



CITY OF
BIG BEAR LAKE *California*

ORINDNANCE NO. 2022-501

ORDINANCE AMENDING TABLE 17.35.040.A (ACCESSORY USES AND STRUCTURES PERMITTED IN COMMERCIAL AND PUBLIC ZONES) TO ALLOW CONSIDERATION OF DEMONSTRATION AREAS, SUBJECT TO A CONDITIONAL USE PERMIT, IN THE C-2, C-3, & C-4 ZONE DISTRICTS CITYWIDE, AND FINDING THE AMENDMENT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, on August 10, 2021, Jason Murchison (“Applicant”) filed a Pre-Development application proposing a Demonstration Area to an existing ski/snowboard rental business for early evaluation and input on the proposal in advance of a formal application submittal; and

WHEREAS, on November 17, 2021, Jason Murchison (“Applicant”) filed Development Code Amendment 2021-150 (“Application”) requesting approval for the addition of a “Demonstration Area” to the accessory land use table 17.35.040.A within the Development Code (“Project”); and

WHEREAS, the Application is applied citywide, to all properties within city limits zoned Commercial-General (C-2), Commercial-Visitor (C-3), and Commercial-Recreation (C-4) within the Development Code and designated as Commercial General (CG), Commercial Visitor (CV) and Commercial Recreation (CR) within the General Plan; and

WHEREAS, section 17.03.200 of the Development Code includes provisions for amendments to the Development Code; and

WHEREAS, a Demonstration Area is described as an accessory use to an existing retail or rental business such as Ski/Snowboard Rentals, Bicycle Rentals (electric, mountain, road, etc.), Watersport, Team Sports, and other related outdoor equipment rentals. While not the primary focus of the business, the demonstration area presents an opportunity for consumers to test equipment and learn proper function in a controlled environment. General admission or free-use of the designated area will not be permitted as an accessory demonstration area. Use of the demonstration area shall be included in the typical operations of a rental businesses with the added benefit of testing functionality and operation only; and

WHEREAS, public notice of the public hearing for Development Code Amendment 2021-150 was published in *The Grizzly* on January 05, 2022, posted in three public places and advertised on the City’s website; and

WHEREAS, on January 19, 2022 the Planning Commission conducted a duly noticed public hearing, and upon conclusion of the public hearing, took action to adopt Resolution No. 2022-01 by a vote of 4-0, recommending that the City Council approve the Application; and

WHEREAS, the Application is not subject to the California Environmental Quality Act (CEQA) because it is covered by the “common sense” rule expressed in section 15061(b)(3) of the State CEQA Guidelines that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. The proposed amendments will not result in any change to the built-out environment as envisioned by the General Plan or Development Code and it can be

seen with certainty that there is no possibility that the proposed activity may have a significant effect on the environment; and

WHEREAS, public notice of the public hearing for the Application was published in *The Grizzly* on February 23, 2022; and

WHEREAS, on March 7, 2022, the City Council conducted a duly noticed public hearing on the Application and concluded the hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution 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 above recitals of this ordinance, are true and correct.

Section 2. The City Council hereby finds that the Application is not subject to the California Environmental Quality Act (CEQA) because it is covered by the “common sense” rule expressed in section 15061(b)(3) of the State CEQA Guidelines that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. The proposed amendments will not result in any change to the built-out environment as envisioned by the General Plan or Development Code and it can be seen with certainty that there is no possibility that the proposed activity may have a significant effect on the environment.

Section 3. Based on the evidence for the Application presented to the City Council during the March 7, 2022 public hearing, including public testimony and written and oral staff reports, the City Council specifically finds that the following circumstances exist:

1. *The proposed Development Code amendment conforms with the goals, objects, and policies of the General Plan;* The proposed amendment is consistent with the General Plan Land Use Element goals, policies, and intentions for the Commercial General (CG), Commercial Visitor (CV), and Commercial Recreation (CR) designations. Specifically, the amendment is consistent with Land Use Policies L1.1, L1.2, L1.3, L1.7, L2.3, and L4.3. The accessory use is complimentary to visitor-serving uses for entertainment and recreation purposes.
2. *The proposed Development Code amendment is necessary to implement the General Plan and to provide for public safety, convenience, and/or general welfare;* The Development Code amendment is proposed to update and maintain a necessary list of uses, businesses, and activities throughout the development of the City. Additionally, this type of use is intended to provide instruction for the public safety, convenience, and general welfare of visitors renting or purchasing recreational equipment to ensure proper and safe use.
3. *The proposed Development Code amendment conforms with the intent of the Development Code and is consistent with all other related provisions thereof;* The Development Code amendment process is appropriate for this new use for its relation to accessory type uses. Since a Demonstration Area would not be supported as a principal primary (stand-alone) land use, it is considered an accessory use and could potentially support a variety of primary uses. A differentiation was required from similar primary uses, and therefore a new accessory use is proposed. This amendment is consistent with Development Code


requirements for determinations on unlisted uses as well as the requirements for the addition of unlisted uses.

4. *The proposed Development Code amendment is reasonable and beneficial at this time;* The proposed amendment is initiated by a person/entity having legal interest in property within the City, pursuant to Section 17.03.200. As such, the City is responsive to the particular interest at this time. However, the amendment would be applicable citywide so that all appropriate primary uses have the same opportunity to provide the additional services to their customers, as appropriate.


Section 4. Based on the findings and conclusions as set forth above, the City Council hereby recommends that the Application is exempt from CEQA and adopts an ordinance approving Development Code Amendment 2021-150, as provided in Exhibit 1, and as described herein,

Section 5. The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within 15 days after its adoption or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five days before its adoption and again within 15 days after its adoption.

PASSED, APPROVED AND ADOPTED this 4th day of April, 2022.



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. 2022-501 is a full, true and correct original of Ordinance No. 2022-501 of the City of Big Bear Lake entitled:

ORDINANCE AMENDING TABLE 17.35.040.A (ACCESSORY USES AND STRUCTURES PERMITTED IN COMMERCIAL AND PUBLIC ZONES) TO ALLOW CONSIDERATION OF DEMONSTRATION AREAS, SUBJECT TO A CONDITIONAL USE PERMIT, IN THE C-2, C-3, & C-4 ZONE DISTRICTS CITYWIDE, AND FINDING THE 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 4th day of April 2022, and that the same was so passed and adopted by the following vote:

AYES: Putz, Melnick, Lee, Mote, Herrick
NOES: None
ABSTAIN: None
EXCUSED: 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. 2022-501 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

EXHIBIT 1
REDLINE VERSION
Proposed Text Changes to Development Code Amendment 2021-150

Proposed changes for the affected section of the Development Code are shown in underline for added language and ~~striketrough~~ for deleted text below:

Table 17.35.040.A Accessory Uses and Structures Permitted in Commercial and Public Zones

ACCESSORY USES BY ZONE	C-1	C-2	C-3	C-4	C-5	P
<u>Demonstration Area (outdoor area used for demonstration of rented equipment onsite, not open for general admission)</u>	-	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	-	-

CUP = permitted subject to approval of a Conditional Use Permit pursuant to Section 17.03.170.