

«40%), and forty percent (40%) or greater; (C) The area, in acres, shall be tabulated for each category.'

The 2004 code has even more stringent requirements and declares all areas within the National Forest to be FR1. Therefore all of these slope analyses must be done and included in the EIR.

- With slopes going up to 40%, there are clearly areas in the proposed project site that have slopes over 30% and County code requires that slopes over 30% must have a minimum of 3 acre lot sizes, yet none of the lots in this proposal show lots sizes of the minimum 3 acres, or even close to that. This proposal is clearly invalid and out of compliance with county code. FOF b-9
- The project description continues to use site descriptions that were created for earlier drafts of the DEIR, including an average density of 44.4 trees per acre, plus the relative sizes of open Jeffrey pine forest and pebble plain. Since many trees on the property have died and been cut since those descriptions were created, they are no longer valid and must be updated. FOF b-10
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- The Re-circulated DEIR seems to be purposely misleading in some cases. Examples include:
  - All places where the surrounding property uses are specified fails to mention that project is bounded by housing on less than 39% of it's borders and that the majority (over 60%) of the boundaries of the project are either National Forest or lakefront. That majority increases even more if the undeveloped private lands are not counted as housing. Calling this project infill, along with this omission misleads the public and officials. FOF b-12
  - The original DEIR noted four major jurisdictional drainages (Exhibit 5.8-2), but the re-circulated one has omitted the west-most drainage (Exhibit 2-5), perhaps because that is where the developers are proposing to put the road they want to add. There is no mitigation offered nor acknowledgement of any kind of its existence even though this drainage is still on the property and was designated as such in the original EIR. FOF b-13
- There are areas from the original EIR that were declared to have insignificant impacts and therefore not reanalyzed in this DEIR. For some of these areas, this is an invalid assumption since conditions have changed since the original EIR. For example, in the area of Recreation, there is a launch ramp proposed, but no discussion of inspections for the invasive mussel, nor evaluations of the potential very significant impacts of having a launch ramp without proper inspection. The EIR must analyze the environmental impacts associated with the construction and operation of this launch ramp. FOF b-14
- None of the sections of the DEIR evaluated the air quality degradation, the noise pollution, the severe impacts to aesthetics and the impacts to traffic and parking for the major construction of water pipelines through many of the main roads of residential Fawnskin that would be required to build the infrastructure, especially water, for this proposed project. The EIR identifies these impacts as "temporary" but fails to provide any analysis to support this conclusion. This major omission alone makes the impacts in all of those areas rise above the level of significance. FOF b-15
- The DEIR misquotes the date as 2003 when this project was initially proposed. The first notice went out to the public in July 2001. FOF b-16

## Aesthetics

It is the north shore that gives Big Bear its premier natural appearing landscape. The north shore of Big Bear Lake is the jewel of Big Bear Valley and one of the primary reasons that visitors and residents come. Even skiers at the resorts on the south side of the lake benefit from the beautiful views that can be viewed across the lake and this view is what makes much tourism possible here. This aspect of the aesthetics has been severely underestimated in this DEIR.

- The statement that the "view envelopes for existing residences ... are kept open to the greatest extent possible by reducing the number of lots..." is untrue. Keeping the zoning as it currently stands keeps the viewsheds much more open than the current proposal. Also, the developer has no control over where the owners would choose to build their home within their lot once the lot is sold. FOF b-17
  
- The statement on page 4.1-1 that "The overall visual effect is almost park-like rather than wild in nature" shows the gross misunderstanding of this area of the authors of this DEIR. That view is what wild nature looks like here. Across the valley there are many areas that are open as a natural state. This skewed statement of the basis for comparison serves only as setup for understating all impacts on aesthetics. FOF b-18
  
- On page 4.1-3, the text claims that the eye is drawn to the lake in Exhibit 4.1-2 rather than to the homes, but a quick survey shows that every single person asked notices the homes first rather than the lake. Replacing a wild natural setting with a subdivision would be a significant visual assault. The EIR's evaluation of this visual impact is grossly understated and invalid and must be revised. FOF b-19
  
- The changes that would be created even by this proposed down-sized project results in the exceedance of at least three of the thresholds of significance, including:
  - 1) substantial damage to scenic resources;
  - 2) substantial degradation of the existing visual character
  - 3) creation of a new source of substantial light or glare which would adversely affect nighttime views,The EIR does nothing to analyze these impacts compared with what currently exists. It only states that the view would be less degraded than with the previous proposal. Simply being less than the previous proposal does not make it less than significant. This evaluation is faulty and invalid. FOF b-20
  
- Exhibits 4.1-2 and 4.1-8 show structures with small footprints and low building height and say that the view changes are less than significant. Even with this minimized visual simulation, the view changes are significant, but more so, there is no limitation on size of footprint or height of the homes, so this evaluation grossly understates the potential change and is therefore faulty and invalid. FOF b-21
  
- The DEIR states that the marina docks would be moved in the winter, but does not disclose where they would be stored. Where would the docks be moved to? What impacts, aesthetic and otherwise, would their storage have on that location? The DEIR states that the marina docks would be moved in the winter, but does not disclose where they would be stored. Where would the docks be moved to? What impacts, aesthetic and otherwise, would their storage have on that location? FOF b-22

- There is no enforcement for the mitigations offered for reducing glare and nighttime lighting beyond what the builder may have approved to install in the original plans. Since CC&R's are not enforced at all in similar nearby development, what enforcement guarantees are being offered to assure that the glare is less than significant for the long term? The County has an ordinance in place now but does not enforce its requirements for existing homes. The EIR provides no assurance that the CC&Rs it will be enforced on future ones sufficiently to declare this impact less than significant. FOF b-23
  
- Does the project plan call for all utility lines to be buried? If not, why are utility lines not included in the simulation photos of the area after development? FOF b-24
  
- The simulated view of the marina and docks (Exhibits 4.1-4 and 4.1-6) is completely invalid in giving representation of the significance in the view change since it does not include boats in the docks and cars and boat trailers in the parking lot. In addition, it does not include a view from the shoreline of the National Forest property east of the currently existing homes. This evaluation grossly understates the significance of this change and is therefore faulty and invalid. FOF b-25
  
- The landscape buffers that are discussed as mitigations to the significance of the changes in viewshed take decades to grow. The EIR completely ignores the view changes in the near future and is therefore faulty and invalid as any reduction in significance. FOF b-26
  
- The simulated views from the lake showing structures are extremely misleading in that the views shown are those looking at the eastern end of the proposed development where the set asides for pebble plain and for public lake access are proposed. To give a proper evaluation, these photo simulations should be of the middle of the proposed project, with all the homes with cars in the driveways and parked on the roads and with boats and boat trailers in the docks and marina parking. This evaluation grossly understates the potential significance of this change and is therefore faulty and invalid. FOF b-27
  
- The analysis on page 4.1-5 regarding lighting does not take into consideration the current extreme dark skies and the fact that there are almost no streetlights in the current neighborhoods. In fact, bulbs have been removed from many existing streetlights at the request of the residents. While pointing the lights downward may offer some form of mitigation in an urban setting, it does nothing to mitigate for the proposed project's significant impact on the region's cherished dark skies. This mitigation is insufficient and the impact remains significant. FOF b-28
  
- Page 4.1-6 states that the existing scenic highway overlay requires that "Placement of buildings and structures shall be compatible with and should not detract from the visual setting or obstruct significant views." How will this be enforced? Who determines whether a particular placement will obstruct a significant view and if so determined what is the remedy? If the buildings are expected to be so compatible with the visual setting as to be unobtrusive, why are landscape buffers needed to hide them? FOF b-29
  
- Page 4.1-6 states that in the scenic highway overlay, project design should also provide for the maintenance of a natural open space which should be visible from the right-of-way. Natural open space does not refer to the space between houses. How do lots that require homes to be built on the land extending into the curve of the right-of-way as shown in exhibit 4.1-2 meet that criteria in any way? FOF b-30

- When considering potential development in Fawnskin, it is imperative to distinguish between normal city sprawl versus small mountain communities. Typically, when cities expand there seems to be much less overall concern regarding use of land: bigger is better. Cities then become more diverse, more viable. Building is the fabric of the city; not so in the forest. In mountain communities the availability of ample natural resources provides sustenance and sustainability. When the resource diminishes, the population struggles. One of those resources is the aesthetics of the North Shore. The expanded significance of this perspective and the tourism viability of the Valley has not been considered in evaluating the significance of the impacts of this proposed project on the aesthetics of the area. FOF b-31
- At some point, community saturation can occur where the area, due to overbuilding or the loss of habitat or resource, can no longer sustain even minimal growth. Logic then dictates to curtail expansion while maintaining and preserving what remains. The analysis of where that saturation point is for Fawnskin and the North Shore, based on natural resources has not been analyzed in the DEIR and must be taken into consideration in determining the significance of the proposed project impacts on the aesthetics. FOF b-32
- In a county scenic byway corridor that uses criteria of "maintenance of a natural open space," implying that the "color and interest" added by the marina to the shoreline in any way reduces the significance of the aesthetic impact of this proposed development is simply misleading and untrue. The proposed construction project would be a permanent blight on the natural open space near the lake and beyond the scenic highway in a negative manner. The marina, however colorful or interesting, without doubt increases the significance of the aesthetic (and other) impacts of this proposed development and must be evaluated as such. FOF b-33
- Currently there are ample opportunities to park and view the lake before, within, and after passing through the town of Fawnskin. New construction would diminish the existing visual quality and character of the area that is already saturated with buildings and population. A new marina would only irritate and disturb this situation further. The visual impression of the added residential development, in addition to the marina, would create a very significant impact on aesthetics and this impact has been severely downplayed in the EIR. FOF b-34
- The additional traffic, congestion, trash, loitering, etc. from the project would directly diminish the existing visual quality and character of the area. None of this has been evaluated in the DEIR. It must be addressed and taken into consideration in determining the significance of the total impacts on aesthetics. FOF b-35
- By rezoning to allow this development, the aesthetic resources of the area will not be protected, preserved, nor enhanced, which disregards the intent of the SR Overlay District. Any construction, by definition, is incompatible with open spaces and their visual setting. All structures, roads and curbs, pedestrian walkways, parking and storage areas, along with lighting (low intensity or not), and signs are incompatible with open spaces. The analysis in the DEIR completely overlooks this aspect of the aesthetics. It must be taken into consideration in determining the significance of the proposed project on aesthetics. FOF b-36
- The EIR indicates that the proposed project includes streetlights and curbs. There are few streetlights and no curbs in Fawnskin. Such urban type design features would be entirely out of character with the surrounding community. They would significantly impact the existing aesthetics of the area creating an entirely different type of neighborhood than any currently existing in Fawnskin. It would create a new source of substantial light and glare and therefore crosses the threshold of significant impact on aesthetics. FOF b-37

- Each proposed house is to have a two-car garage and two visitor-parking places. Where would a boat trailer and/or an RV be parked? There is not ample parking in the marina parking and increasing the size of that would increase already significant impacts to bald eagles, to the shoreline habitats of southwestern willow flycatchers and to the overall aesthetics. Many of these trailers would most likely be parked along the streets of the development or on the highway, again intensifying significance of the impacts. None of this has been considered in the DEIR evaluations on significance of the impacts to aesthetics. FOF b-38
- The EIR states that short term rentals--less than 30 days—of the homes would not be allowed. Who will enforce this? Unless this is proven that it can and will be fully enforced, this is not an effective mitigation. FOF b-39
- The DEIR suggests that all trees are to be saved that are 20 inches in diameter measured four feet above the ground. Why don't they mark all the trees that are to be removed? Who will stop a purchaser of one of the lots from cutting down trees that are to be preserved? FOF b-40
- The developer plans to install a launch ramp. The parking lot does not provide parking places for a vehicle with a boat trailer. A marina with a launch ramp must provide parking places for vehicles with trailers. People will just take two or more spaces rather than go to their homes, unhitch and drive back to the marina and do the reverse when they are done. None of this has been considered, discussed or accounted for in determining the impact on aesthetics and must be added into the significance determination. FOF b-41
- This proposed development is completely contrary to the General Plan controls for a Scenic Highway Overlay which include "expanding the established right-of-way to extend 200 feet to either side, measured from the outside edge of the right-of-way." FOF b-42
- Even though mitigation A-2a notes that all homes shall provide a two-car garage, there is no mitigation, nor way of enforcing that residents put their vehicles in the garage. This mitigation is irrelevant in reducing the significance of the impacts. FOF b-43
- Mitigations A-2b, A-2c and A-2d have no practical way of being enforced and would there be ineffective in reducing the significance of the impacts. FOF b-44
- For Mitigation A-2e, how will it be assured that all future building inspectors have this information? FOF b-45
- Lots A through D are supposed to be set aside for natural habitat and open space, yet mitigation A-3b talks about getting landscape and revegetation plans for them approved. If they are natural open space, what landscaping and revegetation is being proposed for these lots and why? If they are disturbed in any manner, these lots certainly would not be considered effective mitigation sites. FOF b-46
- The County ordinance for dark skies has not been included anywhere in the DEIR evaluation. Do the added lights and glare from this proposed project comply with this ordinance? The EIR must provide this analysis. FOF b-47
- How will mitigation A-4r (and the previous mitigations it addresses) be enforced when the CC&R's expire? What guarantees are there that the CC&R's will not be changed over time by the homeowners' association? FOF b-48