

# Pacific Code Compliance

David Martinez  
Principal

May 9, 2014

Mr. Gregory C. Devereaux  
Chief Executive Officer  
County of San Bernardino  
385 North Arrowhead Avenue  
San Bernardino, CA. 92415-0120

**RE: Project No. P201300086 A CUP to establish a 6,793 SqFt convenience store, gas station and a caretaker residence, Erwin Lake/3<sup>rd</sup> Supervisorial District. REQUEST FOR PUBLIC INFORMATION MEETING.**

Dear Mr. Devereaux

On behalf of several hundred concerned citizens and neighbors of this proposed project I am making an official request for the County of San Bernardino Planning Department to conduct a Public Meeting, in the next two weeks, and prior to the scheduled upcoming Planning Commission meeting set for May 22, 2014, to address the unresolved issues outlined in this letter, the attached letter directed to the Director of Land Use Services dated April 24, 2014 (copy attached), Christine Kelly, and in the letters delivered to the Planning Commission at the meeting on April 17, 2014. This local public meeting will allow the Planning Commissioners and staff to appreciate the impact this development will have on the rural environment of Big Bear and allow greater participation by the concerned citizens. *If the requested public meeting cannot be conducted prior to the scheduled Planning Commission meeting scheduled for May 22, 2014 then we would request that this item be continued, by the Planning Commission until a public meeting can be held to respond to the several unresolved issues relating to the proposed development.*

On Friday May 2, 2014 we spoke to the County of San Bernardino Planning Manager, Karen Watkins. Ms Watkins indicated that there would not be a public meeting as requested due to the procedures that are in place already for projects to proceed to the hearing for approval. She indicated that they could not possibly plan such a meeting in such a short time frame with all the agencies mentioned and that they are understaffed and would be unable to answer every question from those who attend. We asked Ms Watkins when would a better time have been to request a public information meeting and received no answer from Ms. Watkins.

A beneficial Public Meeting for Outreach and Education by the San Bernardino County Planning Department held in the Big Bear Area regarding the project, the outstanding issues such as, the traffic, intersection and county road study, the Sole Source Aquifer for drinking water and the Shay Meadow endangered species for the concerned residents in the local community has been requested to be conducted by the Planning Department.

This request has been denied with the comment that the Planning Commission Public hearing process needs to continue forward and the hearings provide for public comment. The Planning

Commission hearings for project approvals do not allow for the County to provide information and education on the points of concerns, and public comments are limited to 3-5 minutes with no opportunity for discussion. Plus, per the Planning Manager, the project is already presented for approval at that time. This is why we are contacting your office.

The CUP dated April 14, 2014 was presented for approval to the Planning Commission. A communication from Jeff Brandt of the California Department of Fish and Wildlife received by the Planning staff at 7:45 PM and dated April 16, 2014 caused the hearing to be postponed until May 22, 2014. The only reason the developer is now required to comply with the correct CEQA process is simply because the Planning Staff received a letter from the California Department of Fish and Wildlife and because of the efforts of the hundreds of concerned residents of Erwin Lake ALERTED the other California State agencies of the development and the potential pollution of ground water and endangered species habitat. All the agencies informed were unaware of this development on virgin land in an otherwise undeveloped sensitive area.

***Per the San Bernardino County General Plan adopted regulations***

“The county is to insure development approval provides adequate protection to preserve sensitive habitat and endangered species. “Development of land uses in mountain regions may conflict with provisions of an adopted Habitat Conservation Plan” San Bernardino County Planning staff has seemed to ignore this requirement.

It appears that the San Bernardino County Planning Department and LUS completely ignored and overlooked early concerns expressed by the residents, provided in multiple letters and documents, relating to all the issues now under the California Department of Fish and Wildlife requirement as regulated by the CEQA process. The CUP application of April 17, 2014 informs us of this fact. The failure to comply with the CEQA guidelines and to notify the California Department of Fish and Wildlife and other State Agencies such as Regional Water Quality Board, Santa Ana Region and Department of Transportation brings San Bernardino County under scrutiny by these agencies. Mr. Mark Adelson, Senior Scientist at Santa Ana Regional Water Board states that this project should NOT be eligible for a CEQA exemption. Which is exactly what the Planning staff is proposing to do.

Every year millions of tourists and recreational visitors from all over the world come to the Big Bear Valley to enjoy the mountains and all it has to offer. San Bernardino County enjoys tax revenue from all these visitors and tourists.

Big Bear Valley ranks 7<sup>th</sup> in the nation for the amount of biological diversity in the area. Our mountain area supports a wide variety of plant species and well over 1600 different plant species, thrive in this mountain area, which equates to 1/3 of the different plant species in all of California, in only 1% of the area. There are 16 threatened & endangered wildlife species, 21 threatened & endangered plant species, 29 sensitive wildlife species, and 92 sensitive plant species in our local community.

Local public awareness of traffic incidents at the intersection of State Highway 38 and State Lane have alerted staff awareness of the true traffic conditions and are supported with a letter from California Highway Patrol with true accidents reported in the past 5 year study period. The Initial Traffic Study only states one accident has occurred at this intersection when the true number is 10. The April 14, 2014 Cup Application omitted the true number of accidents or the necessity for reassessment of traffic report. The completed traffic study does not address that State Lane is the only paved and snow plowed road access from the Erwin Lake community to

the highway 38. The Traffic Report does not address use of State Lane by school buses, public transportation, service vehicles, emergency services and well as residents.

The letter dated April 14, 2014 from Mr. Daniel Kolpulsky, Community and Regional Planning of Cal Trans states reassessment of the true traffic issues requires a southbound left turn lane from State Hwy 38 to State Lane. This issues was completely ignored in the April 17, 2014 CUP Application. Additionally the traffic study should also address the potential pedestrian assurance of safety crossing the 50MPH highway 38. The traffic study and the CUP dated April 17, 2014 also does not address the turning radius onto State Lane for multiple axle delivery trucks to the property.

San Bernardino County's effort to shield the developer from further upfront costs of this project creates a new tax payer and County burden for the future. A traffic signal is required along with a left turn lane and should be installed prior to development for public safety at the developer's expense.

**Per San Bernardino County General Plan**

"The county is to achieve a level of service on county roadways with new traffic increases due to development and are to address cumulative impacts with approved development proposals. SB County shall work with Cal Trans and Sandbag on appropriate mitigation for impacts of developments on State Highways"

**Per San Bernardino County General Plan, there are these areas of controversy:**

**\*incompatible uses \*preservation of rural character \*infrastructure \*public safety**

There are existing regulatory policies applied to study areas to preserve scenic values and to not substantially degrade existing visual character. Future growth is to be directed to existing infrastructure facilities for public service. San Bernardino County shall maintain and enhance character of scenic routes, Highway 38 from Redlands to Big Bear Lake Dam.

The Sole Source Aquifer under project site for drinking water not addressed in the April 17, 2014 CUP Application. Contamination of Sole Source drinking water from inevitable fuel storage seepage, leaks or spills is indisputable. There are multiple municipal and private wells within 2000 feet of this proposed project.

Ms. Watkins reinforced the statement from Oxso Shaharari, Planner, that this is considered a very small project and left the impression that she wants to move it forward to the hearing to get it off their desks. The first attempt to present the CUP on April 17, 2014 to the Planning Commission was an incomplete Negative Mitigation with omissions. We do not concur with her interpretation of this project being "small" and not deserving much attention. We believe that this proposed project will have a major negative impact on the environment and on the community and that therefore this proposed project is a large development and it must received the full and correct attention through CEQA that it requires. This view is shared by State and County Agencies as outlined the attached letters.

There is not one gas station in a residential area in San Bernardino National Forest, Angeles National Forest, Cleveland National Forest and all of the communities within. All are on Highways with Highway access with a large percentage at signaled intersections.

Ms. Watkins also discussed gas stations over aquifers and Ms. Watkins indicated there are many in the County. We explained to Ms Watkins that this was a sole source aquifer for drinking water in the small community and that if contaminated we would all have to move. A sole source aquifer has many specific State and Federal regulations that must be followed and this proposed development has NOT addressed these issues.

Ms Watkins indicated that the letter from Fish and Wildlife and its requirements are under review with the developer and the planner and that we would get the final CUP applications a week before the meeting. Last time the public did not receive the materials until just two days before the scheduled Planning Commission meeting.

Ms. Watkins did inform us that the approval of the CUP can be appealed to the Board of Supervisors. Now the several hundred concerned citizens would rather NOT have to appeal this item to the Board of Supervisors, but we are more than willing to do so if this is the only step left to us. We would much rather get all these issues resolved before the County Planning Commission meets on this item. Unfortunately it appears that both the County of San Bernardino, Director of land Use Services and the County of San Bernardino, Planning Manager have chosen to ignore concerns expressed by the hundreds of concerned citizens and the County, State and Federal Agencies, and our request to resolve these outstanding issues prior to the item being approved for development. The Appeals Process to the Board of Supervisors begins a long road with inevitable tax payer burden of San Bernardino County defending county employees for not doing their job.

In closing we believe that a public meeting is warranted and justified and we are seeking your office assistance in getting this public meeting set up. Thank you for your time. If you have any questions or require any additional information please feel free to contact me at anytime at 909-583-1579. We look forward to working with the County to resolve all these outstanding issues and concerns.

Sincerely

A handwritten signature in blue ink, appearing to read 'David J. Martinez', is written over a light blue circular stamp or watermark.

David J. Martinez  
Principal

CC: Mr. James Ramos, Supervisor, 3<sup>rd</sup> District  
Mr. Phillip Paule, Supervisor Ramos Chief of staff  
Planning Commissioner Smith, 3<sup>rd</sup> District

Attachments