

For these reasons, the proposed general plan amendment and zoning change fail to meet the fourth requirement as well as the preceding three conditions.

FOF b-126

The discussion above shows how the Moon Camp proposal fails to meet any of the four conditions required by the County for approval of general plan amendment and zoning change. For a zoning change recommendation, the EIR must address each of the County's four criteria above to show how a zoning change would be in compliance. Without that, there is substantial basis for the proposal not to be approved.

Some additional comments on the details of the Land Use section of the DEIR:

- Page 4.5-12 states that Exhibit 2-4 shows the required 100-foot fuel modification zone, but it does not.
- The statement on page 4.5-12 discusses the Fire flow storage capacity, but nowhere does it discuss the danger of storing this amount of water for long periods of time due to potential bacteria contamination. The Big Bear City CSD discusses concerns about this even for water storage of only a few days. How will this water be recycled and maintained free of harmful material?
- The second paragraph on page 4.5-13 is very misleading in its omissions and therefore arrives at an erroneous conclusion. The proposed project site does have steep topography, up to 40% slopes as defined by the DEIR itself, and it does have many other environmental constraints, including habitat of the bald eagle, endangered pebble plain habitat and habitat of the federally listed species, ashy grey paintbrush, as well as several other sensitive species. In addition, it has the environmental constraints of four major drainages, of being on a 50-year flood plain and of bordering the national forest and requiring 100-foot fire modification zone. The majority (over 60%) of the proposed project actually borders national forest and shoreline rather than homes. The claim that the proposed project has infrastructure adjacent to support it is also erroneous in that there is not water service available and very special situations and circumstances would have to be created to provide water service to the majority of this parcel. All of this fits the RL-40 designation perfectly.
- The much less density described in the third paragraph of page 4.5-13 does not meet the criteria of County standards which says that for slopes over 30%, a minimum lot must be 3 acres, not ½ acre. What justifications are there for ignoring this key fire hazard related requirement?
- On page 4.2-4, the DEIR states that the designation of RL-40 indicates that future development proposals will be considered based upon a demonstrated ability to provide adequate infrastructure and maintain consistency with the goals and policies of the Community Plan. The above discussion on zone change criteria shows that it would not be consistent with the General Plan goals and policies. Discussion points below under the sections Public Services and Utilities shows that there is not a demonstrated ability to provide adequate infrastructure. Therefore, this development proposal does not qualify for consideration.
- As discussed above, it has been shown that this proposed project conflicts with the County General Plan and the Development Code. Since this is one of the thresholds of significance, defined on page 4.5-6, the project's inconsistency with the General Plan and zoning

FOF b-127

FOF b-128

FOF b-129

FOF b-130

FOF b-131

FOF b-132

constitutes a significant impact. The DEIR compares this proposed project with the original but does not discuss the Project's compliance with County code.

↑
FOF b-132

- Given the list on page 4.5-6 for the Bear Valley Community Plan, this project would be inconsistent with all three of the listed provisions. Consequently, this inconsistency with the Bear Valley Community Plan constitutes a significant impact. The predetermined General Plan land use policy has zoned it RL-40 and as discussed above, the proposal does not meet any of the four conditions required for a change in zoning. Since over 60% of the boundaries are either National Forest or shoreline, it is incompatible with the surrounding areas. Also, many of the proposed project's features, including the private marina, are inconsistent with the community character.
- The statement on page 4.5-11 that reducing the size of the project and the mitigation measures in Aesthetics and Biological Resources would adequately address the potentially significant impacts to land uses that rely on scenic resources is invalid since many of the mitigations listed, such as putting out flyers, have little to no value in reducing the potential impacts. Unless these mitigations can be demonstrated to actually reduce impacts (and so far the experiences in Big Bear Valley demonstrate that they do not), the potential impacts remain significant.
- Several of the lots would actually be undersized for the requested zoning if set asides were done in a way that actually created proper mitigation. The 100-foot fuel modification area, per County Development Code regulations (see Public Services section) should be designated as common open space rather than being counted as part of the lots. Also, the jurisdictional drainages (including the one that has been omitted in the new DEIR even though it was marked in the original one) should be designated as conservation areas rather than being considered part of someone's yard (see comments in Biological Resources.) This makes lots 23-26 undersized, as well as lots 41 (because it is split across the drainage), 42 and possibly 43.

FOF b-133

FOF b-134

FOF b-135

The potential impacts to Land Use from this proposed project clearly remain significant.

FOF b-136

Noise

The draft Environmental Impact Report addresses noise factors and considerations beginning at page 4.6-1. As with the other portions of this draft report, the document primarily focuses on changes from a previously proposed 92-lot project instead of focusing on the impact of changing the existing zoning and circumstances from one lot per 40 acres to the proposed 57 lots, 50 of which would be residential parcels. The report should be revised to more clearly address the change between one or two units, which is currently permitted by the zoning laws to the proposed 50 plus units. In this way, instead of claiming benefit from "mitigating" a project already found unacceptable the authors of the study would provide to the county and its staff data to adequately assess the change from one or two dwelling units under current zoning to 50 dwelling units and adjacent activity, as they are now proposing.

FOF b-137

- **Location of Project**

Next, the report is misleading and deficient in that it purports to evaluate impact of noise at the Stanfield cutoff and on Big Bear Boulevard, both of which are miles away from the proposed project site, as well as along North Shore Boulevard. To be an adequate source of information for the decision makers, the report should assess the current noise conditions in the project area, at the adjacent camp grounds, and on the adjacent residences and parks, and the adjacent

FOF b-138
↓

commercial property such as the Inn at Fawnskin. It ought to be of less concern to decision makers whether traffic along the Stanfield cutoff or Big Bear Boulevard would increase, or by how much, since the more significant generators of traffic in these areas are separate from the project. Further, the data provided in the noise appendix is based on a very small number of samples and on projections made from those samples. Since the projections of future noise levels with and without the project were based on such flimsy data, they are of little use in reaching a decision.

FOF b-138

Also, and perhaps more significantly, the study does not address the focusing effect which slope at the back of the project has on directing noise to adjacent residences along Flicker Drive, or back toward the highway. It makes no attempt to evaluate the impact of project noise on the forest service camp grounds which are less than one mile away from the proposed project site. An important feature of the Big Bear Valley economy is the attractive nature of camp grounds as support for fishing, camping, hiking and bicycling activity. The proposed project, in particular its proposed marina which is discussed later, is likely to significantly increase noise levels on the north shore of the lake near the camp grounds and the residential activities.

FOF b-139

- **Impact of Marina**

The county should also require that the report be re-done to consider the cumulative impact not only of the Moon Camp marina but of the current Cluster Pines/Marina Point project which is within one-half mile. Both projects are described as containing marinas and the proponents of this study should be required to consider, describe and propose mitigation measures to deal with the cumulative impact.

By using potentially misleading data such as average boats per day, when it is well known that peak usage occurs on weekends and holidays, the study minimizes motorized boat traffic noise and its impact, as well as minimizing the impact of jet skis or other personal water craft. The study further fails to adequately address the focusing impact a marina has on motor noise. Although it also is inadequate in describing the impact of water craft operated on the lake, it almost completely ignores the impact of focusing noise directly on one part of the shoreline as a result of locating a marina. It does not adequately break down or attempt to assess the added noise generated by a parking lot, loading and unloading of boats, starting up and provisioning of boats in the marina itself, and the inevitable near-shore approach from entering or leaving the proposed marina.

FOF b-140

Further, the report is defective in minimizing the impact of construction activity. The report several times refers to the project only as grading the existing roadways and fails to address fully the impact of constructing 50 homes. The likely noise impact from construction activities would be concentrated in the warmer months, when residents in adjacent areas are also more likely to have windows and doors open or to seek to use their yards, balconies or decks. Further, as the report acknowledges, there does not appear to be a simple way to limit construction activity to weekdays since applicable county ordinances permit construction on Saturdays. The report does not adequately address the fact that Fawnskin is a recreational area, with well over half the residences occupied by weekend residents, and construction on a Saturday therefore significantly impacts these users for half of the time when they would generally be using their properties. Weekend construction is likely to adversely impact recreational use of part time residences, risking adverse impacts on businesses not only in Fawnskin but throughout the Big Bear Valley if such construction activity curtails use by part time residents.

FOF b-141

The report fails to note that the construction noise is likely to be stretched over several years. Previous experience with other developments (some by this same developer) such as Castle Rock and Eagle Point shows that build-out occurs over multiple years rather than happening in a short, concentrated period after a project is started.

FOF b-142

The report should be revised to describe in some detail the number of sensitive receptors based upon actual sound measurements, given the channeling effect that the structure of the current property is likely to have. This noise impact should be evaluated not only from the

FOF b-143

standpoint of residences but also from the standpoint of wildlife in the adjacent national forest. If construction noise and activity disrupts feeding patterns or approaches to the lake, this noise impact ought to be considered a significant impact of the project.

↑
FOF b-143

- **General Plan Requirements**

The general plan noise element, as quoted in the report, is designed to limit exposure of the community to excessive noise levels by requiring local agencies to analyze and quantify noise levels and noise exposure, preferably through actual measurement. The plan requires that areas should be designated as noise impacted if exposed to existing or projected future exterior noise levels, and to ensure that new development of residential land is not permitted unless effective mitigation measures are incorporated to reduce noise levels. Further, commercial uses such as the proposed marina must demonstrate they will not exceed the performance standards in the general plan. Finally, the plan requires that county agencies prevent incompatible land uses by reason of excessive noise levels from occurring in the future.

FOF b-144

This report fails to adequately allow the county to review the information necessary to accomplish these goals. By constantly comparing the proposed project to the previous larger proposed project, it ignores the impact of adding significant construction activity over a period of several years, the impact of likely rental and visitor noise use during periods of peak use by other residents, and the noise very likely to be generated by the proposed marina. In this regard, it should be noted that the San Bernardino County noise standards deem residential areas adversely impacted if there is a 55-decibel noise level provided by a new proposed activity during the daytime and a 45-decibel level proposed at night. The proposed project is very likely to generate noises in excess of this amount.

FOF b-145

- **Construction Noise**

The draft EIR attempts to describe construction noise as temporary and ambient. This ignores the fact that construction of 50 lots, together with related grading, installation of roadways, sewers and utilities is likely to take several months and that this activity will not, as the project is described, be limited to periods when adjacent residents are least likely to be disturbed. The report does not point out the seasonal nature of the time when construction can occur in the Big Bear Valley and the fact that this seasonal warm weather period which allows construction to proceed also coincides with the peak period of usage of the valley by residents and tourists. It is well known that the Fawnskin area includes many homes occupied on a part time basis, primarily on the weekends, and more during summer periods than the winter. Even considering only the initial construction period when lots are graded, roads, sewers and utilities are constructed, much of the heavy and disruptive noise from such construction activities will be during the summer period when it is most likely to impact adjacent residents both because of greater usage and because doors and windows are left open and decks are occupied more in the summer. It should consider that camp ground use is greater in the summer. Further, the report does not adequately describe the longer term impact of construction, which is likely to take place on a near-continuous basis, over several years, if 50 homes are to be constructed. The county should require that the report analyze the impact of constructing 50 homes over at least three summers, and more likely more summers, because experience with previous projects has shown that not all lots are sold immediately after they are constructed and that development of lots takes places on a periodic basis over several periods.

FOF b-146

Further, a revised report should include a revised Table 4.6-6. Construction equipment evaluated should include drills, electric saws and chain saws both because trees will need be cut to develop the proposed lots, and because such noises are particularly irritating. The higher pitch of such equipment and the fact that it starts and stops during a construction project should be evaluated.

FOF b-147

Even items now identified in the Table 4.6-6 show noise significantly exceeding the levels generally considered acceptable adjacent to residential and park usage. The report should not

FOF b-148
↓