
PROJ-2020-000158

Ben Loescher <k.ben.loescher@gmail.com>
To: PlanningCommissionComments@lus.sbcounty.gov

Wed, Jul 6, 2022 at 7:58 PM

Dear Members of the Planning Commission,

I am a Mane Street property owner and Pioneertown resident, writing here in regards to the CUP and Variance application for the Mane Street Trailer Motel PROJ-2020-000158.

Although I support limited growth and commercial improvement on Mane Street, I oppose this project at its current density and urge the Commission to send it back to the applicant for revision before it is considered for approval. As currently drawn, the project is both unsuitable for the community, and unbuildable due to major design flaws:

CEQA Violations:

Significant defects in the Notice of Intent were identified and shared during the Public Comment period. These include disqualifying failures to consider impacts on State and Federal recognized historic resources among other flaws. An email enumerating these issues was sent to Planning on 12/5/2020 (reattached here). No revisions appear to have been made to the Initial Study in response and remains a major issue which may provoke appeal if they remain unaddressed.

Excess Density:

Additionally, the project has a higher density than any other property in Pioneertown. The original project was noticed as having 12 units - since that time two additional units have been added. At 14 units on a 0.76 acre parcel, the project intensity threatens the small-town character and balance between commercial interests and residential quality of life that is so valued by Pioneertown residents and visitors. A reduction in the number of units from 14 to 6 would make the intensity of this project much more compatible with the rest of the community, and would also mitigate concerns about noise, overbuilding, parking quantity, and impact on the two adjacent single family residences that abut this project.

The Project cannot be permitted or approved as submitted:

The project is of unprecedented density. Despite the requested variance, there is simply not enough space on this site to legally accomplish everything that the applicant seeks. Additionally, there are numerous flaws in the design which appears to have been prepared without the aid of appropriately experienced professionals. Neither the community the Commission can have any confidence that the project (if approved) will in any way resemble the one that is being submitted:

- The project site has a +9 foot elevation change from north to south that is not addressed in the plan. San Bernardino County requires topographic surveys for applications with more than 5 feet in elevation change - no survey appears to have been conducted. Based on this slope, the project's ADA path of travel cannot comply with the federal and state accessibility requirements as shown and will require major revision.
- The Biological Study notes two Western Joshua Trees on the site (a protected species and candidate for Threatened status by the California Department of Fish & Wildlife). The application fails to note that the project as drawn will require the removal of the one at the SE corner of the site. The Joshua Tree in the center of the site is noted as retained, but located within the boundaries of a new boardwalk, and within +/- 2 feet of a dwelling unit. No current or foreseeable regulation will allow the removal of a Western Joshua Tree, nor construction upon such a tree or within 2 feet of a drip line.
- The project density does not allow for the use of conventional septic as proposed, and no space has been allocated for wastewater disposal. Per California Plumbing Code TABLE H201.1(4), the estimated wastewater discharge for this project will exceed 700 gallons per day. Based on site area of 0.77 acres and the San Bernardino County Local Area Management Plan, the maximum wastewater discharge for this site using a conventional septic system will be 462 gallons/day, necessitating either reduction in the quantity of accommodation or the use of an Alternative Treatment System (also known as a "Package Plant". No space has been allocated for this device, nor is their required space for the drainfield and significant required expansion area of either a conventional or advanced system.
- The project exists within "FS", San Bernardino County's fire safety overlay for very high risk locations. It appears that no attempt has been made to comply with the requirements of that Overlay:
 - Wooden combustible fences are shown within five feet of structures
 - Interior side yard setbacks do not comply with the Fire Safety Overlay building separation requirements\
 - It is unclear how the applicant can maintain the design intent shown (wooden ruins) while complying with County and State requirements for non-combustible, fire-treated and rated exterior construction.

It is particularly regrettable that the applicant has done no outreach and made no attempt to obtain feedback from the community. There is a version of this project which is approvable and will benefit both the applicants and Pioneertown's residents, but this is not it. Simple reduction in the quantity of units (perhaps by half) would both address community concerns as well as make it at least possible that the project might comply with the codes San Bernardino Fire, EHS and Building and Safety will enforce prior to construction. Please send this Project back to the applicant for revision.

Sincerely,

K. Ben Loescher

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Mr. Jim Morrissey, Planner
County of San Bernardino
Land-Use Services Department, Planning Division
385 N. Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187

RE: NOI/MND, PROJ-2020-00158

Dear Mr. Morrissey,

The purpose of this letter is to provide comments to the undated Initial Study (IS) and Mitigated Negative Declaration (MND) for the "Pioneertown Hotel" trailer motel project circulated by the County of San Bernardino.

1. THE DEPARTMENT'S INITIAL STUDY/MND FAILS TO COMPLY WITH CEQA.

- a. As you are aware, the purpose of the California Environmental Quality Act (CEQA) is "to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made." (Emphasis mine)
- b. CEQA's purposes are designed to: (a) inform governmental decision makers and the public about the potential, significant environmental effects of a proposed project; (b) identify ways to avoid or significantly reduce environmental damage; (c) prevent significant, avoidable damage to the environment by requiring changes to a project that use alternatives or mitigation measures; and (d) disclose to the public the reasons why a governmental agency approved a project in the manner it chose if significant environmental effects are present.

2. STANDARD OF REVIEW FOR IS/MND UNDER CEQA

- a. A mitigated negative declaration may be adopted only if the record shows that there is no substantial evidence that the project may have a significant effect on the environment. (See Guidelines, § 15070(b)(2);) Substantial evidence "means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." (Guidelines, § 15384.) Substantial evidence includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by fact." (Ibid.) "Relevant personal observations of area residents on nontechnical subjects may qualify as substantial evidence." (Keep Our Mountains Quiet v. County of Santa Clara, *supra*, 236 Cal.App.4th at 730; Pocket Protectors v. City of Sacramento, *supra*, 124 Cal.App.4th at 928.)

3. THE INITIAL STUDY/MND FAILS TO ADEQUATELY IDENTIFY POTENTIALLY IMPACTED CULTURAL RESOURCES

- a. The Initial Study/MND concludes based on a cultural resources records search performed well in advance of the Notice of Intent that "no specific eligible or listed cultural resources are within a mile of the Project site nor did the search conclude the subject property is located within the boundaries or near the boundaries of a historic district that is eligible for listing on the National Register". This is a significant error:

- i. The Project falls within the boundaries of a National Register Historic District (SG100005220), listed within the California Historical Resources Information System (CHRIS), and the California Register of Historic Resources.
- ii. The Mane Street Right-of-Way (upon which the project fronts) is a Contributing Structure within the aforementioned Historic District, as is the immediately adjacent "Barbershop and Beauty Corral".
- iii. The Lead Agency is not relieved of its obligation to adequately identify impacted Cultural Resources when additional resources are made known to the agency between the time of the initial records search and the Agency's Notice of Intent.

4. THE INITIAL STUDY/MND FAILS TO ADEQUATELY ADDRESS THE PROJECT'S IMPACTS ON CULTURAL RESOURCES

- a. Historical resources are recognized as part of the environment under CEQA (PRC Sections 21002(b), 21083.2, and 21084.1). The California Register is an authoritative guide to the state's historical resources and to which properties are considered significant for purposes of CEQA.
- b. The Pioneertown Mane Street Historic District is a historical resource recognized in the National Register of Historic Places, The California Register, and The California Historical Resources Information System (CHRIS)
- c. Lead agencies have a responsibility to evaluate projects against the California Register criteria prior to making a finding as to a proposed project's impacts to historical resources (PRC Section 21084.1, 14 CCR Section 15064.5(3)).
- d. The significance of an historical resource is materially impaired when a project:
(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or (C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.
- e. No Cultural Resources Survey has been commissioned or provided for the subject property to evaluate the project's impacts on Cultural Resources

5. AS PROPOSED, THE PROJECT WILL CAUSE SUBSTANTIAL ADVERSE CHANGE TO A HISTORICAL RESOURCE

- a. The project proposes to adversely change at least three Character Defining Features of the Mane Street Historic District:

- i. The project proposes vehicle parking on the Mane Street frontage, a condition which does not occur anywhere else in the "urban" portion of the district and which impairs the legibility of the building facades. Among the Character Defining Features of the Pioneertown Mane Street Historic District, Mane Street is noted as "...double width and primarily for pedestrian and equestrian access". Further, "Vehicular parking lots, present since Pioneertown's inception, are earthen (dirt) covered and unpaved, and located behind buildings and structures facing or adjacent to Mane Street."
- ii. The project proposes a building setback beyond the prevailing historic setback on Mane Street, threatening the legibility of a consistent street frontage. Among the Character Defining Features it is noted that "Buildings are consistently set back +/- 50' from the centerline of Mane Street".
- iii. The use of travel trailers, buses and like elements in lieu of buildings is unprecedented within the district and not compatible with Character Defining Features for Building Elements, Materials, and Massing.

6. THE INITIAL STUDY/MND FAILS TO STUDY POTENTIAL MITIGATION OF THE PROJECT'S IMPACTS ON CULTURAL RESOURCES

- a. Per CEQA, the Lead Agency is obligated to identify potentially feasible measures to mitigate significance adverse changes in the significance of an historical resources (§15064.5 (b)(2)(4))
- b. No attempt has been made to identify possible mitigation measures for the project.
- c. Adverse impact on the Historic District's Character Defining Features could be readily mitigated as follows:
 - i. Relocation of the proposed parking from the Mane Street Frontage to the Pioneertown Road frontage
 - ii. Relocation of the proposed false building facade forward to align with the prevailing setback.
 - iii. Augmentation of the size and extent of the false facade to screen the accommodation trailers, buses and RVs such that they are not visible from Mane Street.

7. STUDY/MND FAILS TO ADEQUATELY INDICATE THE PROJECT'S POTENTIAL ADVERSE IMPACT ON HYDROLOGY AND WATER QUALITY

- i. The Initial Study requires the Lead Agency to assess the project's potential for Conflict with or implementation of a water quality control plan or sustainable groundwater management plan.
- ii. Wastewater in San Bernardino is under the purview of The Department of Environmental Health Services which administers the County's Local Area Management Plan (LAMP). The lamp limits on-site wastewater discharge for new developments to less than 600 gallons/1 acre/day.
- iii. As designed, the project has not been designed in a manner which can comply with the LAMP.

- iv. Per California Plumbing Code TABLE H201.1(4), the estimated wastewater discharge for this project will exceed 700 gallons per day. Based on site area of 0.77 acres and the LAMP, the maximum wastewater discharge for this site using a conventional septic system will be 462 gallons/day, necessitating either reduction in the quantity of accommodation or the use of an Alternative Treatment System (also known as a "Package Plant").
- v. As proposed, the project fails to provide adequate area and related setbacks for either a conventional septic system or an Alternative Treatment System, and significant redesign will be required to obtain approval of the project within the requirements of the LAMP. This redesign can be expected to cause the project's scale, intensity and design to deviate significantly from the project as presented in the Notice of Intent.

8. CONCLUSION

- a. I reserve the right to supplement its comments at or prior to any hearings on the Rebuild Project. The Initial Study/MND fails to comply with CEQA and the evidence shows that the Pioneertown Hotel trailer motel project may have a significant effect on the environment. Accordingly, San Bernardino County must prepare an environmental impact report.

Sincerely,



K. Ben Loescher
PO Box 352
Pioneertown, CA 92268