
**CITY OF BIG BEAR LAKE
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING**

May 6, 2009

MEETING CALLED TO ORDER: 1:19 p.m.

FLAG SALUTE: Commissioner Smith

PRESENT: Chairman Anne Zimmerman
Vice-Chairman Richard Lambert
Commissioner Craig Smith
Commissioner Rick Hackney

EXCUSED: Commissioner David Caretto

STAFF: Jim Miller, Director of Building and Planning
Janice Etter, City Planner
Marco Martinez, City Attorney
Ruth Lorentz, Assistant Planner
Lynne Rayner, Administrative Secretary

The Planning Commission of the City of Big Bear Lake took the following actions at the May 6, 2009 meeting held in Hofert Hall, Civic and Performing Arts Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

AGENDA APPROVAL

Chairman Zimmerman requested that the Commission hear Item 2.2 first on the agenda due to a timing issue with City staff.

Moved by Commissioner Smith, seconded by Commissioner Hackney, to approve the amended agenda. The amended agenda was approved unanimously.

PRESENTATIONS / ANNOUNCEMENTS / INFORMATIONAL ITEMS

Director Miller reminded the Commission that the Building and Safety Department would be holding its annual open house tomorrow at 5:00 p.m. in Hofert Hall. Additionally, from 4:00 to 5:00 p.m. there will be a class on the changes to the current building code in the Training Room. He also announced that applications to fill Planning Commission vacancies for terms ending June 30, 2009 are available at the public agenda table in the back of the room.

PUBLIC FORUM

Stan Miller from the Knickerbocker Mansion stated that he hoped the Commission would approve and move to Council the Development Code Amendment for bed and breakfast establishments and commercial lodging facilities in residential zones.

1. CONSENT CALENDAR

1.1 Approval of the Minutes of the Planning Commission meeting of March 4, 2009.

Moved by Commissioner Smith, seconded by Commissioner Lambert, to approve the Consent Calendar, with Commissioner Hackney abstaining from the vote. The motion was approved unanimously.

2. PUBLIC HEARING ITEMS

2.2 Minor Subdivision/Tentative Parcel Map Application 2007-283

Applicant: Phillip Escalette
Representative: Same
Location: 39248 Waterview Drive
APN: 0306-111-01

The applicant is requesting approval to subdivide a 1.4 acre lakefront lot into two parcels designated Single Family Residential (SFR-4). Parcel 1 will contain 0.7 acres and Parcel 2 will contain 0.7 acres, and one shared driveway will provide access to the two parcels from Waterview Drive.

City Planner Etter presented the staff report, concluding by stating that staff recommends that the Planning Commission conduct a public hearing and adopt a resolution adopting a Mitigated Negative Declaration, Mitigation Measures and a Mitigation Measure Monitoring Program, and approving Minor Subdivision 2007-283, based on the findings and subject to the conditions of approval contained in the resolution.

Staff responded to questions from the Commission regarding the conservation easement, the agreement with the Municipal Water District, and maintenance of the shared driveway.

At the hour of 1:33 p.m., Chairman Zimmerman opened the public hearing and hearing no comment, closed it.

Commissioner Smith commented that he liked that the trees are being protected, and stated that he would like to require protective fencing around the trees during future construction.

Chairman Zimmerman concurred, stating that underground utility cuts are made which are not shown on plans and questioned if that was being watched now.

Director Miller replied that the Tree Protection Guidelines are attached to grading plans so that all utility cuts should comply with our Tree Protection Guidelines. The Commission requested additional tree protection guidelines be added.

City Planner Etter stated that the Planning Department does review single family home plans for compliance with not only these specific conditions of approval but all of the general ones as well, which would include the Tree Protection Guidelines.

Director Miller recommended the following language be added to the conditions of approval, and the Commission concurred:

29. Construction activities, including new residential home construction, shall comply with the Tree Conservation requirements contained in Development Code Chapter 17.10 and the Tree Protection

Guidelines adopted by the City. Tree protection devices will be inspected for at the time of the Pre-Site Inspection by the Building and Safety Department. (PLN)

City Planner Etter inquired if the Commission wanted language added to the Conditions of Approval to cover maintenance of the shared driveway.

Chairman Zimmerman replied that staff might not want to get involved in if staff hasn't in the past. At the suggestion of Director Miller, Chairman Zimmerman asked the applicant's representative to step up to the podium and re-opened the public hearing.

Brad Gilligan, the applicant's representative, stated shared easements are identified and recorded with the house and land sale, and that the City has not gotten involved in the past.

City Attorney Martinez added that in larger subdivisions, Cities do sometimes get involved in those issues because CC&Rs are required, but it is more difficult on smaller subdivisions because the creation of an HOA might be needed to fund the maintenance. For a small two lot subdivision, the City's condition would require evidence of reciprocal ingress and egress easement for the benefit of both property owners but it would not cover the maintenance issue and therefore this is left to the property owners to work out.

Hearing no further comment, at the hour of 1:42 p.m. Chairman Zimmerman closed the public hearing.

Moved by Commissioner Smith, seconded by Commissioner Hackney, to adopt Resolution No. PC2009-12 adopting a Mitigated Negative Declaration, Mitigation Measures and a Mitigation Measure Monitoring Program and approving Minor Subdivision/Tentative Parcel Map Application 2007-283, based on the findings and subject to the amended conditions of approval as follows:

RESOLUTION NO. PC2009-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING MINOR SUBDIVISION/TENTATIVE PARCEL MAP APPLICATION 2007-283 (TENTATIVE PARCEL MAP NO. 18757) TO SUBDIVIDE A 1.4 ACRE PROPERTY INTO TWO PARCELS OF 0.7 ACRES EACH, ZONED SINGLE FAMILY RESIDENTIAL (R-1-7200) AND LOCATED AT 39248 WATERVIEW DRIVE (ASSESSOR'S PARCEL NUMBERS 306-111-01).

The motion was approved by the following vote:

AYES: LAMBERT, SMITH, HACKNEY, ZIMMERMAN
NOES: NONE
ABSENT: CARETTO
ABSTAIN: NONE

- 2.1 Development Code Amendment 2008-339
Applicant: City of Big Bear Lake
Location: All residentially zoned properties within the City

An application to amend portions of Chapter 17.25 (Residential Zones) and Chapter 17.12 (Signs) to modify existing standards pertaining to bed and breakfast establishments and commercial lodging facilities within residential zones.

Assistant Planner Lorentz presented the staff report, stating that this Development Code Amendment is being continued from the Planning Commission meeting of April 1 and April 15, 2009 to allow staff to meet with bed and breakfast owners. Several more changes were proposed as a result of that meeting on April 9, 2009, and these changes were described in the staff report for today's meeting. She concluded by stating that staff recommends that the Planning Commission conduct a public hearing and adopt a resolution recommending that the City Council adopt an ordinance amending portions of Chapter 17.25 (Residential zones) and Chapter 17.12 (Signs) and finding the action exempt from the California Environmental Quality Act (CEQA).

Chairman Zimmerman recommended the following additional language, and the Commission concurred:

SECTION 17.25.220 DEVELOPMENT AND PERFORMANCE
STANDARDS FOR ANCILLARY USES WITHIN COMMERCIAL
LODGING FACILITIES

For purposes of this Section, ancillary use shall mean a use that is clearly incidental and subordinate to a principal use, which shall not cause intensification of the principal use, and which shall not be operated independently of the principal use. The following standards and regulations shall apply to uses ancillary to primary commercial lodging facilities and bed and breakfast establishments in any Residential zones:

The following corrections were requested by City Attorney Ballinger:

2. If open to the General Public, ancillary uses shall comply with applicable State and local building and health codes and ordinances. Applicable requirements may include those from San Bernardino County Department of Environmental Health Services pertaining to dining facilities, pools, and spas; California Department of Alcoholic Beverage Control for alcohol service; and all applicable provisions of the American's With Disabilityies Act and the California Building Code for accessibility requirements.
3. Public use of outdoor patios, decks, pools, and spas is permitted provided that these structures comply with any applicable health and safety and American's With Disabilityies Act provisions and California Building Code accessibility requirements.

Moved by Commissioner Hackney, seconded by Vice-Chairman Lambert, to adopt Resolution No. PC2009-11 recommending that the City Council adopt an ordinance amending portions of Development Code Chapter 17.25 (Residential Zones) and Chapter 17.12 (Signs) pertaining to standards for bed and breakfast establishments and commercial lodging facilities in residential zones, based on the findings as follows:

RESOLUTION NO. PC2009-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BIG BEAR LAKE, STATE OF CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 17 (DEVELOPMENT CODE) OF THE CITY OF BIG BEAR LAKE MUNICIPAL CODE TO AMEND PORTIONS OF DEVELOPMENT CODE CHAPTER 17.25 (RESIDENTIAL ZONES) AND CHAPTER 17.12 (SIGNS) PERTAINING TO STANDARDS FOR BED AND BREAKFAST ESTABLISHMENTS AND COMMERCIAL LODGING FACILITIES IN RESIDENTIAL ZONES WITHIN THE CITY LIMITS.

The motion was approved by the following vote:

AYES: SMITH, HACKNEY, LAMBERT, ZIMMERMAN
NOES: NONE
ABSENT: CARETTO
ABSTAIN: NONE

3. PLANNING DIRECTOR'S REPORT

Director Miller gave the Commission an update on Walgreens traffic delineation, the Poland property parking lot, the Menaldi property, the Acosta wood yard, the Acosta Moonridge building and the Interlaken Center.

4. SUMMARY COMMENTS

None.

5. ADJOURNMENT

There being no further comments, Chairman Zimmerman adjourned the regular meeting at 2:01 p.m.

MINUTES APPROVED AT THE MEETING OF SEPTEMBER 2, 2009.


Lynne Rayner, Planning Commission Secretary