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**PLANNING COMMISSION MEETING MINUTES**  
***REGULAR MEETING***  
**NOVEMBER 6, 2002**

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**MEETING CALLED TO ORDER:** 1:15 p.m.

**FLAG SALUTE:** Chairman Conklin

**PRESENT:** Commissioner Charlie Brewster  
Commissioner Robert Day  
Commissioner Bill Jahn  
Vice-Chairman Thomas Beede  
Chairman Shed Conklin

**STAFF:** Molly Bogh, Community Development Director  
Sandra Molina, Principal Planner  
Neil Braunstein, Associate Planner  
Janice Etter, Associate Planner  
Stephen Deitsch, City Attorney  
Phil Mosley, City Building Official  
Kathy Smith, Administrative Secretary  
Lynne Rayner, Administrative Secretary

The Planning Commission of the City of Big Bear Lake took the following actions at the November 6, 2002 meeting held in Hofert Hall, Civic and Performing Arts Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

**AGENDA APPROVAL**

Moved by Commissioner Brewster, seconded by Commissioner Jahn, to approve the amended agenda as presented. The amended agenda was approved unanimously.

**PRESENTATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS**

Community Development Director Molly Bogh announced that at the end of the meeting, under the Planning Official's Report, she would give a brief overview of the process for filling the seat on the Commission that will be vacated when Chairman Conklin is sworn into the City Council on December 9<sup>th</sup>.

**PUBLIC FORUM**

No one wished to speak.

**1. CONSENT CALENDAR**

- 1.1 Approval of the minutes from the regular Planning Commission Meeting of October 16, 2002.

Moved by Commissioner Jahn, seconded by Vice-Chairman Beede. The minutes were approved unanimously.

**2. PUBLIC HEARING ITEM**

- 2.1 Plot Plan Review 2001-093 (Time Extension)  
Applicant: Silverado Enterprises  
Representative: Mr. Ed Kinsley  
Location: 40729 Village Drive and 709 Cameron Drive  
APN: 308-181-14 and 308-182-42

Commissioner Jahn excused himself from the discussion and the vote due to a potential conflict of interest based on ownership of property in proximity to the project site.

Associate Planner Neil Braunstein presented the staff report and noted that this was a continuation of a Public Hearing from the October 16, 2002 Planning Commission meeting, requesting a 24-month time extension to the approval period of a previously approved Plot Plan Review to construct a 4,060 square foot addition to the existing Village Mall, and reconfigure an existing parking lot to accommodate 21 parking spaces on a 45,121 square foot site designated Village Retail; and to construct a remote parking lot containing 13 parking spaces on a 7,664 square foot parcel designated Commercial Lodging. The proposal also includes minor modifications to the front elevation and to the on-site parking lot.

Mr. Braunstein also noted that the property owner, Ed Kinsley was not able to attend today's meeting, however, he did speak with him on the phone this morning and that Mr. Kinsley stated he agreed with the Conditions of Approval included in the staff report.

At the last public hearing, the Planning Commission directed staff to contact the adjacent property owner to get their input on a screen wall along the boundary of the satellite parking lot. The owner of the senior housing project did not feel that one was necessary. Staff's attempts to contact the property owner of the adjacent single-family residence were unsuccessful; however, the owner of the property is on the mailing list for the project and would have received every notification of the public hearing and has not contacted staff with any concerns. Therefore, staff is not recommending the inclusion of a condition of approval for a solid wall.

Along with the time extension, the applicant is requesting approval of a minor revision to the plan that was approved a year ago. The changes are to add a covered entry at the north elevation, and to add a concrete walkway to serve the two handicap parking spaces.

Staff is recommending approval of the time extension and minor modifications, as conditional.

Chairman Conklin opened the public hearing at 1:30 p.m.

No one wished to speak and Chairman Conklin closed the public hearing at 1:31 p.m.

Vice-Chairman Beede moved to recommend that the Planning Commission approve the project, find that the project is exempt from the California Environmental Quality Act, and adopt the resolution approving the 24-month time extension for Plot Plan Review 2001-093, which was seconded by Commissioner Brewster.

**RESOLUTION NO. PC2002-036**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING A TWENTY-FOUR (24) MONTH TIME EXTENSION OF PLOT PLAN REVIEW 2001-093 TO CONSTRUCT A 4,060 SQUARE FOOT COMMERCIAL BUILDING LOCATED AT 40729 VILLAGE DRIVE (ASSESSOR'S PARCEL NUMBER 308-181-14) WITH AN OFF-SITE PARKING LOT LOCATED AT 709 CAMERON DRIVE (ASSESSOR'S PARCEL NUMBER 308-182-42).

The motion was passed by the following vote:

AYES: BREWSTER, DAY, BEEDE, CONKLIN

NOES: NONE

ABSENT: NONE

ABSTAIN: JAHN

2.2 Variance 2002-186

Applicant: Mr. Colin Sarjeant

Location: 40272 Mahonoy Lane

APN: 308-055-01

Associate Planner Neil Braunstein presented the staff report, stating that this is an application for variance 2002-186; the applicant is Colin Sargeant. The request is for a 7-½ foot encroachment into the required 22-½ foot setback along Temple Lane. The variance is requested to allow for the construction of a single family dwelling on the property, which is currently vacant and undeveloped. Staff recommended approval of the variance.

Chairman Conklin opened the public hearing at 1:40 p.m., and stated his concerns that the proposed building location was not clearly marked on the property.

Mr. Colin Sarjeant, the applicant, addressed the Planning Commission apologizing for not staking the house location on the property, and requesting that an action be taken on his project, as he had driven from Los Angeles to attend the meeting.

There being no further comments from the public, Chairman Conklin closed the public hearing at 1:45 p.m.

Commissioner Brewster asked staff if any neighboring property owners had any objections. Mr. Braunstein replied that no responses had been received from the notification.

Commissioner Day asked staff whether or not the water department could serve the property. Mr. Braunstein replied that we have no reason to believe that they could not serve the property. Commissioner Day stated his concern that there is a water shortage in the Big Bear Valley, and that new development should not be approved unless we are assured that adequate water will be available to serve it. Mr. Mosley responded that even if the variance is approved, the applicant will still have to obtain a will-serve letter from the water department.

Commissioner Brewster moved that the following Resolution be adopted, Commissioner Beede seconded the motion

**RESOLUTION NO. PC2002-037**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING VARIANCE 2002-186 TO ENCROACH 7.5 FEET INTO THE REQUIRED 22.5 FOOT SIDE STREET SETBACK IN ORDER TO CONSTRUCT A 1,314 SQUARE FOOT SINGLE FAMILY RESIDENCE LOCATED AT 40272 MAHANOY LANE (ASSESSOR'S PARCEL NUMBER 308-055-01).

The motion was passed by the following vote:

AYES: BREWSTER, JAHN, BEEDE, CONKLIN

NOES: DAY

ABSENT: NONE

ABSTAIN: NONE

**3. ACTION ITEM**

3.1 Proposed Mural

Applicant: Sue Ellen McMaster

Representatives: Mike Ragodale

Location: 40731 Lakeview Drive

APN: 308-163-56

Community Development Director Molly Bogh presented the staff report. She stated that this application is very similar to an application the Planning Commission approved a few weeks ago. Due to a change in ownership, the design of the mural has changed. The mural is at the same location and is the same size as previously approved. Therefore, staff recommends approval.

Chairman Conklin opened the public hearing at 1:48 p.m.

Commissioner Jahn addressed the applicant, asking if she was aware that the draft resolution requires that the rock would remain and the mural would go over the rock, and that if the mural is later removed or the business ceases operation, the rock must be preserved in its present condition.

Applicant Sue Ellen McMaster addressed the Planning Commission, stating that she was aware that the rock would remain, that it was just a photographic mural by an artist known to the area, which would be placed over the rock.

Chairman Conklin, who stated that he was against coverage of the rock, asked the applicant if she thought the train would attract more attention to the antique store than the horse. Applicant McMaster stated she did believe it would, and that it would attract men as well as women to the antique store.

Chairman Conklin closed the public hearing at 1:50 p.m.

Commissioner Jahn moved to approve the proposed mural as outlined in the staff report, based on its conformance with the General Plan. Commissioner Beede seconded the motion.

**RESOLUTION NO. PC2002-038**

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF BIG BEAR LAKE, COUNTY OF SAN  
BERNARDINO, STATE OF CALIFORNIA, APPROVING THE  
CREATION OF A 72 SQUARE FOOT MURAL AT 40731  
LAKEVIEW DRIVE (ASSESSOR'S PARCEL NUMBER 308-  
163-56).

The motion was passed by the following vote:

AYES: DAY, JAHN, BEEDE

NOES: CONKLIN

ABSENT: NONE

ABSTAIN: BREWSTER

3.2a Tree Removal Permit

Applicant: Mark and Barbara Crittenden

Representatives: Mike Maltas and Marty Mazure

Eagle Tree Service and Construction

Location: 38793 Waterview Drive

APN: 306-061-35

3.2b Tree Removal Permit

Applicant: Charles and Crisann Maurer

Representatives: Mike Maltas and Marty Mazure

Eagle Tree Service and Construction

Location: 38795 Waterview Drive

APN: 306-061-36

Associate Planner Janice Etter presented the staff report for both tree permit applications. She stated that this was a continuation from the Planning Commission meeting of October 16, 2002, at which the Commission directed the staff to review the application that was submitted for a tree removal permit at 38795 Waterview Drive and to have an independent arborist provide the Commission with an evaluation. Since that time, staff and a consulting arborist have had an opportunity to review the tree removal that occurred on the two properties. The Crittendens are the applicants for tree removal permit, 2002-232, and the Maurers are the applicants for tree removal permit, 2002-218. Both properties are in the R-1 zone and designated Single-Family Residential in the General Plan.

The consulting arborist has performed an evaluation of the tree stumps and the remaining trees on the property and found that most of the trees removed from the properties were either dead or in significant decline due to disease and beetle infestation. The report contains recommendations for additional tree removal at 38795 Waterview; tree conservation; stump removal/retention; treatment of removal limbs and trunks; and for landscape plans for both properties that demonstrate tree replacement.

Staff recommended that the Planning Commission receive the staff report including the recommendations from the consulting arborist, and that public testimony be taken. Staff further recommended that conditional tree removal permits be granted for both properties by adopting the draft resolutions that were attached to the staff report.

Chairman Conklin asked for questions to the staff.

Commissioner Brewster asked whether the Commission's consideration is limited only to the tree removal permits and not enforcement of violations. Community Development Director Molly Bogh responded by saying that the tree permits have been agendaized for the Planning Commission's review today. Tree removal permits can legally be issued even after the removal of the trees, and Code Compliance cases on both of these properties are being conducted separate from the permit process. She further stated that if permits are granted and the applicants abide by the conditions of the permits, the City may not wish to proceed with enforcement actions because the applicants would be

working in good faith to mitigate the violations; this will be reviewed by the City's prosecuting attorney.

Commissioner Beede complimented the staff on the timely follow-up from the last meeting and upon acquiring the independent arborist report. Commissioner Beede believes permits should be issued to allow the trees to be cut down; however, future code enforcement should have some bite to it, even when someone comes in after the fact.

Commissioner Day indicated his concern that there was no mention of the violation of tree removal ordinance in the staff report.

Commissioner Beede stated that a penalty should be enforced, but that issue should be handled by Code Enforcement and the City Attorney.

Commissioner Day asked what effect issuance of tree removal permits would have on code enforcement.

Community Development Director Molly Bogh responded that code enforcement is a separate matter from the Planning Commission's action. The code compliance case would remain open even if the permits are granted. In the event that compliance with the conditions is not adhered to, then the City would have additional code enforcement issues. The City also has the option of proceeding with the code compliance case to recover City costs and investigation fees.

City Attorney Stephen Deitsch stated that under the ordinance that has been adopted, the Commission has the responsibility, separate and apart from code enforcement, to review the ordinance requirements, the application requirements, and then issue a permit with or without conditions. He recommended that the Commission proceed independently of the code enforcement issue, and take action on the tree permit applications.

Chairman Conklin opened the public hearing at 2:12 p.m.

Drew Hayes, owner of The Tree Care Company in Big Bear Lake, stated that the permits should be issued and the diseased trees removed immediately, to minimize potential infestation of neighboring trees. He presented a letter to the Planning Commission stating his position.

Carolyn Knudsen, resident, addressed the Commission by reminding the Commission that over two years were spent drafting a tree ordinance and that it should stand as written.

Dennis Largé, resident of Big Bear Lake, asked if approval of the permits would impact the enforcement action.

Community Development Director Molly Bogh responded by saying that the code enforcement case is independent of the permits and that it will proceed through the City's prosecuting attorney.

Mr. Largé suggested that instead of issuing two permits that cover past actions that the permits should cover only trees that still need to be removed.

City Attorney Stephen Deitsch responded by stating that the ordinance includes both the removal requirements, and the imposition of conditions regarding the elimination of any trees. The removed trees are still within the subject matter of the ordinance.

Mr. Largé stated that he was still confused about whether or not the Commission could impose conditions on the enforcement action. He stated he was disturbed that these items were requested in a lump sum, especially in the Crittenden situation, where the trees have already been removed.

City Attorney Stephen Deitsch replied that in code enforcement proceedings, different types of conditions may be imposed, including penalties. These conditions would be in addition to any conditions placed by the Planning Commission on the permits.

Mr. Largé questioned whether the Crittendens had filed an application.

City Attorney Stephen Deitsch addressed Mr. Largé by stating that an application was submitted on Friday, November 1, 2002.

Mark Crittenden, applicant, stated that he lives on Waterview Drive, and did not know there was a problem until a week ago. Last year, he had hired arborist Jim Bridges and an attempt was made to treat the trees that were infested with beetles. However, the attempts were unsuccessful and the arborist recommended removal of the trees. Mr. Crittenden also indicated that replacement trees would be planted.

Erv Nickels, resident of Fawnskin and former resident of Big Bear Lake, stated he agreed that these trees need to be removed quickly and recommended granting the tree removal permits.

Charles Maurer, applicant, stated he currently lives on Timber Lane but had purchased the property on Waterview Drive on October 1, 2002. Shortly after the purchase, he learned that many of the trees on the property were dead or dying from effects of the drought and from the bark beetle infestation. He contracted with Eagle Tree Service to remove the trees in order to eliminate any fire hazard and to protect neighboring trees. He was informed of the stop work order by Eagle Tree Service. He stated that the three different arborists involved in the case have generally come up with the same conclusions in regard to the health and removal of the trees. He also indicated there would be tree replacement.

There being no further comments from the public, Chairman Conklin closed the public hearing at 2:45 p.m.

Commissioner Brewster questioned why permits should be granted for the trees that were already removed.

Community Development Director Molly Bogh responded stated that if the Planning Commission approves the removal by issuance of this permit, then the Planning Commission has the ability to ask for mitigation, such as replacement trees and landscape plans, through the conditions of approval. If the Commission does not issue a permit to legalize the trees, then they would not have the right to ask for conditions to mitigate the situation.

Commissioner Day asked if there was a way to add conditions, but not act on approving the permits now.

City Attorney Stephen Deitsch stated that issuance of the permits is the mechanism by which to impose conditions.

Commissioner Brewster made the motion to grant the tree removal permits, subject to the recommended condition as follows:

19. The applicant shall prepare a final landscaping plan for submittal and approval by the Planning Commission.

Commissioner Jahn seconded the motion.

Commissioner Brewster clarified the recommended change and moved that the tree permits be granted, as outlined in the following resolutions; Commissioner John seconded the motion.

#### **RESOLUTION NO. PC2002-039**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING TREE REMOVAL PERMIT 2002-218 FOR THE REMOVAL OF 76 TREES FROM THE PROPERTY AT 38795 WATERVIEW DRIVE, ASSESSOR'S PARCEL NUMBER 306-061-36.

#### **RESOLUTION NO. PC2002-040**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING TREE REMOVAL PERMIT 2002-232 FOR THE REMOVAL OF 17 TREES FROM THE PROPERTY AT 38793 WATERVIEW DRIVE, ASSESSOR'S PARCEL NUMBER 306-061-35.

The motion(s) were passed by the following vote:

AYES: BREWSTER, DAY, JAHN, BEEDE, CONKLIN

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

**4. PLANNING OFFICIAL'S REPORT**

Community Development Director Molly Bogh congratulated Chairman Conklin on behalf of the staff for his election to the City Council, and explained the process that would be taken to fill the vacancy.

**5. SUMMARY COMMENTS**

Commissioner Brewster expressed his congratulations to Chairman Conklin on his election to City Council.

Commissioner Day expressed his congratulations to Chairman Conklin as well, and also noted that he will be out of town for the next Planning Commission meeting on November 20<sup>th</sup>.

Commissioner Jahn expressed his congratulations and good luck on the Council to Chairman Conklin. He also had a question for staff with respect to street gradients, and asked that staff research and respond to his inquiry.

Vice-Chairman Beede stated that he too, would like to offer his congratulations to Chairman Conklin.

**6. ADJOURNMENT**

There being no further comments, Chairman Conklin adjourned the meeting at 3:28 p.m. to the next regular Planning Commission meeting of November 20, 2002.

MINUTES APPROVED AT THE MEETING OF NOVEMBER 20, 2002.

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Lynne Rayner, Planning Commission Secretary