy Citlau's Riverwalk Senior Housing Project. Citlau sought and obtained a minor general plan amendment to change the land use designation of the property, located at 12836 3rd Street, from RM-72C (Multiple Residential) to RM-24 (High Density Multiple Residential), along with a density bonus agreement to qualify for a 25 percent increase in land density, to construct a 150-unit, three story, age-restricted senior housing complex for

individuals who are 55 years and older. Citlau passed both a land use compliance review and an architectural review in getting the project approved. He was given two major variances to allow for a total of eighty percent of the 150-units to be 1-bedroom in lieu of 35 percent, and for one bedroom units to provide 76 square feet of private open space in lieu of the 150 square feet required for ground floor units and the one hundred 100 square feet required for above ground units.

Mark Bogh, whose

family has considerable political pull in Yucaipa, was provided with a density bonus to allow a 100 percent increase in land density to establish the Bogh Senior Housing Project at 12301 3rd Street. Bogh obtained a conditional use permit for and passed architectural review on the project, which is now under construction.

Eagle Yucaipa 55 LLC has obtained approval on for an age-restricted 6-plex for individuals who are 62 years or older at the northeast corner of 5th Street and

County Line Road. This project is considered an expansion of "The Villas."

Yucaipa 55 LLC was given a density bonus for restricting the sale of the units to those who are 62 and older and was also given a variance to reduce the minimum sideyard setback requirement on a residentially-zoned parcel.

John Nejad has obtained go-ahead on two senior citizen housing projects, one 34-unit project at 12790 6th Street and another 16-unit project on the east

side of 5th Street between Avenue H and county Line Road.

The 16-unit project is under construction while the 34-unit project is about to undergo site preparation. The city did not give acreage figures on the projects or unit sizes either.

With regard to its senior citizen residential projects, Yucaipa city officials come across as bashful when it comes to identifying the density of the projects or the size of the units.

-Mark Gutglueck

Redlands Officials, Increasingly Mum On Their Land Use Intensity Vision For Their City, Employ Spokesman To Assert Ticketing City Core Shop & Restaurant Patrons For Parking Violations Is Intended To Assist Downtown Businesses from page 14

them unprofitable and causing them to close. This will, in turn, result in the cancellation of the leases for the properties in question, such that by 2026 or 2027, the developer the city is gravitating toward can swoop in and pick up the land at less than 50 cents on the dollar and proceed with the high-rise development scheme envisioned for the city by its controlling futurists.

An indicator, indeed what was referred to as "proof" that this plan is now under way is the manner in which the city is proceeding with the downtown parking enforcement plan within the temporal context of city officials having, in the Fall of 2022, convinced the police department to go along with a plan to increase speed limits throughout the city. It is pointed out that just 18 months ago the city council, city administration and the police department were willing to increase the speed limits when residents were asking for reductions in speed limits, thus putting motorists and pedestrians at greater risk, while the mayor, city council and City Manager Charles Duggan were claiming stepped-up traffic enforcement was beyond

the financial means of the police department and the city. That claim of impoverishment is contrasted with the paradox of city officials now saying the city has the resources to engage in intensified parking enforcement in the downtown area. This throws into stark relief the city's actual intention, according to the knowledgeable City Hall source, which is to raze the aging buildings in the downtown area and replace them with highrises. The city's readiness to intensify the land use in the downtown area is an indication of the influence of the development/building industry and real estate speculators, who stand to profit by such accelerated growth, have over the city council, it was observed.

On March 28, the *Sentinel* sent an email to Mayor Eddie Tejada, electronically carbon copying that missive to all of the other members of the city council as well as City Manager Duggan inquiring about the intensified parking enforcement the city was to initiate on April 1. Since that time, patrons of the downtown area have made note of the stepped-up citation and enforcement effort.

The *Sentinel* email

failed to induce a response from the mayor, council or city manager, who offered no input on why some residents and others have come to perceive that the city is seeking to get take the city's historic commercial district buildings down.

Mayor Tejada did not respond to a direct inquiry as to whether the council and city are about to engage in a massive urban renewal project in Downtown Redlands, which developer the city is gravitating toward in pursuing such an effort and what the actual purpose of the stepped-up parking enforcement in the downtown area is.

The *Sentinel* asked the mayor if the city had concerns about the seismic stability of the structures in city's core and if such a concern was fueling a move to get rid of those buildings. Mayor Tejada was asked to share whether he believed that high-rise construction in central urban areas, as in Redlands, is the wave of the future.

The *Sentinel* asked Tejada point blank if he and his council colleagues are trying to put the current crop of entrepreneurs in and around State Street/Orange Street/Cajon Street out of business and, if so, whether he felt the city bore any responsibility toward the businesses that were being targeted in that way or if he merely saw them as necessary casualties

in the march of progress that Redlands must engage in.

With regard to the enforcement effort, the *Sentinel* asked the mayor how it is that the city cannot afford to carry out stepped up traffic enforcement but can afford more intensive parking enforcement. The *Sentinel* inquired if the mayor and the city perceived possible money-making potential in increasing parking enforcement and, if so, whether he believed the new parking enforcement policy will net the city more than it costs to conduct.

While Mayor Tejada did not respond to the *Sentinel's* inquiries, the city's spokesman, Carl Baker, made a selective response to questions posed to him in an email sent on April 10 revisiting the issues of downtown parking enforcement, the reported effort to close out the the downtown businesses as part of a strategy to clear the city's core to accommodate far more aggressive construction there and seeking, either from him an official response from the city with regard to those issues or to have him intercede with the mayor to make such a response.

The *Sentinel* asked Baker if reports that city officials have come to a consensus that creating a humongous transit village downtown, displacing virtually everything, or at least a lot of what is, there now is a goal worth pursuing is accurate.

The *Sentinel* also

asked Baker if the city is intent on pursuing highrise development in the downtown district whether it will make adequate preparation for that intensity of land use by creating extensive - meaning four to five to six level - underground parking facilities in the downtown area. The *Sentinel* asked how city officials expected to be able to accommodate the vehicles of the people to be residing in or patronizing the highrises without parking facilities of at least four levels underground and whether, in Baker's view, the city should be encouraging or, indeed requiring, prospective developers who are to build downtown to construct such deep underground parking facilities. The *Sentinel* asked for a cogent refutation of suggestions by some that the refusal or unwillingness of the Redlands City Fathers to require such infrastructure support construction from the building interests intent on converting the downtown area is an indicator that those development interests are improperly influencing city officials at the highest level. The *Sentinel* inquired if the city was delaying the construction of the deep underground parking facilities until after the current businesses are defunct or if the city has no intent to construct deep underground parking facilities at all.

In 2022, a 385-space multi-level above-ground parking struc-

ture on Stuart Avenue between Orange and Eureka streets that had been constructed over the previous year was opened to the public.

According to Baker, the stepped-up parking enforcement in the downtown district is not intended at all to harm the businesses currently located there but rather to have the opposite effect.

"Parking enforcement downtown - which had been suspended in 2020 due to Covid - was reinstated as part of the city's effort to boost the business community by making parking downtown more available for customers while discouraging employees from using short-term parking areas," Baker told the *Sentinel*. "It has the full support and recommendation of the Chamber of Commerce."

As pertains to the general impression among residents and reports to the effect that city officials are working toward driving all of the shops, eateries and public houses in the downtown area operating out of buildings that have been in existence for approaching or exceeding a century out of business as a means of clearing those properties to all that land to be redeveloped into modern highrises, Baker called such spiels to be prevarications of the lowest sort, what he characterized as "speculation... too ridiculous to merit a response."

-Mark Gutglueck