

MBCA

morongo basin conservation association

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October 16, 2014

Chris Warrick, Senior Planner
County of San Bernardino
Land Use Services Department - Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Sent by Electronic Mail cwarrick@lusc.sbcounty.gov

RE: Project Number: P200700997

A proposal to subdivide 105 acres for the development of 248 single-family lots, public and private streets, recreation and open space areas, and various drainage facilities.

Dear Mr. Warrick,

We thank you for extending the comment period on this proposal and for providing to the Morongo Basin Conservation Association digital copies of the Project Specific Studies, which we have made available to the public on the MBCA website www.mbconservation.org

Based on our review of the Initial Study and the Project Specific Studies we find that CEQA requires an EIR: the approval of this project under a Mitigated Negative Declaration is illegal.

Land Use Services determined, based on the Initial Study of Tentative Tract 18255 (hereafter referred to as the Altamira project or project) that *there is no substantial evidence that the project or any of its aspect may cause a significant effect on the environment*, and therefore, will recommend that the Planning Commission approve a Mitigated Negative Declaration for the project. This recommendation is contrary to law.

We understand that an Initial Study is not an EIR and need not address the CEQA checklist of environmental factors in great depth. But the depth must be sufficient and current if the public is to understand the project, bring forth information on aspects of the project that could prove harmful to the environment, and support your recommendation to the Planning Commission.

Following our review we maintain that the Initial Study and specific studies provided for this development are incomplete, out-of-date, misdirect by omission, or are just plain wrong. The project was incorrectly described

and requires an EIR for the public to be fully informed. We are not suggesting that this project cannot go forward, just that this development, as designed and discussed in the Initial Study and explained before the Morongo Basin Municipal Advisory Council is inappropriate for the location and could possibly cause harm to the environment.

Misdirection by Omission – Where is Joshua Tree National Park?

The gated Altamira project is proposed for the unincorporated community of Joshua Tree. Joshua Tree is famous worldwide as a picturesque small town gateway to Joshua Tree National Park. Local businesses successfully support the needs of Park visitors (600,000 enter through the West Entrance annually) and are in turn supported by the tourists dollars. The residents hold the Park and the community as the foundation for their quality-of-life. Joshua Tree National Park is not referred to in the Initial Study although it is less than two miles from the proposed development. The Park is a key player when considering the aesthetics of the area, the biological resources, land use/planning, population/housing, hazards, transportation, public services, geology/soils, and hydrology. By omission the Initial Study says “Don’t look South!” We seriously doubt those investing in the subdivision of this tract will overlook the Park when advertising the amenities of Altamira. It is also, as we will point out, a mistake to overlook Quail Mountain – The Storm Catcher.

Aesthetics – a community perception

The determination that a gated community with 248 houses on 105 acres will have *less than significant impacts on scenic vistas*, will not *substantially damage scenic resources* including the pristine Joshua tree/ Mojave yucca forest, or *degrade the visual quality of its surroundings* (Page 11) is a personal opinion without empirical factual support.

The opinion of community members is that it will impact all of those areas. For factual support we base our observations on the [Morongo Basin Conservation Priorities Report – A strategy for preserving conservation values 2012.](#)¹

The Conservation Priorities Report is the result of a basin wide effort that allowed communities to address growth and development by defining specific areas to focus their preservation efforts. The conservation priority areas were established in order to recognize and map areas of environmental and economic interest that should be taken into consideration when land development is being proposed. The features were mapped by parcel and graded high, medium, or low priority based on location. The sophisticated data gathering process, modeling, and GIS mapping used for this project is a unique effort in the county and the state. Participants in this multi-year project included federal, state, county, municipal and non-governmental organizations, environmental scientists, and citizens of the Morongo Basin, many of them from the community of Joshua Tree. Participants called themselves the Morongo Basin Open Space Group (MBOSG). To evaluate parcels an interactive mapping program was developed and the complete report (Figure 1) for the Altamira project is found at the end of the letter.

¹ http://www.mbconservation.org/conservation_priorities_report_and_interactive_map

Two of the conservation values are pertinent to the analysis of aesthetics – Community Identity and Community Views and Treasures. The features are graded A, B, F, and N. A is high, B is moderate, F is low, and N is not applicable. Scoring of the features is explained below.

Table 1. Scoring of Values

Maintain Overall Community Identity = Moderate	Identify Community Views & Treasures = Moderate
Visual Quality = B Separates Communities = A Proximity = A Land Use & current zoning= F Parcel size & ownership = A Highway Frontage = N	Land Ownership = A Dark Night Skies = B Iconic Views = A Ridgelines = N Scenic Highway/Byway = N Scenic View Areas = B

Visual Quality – Parcels with lots of Joshua trees, large rocks, and yuccas (as determined by a windshield survey) score higher.

Separates Communities – Parcels located between the town of Yucca Valley and the census-designated place boundary of Joshua Tree, and between Copper Mountain College and Twentynine Palms, score higher.

Proximity – Parcels adjacent to SR 62 or the boundaries of Yucca Valley or Joshua Tree score higher.

Parcel size & ownership - Parcels, or assemblages of commonly owned parcels, larger than 20 acres and within view of SR 62 score higher

Land Ownership – Parcels included in the MSOSG outreach project “community treasure mapping” score higher.

Dark Night Skies - Parcels within or overlapping linkage design and with no development score higher. Parcels with no development that are adjacent to other parcels with no development score higher.

Iconic Views - Parcels in areas of no or low-density development score higher. Parcels with slopes greater than 15 degrees score higher.

Community defined scenic view areas – Places identified in MB Open Space Group meetings and outreach score higher.

Land Use and Population – Neighborhoods and Growth

Neighborhoods – a community perception

The Initial Study concludes that the gated Altamira project *will not divide an established community* because the *scattered residential dwellings to the east, west, and south are spatially distinct neighborhoods and the project will fill between them and thus have no impact.* (Page 36)

How is this lack of impact determined? The space between the scattered dwellings? Lot size to the immediate south and west is zoned 14,000 sq. ft. for single residential and one acre minimum for single residential to the east. Does this spacing mean there is no neighborhood cohesion? It could, but just as probable is a neighborhood bound together by friendships among students and their families that have or are currently attending Friendly Hills Elementary School and La Contenta Middle School, which bracket the Project. There are no gated walls separating the surrounding homes just streets and back yards to be crossed. The determination that the single family homes surrounding the Altamira Project on the east, south and west do not represent a neighborhood appears based on urban perceptions. The conclusions of the Initial Study do not reflect empirical facts about the community.

Growth rate – Let’s get real

The Initial Study states that the Altamira project *will not result in substantial growth.* (Page 42) How was this determined? This conclusion was reached by comparing 665 new residents to the population in San

Bernardino County, which is just over 2 million. This comparison is disingenuous, misleading, and another example of misdirection. The correct question asks how the 665 residents affect the population of the community of Joshua Tree, where the project would be located and the people live. The County CSA 20 district and the Joshua Basin Water District estimate a population of about 8,600 residents spread out over 100 square miles, which is 86 persons per square mile. Communities in the Morongo Basin grow at approximately 1% a year. The proposed 665 resident increase represents a 12.9% growth rate. If the proposed 665 residents followed the existing pattern they would be spread over 6.5 square miles rather than stuffed into one-sixth of a mile.

The real population increase for Joshua Tree is orders of magnitude greater than the Initial Study claims and represents a potentially significant impact. A development with fewer homes, larger lots and without an excluding wall and gates would be in keeping with the existing neighborhood.

Changing neighborhood

Since the 1980's, when the zoning of the Altamira tract was set at 10,000 sq. ft. minimum, the neighborhood has changed. Originally Section 33, just west of the project (see Map 2), carried the same 10,000 sq. ft. zoning. The 640 acres in Section 33 are now conservation lands purchased by the Mojave Desert Land Trust as part of their ongoing Wildlife Linkage Campaign.² If Altamira is built in Joshua Tree, as currently designed, it will stand out from the built and unbuilt environment surrounding it and by its density and surrounding wall, could sacrifice the functionality of the wildlife corridors (Map 1) and compromise the millions of dollars spent to protect the wildlife corridors. Please see Biological Resources below.

Altamira – a stand-alone community

The Altamira project was presented to the community at Municipal Advisory Council (MAC) meetings on two occasions, in 2009 and 2014. On both occasions numerous residents clearly and emotionally stated that a densely built gated community does not fit in Joshua Tree. The 2014 Initial Study does not specifically say the project will be a gated community, although there will be a brick wall separating the development from the school. However, during the 2014 MAC meeting the surrounding wall and the two gates were described in detail along with the proponent's justifications for developing a gated community.

There are no gated communities in Joshua Tree and the idea of walling homes off from the rest of the community is foreign and uncomfortable to the residents. Since the beginning of gated communities they have been studied by anthropologists to determine their effect on neighborhoods. It has been found that gated communities foster new forms of segregation and exclusion, exacerbate social cleavages, and work to manufacture the very problem they purport to resolve – an unfounded fear of others.³ As such, they leave an undesirable mark on both spaces and psyches. In Joshua Tree, residents count open space, a strong sense of community, and an atmosphere of social inclusion as important and invaluable cultural resources. Indeed, they are resources that define Joshua Tree as a desirable place to live and visit, critical for the town's social and economic wellbeing – and thus must be cherished. However, they are resources that stand to be eroded

² To date, Mojave Desert Land Trust, along with our partners and supporters, **has invested \$4.2 million to preserve 2,750 acres** in this wildlife corridor. Acquisitions include 639 acres adjacent to the National Park known as Nolina Peak, 957 acres known as the Quail Mountain Project, 531 acres adjacent to Nolina Peak, and now an additional 623 acres, known as Section 33. <http://www.mojavedesertlandtrust.org/linkcampaign.php>

³ Low, Setha (2001) The Edge and the Center: Gated Communities and the Discourse of Urban Fear. American Anthropologist. 103: 45-48.

Low, Setha (2006) A Nation of Gated Communities. In *The Insecure American*, eds. Hugh Gusterson and Catherine Besteman. Pp. 27-44.

substantially and irredeemably by the insertion of this kind of high-intensity, walled, and gated development into the town's social and natural landscape.

Biological Resources

Desert Tortoise Surveys

The 2007 Baseline Biological and Focused Desert Tortoise Survey is out of date and void and the property must be reanalyzed. The desert tortoise survey updates were performed in winter. U.S. FWS protocol requires tortoise surveys be performed in April through May and September and October, never in December and January.

Based on survey work by Circle Mountain Biological Consultants (CMBC) for the Mojave Desert Land Trust the land area between the Park and Hwy 62 and between Park Boulevard and La Contenta is excellent habitat for tortoise. Please see Map 2 at the end of this letter for the results of 41 surveys by CMCB of 33 sites in the vicinity of the proposed Altamira development. An EIR is required.

Wildlife Linkages

SC Wildlands released A Linkage Design for the Joshua Tree – Twentynine Palms Connection in December 2008.⁴ This report was not referenced when determining there would be *less than significant interference with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors...* (Pages 19, 21) The project is surrounded by linkage arms reaching between Joshua Tree National Park and the Marine Base. The Project could have potentially significant impact on wildlife movement without mitigations incorporated into the design of the project. See Map 1 at the end of this letter. An EIR is required.

The Morongo Basin Conservation Priorities Report analysis for Wildlife Connectivity and Habitat scores the following features as significant.

Connectivity Impediments = B (parcels without roads score higher)

Threats = A (Parcels with proposed development or approved designs score higher)

Barriers = B (Potential crossing location)

Species Preservation = B (Parcels score higher if they overlap with areas where species from the California Natural Diversity database are mapped.)

Hydrology

A record storm (2" in one hour) on September 16th sent a wall of water and mud south through neighborhoods, across the Altamira tract, on to Highway 62. <https://www.youtube.com/watch?v=WczQU-6Kuhl>. Many perimeter walls were damaged or destroyed and houses suffered structural damage. Flooding and a motorist's death on Sunny Vista is described in this news article <http://www.z1077fm.com/storms-cause-a-fatality-in-joshua-tree-mud-and-flooding/>

Regardless of FEMA maps, this flood event demonstrates that dangerous sheet and channelized flows can and will pass through the project location, souring and deepening channels as well as creating new ones. The Initial Study does not describe the project location in relation to Quail Mountain in Joshua Tree National Park; it refers only to the 'uplands' with their well-defined watersheds. The uplands are the foothills of Quail Mountain. At 5,810 feet this is the highest mountain in the Park and the highest point in the Little San Bernardino Mountains. Quail Mountain is a storm catcher. The magnitude of September 16 storm and flood

⁴ <http://www.scwildlands.org/reports/Default.aspx>

cannot be considered a one-time event. Hydrology issues c, d, f, l, l, and j require a reevaluation, this time factoring in the entire watershed, not just the sub-watersheds. An EIR is required.

Public Services – Fires and Floods

How prepared would Altamira be to protect residents and structures within its gated community from the wall of mud and water that cascaded through the tract area on September 16? Would emergency vehicles have been able to come to the residents' aid? The same goes for assistance during fire. The area down slope from Quail Mountain is subject to wildland fires. See Map 3 at the end of this letter for the fire history of Joshua Tree National Park from 1967 to 2012. As noted earlier Quail Mountain is a storm catcher which means it is also prone to lightning strike fires. Most fires are Class A or B fires, less than 10 acres (lightning strikes). However, the amount of fuel from invasive grasses has altered the fire history of the Park in recent years making large wildland fires more common.

Wildland fires are increasingly prevalent because of the ongoing drought and climate change. CalFire has designated the foothills of Quail Mountain outside the park as a State Responsibility Area (SRA). Please see Map 4 at the end of this letter for the boundary of the SRA adjacent to the proposed Altamira development.

The history of fire and flood in this area requires planning to protect all residents and provide for orderly evacuation in times of danger. The density of residents in the Altamira Project makes a safe evacuation for all residents of the area, including school children if the emergency occurs when school is in session, dangerous and problematic. The need for efficient and effective emergency response is significant and must be planned for in advance. The Initial Study appears totally unaware of any threat to the project site and area residents from fire or flood. An EIR is required.

Traffic Analysis – totally flawed

Analysis fails to include adjacent elementary school

The Traffic Impact Analysis (Revised) September 29, 2011 is fatally flawed. **The elementary school at the southeast corner of the Altamira Project is not included in the analysis.** The Initial Study refers to the school, which incidentally has been on that corner since the 1980s, so there is no excuse for the Traffic Analysis to have left it entirely off the map. The safe arrival and departure of 390 students is a serious concern. Besides those arriving by car or bus, many others bike or walk through the surrounding neighborhood to school. Three miles to the west of the Project is La Contenta Middle School with 749 students that also arrive and depart on to Alta Loma and Hwy 62. In addition the traffic analysis does not include the significant basin wide traffic increases when the Marine Base is changing shifts. The traffic analysis, one of the most important studies for this project, must start over. Project approval without a fresh analysis would be illegal. An EIR is required.

EIR is required under CEQA – The public has been misinformed

The above comments demonstrate that the Initial Study and the specific studies provided for this project are either incomplete, out-of-date, misdirect by omission, or just plain wrong. The project, as designed, will potentially have significant effects on the environment. The project is incorrectly described under CEQA and requires an EIR for the public to be fully informed. Without an EIR, approval of this project would be in violation of the law.

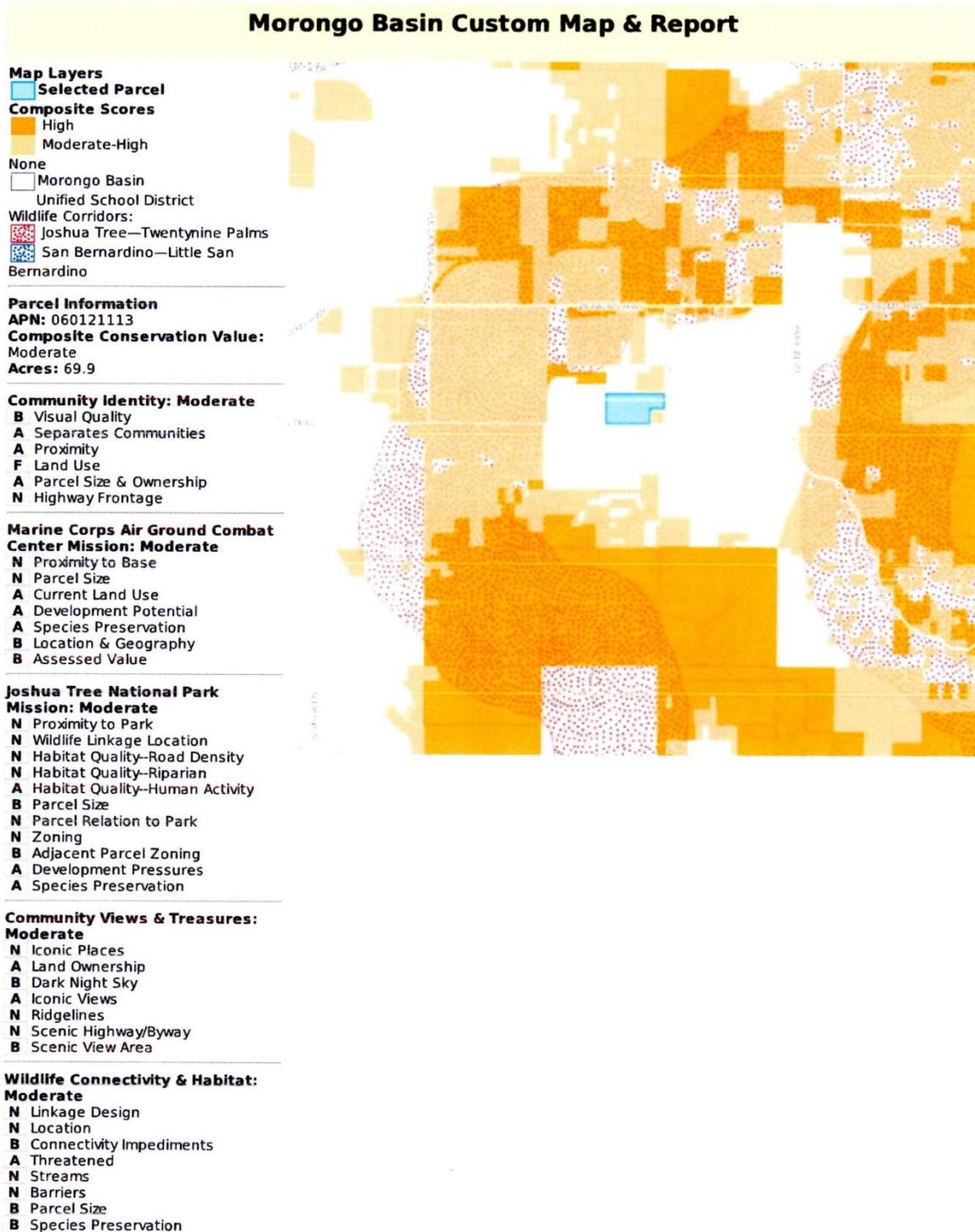
Sincerely,



Pat Flanagan
Board Member, MBCA

Cc:
Supervisor James Ramos
Chief of Staff Phil Paule
Field Representative Mike Lipsitz

Figure 1. Conservation Priorities Analysis of APN 0601-211-13, one of two Altamira project parcels

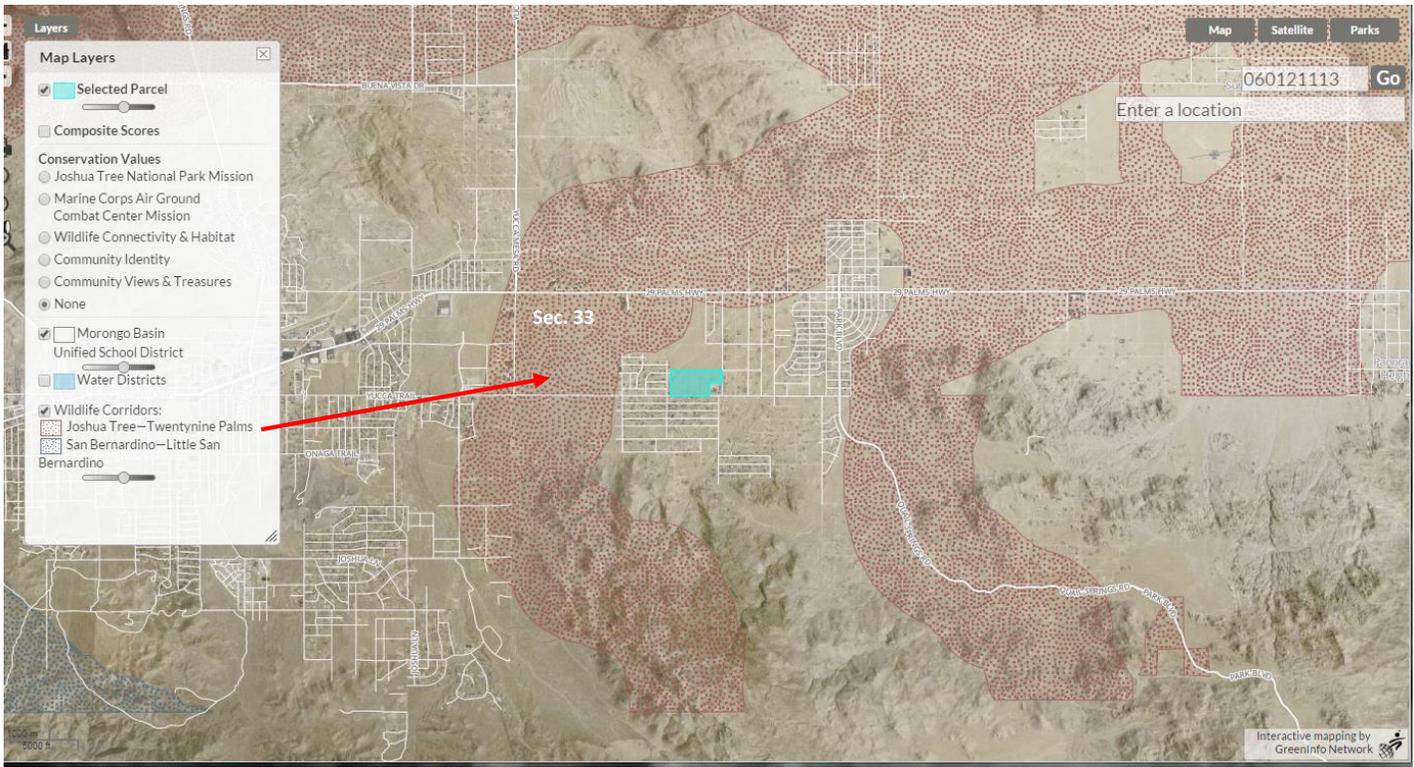


Map 1. Wildlife corridors surrounding the Altamira project

The Altamira project is the blue rectangle

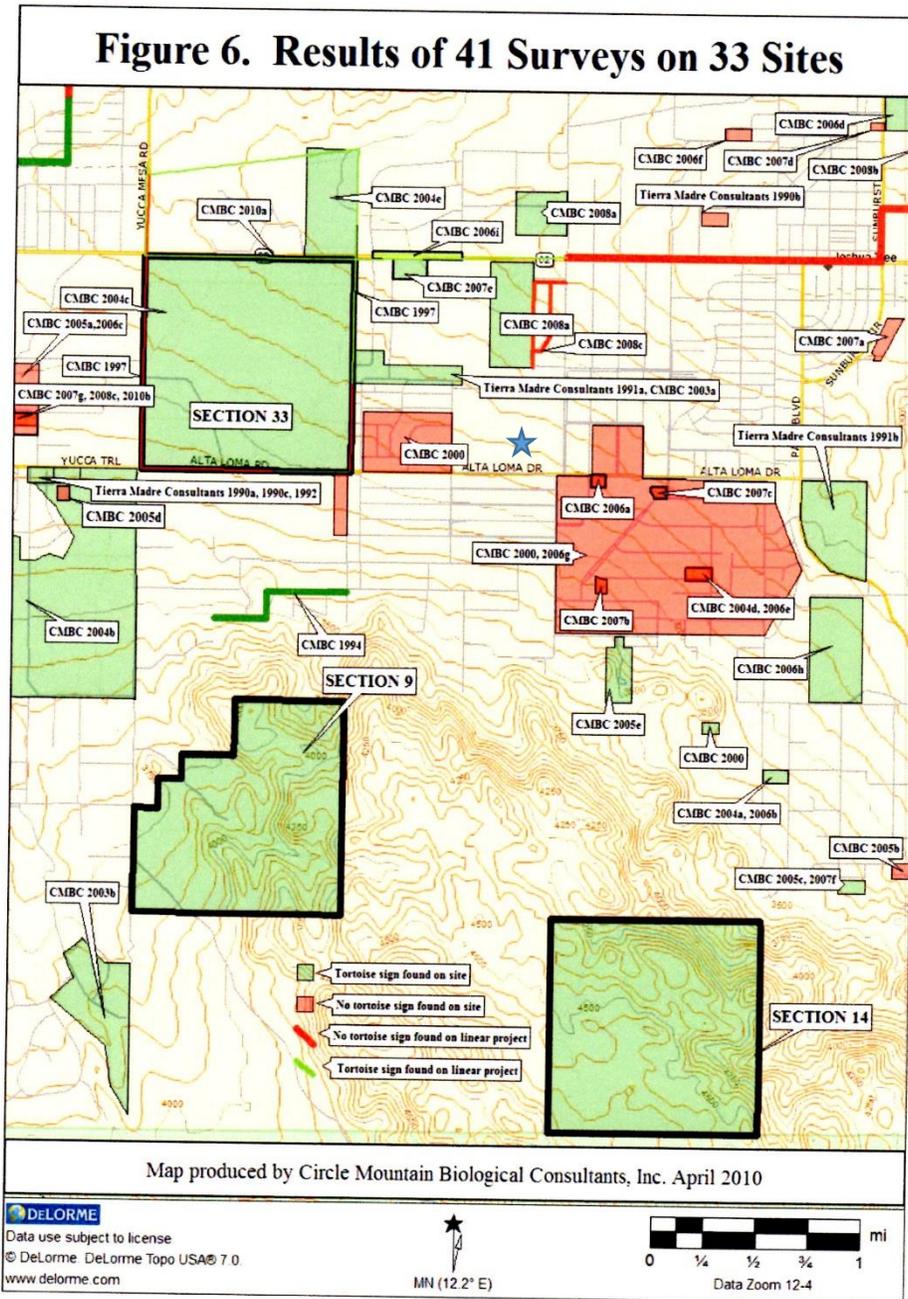
Wildlife corridors are filled with red dots

Section 33 is conservation land owned by the Mojave Desert Land Trust



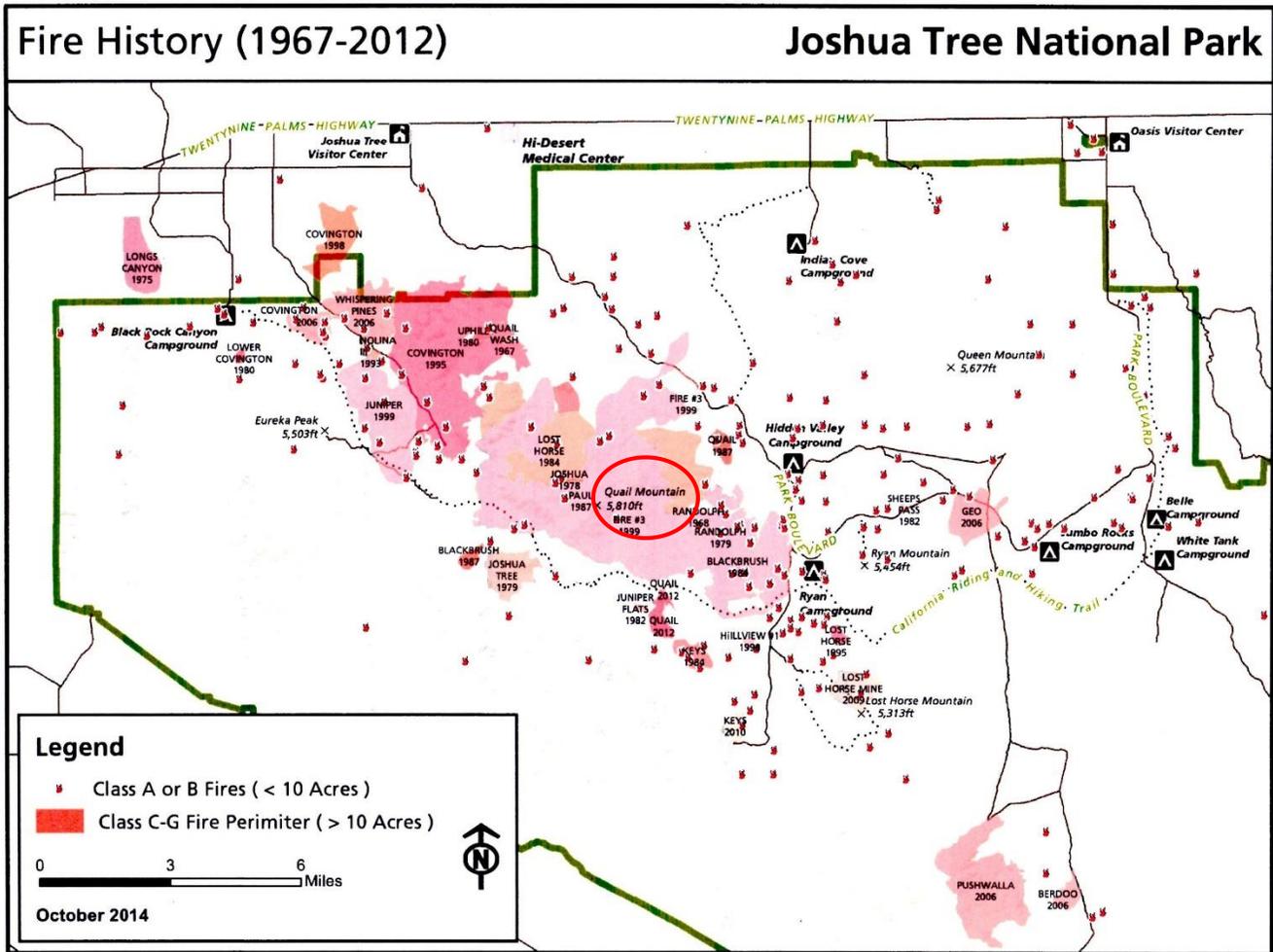
Map 2. Results of 41 Desert Tortoise Surveys on 33 Sites in Joshua Tree, CA
 Map courtesy of the Mojave Desert Land Trust

★ Altamira Project Green fill indicates tortoise sign found on site



Map 3. Fire History of Joshua Tree National Park from 1967 to 2012

○ Quail Mountain – 5,810 feet elevation above sea level



Map 4. CalFire State Responsibility Area

Lands shadowed by a yellow overlay are with State Responsibility Area

★ Altamira Project site

