



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE: October 4, 2018**

**AGENDA ITEM 2**

**Project Description**

**Vicinity Map -**

**APN:** 0304-082-04; 0304-091-012, 021, 022  
**Applicant:** RCK Properties, Inc.  
**Community:** Big Bear/Fawnskin/3rd Supervisorial District  
**Location:** North and south of North Shore Drive (Highway 38), approximately 180 feet east of Canyon Road.  
**Project No:** PH1107601  
**Staff:** Tom Nieves, Contract Planner  
**Rep:** Michael Perry  
**Proposal:** General Plan Amendment to change the Land Use Zoning District from Bear Valley/Rural Living – 40 acres (BV/RL-40) to Bear Valley/Single Family Residential (BV/RS-20m) on 62.43 acres. Tentative Tract Map No. 16136 to create 50 single-family residential lots with a minimum area of 20,000 square feet and 8 lettered lots.



**8 Hearing Notices Sent on : September 21, 2018**

Report Prepared By: Tom Nieves, Contract Planner

**SITE INFORMATION:**

Parcel Size: 62.43 Acres  
 Terrain: Undulating slope Site elevations range from 6,747' to 6,960' above mean sea level (MSL) with slopes ranging from 5% to 40%.  
 Vegetation: Jeffrey pine, white fir, Incense cedar, pinyon pine and black oak, scattered chaparral shrubs, willow, cottonwood.

**TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:**

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Vacant	BV/RL-40
North	Single Family Residential	BV/RS; BV/RL-10
South	Vacant/Big Bear Lake	BV/RS
East	Forest Service Lands	BV/RC
West	Single Family Residential	BV/SD-RES

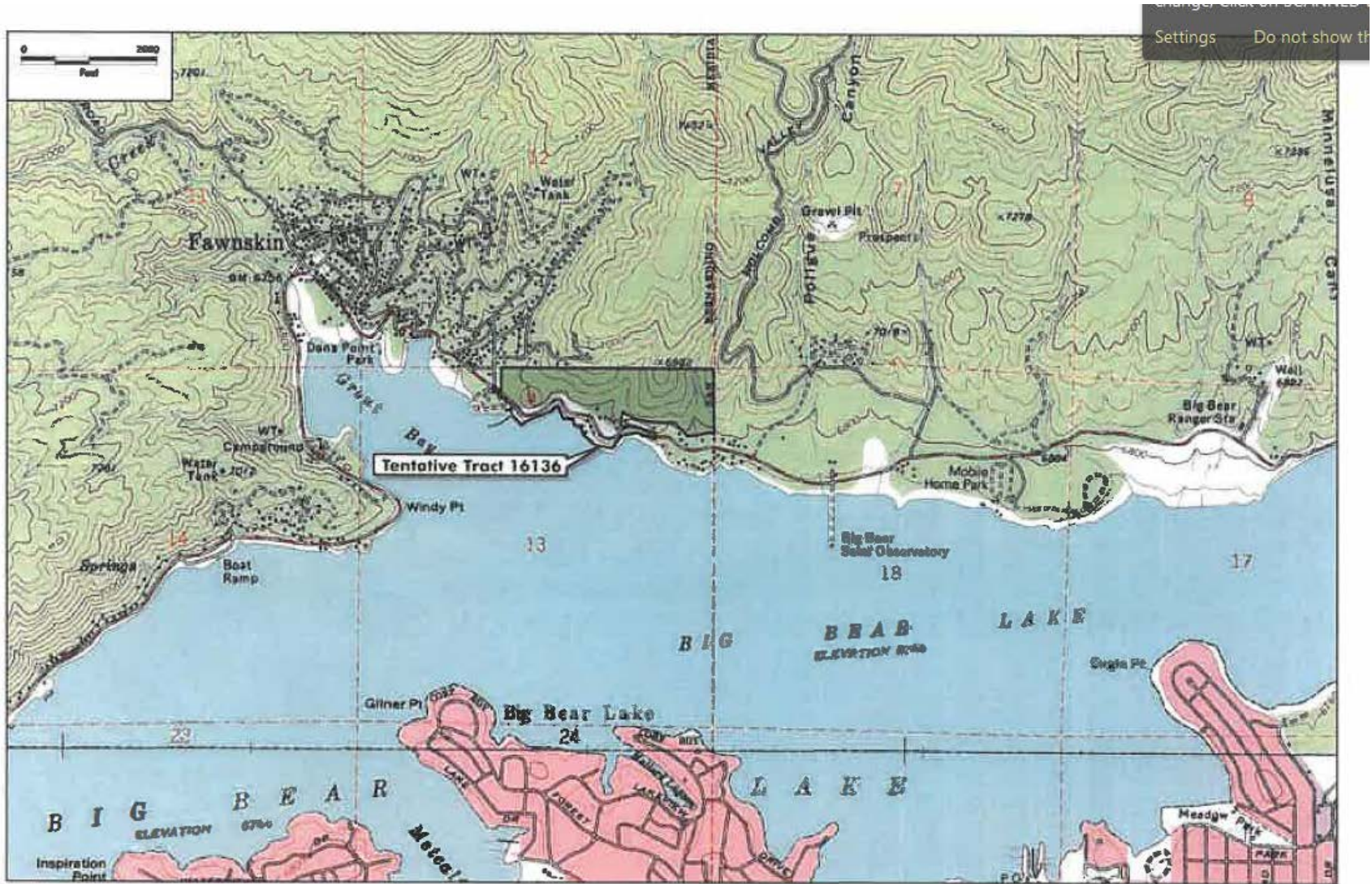
	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	None	Bear Valley Community Plan
Water Service:	City of Big Bear Lake-Depart. of Water and Power	Will-Serve Letter Received
Sewer Service:	County Service Area (CSA) 53B	Will-Serve Letter Received

**STAFF RECOMMENDATION:** That the Planning Commission **RECOMMEND** that the Board of Supervisors **CERTIFY** the Environmental Impact Report, **ADOPT** the Findings of Fact and Statement of Overriding Consideration **APPROVE** the General Plan Amendment, **APPROVE** Tentative Tract Map No. 16136, and **FILE** a Notice of Determination.

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**VICINITY MAP:**  
Aerial view of the Project Site

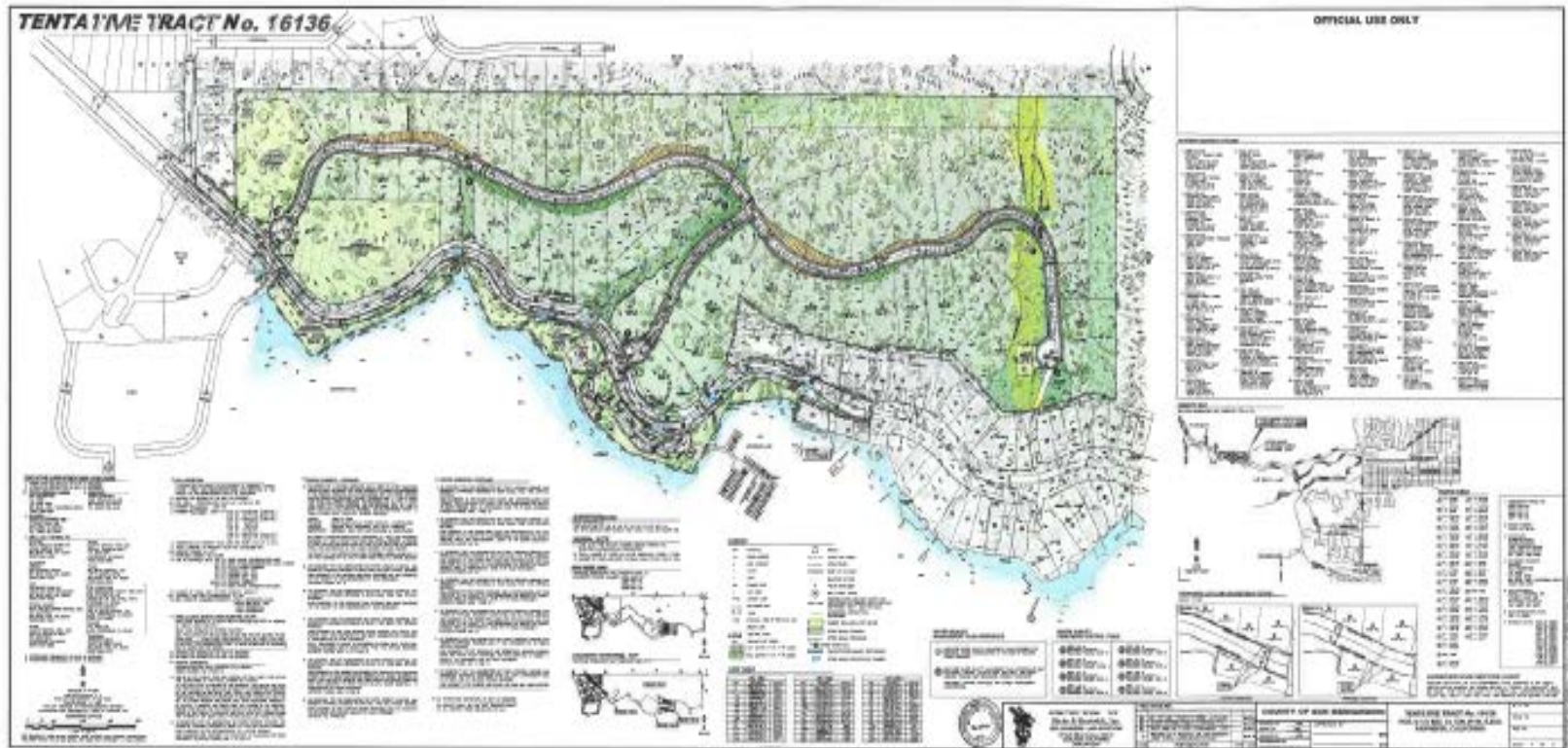




## OFFICIAL LAND USE DISTRICT MAP



TENTATIVE TRACT MAP NO. 16136



## SITE PHOTOS



**A** From State Route 38, looking north. Existing vegetation and slope of mountainside.



**B** View of Jeffrey Pine trees and associated vegetation on the project site.



**C** Looking southerly from north of State Route 38 across the project site.



**D** View to the east along State Route 38.





**E** Looking south westerly from State Route 38 across the lake.



**F** Views of the project site from Oriole Lane located to the west of the project site.

**PROJECT DESCRIPTION:**

The applicant proposes to amend the General Plan Land Use Designation from Bear Valley/Rural Living – 40 acres (BV/RL-40) to Bear Valley/Single Family Residential (BV/RS-20m) on 62.43 acres. Also proposed is Tentative Tract Map No. 16136 which will create 50 single-family residential lots with a minimum lot size of 20,000 square feet, an average lot size of 39,000 square feet and a range of lot sizes from 20,000 square feet to 2.7 acres. It is the intent of the applicant to implement a lot sales program for the construction of custom homes. A homeowners association will be established for maintenance of common areas and private streets.

Additionally, the tentative tract map will create eight (8) lettered lots, as follows:

- Lots A and H                      Open Space Conservation Easement
- Lot B                                Open Space Neighborhood Lake Access
- Lot C                                HOA Marina Parking
- Lots D, E, and F                Well Sites
- Lot G                                Private streets

**BACKGROUND:**

The application originally filed (“Original Project”) with the County in 2004 and proposed 92 residential lots with a minimum lot size of 7,200 square feet, consistent with existing residential development to the north, northwest and southeast of the project site. The Original Project also proposed to realign North Shore Drive (SR-38). The Original Project design included 31 residential lakefront lots, south of the realigned North Shore Drive. In 2005, a Draft Environmental Impact Report (“EIR”) was prepared and circulated for public review. However, the Original Project received significant opposition and did not proceed to public hearing.

**Current Project Design:** The applicant subsequently submitted an alternative proposal (“Alternative Project”) in 2010. The Alternative Project reduced the number of proposed residential lots from 92 to 50, increased the minimum lot size from 7,200 square feet to 20,000 square feet, eliminated the originally-proposed realignment of North Shore Drive (SR-38) and eliminated all originally-proposed lakefront lots. All residential lots within the proposed gated community are north of SR-38 with a marina parking lot and neighborhood lake access being provided on the lakeshore area south of SR-38.

It should be noted that Cal Trans submitted a letter to the County in July of this year requesting that a number of design changes be made to SR-38. The requests involved (1) the addition of left turn lanes on SR-38 into the project, (2) a turn-around at the marina entrance, (3) and pedestrian access across SR-38 between the residential area to the marina. The applicant will comply with requests to provide the left turn lanes and the turn-around but sees the uncontrolled pedestrian access as a safety concern. The applicant proposes to address the pedestrian crossing issue via HOA rules and access signage. Condition of Approval No. 127 will ensure compliance with Cal Trans request to provide left turn lanes to SR-38 and Revised Condition of Approval No. 104 will ensure that the turn-around design features are implemented at the entrances to the marina. New Condition of Approval 110A will ensure that an acceptable pedestrian crossing of SR-38 is provided.

Pertinent details about the revised EIR prepared in regards to the Alternative Project are discussed below.

**ANALYSIS:**

The Project site is located within the Bear Valley Community Plan area. From an historical standpoint, as discussed in Section BV 1.2.2 of the 2006 Bear Valley Community Plan, several large parcels of

undeveloped private property, including the proposed Project site, were recognized as suitable for future residential development but were lacking the infrastructure and public facilities necessary to serve development. To address this issue, the County assigned residential land use designations to these properties, but with very low density of development allowed. As stated in the 2006 Bear Valley Community Plan, Section BV 1.2.2, *“Appropriate density of future development was intended to be considered at the time that specific development proposals were submitted. Individual projects would address the availability of adequate water supplies, traffic circulation and other infrastructure to support the individual project’s proposed density of development. This concept came to be known as the “Holding Zone” approach.”*

Consistent with the very low density “Holding Zone” approach mentioned above, the existing General Plan Land Use Zoning District designation is BV/RL-40, yielding one dwelling unit per 40 acres. The Bear Valley Community Plan (Goal BV/CI 5.) stresses the permitting of development only when adequate infrastructure, public services, facilities and utilities are available to serve the development. Regarding said services, the primary issue facing the proposed Project is the availability of a domestic water supply. The applicant has successfully secured assurance of domestic water service from the City of Big Bear Lake Department of Water and Power. Sewer service will be provided by the Board of Supervisors governed County Service Area 53-B. Electric, natural gas, telephone and television facilities are available to serve the Project site. Solid waste collection services also currently serve the area. Circulation and access to the Project site is achieved with existing direct access to North Shore Drive (SR38). Some services may be subject to the payment of fees and/or construction of necessary improvements by the developer.

The proposed residential development is consistent and compatible with the existing residential development surrounding the Project site. Through extensive redesign of the Project, the applicant has reduced or avoided the environmental impacts identified with the 2005 proposal, with the exception of impacts to the Bald Eagle.

The Findings for the General Plan Amendment and Tentative Tract Map provides a comprehensive discussion regarding the Project’s consistency with the County General Plan and the Bear Valley Community Plan. The CEQA Findings and Statement of Overriding Considerations, Section 6, pages 38 to 45, also provides additional consistency discussion from an environmental standpoint.

### **CEQA COMPLIANCE/ENVIRONMENTAL DOCUMENTATION:**

In **2005**, as noted above, the Original Project (92 residential lots) was processed and a Draft EIR was prepared and circulated for public review and comment. The Original Project would have resulted in significant adverse and unavoidable environmental impacts in the following areas:

- Aesthetics – Loss of views of the lake and mountains resulting from the development of the proposed lakefront lots;
- Air quality – Short-term construction impacts and long-term impacts;
- Biological Resources - Noise and impacts to perch tree use affecting Bald Eagles;
- Water supply - Groundwater supply and water service availability were inconclusive.

In **2006**, a Final EIR (“2006 Final EIR”) was prepared, but the Original Project did not proceed to public hearing and the EIR was not certified.

In **2010**, the Alternative Project was proposed, reducing the residential lots from 92 to 50, increasing the minimum lot size to 20,000 square feet, eliminating the realignment of North Shore Drive (SR-38), and removing all lakefront residential lots.

The County prepared the 2010 Revised and Recirculated Draft EIR No.1("RRDEIR No. 1"). The County received and responded to numerous letters and comments (See Section 2 of the 2018 Final EIR). Recirculated sections include Aesthetics, Air Quality, Biological Resources, Hydrology and Water Quality, Land Use Planning, Noise, Public Services and Utilities, Traffic and Circulation, Cumulative Impacts and Alternatives. All impacts were found to be less than significant or mitigated to a less-than-significant level, with the exception of impacts to Biological Resources.

In **2011**, a minor redesign of the proposed subdivision in response to new findings and conclusions of the Supplemental Focused Special Status Plant Species Survey constituted "significant new information" as defined by Section 15088.5 of the CEQA Guidelines, and required a partial recirculation of the RRDEIR No. 1. The County prepared the 2011 Revised and Recirculated Draft EIR No. 2 (RRDEIR No. 2), focusing on the impacts to Biological Resources, specifically related to the ashy-gray Indian Paintbrush. The County received and responded to comments and letters regarding the potential impacts identified in the Draft EIR (See Section 3 of the 2018 Final EIR).

In **2018**, the County completed the 2018 Final EIR, comprised of the 2006 Final EIR, the RRDEIR No. 1, RRDEIR No. 2, all comments received, responses to comments, and associated technical appendices. It includes prepared focused surveys which update the information describing the biological conditions on the Project site and the potential impacts. An Errata is provided (See Section 4 of the 2018 Final EIR) summarizing changes, additions and minor corrections made to the RRDEIR No. 1 and RRDEIR No. 2.

The Project has addressed all potential environmental impacts identified and required mitigation measures have reduced those potential impacts to a less-than-significant level, except for the sole exception for the unavoidable adverse impacts on the Bald Eagle. A Statement of Overriding Considerations regarding this impact is offered for consideration.

**RECOMMENDATION: That the Planning Commission RECOMMENDS the following actions to the Board of Supervisors:**

- A. CERTIFY** the Environmental Impact Report;
- B. ADOPT** the Findings of Fact and Statement of Overriding Considerations as contained in the Staff Report;
- C. ADOPT** the recommended findings for approval of the General Plan Amendment and Tentive Tract Map No. 16136 as contained in the Staff Report;
- D. ADOPT** the General Plan Amendment;
- E. APPROVE** Tentative Tract Map No. 16136; and
- F. FILE** a Notice of Determination.

**ATTACHMENTS:**

- Exhibit A: Tentative Tract Map
- Exhibit B: Conditions of Approval
- Exhibit C: Final Environmental Impact Report & Appendices  
Please follow link (documents listed under 'Moon Camp 2018'):  
<https://cms.sbcounty.gov/lus/Planning/Environmental/Mountain.aspx>
- Exhibit D: Mitigation Monitoring Reporting Program
- Exhibit E: CEQA Findings and Statement of Overriding Considerations
- Exhibit F: GPA and TTM Findings

# EXHIBIT A

## Tentative Tract Map

Tentative Tract Map  
August 14, 2017



Tentative Tract Map  
August 7, 2018  
(Caltrans comments addressed)