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

**July 5, 2006**

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

**FLAG SALUTE:** Commissioner Smith

**PRESENT:** Chairman Tim Brigham  
Vice-Chairman Rick Hackney  
Commissioner Craig Smith  
Commissioner David Caretto  
Commissioner Anne Zimmerman

**STAFF:** Sandra Molina, City Planner  
David Martinez, Development Services Director  
Phil Mosley, Chief Building Official  
Jeff Ballinger, City Attorney  
Lynne Rayner, Administrative Secretary

The Planning Commission of the City of Big Bear Lake took the following actions at the July 5, 2006 meeting held in Hofert Hall, Civic and Performing Arts Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

**AGENDA APPROVAL**

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

**PRESENTATIONS / ANNOUNCEMENTS / INFORMATIONAL ITEMS**

City Planner Molina announced that as a follow up to a previous item Inland Empire American Planning Association will be holding their Planning 101 Workshop on August 16, 2006 at the Ontario Hilton. Since August 16<sup>th</sup> is a Planning Commission meeting day, please contact staff to make arrangements if a Commissioner wishes to attend.

**PUBLIC FORUM**

No one wished to speak.

**1. DISCUSSION ITEMS**

1.1 Discussion of land use provisions of the Village Specific Plan relating to Personal Services and Administrative/Professional uses.

Chairman Brigham informed the Commission that his real estate company has an office located in the Village Retail zone within the Village Specific Plan, so therefore felt that

a potential for conflict existed, excused himself and at the hour of 1:22 p.m. he turned the meeting over to Vice-Chairman Hackney and left the meeting room.

City Planner Molina presented the staff report, stating that the purpose of this discussion is to inform the Planning Commission of certain provisions within our Village Specific Plan as it relates to certain types of land uses relative to language that affects where certain uses can establish themselves within the Village Specific Plan area, alert the Commission to potential ambiguity in the language and through discussion obtain input and direction to staff on this item.

City Planner Molina informed the Commission that language in the Village Specific Plan states that personal services and office uses are permitted “in conjunction with a development, hotel or retail complex.” If the uses are proposed to be located in the Commercial Lodging, Lakefront Commercial, Village Retail zone districts and only when fronting along certain streets (Pine Knot Avenue, Village Drive, Lakeview Drive and a portion of Big Bear Boulevard) those uses would have that limiting language. She stated that in looking at the Village Specific Plan, there is language that tell us, under the goals and objectives, that the purpose of the Village Specific Plan is to improve the gross retail sales of the environment for all commercial uses within the Village, attracting more people to the Village, and encouraging more lodging and eating in the area. The General Plan also calls for promotion of the Village Districts as the primary tourist oriented shopping and entertainment district in the valley. Based on this type of language in our General Plan and Village Specific Plan, it is staff’s interpretation that where this limiting language occurs, the intent is to promote retail uses that would improve retail sales and also promote pedestrian activities, especially along the Village “L.” Staff is looking for clarification and feels that the thrust of the concern is along the Village “L” corridor.

City Planner Molina continued, stating that over the last few months staff has approved three business license applications for real estate offices along the Village “L” corridor. The language “in conjunction with a development” and “in conjunction with a hotel” are somewhat straightforward; however, staff has interpreted the limiting language that states when it is “in conjunction with a retail complex or retail project” to mean in a multi-tenant building. She stated that staff’s question for the Commission is what is a multi-tenant building. The business licenses that have been approved have been in two unit tenant buildings, which technically could be defined as multi-tenants, however, staff is seeking direction from the Planning Commission whether we are correctly implementing this limiting language, of whether it is appropriate to have office uses in two-unit buildings. She stated that staff is concerned about the transition that could occur over time, and that staff is asking the Planning Commission give staff some direction -- if a multi-tenant building should be more than one unit, and what that number might be.

City Planner Molina informed the Commission that input was provided by Tom Benson in email form attached to the staff report, and green sheet items were distributed with comments from Earl Cline and Tim Breunig. Both green sheet items expressed concerns with the language that exists today in the Village Specific Plan. She stated that she had held a discussion with the City Attorney on this subject, and that based on

the limiting language the City Attorney stated he felt the Commission has the authority to provide clarification as far as what a retail complex or retail project means. City Planner Molina said the cleanest way to accomplish this would be to amend the Village Specific Plan, however, that would take more time than to try to get clarifying language from the Planning Commission now as a policy which we could then use to implement.

Commissioner Caretto asked how it would be handled if there was a free standing building with single occupancy and an application came in for a real estate office. City Planner Molina replied that staff would deny it, and that this has happened south of Village Drive along Pine Knot Avenue and the application was denied.

Commissioner Caretto asked is there anything in the Village Specific Plan that limits the total number of real estate or office uses or any kind of percentage of same. City Planner Molina replied there is not.

Commissioner Zimmerman asked if there is a definition anywhere for the word "retail." City Planner stated that there is not a definition for retail in the Village Specific Plan, but there is one in the Development Code.

City Attorney Ballinger read from the Development Code that "retail trade shall mean establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods."

Commissioner Smith asked if staff could review how other professional services, such as attorney's offices, tattoo parlors, mortgage and loan companies, and television stations fall within the same framework. City Planner Molina replied that these services would fall under personal services, and may not be the uses the City wishes to see along the pedestrian corridor either, and is subject to the Commission's determination. Any interpretation the Commission might make would take effect from the time the Planning Commission makes that interpretation to staff, and that any use that does not fit with that interpretation would be considered a vested use and allowed to continue. She added that the interpretation that would be made would need to be broad and include all personal services.

Commissioner Smith asked if this struggle is for all these services, not just real estate offices. City Planner Molina replied that office uses is what we see occurring, but when you look at office uses, specifically real estate uses, they are listed as a personal service use.

Vice-Chairman Hackney asked if there are any existing personal service businesses in the Village "L" in single unit structures. City Planner Molina replied that staff has not surveyed where this occurs, but one comes to mind in the location where there is a stand alone tattoo business, a real estate office with more units in the back, all on one property, and this is considered a retail complex.

Commissioner Zimmerman noted that the back part of that specific property seems to be multi unit, but the two buildings in front seem to be separate stand alone properties

owned by one person. She asked how this is being defined, as one owner or one parcel. City Planner Molina replied as one parcel.

At the hour of 1:36 p.m., Vice-Chairman Hackney opened public discussion for this item.

David Pontell, resident of BBL, stated that he used to operate a business at 40736 Big Bear Boulevard but changed locations ten years ago, and feels that the City and visitors realize an impact from a retail business being in his old building rather than a service business. He would suggest that service businesses, which do not contribute as much revenue to the City and do not generate foot traffic, should be looked at carefully before permission is given for them to locate in the Village.

Steve Pontell, resident of Ontario, California and part time resident of Big Bear Lake, takes personal responsibility for the ambiguous language the Commission and staff are currently struggling with, and remembers from that time the fear of too many realtors coming into the Village area. He stated that balance is the issue, how much becomes too much. He stated that it was the intent back then to make sure that examples such as the Club would be able to have a real estate sales office selling the product that was tied to that development, thus the language "part of a complex." He offered several things to think about, such as to look at the percentage issue. If the real estate use of a complex is 90%, then this would probably not be the original intent of the Village Specific Plan, but if the real estate use of a complex was 10%, that this is probably something that would be more in line with balance. He suggested keeping the ground level for retail and allowing office uses on the second floor.

Sheila Schottger, resident of Big Bear Lake and business owner in the Village, shared comments from customers who are asking why the City is allowing non-shopping tenants into the Village shopping district. She stated that another concern is, as one gets further away from Village Drive, fewer and fewer pedestrians come down Pine Knot. She stated that if more real estate offices are allowed to locate in the Village shopping district, the businesses will not be able to survive.

Tim Wolcott, business owner in the Village, stated his landlord was approached by a real estate business who said they would pay more for his space if he was kicked out, which the landlord declined. He stated he does not understand why any of this is allowed to continue, that real estate offices could be located elsewhere in the City.

Commissioner Caretto expressed his concern that the two principal streets where retail shopping occurs would be overcome by a number of real estate businesses or other personal service business that do not generate retail customers, and that perhaps we should look at the Village "L" specifically. He stated he does think, however, that on the second or third floors personal service uses are more appropriate, and that maybe the Commission should look at the entire designation of land uses in the Village Specific Plan area and realign those uses to more specifically concentrate retail uses in the Village.

Commissioner Smith agreed that balance is the key. He stated that he also thinks the Village "L" is designed for retail shopping, but on the other hand, he thinks a real estate presence in the Village would also generate traffic to the Village, but that there is a point where there would be too many.

Commissioner Zimmerman agreed about the shopping environment, that people go to the Village to do pedestrian shopping, however, she stated while on vacation she always enjoys looking at the windows of real estate offices to see what the market is, but that too many would kill the pedestrian traffic.

Vice-Chairman Hackney echoed the feelings of the other Commissioners, stating that he is always curious of real estate prices in other areas, but agrees that balance is the right idea. He stated that perhaps the Village "L" could move in the direction of more retail, less personal service use. He suggested that the areas just outlying the "L" could have a little more relaxed use to allow more personal service businesses. He stated that if starting from scratch, the Village "L" could be zoned strictly retail but with some consideration for Conditional Use Permits where a few other personal service businesses could be added while maintaining control. He also felt second and third floor businesses east of Pine Knot and south of Village Drive would be ideal for personal service businesses.

Commissioner Zimmerman stated she does not have a problem with limiting language "in conjunction with a development," or "in conjunction with a hotel." It is the third section of limiting language, "in conjunction with a retail complex or retail project," she is having trouble with.

Commissioner Caretto asked if five business licenses were submitted for a five unit multi tenant building in the Village "L," would they be approved under this language. City Planner Molina stated that they would. Commissioner Caretto then stated that we need to determine what the definition of retail complex is and what the proper balance of personal service uses would be.

Commissioner Zimmerman said she read this to mean that in at least part of the multi units there must be a retail activity. City Planner Molina stated that this is how staff read it also, but this is what staff is struggling with.

Sheila Schottger returned to the podium, stating that she would question where in the Village it would be in anyone's interest to have a dry cleaner or shoe repair shop. She added that if the City is going to go to the trouble of promoting retail then the City should delete the possibility of allowing four dry cleaners. She stated the merchants are anxious to see what the City's vision is for our retail district.

Mr. Wolcott returned to the podium and stated that vague language needs to be changed, as a real estate office is not doing business "in conjunction" with the ice house. He also stated that if anyone on the Commission makes any money off real estate they should excuse themselves from this discussion.

Jean Peugh, business owner in the Village, stated that when retail businesses in the Village do not renew their leases right away, or goes to a month-to-month agreement, real estate offices offer large amounts of money to take over the building. She stated she would like to see Village revitalized again.

Jeanine Hart, owner of property in the Village, wanted to stress that they do not want any changes to their property, they hope to have it always be what it currently is. She believes the real estate market will take care of itself.

At the hour of 2:08 p.m., Vice-Chairman Hackney closed public discussion.

City Planner Molina added that part of what has been heard today is the challenge that staff has been looking at. She stated that she wanted to come to the Planning Commission meeting today to say a retail complex or retail project is a multi tenant building with at least four tenant spaces, and that no more than one office or personal service use could be in that retail complex. She asked that if the Planning Commission could give staff a policy defining retail complex or retail project, and how to implement this type of limiting language, and that we should look at the Village Retail zone district only, which encompasses the Village "L," and that this is something we can do that would not trigger a Village Specific Plan amendment. She added that there are still a lot of other Village Retail properties that would not have this limiting factor applied to them because they are not along the pedestrian corridor.

Commissioner Zimmerman noted that recently buildings are changing the number of units within the building, for instance, the arcade is now multiple units, and asked at what point does it become a multiple use business. City Planner Molina replied that this would be on a case-by-case basis. She elaborated, stating that single use retail businesses can be divided into two or three spaces, and that staff would not process any type of discretionary application before the Planning Commission because it is not intensifying the use per se, that the gross square footage would remain the same, and additional parking would not be generated. The arcade example cited did trigger some additional review, which was why it was brought before the Planning Commission.

Commissioner Zimmerman stated that she personally really likes the pedestrian shopping environment, but that this shopping experience needs to be balanced with property owners' rights. She stated she would like to think that a fair and free market would take care of the balance, and agreed that the limiting language needs to be clarified.

Commissioner Smith concurred with Commissioner Zimmerman, stating that the Village is a great place to go shopping, and that we could do more to make it a vibrant core shopping area. He stated that it also needs to be expanded to streets in other directions to make it a bigger shopping area.

Commissioner Caretto asked how the number of four for a multi tenant building was determined. City Planner Molina replied that staff went with four because most of the smaller buildings could become two quite easily, and six possibly might have been too constraining, and two possibly would be too permissive.

Commissioner Zimmerman replied that this could be seen as policy for determining that use, four units would be considered multi use and anything smaller would not accommodate personal uses. She stated that this would be an easy line to draw.

City Planner Molina stated that whatever number the Commission feels appropriate, if there is even a number. She added that by clarifying this for staff as a policy statement, this will make it clear to implement from that point forward. She asked the City Attorney if the Commission could say no more than one unit can be office use or limit it to no more than 50% in a four unit building may be office use.

City Attorney Ballinger replied, the latter of the two options. He stated that it could be stated that there have to be a certain number of units on the parcel and a certain percentage or certain number of those have to be retail. It would be difficult without an amendment of the Village Specific Plan to say that you can't have more than two personal service uses or more than three personal service uses.

Commissioner Caretto asked, if we said not more than 25% of uses could be personal services in a three unit property, and a tenant is lost and someone wants to come in, are they able to replace the tenant with a business that is exactly the same, or would further clarification be needed in this instance. City Planner Molina stated the use would be vested so if a personal service use was there it could be replaced with another.

Vice-Chairman Hackney asked, if a barber shop is being classified as a personal service and the barber shop went out, does this mean a real estate office could come in. In another scenario, if a personal service use became vacant for ninety days, would the grandfathering of the use still be in play. City Planner Molina replied that the Village Specific Plan has very permissive language as it relates to non-conforming uses, so it would allow the non-conforming use to reestablish. City Attorney Ballinger indicated that it a personal service use could only be replaced by the same type of personal service use.

Vice-Chairman Hackney asked for clarification from staff as to what is being asked of the Commission today. Is it help in interpreting the rules for fear that staff might get several applications from real estate offices in the future and need to know how to deal with it. City Planner Molina verified that this was so, that staff has already approved three real estate office licenses for the Village in the last month or so.

Vice-Chairman Hackney stated that the Commission can help staff with this by interpreting the policy to help staff deal with this in the short term, but stated that language in the Village Specific Plan needs reworking. The character of the Village Specific Plan is slightly different now than when it was colored up on the map, that there is a clear distinction of the pedestrian "L" and everything else outside of that is slightly different. He stated that the retail integrity of the "L" should be preserved as much as possible.

Commissioner Zimmerman agreed with Vice-Chairman Hackney, stating that the Village "L" is a real attraction.

City Planner Molina informed the Commission that City Attorney Ballinger indicated that the Commission can go a little further and make such clarification for just those properties along the Village "L." She continued, stating that the Commission can define a multi unit complex as a four unit building, two of which must be retail uses and only within the Village "L." If this is something the Commission would like to see as a further discussion point staff could draft up such a policy for the Commission to look at for a future meeting.

Commissioner Smith asked if staff could provide the Commission with a map of each individual building in the Village "L" and how many units are in each building. City Planner Molina replied that this could be accomplished by pulling business license records and/or doing field work and could have it prepared by the first meeting in August.

Commissioner Caretto asked what would happen to any applications submitted in the interim.

City Planner Molina stated that the City Attorney recommends that should additional applications for office uses be submitted, at a staff level the City Planner has the authority to not approve it if it is not consistent with the Village Specific Plan and its intent. The applicant would then have the ability to appeal this decision to the Planning Commission and if by that time a policy was not in place, the Commission could then make the same determination that the City Planner did, that the use was not consistent with the intent of the Village Specific Plan.

Vice-Chairman Hackney stated he would rather, in the short term, that staff not approve any applications for uses other than retail in the "L" until a policy was in place.

After discussion the Commission concurred and asked staff to provide the Village "L" corridor map and draft policy for office uses and personal/administrative services by the first meeting in August.

At the hour of 2:38 p.m., Chairman Brigham returned to the meeting room and took his seat at the dais.

#### 1.2 Ralph M. Brown Act and Conflict of Interest Laws

City Attorney Jeff Ballinger gave a presentation on the Brown Act and Conflict of Interest Laws.

## 2. **PLANNING OFFICIAL'S REPORT**

None.

**3. SUMMARY COMMENTS**

None.

**4. ADJOURNMENT**

There being no further comments, Chairman Brigham adjourned the meeting at 3:42 p.m.

MINUTES APPROVED AT THE MEETING OF JULY 19, 2006.

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Lynne Rayner, Administrative Secretary