
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING
DECEMBER 4, 2002

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

FLAG SALUTE: Chairman Conklin

PRESENT: Commissioner Charles 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
Marco Martinez, City Attorney
Phil Mosley, City Building Official
Anne Schneider, City Engineer
Lynne Rayner, Administrative Secretary

The Planning Commission of the City of Big Bear Lake took the following actions at the December 4, 2002 meeting held in Hofert Hall, Civic and Performing Arts Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

AGENDA APPROVAL

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

PRESENTATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS

There was nothing to report.

PUBLIC FORUM

No one wished to speak.

1. CONSENT CALENDAR

Moved by Commissioner Jahn, seconded by Vice Chairman Beede, to approve the minutes of November 20, 2002. The minutes were approved unanimously. Commissioner Day abstained from the vote due to his absence from the meeting.

2. PUBLIC HEARING ITEM

2.1 Conditional Use Permit 2002-200

Applicant: City of Big Bear Lake

Representative: Community Works Design Group

Location: 39080 Big Bear Blvd.

APN: 306-161-01, 306-161-02, 306-161-03, 306-161-04, 306-161-05,
306-161-06, 306-161-07, 306-261-13, 306-261-18

To develop a public park with an emphasis on passive recreation. The park will consist of a 40 space parking lot, hard-surfaced walking paths, an outdoor seating area, interpretive panels, picnic tables, benches, landscaping, a city entry monument, and an approximately 270 square foot restroom building, on a 4.3 acre property zoned Commercial Resort (CR).

Associate Planner Neil Braunstein presented the staff report and three letters that arrived subsequent to preparation of the staff report. The first letter was from Linda Grimes, California Department of Transportation, requesting that the access opening confirm to Caltrans design policy, that additional "No Parking" signs be installed along SR-18 adjacent to the park to prevent overflow parking on the State Highway, and that layout drawings be submitted to Caltrans depicting the proposed design. Mr. Braunstein advised the Commission that the driveway does conform to Caltrans design policy, the City will install "No Parking" signs along Big Bear Blvd. (SR-18) and construction drawings will be forwarded to Caltrans when they become available.

The second letter was received from Tom Corey, stating he favors the creation of Boulder Bay Park, but raised concerns that Lot 13, the one lot of the 15 residential lots in Tract 10583 that is owned by the City and part of the proposed park, was not zoned for a public park. Mr. Braunstein stated that although Lot 13 was originally zoned Single Family Residential (R-1), Single Family Residential zoning does permit public parks. The current zoning of Lot 13 is Commercial Resort, which also permits public parks. Mr. Braunstein also stated that the Covenants, Conditions and Restrictions do not limit the use of properties within the tract to residential uses, but only limit commercial uses; further, the CC&R's do not pertain to property owned by the City. Mr. Corey also requested that a fence be built to separate the park from Willow Landing Court to prevent access from the park to adjacent property due to liability concerns in the event that a park visitor trespassing on private property is injured.

Molly Bogh, Community Development Director, provided a brief history of Lot 13. Several years ago the City Council directed staff to evaluate whether or not the City should retain Lot 13 or sell it as a residential lot, in part to provide additional funding for the proposed park. There are several drainage and sewer easements included on the lot, which renders the buildable portion of the lot quite small. The City Council decided to retain Lot 13, and directed staff to incorporate it into the park design.

The third letter was from Mr. and Mrs. J. Lynn recommending that a fence be constructed separating the park from Willow Landing Court so that park visitors would not park in the housing tract. Mr. Braunstein stated that although Willow Landing Court is a public street on which any member of the public may park, the park is designed with a 40-car parking lot, which would be adequate to serve park visitors.

At the conclusion of the staff report presentation, Mr. Braunstein recommended that the Planning Commission adopt the attached resolution adopting the Negative Declaration and approve Conditional Use Permit 2002-200.

Mr. Braunstein addressed the Commission's questions and concerns regarding the traffic study which indicated that a left turn lane into the park was not necessary; whether or not the drainage culvert carrying water from the adjacent condominium project through the park site could be designated as an open, natural drainage course; whether to close public access to the park from adjacent residential streets; whether to further reduce proposed turf areas by more use of draught tolerant plantings or hardscape materials, and the design of the public restrooms (stall size and exterior siding materials).

Chairman Conklin opened the public hearing at 2:11 p.m.

Joe Sanders, resident of Big Bear Lake, stated that property in question is presently being used as a park at no cost to the taxpayers and that if the proposed park is approved and built, after the initial upfront building costs, additional annual maintenance fees would then be incurred. He would be concerned if the park was not funded by a grant. He also noted that the proposed restroom door is not wide enough to accommodate a full-size wheelchair.

Ms. Bogh addressed Mr. Sanders' concern about park funding by stating that Proposition 40, which was passed by the voters last year, would provide the City with \$220,000 in park construction funding, that can be used as a match for other grants. Once the design is completed and approved, the City can begin applying for other grants.

Larry Cooke, Big Bear resident and past owner of the park property, spoke in favor of the project but thought that the location of the restroom would obstruct the lake view on the approach from the east by motorists, and from visitors sitting in their cars in the parking lot. He informed the Commission of the Pecos lawsuit filed against the developer of Tract 10583 by the residents of the adjacent housing development some years back, under which certain pedestrian access issues still remain directly involving Lot 13. Mr. Cooke stated he understood the settlement agreement for that lawsuit to have required a public access easement across Lot 13, to allow pedestrian access to the lake and park site. He also suggested the City construct a fishing pier as a potential revenue source.

Elaine Tenny, resident of Big Bear Lake, expressed concern over future traffic accidents on Big Bear Boulevard if a left turn lane was not added to the proposed plan.

Mrs. Dee Pontell, resident of Big Bear Lake, spoke in favor of the proposed park but thought that the restrooms should be located farther east.

There being no further comments from the public, Chairman Conklin closed the public hearing at 2:33 p.m.

Based on the discussion between the Planning Commission and staff, the following were added as item #33 to the conditions of approval:

- a. The City shall install appropriate directional and warning signs for motorists on SR 18 to inform them of the location of the park and public restrooms;
- b. The City shall review and evaluate the feasibility of increasing the number of restroom stalls, and shall increase the number of stalls if warranted and feasible;
- c. The City shall limit vehicular and recreational vehicle access from the park site to Boulder Bay Court and allow pedestrian access only at that location through placement of boulders or similar hardscape design features;
- d. The City shall provide durable siding on the restroom building, of a wood or wood-appearing material;
- e. The City shall evaluate the feasibility of relocating the restroom building to the parking lot island, and shall relocate the restroom building to this or another location to preserve views if warranted and feasible;
- f. In preparation of the final landscape plan, consideration shall be given to further limiting turf area through the use of white sand or similar decorative hardscape material.

Ms. Bogh asked for further direction on the tot lot and lighting before the resolution was voted on. The Commission agreed to leave the tot lot as part of the plan and directed staff to install lighting if needed.

Moved by Commission Brewster, seconded by Commissioner Jahn, to approve the resolution, with the above-mentioned changes, as follows:

RESOLUTION NO. PC2002-042

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 2002-200 TO DEVELOP A 4.3-ACRE PASSIVE PUBLIC PARK CONSISTING OF A 40 SPACE PARKING LOT, 270 SQUARE FOOT RESTROOM BUILDING, LANDSCAPING, SEATING, AND WALKING PATHS, LOCATED AT 39080 BIG BEAR BOULEVARD (ASSESSOR'S PARCEL NUMBERS 306-161-01, 306-161-02, 306-161-03, 306-161-04, 306-161-05, 306-161-06, 306-138-07, 306-261-13, and 306-261-18).

The motion was passed by the following vote:

AYES: JAHN, BEEDE, CONKLIN

NOES: BREWSTER, DAY

ABSENT: NONE

ABSTAIN: NONE

3. DISCUSSION ITEM

3.1 Status report on Plot Plan Review 2001-031

Applicant: Bear Valley Paving

41841 Garstin Drive

Principal Planner Sandra Molina presented the staff report to update the Commission on the status of Plot Plan Review 2001-031, a proposal by Jacque P. Montero, representing Bear Valley Paving, to continue the use of processing and storing paving materials at the site of an existing paving contractor's yard.

Ms. Molina stated that significant progress has been made in fulfilling the conditions of approval, but several items remain incomplete. Modifications done to Summit Creek were not consistent with the approved grading plan and a stop work order was placed on the permit. The resource agencies have conveyed their concerns to both applicant and the City. Staff informed Mr. Montero that in order for the work to continue, a new grading plan to correct the existing situation needed to be submitted but to date a revised grading plan has not been received. Regarding relocation of outdoor storage items and sea-train containers, due to expansion modifications being more extensive than previously planned, Mr. Montero withdrew the preliminary plans that would have resolved his storage problems, stating he would resubmit, but modified plans have not been received. The unpermitted containers are still on the premises. The third incomplete item was Mr. Montero's permit for the storage of hazardous materials, which Mr. Montero provided to the Planning Commission during the meeting. Ms. Molina stated that staff would like to gain some assurance that the applicant would move forward with the two remaining conditions of approval and gain compliance possibly by the issuance of a performance bond or other surety.

Mr. Montero, owner of Bear Valley Paving, stated he understood the original conditions of approval, but is requesting an extension of six months without the requirement for a bond to complete the remaining two incomplete conditions. He stated he made the Summit Creek grading improvements as he interpreted the specifications of the Regional Water Quality Review Board and did not realize the modifications were not consistent with City requirements. He stated that his engineering company, So and Associates, would deliver realignment plans to the City within thirty days to comply with the request to return Summit Creek back to the original plans on April 15, 2003, when he was allowed to resume work. He also stated he would relocate the materials inside the green water containers as soon as possible, and remove these containers. Mr. Montero stated he currently did not have a cost effective plan to relocate the sea-train type storage containers and asked for clarification on whether or not he would have to permanently

remove the remaining sea-train storage containers if these were something other construction businesses were using within the City.

Phil Mosley, City Building Official, responded by informing Mr. Montero that the City does permit the use of sea-train type containers on a construction site with an open building permit, but does not permit the use of searain type containers for permanent storage and that Code Compliance would address violations.

Ms. Bogh stated that the topic of whether the City should allow the use of sea-train storage containers and how to regulate them would be further addressed in conjunction with the Development Code update within the next six months.

City Engineer Ann Schneider stated that Mr. Montero completed work not in compliance with the approved plans, and in the six-month period between April 15, 2002 and October 15, 2002, no further activity took place. She requested a mechanism for enforcing compliance and stated that staff had met with the applicant to develop emergency plans should an occasion arise, but that the emergency plan leaves the City liable to incur costs and is not a long-term solution.

Mr. Mosley stated that Mr. Montero has developed a 24-hour temporary emergency plan consisting of sandbags and visqueen, which his employees would put into place in the event of an emergency to protect adjacent property.

Ms. Bogh clarified that all of the resource agencies had approved the original Summit Creek realignment plan. What Mr. Montero constructed did not match the approved plan. The alignment is now conveying water in a new direction that now puts adjacent property owners in jeopardy. Mr. Montero was asked to take out what was done and realign the channel according to the approved plan. He could have done so without any further approvals by any agencies or by the City but has chosen not to do. What he has asked for is to amend the approved plan to more closely reflect what he has done to Summit Creek. This could be approved by the City if all the resource agencies approve it, but accurate plans for the realignment have not been submitted.

After further discussion, it was agreed that Mr. Montero would file an application for modification to Plot Plan Review 2001-031 by Friday, December 13, 2002, to ask for a six-month extension to return Summit Creek to the approved grading plan and to resolve the building expansion/storage container issue. The Planning Commission indicated that they would consider this matter at their meeting in January, 2003. If an application has not been received at that time, the Planning Commission will consider revocation of the prior approval.

4. PLANNING OFFICIAL'S REPORT

Due to the holiday and no action items scheduled, Ms. Bogh asked the Commission whether the January 1, 2003 Planning Commission meeting should be cancelled and the Planning Commission concurred. The next regularly scheduled meeting in January would be January 15, 2003.

5. SUMMARY COMMENTS

Commissioner Brewster expressed his appreciation to City staff for helping him complete his construction project. He also thanked Chairman Conklin for his years of service and hopes he enjoys the City Council.

Commissioner Day commented that the Commission has been struggling with the concerns of Mr. Montero's realignment of Summit Creek for several years and yet the Commission did not seem to want to address the drainage issue within the Boulder Bay park project.

Commissioner Jahn asked staff if there was any new information on the beetle infestation. Ms. Bogh stated that there is a public workshop for the Planning Commission and City Council tentatively scheduled for the afternoon of January 27, 2003. She also stated that the Discovery Center is also holding a public workshop on December 13th at 7:00 p.m. Commissioner Jahn also wished Chairman Conklin good luck on the City Council.

Vice Chairman Beede stated it had been a pleasure working with Chairman Conklin.

Ms. Bogh asked if the Commission would like to agendize a resolution of appreciation for Chairman Conklin for the December 18th Planning Commission meeting, and the Planning Commission concurred.

Chairman Conklin asked the status of the eagle perch tree designation and plaque. Ms. Bogh stated that to date nothing had been done but that it would be discussed as a work plan item for next year's budget. Mr. Conklin expressed his appreciation for the last nine years, thanked everyone for his or her assistance, and is looking forward to working with the City Council.

6. ADJOURNMENT

There being no further comments, Chairman Conklin adjourned the meeting at 5:03 p.m. to the next regular Planning Commission meeting of December 18, 2002.

MINUTES APPROVED AT THE MEETING OF December 18, 2002.

Lynne Rayner, Planning Commission Secretary