



**PLANNING COMMISSION  
MEETING AGENDA  
December 7, 2016**

**PLANNING COMMISSION**

**Chairman Craig Smith  
Vice-Chairman Anne Bush  
Commissioner Paul Senft  
Commissioner Ron Tholen  
Commissioner Tim Breunig**

**CITY STAFF**

**Community Development Director James J. Miller  
Planning Director Robert Dalquest  
Senior Principal Planner Janice Etter  
Principal Planner Andrew Mellon  
Assistant Planner Nathan Castillo  
City Attorney Todd Leishman**

**39707 Big Bear Boulevard, Big Bear Lake, California 92315**



## **INFORMATION FOR THE PUBLIC**

**The Planning Commission meets regularly on the first and third Wednesdays of the month at 1:15 p.m. in Hofert Hall at the Civic Center located at 39707 Big Bear Boulevard.**

### **Procedure to Address the Planning Commission**

The Planning Commission encourages free expression of all points of view. To allow all persons to speak, given the length of the agenda, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of your entire group. To encourage all views and promote courtesy to others, the audience should refrain from clapping, booing or shouts of approval or disagreement.

### **Public Forum**

The public may address the Planning Commission by completing a speaker card and submitting it to the Commission Secretary. The speaker cards are located on the table at the back of the Commission Chambers. During the "Public Forum" your name will be called. Please step to the microphone and give your name and city of residence for the record before proceeding. All remarks shall be addressed to the Commission as a body only. No person other than a member of the Commission and the person having the floor shall enter into any discussion without the permission of the Commission Chairman. Public comment is permitted only on items not on the agenda that are within the subject matter jurisdiction of the City. There is a three minute maximum time limit when addressing a respective board.

### **Discussion/Action Items**

Speakers shall follow the same requirements as under the Public Forum, however, cards submitted after the Commission begins to discuss an item will be subject to the Presiding Officer seeking consensus from the Commission to consider hearing from the speaker, and if permitted, the speaker will have one minute to provide his or her comments.

### **Public Hearings**

A speaker card must be completed and speakers must follow the three minute maximum time limit. Project applicants will be given ten minutes to present their item to the Commission and/or address questions brought before the Commission from members of the public. The Presiding Officer may entertain a motion to extend the applicant's time if needed. Speaker cards submitted after the close of the public hearing are subject to the guidelines as stated above.

Any handouts for the respective Commission shall be given to the Commission Secretary for distribution.

**PLEASE NOTE:** Agenda related writings or documents provided to the Planning Commission are available for public inspection at [www.citybigbearlake.com](http://www.citybigbearlake.com) and at the public Planning Department counter in the City Hall lobby located at 39707 Big Bear Boulevard during regular business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday.

The City of Big Bear Lake wishes to make all of its public meetings accessible to the public. If you need special assistance to participate in a meeting, please contact the City Clerk's office. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to public meetings.



**PLANNING COMMISSION MEETING AGENDA  
December 7, 2016**

TIME: 1:15 p.m.

Next Resolution PC2016-17

PLACE: Hofert Hall  
City of Big Bear Lake  
39707 Big Bear Boulevard  
Big Bear Lake, California

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**CALL TO ORDER**

**FLAG SALUTE**

**ROLL CALL** BREUNIG, BUSH, SENFT, SMITH, THOLEN

**INTRODUCTION OF STAFF**

**AGENDA APPROVAL**

**PRESENTATIONS / ANNOUNCEMENTS / INFORMATIONAL ITEMS**

**PUBLIC FORUM**

**1. CONSENT CALENDAR**

1.1 Approval of the minutes of the Planning Commission meeting of November 16, 2016.

**2. DISCUSSION ITEM**

2.1 New Trends in Housing Design

**3. PUBLIC HEARING ITEM**

*Any person may appear and be heard in support or opposition to the proposal at the time of the meeting. If you challenge the action in court, you may be limited to raising only those issues which you or someone else raised at the public meeting described in the notice, or in written correspondence delivered to the City at or before the public meeting.*

3.1 Conditional Use Permit 2016-105/CUP

Planner: Janice Etter

Location: 601 Knight Avenue  
APN: 309-122-80  
Applicant: Johann DeVilliers  
Representative: Michael Perry

Request to construct an approximately 700 sq. ft. sunroom and an accessible restroom and to conduct ancillary uses as allowed by the Development Code for an existing eight-guest room lodge in the Multiple Family Residential (R-3) zone.

Staff recommends that the Planning Commission hold a public hearing and adopt a Resolution finding the action exempt from the California Environmental Quality Act (CEQA) and approving Conditional Use Permit 2016-105/CUP, based on the findings and subject to the recommended conditions of approval contained in the resolution.

**4. SUMMARY COMMENTS**

**5. ADJOURNMENT**

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

**November 16, 2016**

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**CALL TO ORDER** 1:15 p.m.

**FLAG SALUTE** Commissioner Tholen led the salute.

**ROLL CALL** Commissioners Breunig, Senft, Tholen, Vice-Chairman Bush and Chairman Smith were present.

**STAFF PRESENT** James J. Miller, Community Development Director; Robert Dalquest, Planning Director; Janice Etter, City Planner; Andrew Mellon, Principal Planner

**AGENDA APPROVAL**

The agenda was approved by a unanimous voice vote.

**PRESENTATIONS / ANNOUNCEMENTS / INFORMATIONAL ITEMS**

James Miller, Community Development Director, introduced Planning Director Robert Dalquest, who gave a brief overview of his career. Mr. Miller then noted that there will be a meeting on December 7, 2016, but not on December 21, 2016, or January 4, 2017.

**PUBLIC FORUM**

None

**1. CONSENT CALENDAR**

Chairman Smith requested that the Consent Calendar items be voted on separately because he has conflict on the second item.

1.1 Approval of the minutes of the Planning Commission meeting of October 19, 2016.

Commissioner Tholen moved to approve the minutes. Commissioner Breunig seconded the motion. The motion carried with a unanimous vote.

1.2 Approval of Major Special Event 2016-121 – Turkey Trot – November 24, 2016 – Open Air Big Bear.

Commissioner Tholen moved to approve Consent Item authorizing the use of City streets for Major Special Event 2016-121/MSE. Commissioner Breunig seconded the motion. Chairman Smith abstained from vote on Item 1.2.

**2. PUBLIC HEARING ITEMS**

## 2.1 Conditional Use Permit 2016-093

Planner: Andrew Mellon

Location: 801 Menlo Drive  
APN: 2328-646-10  
Applicant: John & Christina Flynn  
Representative: Steve Bayer

Request to build a 1,942 square foot single family home on a lot with slopes over 40% and subject to the Slope Density Ordinance.

Andrew Mellon, Principal Planner, gave the report and presentation.

Commissioner Tholen inquired about previous flooding issues on the property. Mr. Mellon explained that the previous landslide that happened over this property was in 2005. Since then, the City has repaired the drainage issues in the street. Commissioner Tholen then asked about the existing trees on the property that have roots exposed. Mr. Mellon suggested that those trees would be reviewed on a case by case basis for the health and retention of the tree. Commissioner Tholen questioned the offer of dedication to the City of the portion of the lot that goes into the street. Mr. Mellon said that the dedication will serve to create a more even property line. Commissioner Tholen asked how far away the person who raised concerns is. Mr. Mellon said he is two properties away.

Commissioner Senft questioned the slope of the garage roof and raised concern about snow melt off. Mr. Mellon indicated that the Engineering Division is reviewing the plans for erosion control and other drainage issues. Commissioner Senft inquired about a retaining wall for the driveway. Mr. Mellon suggested asking the engineer that designed the plans, who is in the audience.

Chairman Smith voiced concern about the slope and the stability of the construction of the house. Mr. Mellon also suggested speaking to the architect and/or engineer who worked on the project.

Public Hearing was opened at 1:41 p.m.

John Flynn, owner of the property, stated that they are willing to cooperate wherever possible.

Chairman Smith asked if they were willing to use some sort of drainage techniques to prevent the hillside from moving. Mr. Flynn said they are open to the idea.

Steve Bayer, architect and engineer, stated that they would not want the property to slide and have a swale and two catch basins behind the retaining wall at the back. They do not anticipate using pylons. Chairman Smith asked if there would be any landscaping. Mr. Bayer said it would be in the owner's best interest to plant the hillside.

Public Hearing closed at 1:50 p.m.

Chairman Smith suggested landscaping on the lower hillside. Vice-Chairman Bush said that an erosion control plan is in place. Commissioner Breunig added that the slope is such that landscaping is difficult but the plan with drainage and erosion control should be sufficient.

Vice-Chairman Bush moved to adopt a Resolution finding the action exempt from the California Environmental Quality Act (CEQA) and approving Conditional Use Permit application 2016-093, based on the findings and subject to the recommended conditions of approval contained in the resolution. Commissioner Tholen seconded the motion which carried by the following vote:

AYES: Breunig, Bush, Senft, Smith, Tholen  
 NOES: None  
 ABSTAIN: None  
 EXCUSED: None

2.1 Plot Plan Review 2016-133

Planner: Janice Etter

Location: 39768 Lakeview  
 APN: 307-043-01  
 Applicant: Kenny Seaman  
 Representative: same

Request for approval of a two-story addition to an existing non-conforming structure located in the R-3 zone.

Janice Etter, City Planner, gave the report and presentation.

Commissioner Senft clarified that the second story was habitable but didn't have amenities. Ms. Etter explained that it is not designed to be an additional unit and doesn't even include a bathroom.

Vice-Chairman Bush asked if the existing guest house was connected to the addition. Ms. Etter explained that they abut, but are not connected.

Public Hearing opened at 2:09 p.m.

Kenny Seaman, applicant, noted that the second story is for storage of collectibles.

Chairman Smith clarified that the barked edge siding would be approximately 4' high. Mr. Seaman agreed.

Public Hearing closed at 2:10 p.m.

Commissioner Senft said he is glad to see the retention of the historic unit.

Commissioner Breunig moved to adopt a Resolution finding the action exempt from the California Environmental Quality Act (CEQA) and approving Plot Plan Review application 2016-133, based on the findings and subject to the recommended conditions

of approval contained in the resolution. Commissioner Senft seconded the motion which carried by the following vote:

AYES:	Breunig, Bush, Senft, Smith, Tholen
NOES:	None
ABSTAIN:	None
EXCUSED:	None

### 3. **DISCUSSION ITEM**

#### 3.1 Major Special Events

Jim Miller discussed how the process works and asked Rick Bates, Event Resource Coordinator, to speak and review upcoming events.

The Commission discussed several current and past events, mostly related to impacts due to road closures. Commissioner Breunig asked if anything needed to be done to better accommodate applicants. Mr. Bates stated that the new City parking lots have helped and the new application form is easier to complete. Commissioner Tholen inquired about the survey results from events. Mr. Bates said he tends to focus more on the new events rather than the returning ones.

Mr. Miller suggested that the Commission look at policy concerns –

1. Deadlines for debriefing after the event, maybe making it no more than 60 days.
2. Deadline for application submittal – 6 months for any new event and at least 4 months for returning events. Chairman Smith added that he would like to see a minimum of 30 days prior to event when it comes to the Commission, noting that, if there was a previous problem that needs to be addressed, there isn't enough time for a change. Commissioner Tholen believes that the debriefing after the event should alleviate this issue. Vice-Chairman Bush said she would like to know what the promoters think of their event as part of the debriefing. Commissioner Senft agreed, adding that he would like to see a report comparing the actual event numbers to the numbers anticipated.
3. Classification of event. Noted that the chart currently used to determine impact only addresses peak season. Recommended that special findings be included for all events. Chairman Smith suggested that the outreach portion is no longer valid with social media.
4. Conflicting event definition. Vice-Chairman Bush suggested that the applicant should make the decision after having been given the information. Chairman Smith said he was more concerned about the visitors having to choose if time is short. Mr. Bates said that some applicants just don't care and it makes it difficult to say no.
5. Closing streets/parking lots. Chairman Smith stated that he remembered a size of event criteria for even considering closing streets. Ms. Etter read the Ordinance noting numbers of people in attendance to close public property, however there is no restriction against closing public property on major national holidays. The Commission discussed what holidays are really impacted. Commissioner Breunig asked for compromise to keep streets open for business.

The Commission also discussed the ski resorts and their production of events outside of the event schedule and the impacts those events have on availability of rooms/housing for visitors. Vice-Chairman Bush asked how many hotel rooms are available. Mr. Bates stated that there are approximately 6,000 beds available by hotels and another 12,000 beds available through Transient Private Home Rental units. With lodges and Bed and Breakfast facilities, there are approximately 20,000 beds available. Ms. Etter noted that the City has to have something in place that gives them more ability to regulate events. Mr. Miller suggested that staff could come back to the Commission with something in ordinance form to discuss.

Commissioner Senft noted that the Heritage Parade closed streets for four hours and the parade only lasted 20 minutes. He also asked about the parking issues at the ski resorts. Mr. Miller said that the resorts are working with Mountain Transit and have operating agreements with them to help alleviate some of the issues.

4. **ADJOURNMENT** At the hour of 3:43 p.m., Chairman Smith adjourned the meeting.

MINUTES APPROVED AT THE MEETING OF DECEMBER 7, 2016.

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Becky Romine, Commission Secretary



# STAFF REPORT

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**PLANNING COMMISSION MEETING OF DECEMBER 07, 2016**

***DISCUSSION ITEM***

**SUMMARY AND RECOMMENDATIONS**

- Project:** To discuss new trends in construction of new single family residences.
- Location:** City wide
- Applicant:** Planning Department, City of Big Bear Lake
- Recommendations:** Staff recommends that the Planning Commission receive staff's presentation on acceptable mountain building materials and architectural designs and concur with use of Development Code 17.03.080 when reviewing unique building shapes and designs.

Submitted by,

Reviewed by,

Prepared by,

ROBERT DALQUEST  
Planning Director

JANICE ETTER  
Sr. Principal Planner

ANDREW MELLON  
Principal Planner

Staff Report  
Discussion Item – New Trends In Housing  
December 07, 2016  
Page 2

### **Discussion**

Staff will be presenting a detailed PowerPoint presentation showing examples of recent inquiries and trends into new architectural styles and construction types. These inquiries have included alternative building materials, shapes, and designs which vary from the traditional mountain-themed architecture traditionally seen in the Big Bear Valley.

At the conclusion of the presentation, staff will discuss the provisions in Development Code Section 17.03.080 as the mechanism to address these alternative housing designs. This section allows a reviewing authority (staff) to refer a request for a land use decision to the reviewing authority (Planning Commission) for any unique situation that is not addressed in the General Plan and/or Development Code.



# Staff Report

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**PLANNING COMMISSION MEETING OF DECEMBER 7, 2016**

*PUBLIC HEARING*

**SUMMARY AND RECOMMENDATIONS**

- Project:** CONDITIONAL USE PERMIT 2016-105/CUP
- Proposal:** To construct an approximately 700 sq. ft. sunroom and an accessible restroom and to receive approval to conduct ancillary uses as allowed by the Development Code for an existing eight-guest room lodge in the Multiple Family Residential (R-3) zone.
- Location:** 601 Knight Avenue, APN 309-122-80
- Applicant:** Johann DeVilliers, property and business owner
- Representative:** Michael Perry
- Recommendations:** Staff recommends that the Planning Commission adopt the attached resolution finding the project exempt from the California Environmental Quality Act (CEQA) and approving Conditional Use Permit 2016-105/CUP, based on the findings and subject to the conditions of approval contained in the resolution.

Submitted by,

Prepared by,

ROBERT DALQUEST  
Planning Director

JANICE ETTER  
Senior Principal Planner

## PROJECT DESCRIPTION

Alpenhorn Bed & Breakfast has been purchased by the applicant, Johann DeVilliers. The applicant is requesting to continue to operate the eight-room lodge and make the following modifications:

- Construct a 702 square foot sunroom by enclosing an approximately 30 foot by 26 foot portion of the existing rear deck.
- Construct an accessible restroom of approximately 8 feet by 10 feet within the interior of the lodge.
- Expand operations to include indoor and outdoor small group gatherings, seminars, group sessions, parties, retreats and other small group functions for up to 49 people on the property and the serving of food and alcohol to these groups.

The application form and site plan submitted by the applicant are attached to this report as Attachment 4.

The property contains 40,420 square feet in area (0.93 acres) in the Multiple Family Residential (R-3) zone. The property is developed with a 7,371 square foot main structure, a 798 square foot detached unit (formerly 615 Knight Avenue) and a 13 space parking lot. The main house originally contained an attached two-car garage. The detached unit also has a single car garage. Both the garage spaces have been renovated into office and storage uses.

The Development Code considers a Bed and Breakfast establishment with six or more guest rooms to be a commercial lodging facility. A commercial lodging facility is allowed in the R-3 zone, provided that the density of guest units does not exceed 12 per acre, and pursuant to a Conditional Use Permit<sup>1</sup>. A property of this size is permitted to have up to 11 units.

## BACKGROUND

<b>General Plan Designation</b>	Multiple Family Residential (MFR)
<b>Zoning</b>	Multiple Family Residential (R-3)
<b>Adjacent Land Uses</b>	<i>North</i> - 575, 581 & 591 Knight, single family residence and vacant properties zoned R-3 <i>South</i> - 619 & 621 Knight, single family residences and vacant properties zoned R-3 <i>East</i> - 588 Jeffries, multiple family residences (cabins), zoned R-3 606 Jeffries, multiple family residences (cabins), zoned R-3 620 Jeffries, single family residence zoned R-3 <i>West</i> - 604 Knight, single family residence zoned R-3 618 Knight, single family residence, zoned R-3

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<sup>1</sup> Development Code Table 17.25.030.A.

### **Property History**

Initially, Conditional Use Permit 2016-105/CUP was filed as a time extension to Conditional Use Permit 2014-017/CUP. The Commission may recall that Conditional Use Permit 2014-017/CUP was submitted by Linda Carpenter, prior owner of the Alpenhorn Bed and Breakfast. Litigation is pending on Conditional Use Permit 2014-017/CUP. Therefore, because of the uncertainty in the status of the earlier CUP and upon advice from the City Attorney, Conditional Use Permit 2016-105/CUP will be acted upon as its own unique permit. This application, Conditional Use Permit No. 2016-105, was submitted on July 28, 2016, and was determined to be incomplete. Corrected plans were received and the application was determined to be complete on October 27, 2016. The project was reviewed by the Development Review Committee on November 9, 2016.

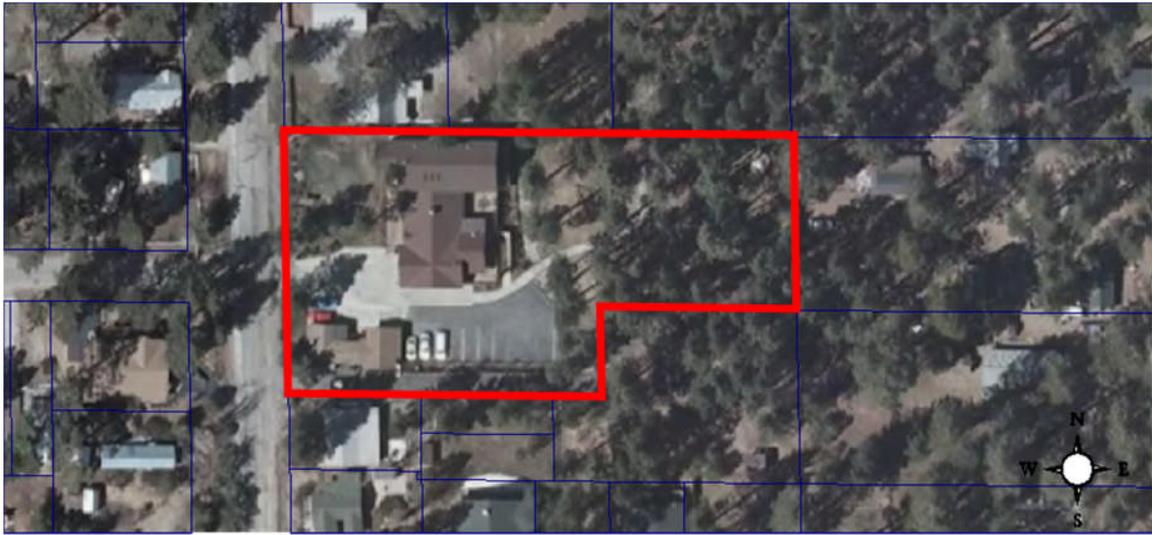
### **Development Code Amendment**

In 2015, the City initiated a Development Code Amendment revising the provisions of the Development Code that pertain to Ancillary Uses within Commercial Lodging Facilities and Bed & Breakfast Establishments. The new code provisions have been provided to this applicant and he has been made aware that the project is subject to these regulations.

The code revisions included adding outdoor areas to the list of allowable ancillary uses; allowing ancillary uses in multiple family residential zones to be attended by both registered and non-registered guests within occupancy limits; regulating noise, hours of operation and frequency of occurrence of an outdoor ancillary use; regulating the location of an outdoor ancillary use; and regulating the manner in which a property may be improved or modified to accommodate an outdoor ancillary use and necessary parking. This Development Code Amendment was reviewed by the Planning Commission on May 20, 2015, and its adoption was recommended by Planning Commission Resolution No. PC2015-08. The Development Code Amendment was forwarded to the City Council, who reviewed and approved the amendment by the adoption of Ordinance No. 2015-439 on July 13, 2015. It has been codified as Development Code Section 17.25.220, and a copy is attached as Attachment 3.

### **Site Photographs**

An aerial photograph and site photographs are shown on the following page:



## **ANALYSIS**

### *Proposed Improvements and Operations*

The applicant proposes to enclose a 30 foot deep by 26 foot wide portion of the existing deck for use as a sunroom. This area is approximately 702 square feet in area. The sunroom will be used as additional common area for the lodge and will be attached to the living room portion of the main lodge by an air-lock vestibule.

The applicant also proposes to remodel an existing 8 foot by 10 foot area of the structure into a unisex accessible restroom. This restroom is accessed through the kitchen and laundry room areas and will be available for use by non-registered guests attending an ancillary use or function. In addition to this one accessible restroom, one guest room within the Alpenhorn is fully accessible.

The locations of the proposed additions are within the existing building footprint and comply with building setbacks, building height, open space and lot coverage requirements contained in Development Code Chapter 17.25. The exterior colors and materials of the sunroom addition will match the exterior colors and materials of the rear elevation of the structure.

The applicant proposes to continue to operate the eight guest room lodge and to expand the operations to conduct ancillary uses within the lodge and out-of-doors when weather allows. These ancillary uses include small group gatherings, seminars, group meetings, small parties and retreats, and other small group functions for up to 49 people on the property. The applicant proposes to serve food and alcohol to both registered and non-registered guests attending these functions. He is obtaining the appropriate Department of Environmental Health Services and Department of Alcoholic Beverage Control permits and licenses to serve these attendees.

In addition to limiting the maximum number of people on this site to 49, the Development Code regulations pertaining to ancillary uses also limits outdoor ancillary uses between the hours of 7 a.m. and 9 p.m. and limits the occurrence of outdoor events to two times per month and not on consecutive weekends. Indoor ancillary uses are not subject to these same time and occurrence limits.

We recommend that the Planning Commission act on other changes that have been made to the property that have not been reviewed. The owner has changed his living unit from the detached unit, which was approved under Site Approval 98-122/SA, to the main lodge. The detached unit is now being rented as a guest unit. This is acceptable under the commercial lodge provisions of the Development Code.

Both garages that existed on the property are now being used for other purposes. The garage attached to the main lodge is now being used as a laundry room (approved under a 2010 building permit), office space and storage. The garage that is attached to the detached unit was converted to office space at an unknown time. It is presently being used as private office space for Mrs. DeVilliers. These land uses are allowed under the Development Code, but as a condition of approval, building permits are being required to be obtained for these improvements.

*Parking*

The garage spaces originally provided three covered parking spaces. However, covered parking for the on-site owners of a lodge is not required by the Development Code. Pursuant to Section 17.25.220 of the Development Code, parking for the lodge is based on commercial hotel standards for guest rooms and banquet/meeting space. In addition, during discussions of the 2014 Conditional Use Permit for the Alpenhorn Bed and Breakfast, the Planning Commission and City Council allowed the four (4) parking spaces within a widened and paved section of Knight Avenue across the property frontage to count toward the parking requirement. The Planning Commission and City Council also allowed valet-style parking during events and functions. We are considering that both of these provisions are still acceptable and allowed to be implemented with this project. Lastly, Major Deviation 97-076 granted in 1997, allowed a reduced two-way driveway width of 20 feet.

The parking requirement is calculated in the table below:

<b>Use</b>	<b>Required</b>	<b>Provided</b>
8 Guest Rooms	8 spaces	
Banquet/Meeting Room	1:70 sq. ft. + Emp., 11 spaces	
On Site		13 spaces (1 accessible)
In Street		4
Valet style		7
<b>Total Parking Available</b>		24 spaces

The project and proposed uses are required to provide 19 parking spaces and the project provides 24 parking spaces. Therefore, the project complies with the Development Code parking requirements.

*Development Code Consistency*

The Multiple Family Residential (R-3) zoning allows a mix of land uses including multiple family residences and hotels with a maximum density of up to 12 units to the acre. The Alpenhorn Bed and Breakfast received a Site Approval (Conditional Use Permit) approval on July 8, 1997, under Site Approval application 97-06/SA for seven guest rooms, which was revised by Site Approval application 2001-018/SA on March 26, 2001, to add one additional guest room for a total of eight guest rooms and an owner/manager's quarters. The Alpenhorn Bed and Breakfast will continue to operate in this manner under the new ownership of Mr. DeVilliers.

As stated earlier, the proposed sunroom and accessible restroom additions have been reviewed for consistency with the residential development standards for building setbacks, building height, open space and lot coverage requirements, and commercial parking requirements. The building additions and parking have been determined to comply with the appropriate regulations.

In addition, Mr. DeVilliers will conduct ancillary uses as allowed by Development Code Chapter 17.25.220. These ancillary uses will occur both indoors and out-of-doors, be open to registered

and non-registered guests, and include the serving of food and alcohol to these guests. These ancillary uses are subject to the regulations contained in the Development Code for maximum number of people, hours of operation and number of occurrences.

#### *General Plan Consistency*

The General Plan land use designation of the property is Multiple Family Residential. The project is consistent with Land Use Element Policy L 1.1 for the Multiple Family Residential designation, because commercial lodging facilities are conditionally allowed in this district provided that the density of guest and dwelling units does not exceed 12 units to the acre. This property is developed with an eight guest room lodge, operated as the Alpenhorn Bed and Breakfast, and one manager's quarters on the 0.93-acre property. Therefore, commercial lodge land use and the density of development are in compliance with the General Plan Land Use Element.

Land Use Element Policy L1.7 requires that the City planners ensure compatibility between land uses which have different functions, requirements and impacts. By limiting the number of persons assembling at the lodge, containing all of the activities and parking on the site, and compliance with the Development Code provisions for Ancillary uses contained in Section 17.25.220, the surrounding neighborhood should not be adversely impacted by these outdoor gatherings.

The project is consistent with Circulation Element Policy C1.7. The site is located on Knight Avenue, which has a dedicated right-way width of 60 feet, but which is not improved to this full width. Street improvements along the property frontage were required as a condition of approval of Site Approval 97-06/SA. The property has one driveway from Knight Avenue.

#### *Findings for Approval*

In order to approve a Conditional Use Permit application, the Planning Commission must make five findings, as follows:

1. The proposed use and design of the project are consistent with the goals, policies, and objectives of the General Plan; and,
2. The proposed use and design are beneficial and desirable to the community and is consistent with the purpose, intent and standards of the Development Code and other applicable codes and ordinances adopted by the City of Big Bear Lake; and,
3. The site for the proposed project is adequate in size and shape to accommodate all yards, open spaces, setbacks, walls and fences, parking areas, fire and building code considerations, and other features pertaining to the application; and,
4. The proposed project and the on-going operation of the use will not have a substantial adverse effect on abutting property or the permitted use thereof, and will not generate excessive noise, vibration, traffic, or other disturbances, nuisances, or hazards; and,
5. The site for the proposed project has adequate access, meaning that the site design incorporates street and highway limitations.

### *Conclusion*

The analysis in this Staff Report shows that the proposed 702 square foot sunroom and 80 square foot accessible restroom additions to the eight guest room lodge and the expanded ancillary uses/gatherings are found to be consistent with the General Plan, Development Code, and codes and ordinances adopted by the City of Big Bear Lake. Sufficient information is provided in the application materials and the submitted plans to indicate that the project is consistent with the Development Code and other codes adopted by the City. Conditions of approval are recommended to be placed on the project to prevent the operations from having a substantial adverse effect on abutting properties and uses. Therefore, we believe that the required findings to support approval of a Conditional Use Permit application can be made. The full text of the findings is contained in the attached Resolution.

### **ENVIRONMENTAL REVIEW**

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA). The project qualifies for a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1) of the State CEQA Guidelines. This section exempts the operation, permitting, leasing or minor alteration of existing structures involving negligible or no expansion of use. Staff recommends that the Planning Commission determine that the project qualifies for a Class 1 Categorical Exemption. A Notice of Exemption is attached to this Staff Report as Attachment 2.

### **PUBLIC NOTIFICATION**

A notice of this public hearing was published in *The Grizzly* on November 23, 2016. In addition, the notice was mailed to 55 surrounding property owners within a 300-foot radius and posted in three public places a minimum of ten days prior to this hearing date as established in Development Code Section 17.03.030. The public hearing notice was also placed on the Planning Commission's page of the City's website, [www.citybigbearlake.com](http://www.citybigbearlake.com). As of the writing of this report, no public correspondence has been received.

### **RECOMMENDATION**

Staff recommends that the Planning Commission hold a public hearing and consider the written and oral testimony presented during the hearing. Staff further recommends that the Planning Commission adopt the attached draft Resolution approving Conditional Use Permit 2016-105/CUP based on the findings and subject to the recommended conditions of approval.

#### Attachments:

1. Draft Resolution
2. Notice of Exemption
3. Development Code Section 17.25.220
4. Application and Submitted Plans

**ATTACHMENT 1**

**RESOLUTION NO. PC 2016-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 2016-105/CUP TO CONSTRUCT A 702 SQUARE FOOT SUNROOM ADDITION AND AN 80 SQUARE FOOT ACCESSIBLE RESTROOM ADDITION AND TO ALLOW THE HOSTING OF ANCILLARY USES UNDER DEVELOPMENT CODE SECTION 17.25.220, INCLUDING FOOD AND ALCOHOL SERVICE AT ALPENHORN BED AND BREAKFAST, ON THE 0.93 ACRE PROPERTY LOCATED IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONE AT 601 KNIGHT AVENUE, APN 309-122-80.**

**A. RECITALS**

- (i) Mr. Johann DeVilliers, property and business owner of Alpenhorn Bed and Breakfast, has filed an application requesting approval of Conditional Use Permit application 2016-105/CUP as described herein (hereinafter referred to as “Application”).
- (ii) The Application applies to a 0.93-acre parcel in the Multiple Family Residential (R-3) zone identified as 601 Knight Avenue (APN 309-122-80). A legal description of the property is contained in Exhibit 1 attached hereto, and a vicinity map is attached hereto as Exhibit 2.
- (iii) The Application, as requested, proposes to enclose an approximately 702 square foot area of an existing deck to create a sunroom, construct an approximately 80 square foot accessible restroom within the interior of the lodge, and to expand the operations of the Bed and Breakfast to host small group gatherings, seminars, group meetings, small parties and retreats, and other small group functions for up to 49 people on the property pursuant to the Ancillary Uses provisions of Development Code Section 17.25.220. The applicant proposes to serve food and alcohol to both registered and non-registered guests attending these functions.

The land use entitlement for this commercial lodge was first approved under Site Approval 97-06/SA for a seven guest room commercial lodge, known as the Alpenhorn Bed and Breakfast. This land use entitlement was amended by Site Approval 2001-018/SA which added one guest room, for a total of eight guest rooms and one manager’s unit. The property is currently developed with the 7,371 square foot commercial lodge, operated as the Alpenhorn Bed and Breakfast, and a 798 square foot detached guest unit and a 13-space parking lot.

- (iv) The properties to the north, south, east and west are zoned Multiple Family Residential District. The neighborhood contains a mix of single and multiple family residential units. Two of the three properties to the north are vacant and one is developed with a single family residence. Two of the four properties to the south are vacant and two are developed with single family residences. The properties to the east are developed with a combination of multiple and single family residences; and the properties to the west are developed with single family residences.
- (v) The project qualifies for a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1) of the State CEQA Guidelines. This section exempts the operation and minor alteration of existing structures involving negligible expansion of use.
- (vi) On December 7, 2016, the Planning Commission conducted a duly noticed public hearing on the Application in Hofert Hall of the Civic and Performing Arts Center, 39707 Big Bear Boulevard, Big Bear Lake, California, and concluded said hearing on Conditional Use Permit application 2016-105/CUP on this date.
- (vii) All legal prerequisites to the adoption of this Resolution have occurred.

## **B. RESOLUTION**

**NOW THEREFORE**, it is hereby found, determined, and resolved by the Planning Commission of the City of Big Bear Lake, as follows:

1. The Planning Commission hereby specifically finds that all of the facts set forth in the Recitals, part A of this Resolution, are true and correct.
2. The Planning Commission hereby finds the project Categorically Exempt pursuant to Section 15301, Class 1 of the State and City CEQA Guidelines.
3. Based on the evidence presented to the Planning Commission, including oral and written staff reports and public testimony during the above-referenced public hearing, the Planning Commission finds as follows and approved Conditional Use Permit 2016-105/CUP:
  - a. The proposed use and design are consistent with the goals, policies, objectives, and programs of the General Plan for the Land Use Element Policy L 1.1 for the Multiple Family Residential (MFR) designation because commercial lodging facilities are conditionally allowed in this district provided that the density of guest and dwelling units does not exceed 12 units to the acre. This property is developed with an 8-unit lodge, operated as the Alpenhorn Bed and Breakfast, and one manager's unit, for a total of 9 units on the 0.93-acre property. Therefore, commercial lodge land use and the density of development are in compliance with the General Plan Land Use Element. Two building additions are proposed under

this application which are located within the existing building footprint and which comply with the Development Code requirements.

The operations will be expanded to include the hosting of small group gatherings, seminars, group meetings, small parties and retreats and other small group functions for up to 49 people on the property. Land Use Element Policy L1.7 requires that the City planners ensure compatibility between land uses which have different functions, requirements and impacts. By limiting the number of persons assembling at the lodge, containing all of the activities and parking on the site, and compliance with the Development Code provisions for Ancillary uses contained in Section 17.25.220, the surrounding neighborhood should not be adversely impacted by these outdoor gatherings.

- b. The proposed use and design are beneficial and desirable to the community and consistent with the purpose, intent and standards of the Development Code and other applicable ordinances and codes adopted by the City of Big Bear Lake. The Development Code conditionally allows commercial lodging facilities in the Multiple Family Residential (R-3) zone and further allows ancillary uses to those commercial lodges, with the compliance of the adopted regulations. All requirements listed in Development Code Section 17.25.220 must be met, including parking and noise standards. Under this scenario, the Planning Department believes that the use would be considered ancillary and subordinate to the lodge and the holding of indoor and outdoor small group gatherings would not cause an intensification of the lodge use.
- c. The site for the proposed project is adequate in size and shape to accommodate all yards, open spaces, setbacks, walls and fences, parking areas, fire and building code considerations, and other features pertaining to the application. The two building additions have been reviewed for compliance with the residential and parking regulations. The building additions are proposed within the existing building footprint and all building setback, building height, lot coverage and open space requirements are met. The project also complies with the commercial parking requirements established for a commercial lodge use and determinations on parking locations made by the Planning Commission and City Council on prior land use applications granted for the property.
- d. The proposed project and the on-going operation of the use will not have a substantial adverse effect on abutting property or the permitted use thereof, and will not generate excessive noise, vibration, traffic, or other disturbances, nuisances, or hazards. The proposed sunroom and accessible restroom additions are not anticipated to generate excessive noise, vibration, traffic or other disturbances, nuisances or hazards. In addition, the holding of small group gatherings, seminars, group meetings, parties and retreats, and other small group functions for up to 49 people on the property is not anticipated to cause a disturbance or be a nuisance to the neighborhood with compliance with the ancillary use provisions contained in Development Code Section 17.25.220. All requirements listed in Development

Code Section 17.25.220 must be met, including parking and noise standards, limitations on the number of guests, and hours of operation and the frequency of occurrence of outdoor functions. Therefore, the holding of small group gatherings is considered ancillary and subordinate to the lodge and would not cause a significant intensification of the lodge use.

- e. The site for the proposed project has adequate access, meaning that the site design incorporates street and highway limitations. The property is located on Knight Avenue, which has a 60-foot dedicated right-of-way width. Additional pavement width was required to be installed under a previous Site Approval application, Site Approval 97-06/SA.
4. Based on the findings and conclusions set forth in paragraphs 1, 2, and 3, above, this Commission hereby approves Conditional Use Permit 2016-105/CUP to construct two building additions and conduct small gatherings as an ancillary use to the eight guest room commercial lodge operated as Alpenhorn Bed and Breakfast subject to the conditions of approval as set forth in the Resolution (Exhibit 3).
5. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 7<sup>th</sup> day, December, 2016.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Craig Smith, Chairman

ATTEST:

\_\_\_\_\_  
Becky Romine  
Planning Commission Secretary

Conditional Use Permit 2016-105/CUP  
Alpenhorn Bed and Breakfast  
Staff Report, December 7, 2016  
Page 13

STATE OF CALIFORNIA                    )  
COUNTY OF SAN BERNARDINO ) ss  
CITY OF BIG BEAR LAKE                )

I, Becky Romine, Commission Secretary of the City of Big Bear Lake, California, do hereby certify that the whole number of the Planning Commission of the said City is five with one vacant seat; that the foregoing Resolution, being **Resolution No.** \_\_\_\_\_ as duly passed and adopted by the said Planning Commission and attested by the Commission Secretary of said City, all at a regular meeting of the said City held on the **7<sup>th</sup> day, December, 2016**, and that the same was so passed and adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Witness my hand and the official seal of said City this \_\_\_\_\_ **day, December, 2016.**

\_\_\_\_\_  
Becky Romine  
Planning Commission Secretary

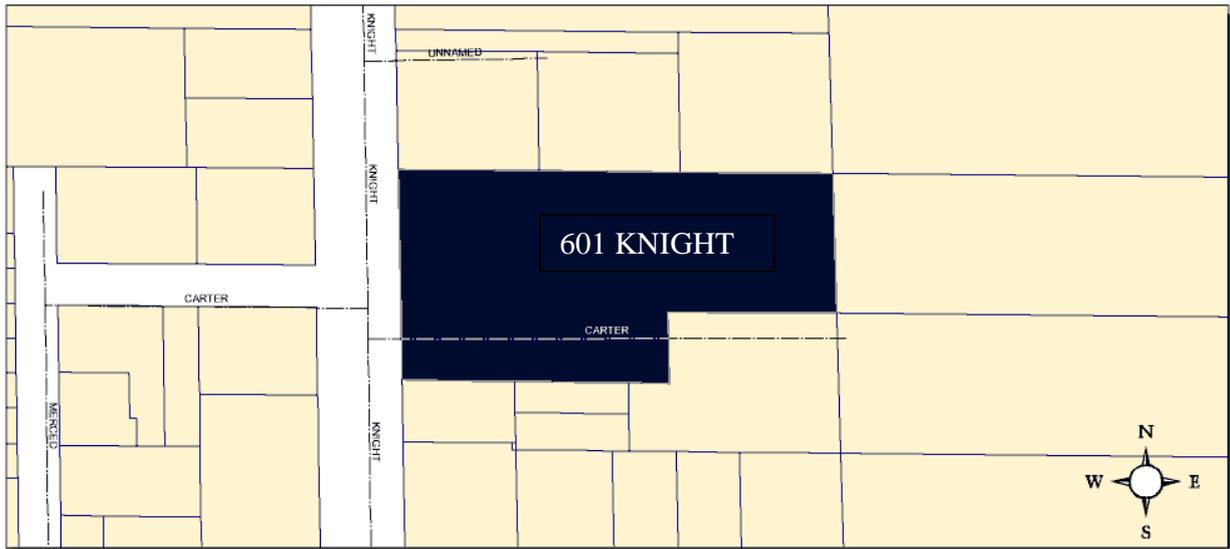
Resolution Exhibit 1

LEGAL DESCRIPTION FOR  
CONDITIONAL USE PERMIT 2016-105/CUP  
ALPENHORN BED AND BREAKFAST  
601 KNIGHT AVENUE  
ASSESSOR'S PARCEL NUMBERS 309-122-80

Parcel 1 of Parcel Map 8302, in the City of Big Bear Lake, in the County of San Bernardino, State of California, as per plat recorded in Book 90 of Parcel Maps, page 13, in the Office of the County Recorder of the County of San Bernardino, together with Lot 15, Block 2 of Gus Knights Homestead Tract, in the City of Big Bear Lake, in the County of San Bernardino as per plat recorded in Book 19 of Maps, Page 59, in the Office of the County Recorder of the County of San Bernardino.

Resolution Exhibit 2

VICINITY MAP  
CONDITIONAL USE PERMIT 2016-105/CUP  
ALPENHORN BED AND BREAKFAST  
601 KNIGHT AVENUE  
ASSESSOR'S PARCEL NUMBERS 309-122-80



Resolution Exhibit 3

CONDITIONS OF APPROVAL

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CONDITIONAL USE PERMIT 2016-105/CUP  
SUNROOM, ACCESSIBLE RESTROOM AND AUTHORIZATION TO CONDUCT SMALL  
GROUP FUNCTIONS AS AN ANCILLARY USE TO THE  
ALPENHORN BED AND BREAKFAST  
601 KNIGHT AVENUE  
ASSESSOR'S PARCEL NUMBERS 309-122-80

APPROVAL DATE: DECEMBER 7, 2016  
EFFECTIVE DATE: DECEMBER 19, 2016  
EXPIRATION DATE: DECEMBER 19, 2018

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These conditions of approval apply to Conditional Use Permit application 2016-105/CUP to construct a sunroom and accessible restroom addition and authorization to hold small group gatherings as ancillary uses to the Alpenhorn Bed and Breakfast. Conditional Use Permit 2016-105/CUP and these conditions of approval supersede and replace the action taken on Conditional Use Permit 2014-017/CUP. The property contains 0.93 acres in the Multiple Family Residential (R-3) zone. For the purpose of these conditions, the term "applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

**General conditions:**

1. Approval is granted for Conditional Use Permit application 2016-105/CUP to operate an eight (8) guest room commercial lodging facility, known as the Alpenhorn Bed and Breakfast, and to have one on site owner/manager's unit on the 0.93 acre property. Approval is granted to construct a 702 square foot sunroom by enclosing an approximately 30-foot by 26-foot portion of the existing rear deck and to construct an accessible restroom of approximately 8 feet by 10 feet within the interior of the lodge. In addition to this primary use, the commercial lodging facility is approved for an ancillary use to hold small group gatherings, such as seminars, group meetings, small parties and retreats, and other small group functions, both indoors and out-of-doors, and to serve food and alcohol during these functions pursuant to the regulations contained in Development Code Section 17.25.220 pertaining to the Development and Performance Standards for Ancillary Uses within Commercial Lodging Facilities and Bed and Breakfast Establishments. These regulations limit the number of people on the property to 49 persons. Approval is also granted to change the use of the 798 square foot detached unit (formerly identified as 615 Knight Avenue) from the owner's quarters to a guest unit and to convert one of the units within the main lodge from a guest unit to the owner's live-in unit. Lastly, approval is granted to change the two-car garage attached to the main lodge to office and storage space

and to change the garage attached to the 798 square foot detached unit to private office space, subject to obtaining all necessary building permits for these conversions. The property contains 0.93 acres in size in the Multiple Family Residential (R-3) zone and is identified as Assessor's Parcel Numbers 309-122-80. This approval is granted based on the application materials and plans submitted by Mr. Johann DeVilliers on July 28, 2016. These plans and the proposed use of the site are approved as submitted and conditioned herein, and shall not be further altered unless reviewed and approved by the affected City departments. If not appealed, this approval shall become effective on the eleventh (11<sup>th</sup>) day after the date of the Planning Commission's approval, or the next City business day following such eleventh (11<sup>th</sup>) day when the eleventh (11<sup>th</sup>) day is not a City business day. Unless all conditions have been complied with and the occupancy or use of the project has been inaugurated within twenty-four (24) months after the effective date, the land use decision shall become null and void. For the purposes of this section, the term "inaugurated" shall mean that applicable grading and building permits have been issued, and that substantial work has been performed and substantial liabilities have been incurred in good faith reliance on such permits. Any application for an extension of time shall be submitted to the Planning Division, along with the required fee, at least ninety (90) days prior to the expiration date of this approval.

2. Minor modifications to this approval which are determined by the City Planner to be in substantial conformance with the approved site plan, and which do not intensify or change the use or require any deviations from adopted standards, may be approved by the City Planner upon submittal of an application and the required fee.
3. Approval of this application does not relieve the applicant from complying with other applicable Federal, State, County or City regulations or requirements, including, but not limited to the requirements of the California Department of Alcoholic Beverage Control for the serving of alcohol and the San Bernardino County Department of Environmental Health Services for the serving of food.
4. In the event that exhibits and written conditions are inconsistent, the written conditions shall prevail.
5. The applicant shall defend, indemnify, and hold harmless the City of Big Bear Lake and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Big Bear Lake, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City of Big Bear Lake concerning this project, including but not limited to any approval or condition of approval of the City Council, Planning Commission, or City Planner. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

6. The applicant shall be responsible for informing all subcontractors, consultants, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements in the Big Bear Lake Municipal Code, including all business license requirements.

**The following conditions shall be completed prior to or in conjunction with issuance of building permits. Where a condition specifies that plans or other items shall be submitted to the City for review and approval, the approval of these items by the appropriate City departments shall be obtained prior to issuance of permits:**

7. Plans for this project, specifically for the 702 square foot sunroom, 80 square foot accessible restroom, and conversion of the garage attached to the lodge and the garage attached to the detached guest unit (formerly identified as 615 Knight Avenue) into office and storage space, shall be submitted to the Building and Safety Division for review and approval, and shall comply with the latest adopted edition of the following codes as adopted by the City of Big Bear Lake and the Big Bear Fire Department: (B&S, FIRE)
  - a. 2016 California Building Code and its appendices and standards, including those portions adopted by the State Fire Marshal;
  - b. 2016 California Plumbing Code and its appendices and standards;
  - c. 2016 California Mechanical Code and its appendices and standards;
  - d. 2016 California Electrical Code;
  - e. 2016 California Fire Code and its appendices and standards; and
  - f. California Code of Regulations, Title 19 and Title 24;
8. Upon submittal of building plans to the Building and Safety Division for building construction, a fire protection review will be required. (FIRE)
9. The applicant shall submit four (4) sets of final construction plans, site plan, building elevations, and floor plans to the Building and Safety Division for review and approval by all applicable departments. Such plans shall be scaled, fully dimensioned and in substantial conformance with those plans approved by the Planning Commission. The final conditions of approval shall be incorporated into the construction plans and shall be reproduced on the front page of the construction plans.
10. The applicant shall provide facility fixture counts to the Engineering Division for calculation of sewer development impact fees. Prior to issuance of a building permit or a sewer connection lateral permit, whichever comes first, the applicant shall pay sewer fees to the Engineering Division. (ENG)

**The following conditions and requirements shall be met during construction activities:**

11. Noise generated from construction, maintenance, or demolition activities shall not be permitted between the hours of 7:00 p.m. and 7:00 a.m., or on Sundays and national holidays, except as approved by the Chief Building Official. (PLN)
12. The project shall be constructed in accordance with all the approved plans and conditions of approval, including but not limited to site plans, grading plans, wall plans, landscape/irrigation plans, lighting plans, and elevations. If all improvements cannot be installed prior to occupancy, the City may approve a Deferred Improvement Agreement to defer the completion of the improvements provided that a bond, cash deposit, or other surety in a form and substance approved by the City Attorney, is submitted to the City in lieu of installation of the improvements, that application and required fees are submitted, and that the incomplete improvements will not create an unsafe condition on the site. The term of the deferral shall be as determined by the City Planner. (PLN)
13. The applicant shall contact the Planning Department a minimum of one (1) week prior to final inspection by the Building and Safety Division to make arrangements for a final walk-through inspection by the Planning Division. (PLN)

**The following are on-going conditions of operation:**

14. All applicable codes and ordinances shall apply to the use and maintenance of the site and building, including but not limited to the latest adopted versions of the State of California Building & Safety and Fire Codes. (B&S, FIRE, CODE)
15. The applicant shall be responsible for regular and ongoing upkeep and maintenance of the building and site, including maintenance of roofing, paint and building materials, trees and landscaping, walkways, parking lot paving condition and striping, snow removal, clearing of trash, weeds and debris, signs, lighting, and other site improvements. All parking facilities shall be maintained in good condition. The maintenance thereof may include, but shall not be limited to the repaving, sealing, and striping of a parking area, including maintenance of all required handicap-accessible striping and signs. (PLN)
16. The installation of tents, canopies or other temporary coverings shall be required to meet all Building and Fire Code requirements, including but not limited to anchoring, fire resistivity, and required exiting. Tents, canopies or other temporary coverings may be subject to Building and Fire permitting requirements, prior to installation, and inspections after installation. (B&S, FIRE, CODE)
17. Parking for the commercial lodging facility and ancillary outdoor gatherings shall be provided on site within the parking lot and driveway of the property. Valet-style on site parking may be used if a parking attendant is provided to allow guests to access their vehicles. On street parking for approximately four vehicles is allowed within the widened right-of-way of Knight Avenue abutting the property frontage. No parking is allowed on vacant dirt lots in the residential neighborhood. (CODE, PLN, ENG)

18. At all times, the use and operations of the commercial lodging facility shall comply with the Municipal Code and Development Code adopted by the City of Big Bear Lake including but not limited to Chapter 17.01 pertaining to performance standards, Chapter 17.03 pertaining to procedures and obtaining land use approvals, Chapter 17.25 pertaining to Residential districts, particularly Section 17.25.220 pertaining to Ancillary Uses, and Chapter 17.35 pertaining to Commercial parking regulations. (PLN, CODE)

End of Conditions

B & S – Building and Safety Division, ENG – Engineering Division, FIRE – Fire Department, DWP – Department of Water, PLN – Planning Department, CODE – Code Compliance Department

ATTACHMENT 2  
NOTICE OF EXEMPTION

TO: Clerk of the Board of Supervisors  
County of San Bernardino  
385 N. Arrowhead Avenue, 2nd Floor  
San Bernardino, CA 92415-0130

FROM: Planning Department  
City of Big Bear Lake  
P. O. Box 10000  
Big Bear Lake, CA 92315-8900

Project Title:

Conditional Use Permit 2016-105/CUP

Project Location - Specific: 601 Knight Avenue, APN 309-122-80, in the City of Big Bear Lake, San Bernardino County, California

Description of Approved Project:

To construct a 702 square foot sunroom by enclosing a portion of the existing rear deck, construct an interior accessible restroom, and to hold small group gatherings of up to 49 persons on the property, including serving of food and alcohol.

Name of Public Agency Approving Project:

City of Big Bear Lake, Planning Commission

Name of Person or Agency Carrying out Project:

Mr. Johann DeVilliers, property and business owner.

Exempt Status: (check one) (State type and section number)

XX Categorical Exemption. Sections: 15301, Class 1

Reasons why project is exempt:

This section exempts the operation and minor alteration of existing structures involving negligible expansion of use.

Lead Agency or Contact Person:

Janice C. Etter, Sr. Principal Planner

Area Code/Telephone/Extension

(909) 866-5831

Date: December 7, 2016

Signature: \_\_\_\_\_

ATTACHMENT 3  
DEVELOPMENT CODE SECTION 17.25.220

**17.25.220 DEVELOPMENT AND PERFORMANCE STANDARDS FOR  
ANCILLARY USES WITHIN COMMERCIAL LODGING  
FACILITIES AND BED AND BREAKFAST ESTABLISHMENTS**

For the 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. Ancillary uses may occur within a building, such as a meeting room, conference room, sunroom, recreation or game room, or dining room; or out-of-doors, such as a pool, spa, patio, deck, gazebo, landscaped or hardscaped area, lawn or garden. For the purpose of this section, any tent, canopy, or similar temporary structure erected over an outdoor space shall comply with the codes and ordinances applicable to enclosed structures and buildings. The following standards and regulations shall apply to uses that are ancillary to bed and breakfast establishments in the Residential-Low (R-L) and Single Family Residential (R-1) zones; and to commercial lodges and bed and breakfast establishments within the Multiple Family Residential (R-3) zone on properties of up to one (1) acre in size. Existing or proposed bed and breakfast establishments and commercial lodging facilities located on properties that are greater than one (1) acre in size shall be required to comply with the general Development Code regulations; Building, Fire and Health and Safety Code regulations, cumulative parking requirements for all uses on the property, and provisions to attenuate noise impacts associated with large facilities and larger ancillary uses.

**A. General Standards**

1. Ancillary uses at Bed and Breakfast Establishments located within the Residential-Low (R-L) and Single Family Residential (R-1) zones shall be open and available only to registered guests. The use of these ancillary uses by non-registered guests is prohibited.
2. Ancillary uses at Bed and Breakfast Establishments and Commercial Lodging Facilities in the Multiple Family Residential (R-3) zone shall be open and available to registered and non-registered guests, subject to compliance with the regulations contained in this section.
3. Prior to establishing and/or operating an ancillary use within a Bed and Breakfast Establishment or Commercial Lodging Facility, the business owner shall first obtain approval of a Minor Modification for existing bed and breakfast establishments or commercial lodging facilities; or a Conditional Use Permit for proposed bed and breakfast establishments or commercial lodging facilities.
4. Ancillary uses shall comply with all applicable Federal, State, County and local requirements, Health and Safety codes, Fire and Building codes and adopted ordinances. Applicable requirements 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 Americans with Disabilities Act and the California Fire and Building Code for occupancy limits. In compliance with the California Building Code, permanent restroom facilities shall be provided to serve the ancillary use. Portable or temporary restrooms shall not be used to fulfill this requirement.

5. Ancillary uses may be advertised as part of the bed and breakfast establishment's or commercial lodging facility's permitted sign.
6. In no event shall a bed and breakfast establishment or commercial lodging operator operate an ancillary use out-of-doors between the hours of 9:00 p.m. and 7:00 a.m.
7. The operation or playing of any device which reproduces, produces, or amplifies sound is prohibited in the outdoor areas of the property, but may be allowed within a building or enclosed tent. Amplified noise or sound, including public address systems and live or recorded music, shall be prohibited after 9:00 p.m. No bed and breakfast establishment or commercial lodging facility operator shall operate or permit the operation or playing of any device which reproduces, produces, or amplifies sound in such a manner as to be unreasonably loud, excessive, raucous or disturbing, but in no event shall noise exceed 55 decibels (dBs, slow scale) as measured from the property line for a period exceeding ten (10) minutes.
8. On-site parking shall be provided for the primary use and all ancillary uses occurring on the property pursuant to Table 17.35.070.A Parking Requirements in Commercial and Public Zones as listed for "hotels." As determined by the Planning Commission, stacked parking in conjunction with a valet service may be considered. In no case shall off site shuttled parking be allowed.

**B. Meeting and conference room space and maximum occupancy of ancillary use areas**

1. The maximum square footage of meeting and conference rooms shall not exceed a total of 1,000 square feet in area and shall be determined by the applicable parking standards and by all development standards contained in Table 17.25.050.A.
2. In the Residential-Low (R-L) or Single-Family Residential (R-1) zone, in no case shall the cumulative total number of people on the property containing a bed and breakfast establishment exceed 16 people.
3. In the Multiple Family Residential (R-3) zone, where the property containing a bed and breakfast establishment or commercial lodging facility is one (1.0) acre or less in size, the cumulative total number of people on the property shall not exceed 49 people.
4. In the Multiple Family Residential (R-3) zone, where the property containing a bed and breakfast establishment or commercial lodging facility is greater than one (1.0) acre in size, a cumulative total maximum number of people shall not be established by this ordinance, but shall be dependent upon complying with all applicable codes and ordinances to accommodate the people and parking on the property.

5. In no event shall a meeting or conference room be converted to or used as a separate public dining facility. This provision is not intended to prohibit catered meals to be brought in for meetings, conferences or outdoor gatherings.

C. Dining Facilities

1. Dining areas that are open to the public shall be the dining areas that also serve overnight guests.
2. Dining areas shall be located and accessed through the interior of the commercial lodging facility; shall not have a separate access point other than for emergency egress, and shall not be located in a separate building.

D. Incidental Retail

1. The limited retail sale of souvenirs and sundries related to the primary bed and breakfast establishment or commercial lodging facility may be permitted.
2. This use shall be located within the primary structure, shall be limited to the days and hours of the lodging use, and shall not contain a separate exterior access, but shall be accessed only from within the primary structure.

E. Frequency of Outdoor Ancillary Uses

1. Outdoor ancillary uses shall not occur more than two times per calendar month. An occurrence is determined to be one outdoor ancillary use of the property. As an example, where an outdoor ancillary use is held on Saturday at noon and another also on Saturday at 6 p.m., this shall constitute two (2) occurrences. Likewise, an occurrence on a Saturday and another on Sunday, shall constitute two (2) occurrences. Outdoor ancillary uses shall not occur on consecutive weekends.
2. In order to monitor the frequency of outdoor ancillary uses, each occurrence shall be reported to the City Planning Department at least 30-days prior to the occurrence. A registry of the occurrences shall be created which will be made available to the general public in electronic and/or paper form. This registry shall include, but shall not be limited to, the following information: the address where the ancillary use is occurring, the type of ancillary uses and the hours of ancillary use.

F. Location of Outdoor Ancillary Uses

1. Outdoor ancillary uses shall not occur in front of the primary structure on the property, meaning the area between the street or public right-of-way and the structure or building. Areas used for ancillary outdoor uses shall be located to the rear or side of the primary structure on the property in order to retain the residential character of the property as visible from the public right-of-way.

2. Structures, equipment and other items used in conjunction with outdoor ancillary uses, including, but not limited to tents, canopies, stages, arches, dance floors, tables, chairs, serving stations, shall not be placed within any required building setback area.

G. Open Space, Fencing and Parking Locations for Bed and Breakfast establishments and commercial lodging facilities in the Multiple Family Residential (R-3) zone.

1. All open space requirements contained in Development Code Section 17.25.050.A. shall be met on the property and shall be provided on the property so that no less than one-third of the open space requirement shall be located in such a manner that is visible from the public right-of-way. The area considered as open space shall be landscaped or natural undisturbed vegetation. Paved surfaces shall not be considered towards meeting the open space requirement.
2. If rear yard and side yard areas are used for outdoor ancillary uses, then the perimeter of the rear yard and side yard areas shall be fenced with a six (6) foot high visually obscuring fencing material.
3. Parking spaces provided on the property for the bed and breakfast establishment or commercial lodging facility shall not be located within the required building setback areas. No more than one half of the required parking spaces shall be located in front of the primary structure on the property, meaning the area between the street or public right-of-way and the structure or building and all other parking shall be located to the rear of the primary structure on the property in order to retain the residential character of the property as visible from the public right-of-way.

H. Operational Requirements

1. The business owner or a full-time on-site manager shall be on the premises at all times when an ancillary use is occurring.
2. Adequate security measures shall be implemented at all times when an ancillary use is occurring. Security measures may include, but are not limited to, providing security personnel.
3. Adequate parking control measures shall be implemented at all times when an ancillary use is occurring. Parking control measures may include, but are not limited to, providing a valet parking service and/or providing parking attendants to direct vehicles to on-site parking spaces.