



CITY OF BIG BEAR LAKE *California*

ORDINANCE NO. 2020-487

AN ORDINANCE OF THE CITY OF BIG BEAR LAKE APPROVING DEVELOPMENT CODE AMENDMENT 2020-082 AMENDING DEVELOPMENT CODE TABLE 17.25.040.A. AND SECTIONS 17.25.060 AND 17.25.070 PERTAINING TO RESIDENTIAL DEVELOPMENT STANDARDS, AND FINDING THE DEVELOPMENT CODE AMENDMENT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Big Bear Lake, California (the “City”) is a municipal corporation and charter City, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code section 65800, et seq. authorizes the adoption and administration of zoning laws, ordinances, rules and regulations by cities as a means of implementing a city’s general plan; and

WHEREAS, the City has adopted a Development Code by Ordinance 2003-333. The Development Code contains provisions to allow amendments in Section 17.03.200, and

WHEREAS, the City has initiated Development Code Amendment 2020-082 to remove ambiguity and to correct certain provisions of the Residential Development standards that have been problematic in the past or that have been discovered to be in conflict with other codes. The City desires to make these changes now to avoid future conflicts, and

WHEREAS, on September 23 and October 7, 2020, the City gave public notice for the proposed Development Code Amendment by publication in *The Grizzly*, a newspaper of general circulation and posting in three public places and on the City’s website; and

WHEREAS, on October 7, 2020, the Planning Commission conducted a duly noticed public hearing on the Development Code Amendment in Hofert Hall of the Civic and Performing Arts Center, 39707 Big Bear Boulevard, Big Bear Lake, CA 92315, and continued the public hearing on that date; and

WHEREAS, on October 21, 2020, the Planning Commission resumed the public hearing on the Development Code Amendment in Hofert Hall of the Civic and Performing Arts Center, 39707 Big Bear Boulevard, Big Bear Lake, CA 92315, and concluded the public hearing on that date; and,

WHEREAS, on October 28, 2020, the City gave public notice for the proposed Development Code Amendment by publication in *The Grizzly*, a newspaper of general circulation and posting in three public places and on the City’s website; and

WHEREAS, on November 9, 2020, the City Council conducted a duly noticed public hearing on the Development Code amendment in Hofert Hall of the Civic and Performing Arts Center, 39707

Big Bear Boulevard, Big Bear Lake, CA 92315. The City Council read the title, waived further reading, and introduced an ordinance approving Development Code Amendment 2020-082 and amending Table 17.25.040.A. and Section 17.25.060 and 17.25.070 of the Development Code relating to residential development standards and finding the action exempt from CEQA; and,

WHEREAS, on December 14, 2020, the City Council conducted a public meeting on the Development Code amendment in Hofert Hall of the Civic and Performing Arts Center, 39707 Big Bear Boulevard, Big Bear Lake, California, 92315, and adopted an ordinance approving Development Code Amendment 2020-082 and amending Table 17.25.040.A. and Sections 17.25.060 and 17.25.070 of the Development Code relating to residential development standards and finding the action exempt from CEQA; and

WHEREAS, all legal prerequisites to the adoption of this ordinance have occurred.

NOW, THEREFORE, the City Council of the City of Big Bear Lake does ordain as follows:

Section 1. The City Council hereby specifically finds that all of the facts set forth in the preceding recitals of this Ordinance are true and correct.

Section 2. The City Council hereby finds that the action is not subject to CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines. The activity is not subject to CEQA because it is covered by the “common sense” rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA. Furthermore, this amendment pertains to single family residences. Generally, the construction of a single family residential structure is determined to be categorically exempt pursuant to Section 15303, Class 3 of the CEQA Guidelines. A Notice of Exemption has been prepared and is retained in the case file for the project.

Section 3. Based on the evidence presented to the City Council, including the oral and written agenda report and public testimony during the above-referenced public hearings, the City Council finds as follows with respect to Development Code Amendment 2020-082 for the adoption of amendments to the Residential Development Standards of the Development Code:

1. The Development Code Amendment conforms to the goals, objectives and policies of the General Plan, specifically Land Use Element Policy L3.5 to provide for the keeping of a reasonable number of domestic animals. The amendment proposed to Development Code Table 17.25.040.A. allows those single family residential uses located in the R-3 zone to the same enjoyment with respect to the allowable number of dogs and cats as those located in the R-L and R-1 ones. The amendment proposed to Section 17.25.060 is consistent with Land Use Element Policy L 1.1 to maintain the ordinances of the city in compliance with State law, by bringing this section into compliance with the building code. Lastly, the revision to Section 17.25.070 is consistent with Land Use Element Policy L3.1 to enhance the quality of residential neighborhoods, specifically by considering the underlying topography, parcelization, and infrastructure and relationship between uses. The amendment pertaining to driveway widths is proposed to allow variations in driveway widths and locations to account for corner lots and large parcels. This will allow more flexibility in providing more on-site parking, while maintaining an attractive neighborhood appearance and allowing for the placement of snow berms.

The amendments to Sections 17.25.060 and 17.25.070 are consistent with goals and policies of the Housing Element, including Goal H2, and Policy H1.2 to assist in the development of and removal of barriers to housing for low and moderate-income households by removing a separation requirement between the primary structure and an accessory dwelling unit (ADU) and by allowing an additional driveway on which to park for the ADU.

2. The Development Code Amendment is necessary to implement the General Plan and provide for public safety, convenience, and general welfare because the Development Code establishes the standards and regulations to govern the use and development of properties. From time to time it is necessary amend the document to remove ambiguity and to correct deficiencies that have arisen, in order to keep the Development Code a current and relevant document.
3. The amendment is consistent with the Development Code and its related provisions, because great care has been taken to evaluate each section that is proposed to be amended to make sure that the standard is equitable, practical, and enforceable. The amendments have been initiated by the city to fairly apply the regulations pertaining to dogs and cats to single family residential uses, to remove a conflict between the Development Code and building code pertaining to accessory buildings and structures, and to allow greater flexibility in providing driveways, while still maintaining the integrity of the residential development standards, as elaborated in the staff reports and as discussed in the public hearings for Development Code Amendment 2020-082.
4. The Development Code Amendment is reasonable and beneficial at this time because the City is currently experiencing an increase in residential construction, including requests for accessory dwelling units. The development standards contained in Table 17.25.040.A., 17.25.060, and 17.25.070 have been identified as being unclear and out of date, which has resulted in property owners circumventing the development standards and creating undesirable conditions. Therefore, it is the City's desire to amend the Development Code at this time to avoid future conflicts.

Section 4. Based on the findings and conclusions set forth in Sections 1, 2 and 3, above, the City Council hereby adopts Ordinance No. 2020-487 approving Development Code Amendment 2020-082 and amending Development Code Table 17.25.040.A. and Sections 17.25.060 and 17.25.070 pertaining to Residential Development Standards as provided in Ordinance Exhibits 1, 2, and 3, respectively, attached hereto and incorporated herein by reference.

Section 5. The City Clerk shall certify to the adoption of this ordinance. Not later than fifteen (15) days following the passage of this ordinance, the ordinance, or a summary thereof, along with the names of the City Council members voting for and against the ordinance, shall be published in three places in the City in lieu of publication unless publication is requested by the City Council or otherwise required by law.

PASSED, APPROVED AND ADOPTED this 14th day of December, 2020.



Rick Herrick, Mayor

ATTEST:



Erica Stephenson, City Clerk

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

I, Erica Stephenson, City Clerk of the City of Big Bear Lake, California, do hereby certify that the whole number of the City Council of the said City is five; that the foregoing Ordinance No. 2020-487 is a full, true and correct original of Ordinance No. 2020-487 of the City of Big Bear Lake entitled:

ORDINANCE OF THE CITY OF BIG BEAR LAKE APPROVING DEVELOPMENT CODE AMENDMENT 2020-082 AMENDING DEVELOPMENT CODE TABLE 17.25.040.A. AND SECTIONS 17.25.060 AND 17.25.070 PERTAINING TO RESIDENTIAL DEVELOPMENT STANDARDS AND FINDING THE DEVELOPMENT CODE AMENDMENT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

was duly passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the Clerk of Said City, all at a regular meeting of the said Council on the 14th day of December 2020, and that the same was so passed and adopted by the following vote:

AYES: Jahn, Jackowski, Putz, Caretto, Herrick
NOES: None
ABSTAIN: None
EXCUSED/ABSENT: None

I do hereby further certify that pursuant to the provisions of Section 36933 of the Government Code of the State of California that the foregoing Ordinance No. 2020-487 was duly and regularly published according to law and the order of the City Council and circulated within the said City.



Erica Stephenson, City Clerk

**ORDINANCE EXHIBIT 1
 AMENDMENTS TO DEVELOPMENT CODE TABLE 17.25.040.A.**

Development Code Table 17.25.040.A. is hereby amended to read as follows:

**Table 17.25.040.A.
 ACCESSORY USES AND STRUCTURES PERMITTED
 IN RESIDENTIAL ZONES**

Zone District	R-L	R-1	R-3
<u>Animal Uses:</u>			
Keeping of domestic animals commonly kept as household pets; <ul style="list-style-type: none"> ▪ Single family residential use: 2 dogs and/or cats over age of 4 mos. for each lot 7200 sq. ft. or less; 3 for lots 7201-10,000sq. ft.; 4 for lots of 10,001 – 20,000 sq. ft.; maximum of 5 for each lot over 20,000 sq. ft. ¹ ▪ Multiple family residential use: 2 dogs and/or cats over age 4 mos. per dwelling unit 	P	P	P
	-	-	P
¹ Additional number of dogs and/or cats may be considered through the Conditional Use Permit (CUP) process.			

ORDINANCE EXHIBIT 2
AMENDMENT TO DEVELOPMENT CODE SECTION 17.25.060

Development Code Section 17.25.060.F.3. is hereby amended to read as follows:

3. The minimum distance between all principal residential buildings and any accessory building or accessory structure shall be the minimum separation requirement stated in the California Residential Code, Section R302, as amended from time to time.

**ORDINANCE EXHIBIT 3
AMENDMENT TO DEVELOPMENT CODE SECTION 17.25.070**

Section 17.25.070.B.7. is amended to read and Table 17.25.070.B. is proposed to be added to the Development Code, as follows:

B. Parking for single family residential zones and uses

7. The minimum driveway width for a single family residence shall be 12 feet, and the maximum driveway width at the street shall be 24 feet. Driveways for garages accommodating 3 or more vehicles shall be tapered down to the maximum allowable driveway widths within three (3) feet of the property line. The maximum number of allowable driveways shall be as stated below in Table 17.25.070.B.

**Table 17.25.070.B.
MAXIMUM NUMBER OF ALLOWABLE DRIVEWAYS**

Length of Primary Street Frontage	Total Number of Driveways per Primary Street Frontage	Total Number of Driveways per Side Street Frontage	Maximum Cumulative Width of Driveways per Street Frontage
Less than or equal to 60'	1	1	24'
Over 60' up to and including 90'	2	1	24'
Over 90' up to and including 120'	2	1	36'
Over 120'	2	1	48'