
**CITY OF BIG BEAR LAKE
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING
March 2, 2005**

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

FLAG SALUTE: Vice-Chair Brewster

PRESENT: Commissioner Timothy Brigham
Commissioner Garry Dokter
Commissioner Greg Boll
Vice-Chairman Charles Brewster
Chairman Thomas Beede

STAFF: Sandra Molina, City Planner
Jeff Ballinger, City Attorney
Phil Mosley, Chief Building Official
Janice Etter, Associate Planner
Lynne Rayner, Administrative Secretary

The Planning Commission of the City of Big Bear Lake took the following actions at the March 2, 2005 meeting held in Hofert Hall, Civic and Performing Arts Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

AGENDA APPROVAL

Moved by Commissioner Boll, seconded by Vice-Chair Brewster, to approve the agenda as presented. The agenda was approved unanimously.

PRESENTATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS

None.

PUBLIC FORUM

No one wished to speak.

1. CONSENT CALENDAR

1.1 Approval of the Minutes of the Planning Commission meeting of February 16, 2005.

Moved by Commissioner Boll, seconded by Vice-Chair Brewster, to approve the minutes for February 16, 2005 as presented. The minutes were unanimously approved by a vote of 5 in favor and 0 opposed.

2. PUBLIC HEARING ITEMS

2.1 Plot Plan Review 2004-306

Applicants: Eddie and Carrie Booth
Representative: Tom Owens Designs
Location: 620 Summit Boulevard
APN: 2328-064-03

Staff recommended continuing the public hearing for Plot Plan Review 2004-306 until March 16, 2005 in order to allow the applicant time to appropriately mark the property.

Moved by Vice-Chair Brewster, seconded by Commissioner Boll, to continue Plot Plan Review 2004-306 to the Planning Commission meeting of March 16, 2005.

The motion was approved by the following vote:

AYES: BRIGHAM, DOKTER, BOLL, BREWSTER, BEEDE
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

2.2 General Plan Amendment 2003-102 and Zone Change 2003-103

Applicant: B & D Weber, LLC
Representative: Michael Rafferty, Managing Partner
Location: 42515 Big Bear Boulevard
APN: 0311-461-04

Mrs. Etter presented the staff report, stating that this item has been continued from the Planning Commission meeting of February 2, 2005 during which the applicants were requesting approval to amend the General Plan Land Use Map by changing the designation of a 2.9-acre property from Public Facilities (P) to Multiple Family Residential (MFR), and to amend the Zoning Map by changing the zoning of the property from Public/Open Space (P-OS) to Multiple Family Residential (R-3), allowing residential uses with densities ranging up to 12 units per acre without the preparation of a Development Agreement.

She reminded the Commission that they previously stated that they could not support the project without knowing the type and intensity of uses that would be built on the property and that they had directed the applicant to work with staff to draft "deal points" for a Development Agreement.

At the time the staff report was prepared for today's meeting, the applicants stated that they also wished to evaluate housing options other than senior housing, as the market for senior housing was not as strong as originally reported.

Mrs. Etter informed the Commission that subsequent to distribution of the staff report, staff met with the applicants who indicated they wished to proceed with a senior housing project, and five deal points were prepared to work toward a Development

Agreement, submitted to the Commission on green sheet. She informed the Commission that the Environmental Initial Study would need to be revised to reflect preparation of a Development Agreement. She stated that staff recommends the Commission hold a public hearing, discuss the status of the project including future land uses, any environmental concerns and deal points in order to work toward a Development Agreement with the applicants. The applicants could not be present at the meeting today.

Commissioner Boll asked if any other deal points had been discussed with the applicants and then left off the deal point list. Ms. Etter stated that other than a restriction for the units to only be used as rental units, no other deal points had been discussed with the applicants. Commissioner Boll further stated that due to the traffic intensity of project and also the proposed additions to the Snow Play to the East, a traffic study would be imperative.

Vice-Chair Brewster asked if senior housing could be modular, or if the applicants would be able to reduce the density and then switch to modular homes after approval of conventional construction. Mrs. Etter stated that modular units had not been proposed by the applicants. She further informed the Commission that a Development Agreement would be recommended for approval to the City Council by the Planning Commission, then approved by City Council, and would be subject to annual review.

Commissioner Dokter inquired if the applicants would be able to apply for funding assistance. Ms. Molina informed the Commission that the applicants were informed that funding assistance would not be available for a senior housing project.

Commissioner Brigham inquired if there were funds available for affordable housing, or, would affordable housing funds be available if persons over the age of 55 occupied the unit. Ms. Molina stated that the City has funding assistance available for affordable housing units, and that under State law senior housing projects do qualify for density bonuses or development incentives which are available whether the units are affordable or not, however more incentives are available with affordable housing. She stated that the City Council has expressed their desire to use funds available to promote non-senior affordable housing, and further indicating that the City is also limited by State law dictating that funds used for senior housing must be proportionable to population, and 82% of the City's population is under 65 years of age.

Commissioner Brigham inquired if at the end of the term of the Development Agreement, something other than senior housing could be built. Ms. Molina replied that it could.

Vice Chair Brewster pointed out that the second bullet point on the green sheet stated that some of the units would be determined to be affordable. He asked if the Commission could specify the number of each, or would they be able to build 70 units at market rate?

Mrs. Etter stated that some of the units could be built to sell at the market rate, and some could be affordable housing. She said that staff would ask for a component of the

project to be affordable, but she indicated she did not know at this time the percentage that would be affordable housing.

Vice-Chair Brewster asked what the percentage was of senior and affordable units in the Mountain Meadows Senior Housing Development. Ms. Etter stated that all of the units were senior and affordable. Vice-Chair Brewster asked why the same requirement could not be placed on this project. Ms. Molina stated that when drawing up the Development Agreement staff and the applicant would look at the provisions for affordable housing, however, any developer that plans to provide affordable housing in the City has the ability to ask for financial assistance from the City, and while we want to support the affordable housing aspect of the project, we also want the property owner to know that financial assistance will probably not be available and they understand that.

Commissioner Boll stated he would like to see all affordable housing, so when the Development Agreement comes back, affordable housing would need to be a large component of the project if he were to approve the project.

Commissioner Brigham stated that he believed the applicants' intent was senior housing and would wait to see what was submitted before forming an opinion.

At the hour of 1:41 p.m., Chairman Beede reopened the public hearing and hearing no comment, closed the public hearing.

Moved by Commissioner Boll, seconded by Commissioner Dokter, to direct staff to move forward with the applicants toward a Development Agreement to include a traffic study and affordable housing as a component of said Development Agreement.

The motion was approved by the following vote:

AYES: BRIGHAM, DOKTER, BOLL, BREWSTER, BEEDE
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

2.3 Planning Appeal 2005-015

Applicant: Bear Valley Paving
Representative: J. P. Montero
Location: 41841 Garstin Drive
APN: 2328-033-14 & 16

Commissioner Brigham informed the Commission that due to a conflict of interest, he must abstain from discussion and vote of Planning Appeal 2005-015 and at the hour of 1:45 p.m. left the meeting room.

Ms. Molina presented the staff report, stating that the applicant submitted an appeal of the City Planner's denial of Minor Modification 2004-182, a proposal to expand an existing Bear Valley Paving building by approximately 2,000 square feet to allow

outdoor storage to be moved indoors and thus allow removal of outdoor storage containers, Conditions Number 21 and 22 of Plot Plan Review 2001-031 approved by the Planning Commission on August 15, 2001. She informed the Commission that the Development Review Committee reviewed the Minor Modification application on July 14, 2004, deemed it incomplete, and itemized required corrections to the applicant in a letter dated August 18, 2004. On September 14, 2004 the applicant submitted construction plans to the Building and Safety division, which were denied by the Planning Division, as color and materials for the entire expansion were not noted, and storage again was not depicted on any floor plans. She continued, stating that on November 8, 2004 a second letter was sent to the applicant stating that revised plans had not been received and informing him that unless the required information was received within 10 days, the application would be denied. The Minor Modification application was denied on January 24, 2005.

Ms. Molina stated that the Commission has expressed a desire in the past to see this project completed. Ms. Molina informed the Commission that staff discussed with Mr. Montero that he had the option to ask for a continuance of today's hearing to allow time to submit the revised plans and have an action taken on the application, but it was Mr. Montero's desire to have the Commission act on his Planning Appeal. Ms. Molina stated that staff recommends that the Planning Commission adopt a resolution staying and upholding the City Planner's decision, and denying Planning Appeal 2005-015 and specify that the decision is stayed for thirty days to allow the applicant time to submit simple revised building elevations noting color, materials and revised floor plans depicting the storage area. She continued, stating that if Mr. Montero completes what is requested, the Minor Modification would be approved and the Planning Appeal would become moot.

At the hour of 2:00 p.m., Chairman Beede opened the public hearing.

Jacque P. Montero, the applicant, informed the Commission that he understood the importance of moving the outdoor storage indoors, that he intended for the shop area to include room for indoor storage, and that his architect Mr. McHugh was present in Big Bear to modify the plans accordingly.

Vice-Chair Brewster informed Mr. Montero that the most important thing was getting all of his outdoor storage moved inside and asked if Mr. Montero could get the plans finalized to accomplish this within one month. Mr. Montero stated that various environmental agencies have held up progress on his plans, as Cal-OSHA's requirements for storage has changed, but that he believed he would be able to make the required revisions within thirty days.

Kevin McHugh, the applicant's representative, confirmed that he would be able to make the corrections within the thirty-day period.

At the hour of 2:13 p.m., Chairman Beede closed the public hearing.

After determining that Mr. Montero would be able to complete the required minor corrections to his land use review within thirty days, a motion was made by Commissioner Dokter to stay and uphold the City Planner's determination denying Minor Modification 2004-182 for a period of thirty days and staying Planning Appeal 2005-015 to the meeting of April 6, 2005. Vice-Chair Brewster seconded the motion.

The motion was approved by the following vote:

AYES: DOKTER, BOLL, BREWSTER, BEEDE

NOES: NONE

ABSENT: NONE

ABSTAIN: BRIGHAM

At the hour of 2:16 p.m., Commissioner Brigham rejoined the Planning Commission meeting and took his seat.

3. DISCUSSION ITEMS

3.1 General Plan Amendment 2004-058 and Zone Change 2004-059

Applicant: Pine Knot Concessions, LLC
Representative: Larry Cooke
Location: 42002 and 42022 Rathbone Drive
APN: 2328-091-07, 08

Ms. Molina presented the staff report, reminding the Commission that on February 2, 2005, a discussion was held on the status of General Plan Amendment 2004-058 and Zone Change 2004-059, applications submitted by Pine Knot Concessions represented by Larry Cooke, to amend the General Plan Land Use designation of two properties totaling approximately two acres from Commercial General (CG) to Industrial (IND) and rezoning the properties from Commercial-General (C-2) to Commercial-Industrial (C-5), said applications having been submitted without a development agreement. She stated that due to the broad range of land uses permitted in the C-5 zone district, the applicant was advised that the location of the property is not appropriate for all of the allowable land uses listed in General Plan Land Use Element Policy L 1.1, and Development Code table 17.35.030A.

During the February 2nd meeting, the applicant indicated to the Commission that it was his desire to develop the property with indoor dock manufacturing and boat storage. Ms. Molina stated that three options were discussed for Mr. Cooke to proceed with his plans; to either create a new Zoning District through a Development Code Amendment, to propose other land use components that would address the City's land use concerns, which could include a Development Agreement binding the property for an established period of time, or submission of a development application. At that time Mr. Cooke stated that he would like to proceed with a Development Agreement and would work with staff and report back to the Commission.

On February 16, 2005 staff met with Mr. Cooke to preliminarily lay out deal points for the Development Agreement, presented to the Commission in the staff report. Ms. Molina stated that the applicant was informed that upon submittal of a Development Agreement and the required fees, the applications would be processed.

Chairman Beede inquired what would occur at the end of the term of the Development Agreement if the applicant did not complete the project? Ms. Molina stated that at that time the property would revert back to a Commercial-Industrial (C-5) designation. She added that if the China Gardens area were to undergo a master plan, the property in question could be folded into the zone designation selected for that area at that time.

Vice-Chair Brewster asked for clarification regarding the numerous permitted uses listed in the staff report that would be mandatory in the Development Agreement. Ms. Molina explained that the listing would give the applicant some flexibility should he wish to sell the property at a later time. A discussion ensued regarding the proximity of the subject property to Rathbone Creek and potential toxins from some of the land uses listed in the staff report.

Commissioner Brigham asked if a Development Agreement could be amended. Ms. Molina replied that if a minor change was requested that it would be handled at staff level, but anything major would come back to the Planning Commission for a public hearing.

The Commission discussed their concerns to opening up the area to the land uses permitted in the C-5 zone, but all agreed that the City needed a light manufacturing zone in the future and asked that staff submit a request to Council to accelerate looking at master planning the China Gardens area.

At the hour of 2:31 p.m., Chairman Beede opened the public discussion.

Larry Cooke, the applicant, reviewed his concerns with the Commission, his wishes to keep his business and jobs for his employees in Big Bear, stated that he believed ten years was too long a term for a Development Agreement, and reiterated the need for the City to have a light industrial zone. He also clarified to the Commission that he would like to keep the front parcel of his three parcels zoned Commercial-General (C-2).

Dixie Allison, resident of Big Bear Lake, stated her support for Mr. Cooke's Development Agreement.

Barbara Willey, resident of Big Bear Lake, asked for clarification from the City Attorney regarding what happens to the property after the zone changes to C-5, asking if anyone purchasing the property at a later date would be entitled to each of the land uses listed? Mr. Ballinger stated that whatever uses the Commission approves in a Development Agreement for this parcel are the uses that would be permitted as a matter of right or conditionally, depending on what the Commission determines.

Hearing no further comment, Chairman Beede closed public discussion at 3:28 p.m.

Ms. Molina asked the Commission for clarification regarding if they wished to see a refined list of permitted uses before proceeding with the Development Agreement, and the Commission stated that they did not.

Based on criteria heard before the Commission today, the Commission directed the applicant to proceed with the drafting of a Development Agreement and to submit to staff with the requisite fees at the earliest possible timeframe.

4. PLANNING OFFICIAL'S REPORT

None.

5. SUMMARY COMMENTS

None.

6. ADJOURNMENT

There being no further comments, Chairman Beede adjourned the meeting at 3:32 p.m.

MINUTES APPROVED AT THE MEETING OF MARCH 16, 2005.

Lynne Rayner

Lynne Rayner, Administrative Secretary