

MARCH 19, 2016

LATEST ALTAMIRA INFORMATION from MBCA

The following series of emails summarizes MBCA Vice President David Fick's efforts to inform the Planning Commission fully about the overwhelming number of concerns in the Joshua Tree and Morongo Basin communities about the Altamira Gated Community Housing Project (also known as YV-105 LLC).

Several [links to web documents and videos](#) are highlighted in blue in this PDF document, but to open them you must go back to MBCA's page about Altamira, where we have placed the links in the sequence they are found in this document, with comments to help you identify them.

#1 - March 9, 2016, 3:24 PM - This is David Fick's email to County Planning staff with Part 1 of comments on the Altamira Gated Community Housing project also know as YV-105 LLC. This contains a lot of detailed information about the history of opposition to Altamira.

From: Idavid Graficks <idavidgraficks@earthlink.net>
Date: March 9, 2016 3:24:47 PM PST
To: cwarrick@lusd.sbcounty.gov
Cc: terri.rahhal@lus.sbcounty.gov, tom.hudson@lus.sbcounty.gov
Subject: P200700997 Comments for Altamira Gated Community Housing project - Part 1

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

March 9th, 2016

Dear Chris Warrick,
These are my personal comments towards the proposed Altamira Gated Community Housing Project (I also submitted Altamira project concerns on behalf of JTCA). I'm a twenty-nine year resident of Joshua Tree, a sixteen year board member of Joshua Tree Community Association, a ten year board member of Morongo Basin Conservation Association and a core member of the Joshua Tree Downtown Business Alliance (Dollar General/County vs JT DBA) and a seven year member of the Joshua Tree Municipal Advisory Council - Land Use Committee 2006-2012. It was while I was on the JT MAC that I was introduced to this proposed gated community concept in late 2008. I'm also on the County invited Altamira Project Joshua Tree Focus Group.

This proposed project has been made possible due to the historical owners of this property. This property was up-zoned in the early 1980s along with other larger parcels for the Hoffman family trust that owned all of Section 33 and major parcels of Section 34 (where the two parcels for the proposed gated community is hosted). The County up-zoned two square miles

of densely Mojave desert forested land against the wishes of the Joshua Tree Community Plan of 1980 and then 3rd District Supervisor Dennis Hansberger (his term ended 1981). This was to host the ill-conceived square mile Joshua Tree Planned Unit Development which was a retirement community of 3400 housing units in 1982. The parcels were up-zoned to the maximum of 4.2 units per acre and given a 25% bonus increase in density for housing old people and being close to flat. As a political gift and incentive to the Orange County Hoffman family, the County also up-zoned their other large parcels to 4.2 units per acre. That proposed JT P.U.D. project failed due to lack of sustainable water supply from Joshua Basin Water District, but ALL that inappropriate up-zoning remained with the Joshua Tree Community despite zoning conventions and flooding concerns. I have the JT P.U.D. EIR and Technical Appendices to that proposed project which include the comment (July 15th, 1981) by Frederick Hinshaw, County Environmental Hearing Officer in his Initial Study Review in his Environmental Impact Evaluation: Comment #7 Land Use & Planning Considerations:

"Project densities exceed recommendations for medium and urban uses called out in Community Plan less than 1 year old", Page 201 in EIR which is page 2 of three page Initial Study. That would also apply to the up-zoning of the two parcels that comprise the proposed Altamira Gated Community Housing project.

This information was discovered through JT MAC - Land Use preparation and discovery for the proposed Section 33/Steven Katz Joshua Tree Villas 2700 housing unit project 2006-2010. That project was stymied by the 12,667 Joshua Trees of the richly forested Section 33 (it was red-tagged by Deputy Planner Randy Scott till EIR was approved) that were not properly addressed and then financially clobbered by the coming recession of 2009. The proponent went bankrupt and Section 33 is now a Community Park owned by the Mojave Desert Land Trust with a non-development easement by the Marine Base for wildlife linkage purposes. That portion of BAD UP-Zoning was resolved by the Community of Joshua Tree.

These comments will be towards the "Initial Study" and the proposed project for informed review, so I'll include several Altamira project meeting links and comment documents that I and the reviewers should be familiar.

Here's the youtube link to the Joshua Tree MAC video of the February 19th, 2009 meeting (Alta Mira project starts at about 16 minutes into video and lasts approximately 2 hrs): ([Go back to MBCA's Altamira page for Video Link 1.](#))

Here's the youtube video of the September 8th, 2014 MB MAC meeting, Alta Mira presentation is at minute 57:00. The presentation and comments are about an hour and ten minutes (I speak at the 2:00 hr video time mark) ([Go back to MBCA's Altamira page for Video Link 2.](#))

Here are Joshua Tree Community Association and Morongo Basin Conservation Association comment letters (I helped on both, obviously the JTCA letter was submitted by me, compiled by JTCA members with legal assistance):

[\(Go back to MBCA's Altamira page and click "County Planning Staff Report" and go to page 157 for JTCA's letter, and page 190 for MBCA's letter.\)](#)

Here is the ill-fated public notice of Alta Mira by County Planning October 17th, 2013. (Sorry, this link is not available.)

There's also a comment document information submitted by Janet Johnston (also on the JT Focus Group), a Joshua Tree resident (and architect) who lives very near the proposed project and documented the flooding of the SouthWest Joshua Tree area of September 16th, 2014. These major flash floods visit SouthWest Joshua Tree every four to five years and travel miles to Western downtown Joshua Tree with sand, silt and debris.

[\(Go back to MBCA's Altamira page and click "Planning Staff Report" and go to page 152 for Janet's letter.\)](#)

There is also the comment letter by Center for Biological Diversity Senior Counsel Brendan Cummings, which I used as reference for my input of comments:

[\(Go back to MBCA's Altamira page and click "Planning Staff Report" and go to page 167 for Center for Biological Diversity's letter.\)](#)

As the February 19th, 2009 JT MAC meeting showed, the concept of a "gated community" is meeting with 99% rejection from the Joshua Tree Community. It is out of character, inappropriate and in conflict with the Joshua Tree Community Plan of 2007. There hasn't been anything near success in the form of a gated community in the Morongo Basin. There have been some grand failures in "Development GUNG-HO" Yucca Valley which is where these proponents have acquired their very ill-advised name: YV105, LLC. One of the modifications to the project from 2009 to 2014 has been the Extreme Downplay of the Gated Community by both the proponents and County Planning. There's ONLY one mention of this being a gated community in all sixty-two pages of the Initial Study. That is hidden on page 44, under the subject of Police Protection:

"In addition, the project is proposed as gated community, which will further deter crime. As a standard condition of approval, the County requires that projects participate in costs associated with added services via fees. This condition will assure that impacts to police services are reduced to less than significant levels. "

That's all they mention in the entire Initial Study. By the way, since the "gated entrance" is only card activated gates (no actual human guards or grounds security personnel), there will most likely be MORE police calls since the gated community clients will be expecting a higher degree of "security" and will be overly sensitive to anybody looking like an artist, musician, philosopher or mystic* in THEIR gated neighborhood. Really!
*types of people of Joshua Tree mentioned in the Altamira Project Info Brief -Part 2

This deceit of barely mentioning the fact of this being a gated community is a crafty UN-ETHICAL manner of avoiding the number one concern for this project. The two mentions for the reason of a gated community (mentioned

at the 2014 MB MAC meeting presentation: traffic concerns) will not be the stressed reasons for sales of a gated community to the home buying public if this project ever gets that far. There are Too Many reasons for the Joshua Tree Community to not host a gated community (do a web search for "gated community crime and property values").

Another absence from the Initial Study is even the mention of the "Joshua Tree Community Plan". It's nowhere in the Initial Study. I'm aware the Joshua Tree Community Plan seems to be a hot topic with County Planning, but to COMPLETELY IGNORE IT'S EXISTENCE is also a contemptible action by both County Planning and the Developer. Almost needless to say - there is no support for a gated community in the Joshua Tree Community Plan - NONE.

Even if the gates and walls were dropped from the plan - there's the housing high density of the project. We know how the County came up with the politically convoluted high density up-zoning award to this property in 1982. This is against conventional zoning and flooding history of the area and in light of the recent September 16th, 2014 floods which happen quite often in this SouthWest portion of Joshua Tree, quite uninformed and reckless planning. The floods made national news when removing walls of a house and removing a baby boy from within and amazingly depositing him several hundred feet downstream.

FYI: ("Wall of Water in Joshua Tree" video) ([Go back to MBCA's Altamira page for Video Link 3.](#))

This is one wash East of the Altamira project property and did traverse Sunny Vista Rd. less than a quarter mile South of the the project, killing an unfortunate adult male in an SUV. There was an almost equal amount of water going through the Altamira project and dumping devastation on Western Joshua Tree/29 Palms Hwy at the Jesus House of Prayer Thrift Store: ([Go back to MBCA's Altamira page and click on "Hi Desert Star flood article."](#))

All that water and mud went through the Altamira property and with further high density development, even MORE would. The reminder by John Criste of this project not developing it's 340 housing units allowed and going for the meager 248 housing units is a false consolation as realistically even this density of housing is endangered in this region North of Quail Mountain. We have since seen the previous tract maps that have neglected to accommodate the very washes that carried those September 16th, 2014 flood waters through the YV 105, LLC property. The County would be wise to re-evaluate all zoning density in that area of SouthWest Joshua Tree.

Here's a previous tract map - notice No Accommodation of Blue Line Washes as later revised. YV105, LLC was also oblivious to the twelve inch water main line going through the middle of the property West to East. (Sorry, this link is not available.)

Mitigated Negative Declaration attempt for a project that by conventional CEQA standards requires an EIR is another unexplainable concession to the developer. As a member of the Joshua Tree MAC (since 2006) Land Use, I would ask the status of the "Initial Study" about once or twice a year

since 2009. The fees for funding the completion of the Initial Study seemed hard to assemble by the developer as they also are still not current with property taxes. My guess would be that an EIR is viewed by the developer as an unneeded financial burden, but the County shouldn't have adopted that view in serving the public. The County was recommending a Mitigated Negative Declaration and approval of the project even before viewing the video of the February 2009 JT MAC meeting (supplied on DVD twice - lost by County Planning twice) In comparison to conventional CEQA standards of requirement, the Joshua Tree Dollar General project probably had a twenty percent chance of requiring an EIR. County Planning is well aware of the current Court results of the Dollar General/Dynamic Development/County of San Bernardino vs Joshua Tree Downtown Business Alliance in requiring a focused EIR. The conventions of CEQA requirements for a project the size and scope of the Alta Mira Gated Community Housing project has an over ninety percent requirement for an Environmental Impact Report. In the three organization comment letters towards this project (CBD, JTCA and MBCA), many legal concerns are presented as to this project needing an EIR. This project absolutely requires an EIR to go forward.

In the November 17th, 2014 Focus Group meeting, developer Ron Schwartz mentioned that an EIR would require another four months. I find that hard to believe when an Initial Study took five years. The YV105. LLC does now have a 'Conditional' Will Serve letter from JBWD. It's highly conditional WSA with the California State Water Conservation Mandate period "release" being the main consideration of providing water service. The water treatment-package plant design has to have approval of JBWD. The financing of the water treatment maintenance cost agency has to be approved by JBWD and possibly LAFCO (it can't be a HOA).

#2 - March 16, 2016, 4:20 PM - This is David Fick's email to County Planning Staff requesting that his March 9 comments be forwarded to the Planning Commissioners since he learned at the March 14 MAC meeting that they weren't in the Commissioners' information packets.

From: Idavid Graficks <idavidgraficks@earthlink.net>
Date: March 16, 2016 4:20:26 PM PDT
To: cwarrick@lusd.sbcounty.gov, david.prusch@lus.sbcounty.gov, tom.hudson@lus.sbcounty.gov, terri.rahhal@lus.sbcounty.gov
Cc: philip.paule@bos.sbcounty.gov, Mark Lundquist <mark.lundquist@bos.sbcounty.gov, Paul Smith <pfslaw29@gmail.com>
Subject: Fwd: P200700997 Comments for Altamira Gated Community Housing project - Part 1

Dear 3rd. District and Planning,

I sent this below email to County Planning on March 9th (see entry #1 in this sequence), one day after some of the public was notified (March 8th, 2016) that the sporadic Alta Mira Gated Community Housing Project was put on the Planning Commission's schedule for a hearing on March 17th, 2016. Upon downloading the Planning Staff Report for this project (March 11th, 2016)

and reviewing, I found that less than half of these emailed comments were included in the Planning Staff report. The halved comments are 2nd from last (before the MBCA letter) in the Planning Staff Report.

I request that this email with it's active links (not PDF'd) be sent to the Planning Commissioners for their review. This email includes links to the two meetings (JT MAC February 19th 2009 and MB MAC September 8th, 2014 meeting - both meetings with presentations by Terra Nova and YV105, LLC). It includes comment letters from CBD, JTCA, and MBCA and pertinent comments from me.

Thank you for your consideration,
David Fick

#3 - March 16, 2016, 4:57PM - This is David Fick's email to County Planning staff to express concern after learning at the March 14 MAC meeting that public comments were not included in the packet of information given to Planning Commissioners about the Altamira project and including the MAC resolution against the project.

From: Idavid Graficks [mailto:idavidgraficks@earthlink.net]
Sent: Wednesday, March 16, 2016 4:57 PM
To: Warrick, Chris - LUS <Chris.Warrick@lus.sbcounty.gov>; Prusch, David - LUS <David.Prusch@lus.sbcounty.gov>; Rahhal, Terri <Terri.Rahhal@lus.sbcounty.gov>; Hudson, Tom <Tom.Hudson@lus.sbcounty.gov>
Cc: Lundquist, Mark <Mark.Lundquist@bos.sbcounty.gov>; Paule, Philip <Philip.Paule@bos.sbcounty.gov>; Paul Smith <pfslaw29@gmail.com>
Subject: P200700997 Comments for Altamira Gated Community Housing project - Part 2

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This was going to be a continuation of the comments from the first lengthy email, but a more important issue has arisen.

At the MB MAC meeting of Monday March 14th, 2016 - in brief public comments by 3rd District Paul Smith, he stated that he received his Fed Ex'ed hardcopy Planning Commissioner Agenda packet with the first 56 pages of a 209 page report. Afterword our network pressed him on what did the Planning Commissioners actually get?

The packet included: (pages 1-56)
Site Photos
Project Description
Analysis
Recommendation to Approve
Exhibit A: Findings
Exhibit B: Conditions of Approval

The packet did not include (pages 57-206)
Exhibit C: Initial Study
Exhibit D Comments and Opposition (Emails and Letters)
Exhibit E: Response to Comments

In reviewing the Planning Staff's report - those 56 pages alone, one would not know that this project was 100% opposed by the Joshua Tree Community. The over 65 comment letters -ALL AGAINST - this gated Community project are not getting much respect from the County Planning Staff. There is little inference to lead a Planning Commissioner to look for the public comments about this highly controversial project.

That is a problem for a fair and balanced review of a project. I strongly doubt that the Planning Commissioners (except Paul Smith) have spent the time and effort to review the seventy pages of comments and the three hours of two meetings regarding this Alta Mira Gated Community Project.

This hearing tomorrow probably should be tabled till the Planning Commissioners have had the time for a full review of the public comments to this project.

Thank you for your consideration,

David Fick

PS, Here is the text to the MB MAC Resolution 015:

**Morongo Basin Municipal Advisory Council
Joshua Tree Community Center
6171 Sunburst Avenue, Joshua Tree California**

**Regular Open Session Meeting
6:30pm, Monday, March 14, 2016**

Resolution No. 015

**A RESOLUTION OF THE MORONGO BASIN MUNICIPAL ADVISORY COUNCIL REGARDING THE
PROPOSED ALTAMIRA GATED COMMUNITY HOUSING PROJECT**

Whereas, the Morongo Basin Municipal Advisory Council ("MAC"), is mindful of its role to report on the views of the residents of the Morongo Basin on matters of importance to them and as otherwise permitted by law, and

Whereas, an Initial Study dated July 15, 2014 of the County's Land Use Services Department has tendered a

Mitigated Negative Declaration with respect to an application to construct a 248 unit residential housing development in the community of Joshua Tree, referred to as the Altamira project , and

Whereas, residents of Joshua Tree have represented to this MAC that, among other deficiencies the Initial Study does not consider any of the explicit provisions of the Joshua Tree Community Plan of 2007 the incorporation of which into an Initial Study is a requirement of CEQA, including, without limitation, the limitation of vegetation removal (e.g. Joshua trees), only to “building pads and driveways”, a standard which should have been incorporated into the Initial Study, and

Whereas, the proposed project site is within the frequently flooded southwestern portion of the Joshua Tree region as most dramatically experienced recently in the nationally reported flash flood of September 16th, 2014, in which one adult male was killed and during which an infant was forcibly swept from an affected formerly intact house which flash flood occurred two months subsequent to the date of the Initial Study, and

Whereas, it has been represented to this MAC by local Joshua Tree community members adjacent to the proposed Altamira gated community site that they and the neighbors are uniformly against this project in view , among other things, of the sponsor–admitted decades of construction disruption to them and the Friendly Hills Elementary School, which will have the long term community effects of unnecessarily depressing nearby property values, increasing already existing traffic problems, destroying thousands of native plants, and greatly impairing unreasonably their quality of life, and

Whereas, the local residents have informed us that they have witnessed desert tortoises within the project site which directly contradicts the representations of the proponent to the Land Use Services Department to the effect that there is no evidence of the presence of desert tortoises, and

Whereas, neighboring residents have expressed anxiety regarding the proponent’s description without specific elaboration of a planned 10 year or greater period of completion of construction through "project phases" because of the deleterious environmental effects to be expected upwind of the Friendly Hills Elementary School , including without limitation, wind borne dust and the creation of dangerous attractive nuisance construction sites for a decade or more , and

Whereas the residents of Joshua Tree, based on their view of the proponent’s delayed and inappropriate responses to valid community concerns over the last decade, are concerned that the proponent will not be able to marshal the monetary resources to complete the project under reasonable forecasting of construction costs and the foreseeable market in Joshua Tree, leaving the community to deal with an unfinished housing development with all its likely consequences, and

Whereas community member views have been provided to the Land Use Services Department by over sixty letters of comment which raise concerns about various aspects of the project,

Now Therefore , be it resolved that in view of the concerns of the Joshua Tree Community regarding apparently unaddressed and unanswered environmental and other relevant issues regarding the proposed Alta Mira residential housing project that serious consideration be given by the Planning Commission to requiring the proponent to prepare an Environmental Impact Report in accordance with CEQA requirements

Approved and Adopted by the Morongo Basin Municipal Advisory Council at its regular meeting held on the **14th day of March, 2016** at which a quorum was present

By the following vote :

For : 8

Against : 0

Abstentions : 0

(Note: All Council members but one were present and all present voted in favor.)

Mark Lundquist, Chair

#4 - March 16, 6:18 PM - This is the email response from Terri Rahal to David Fick's previous emails:

From: "Rahhal, Terri" <Terri.Rahhal@lus.sbcounty.gov>
Date: March 16, 2016 6:18:32 PM PDT
To: Idavid Graficks <idavidgraficks@earthlink.net>, "Warrick, Chris - LUS" <Chris.Warrick@lus.sbcounty.gov>, "Prusch, David - LUS" <David.Prusch@lus.sbcounty.gov>, "Hudson, Tom" <Tom.Hudson@lus.sbcounty.gov>
Cc: "Lundquist, Mark" <Mark.Lundquist@bos.sbcounty.gov>, "Paule, Philip" <Philip.Paule@bos.sbcounty.gov>, Paul Smith <pfslaw29@gmail.com>
Subject: **RE: P200700997 Comments for Altamira Gated Community Housing project - Part 2**

Mr. Fick

Thank you for your e-mails. All of your communications will be presented to the Planning Commission tomorrow.

Please take a moment to complete our 1 Minute Satisfaction Survey
www.surveymonkey.com/s/3K9JH7

Terri Rahhal , AICP
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#5 - March 18, 2016 - 4:46 PM - This is David Fick's email to County Planning Staff describing additional concerns such as flooding in the area, and problems with prior gated community projects and proposals in the Morongo Basin and Joshua Tree area.

From: Idavid Graficks <idavidgraficks@earthlink.net>

Date: March 18, 2016 4:46:35 PM PDT

To: cwarrick@lusd.sbcounty.gov

Cc: Paul Smith <pfslaw29@gmail.com>, terri.rahhal@lus.sbcounty.gov,
Philip.paule@bos.sbcounty.gov, Mark Lundquist
<Mark.Lundquist@bos.sbcounty.gov>

Subject: **P200700997 Comments for Altamira Gated Community Housing project**

David Fick

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March 18th, 2016

Please distribute to the County Planning Commissioners for the March 24th, 2016 hearing.

Thank you, David Fick

Dear Chris Warrick,

The Morongo Basin has only one attempt at a Gated Community (Desert Vista Village) and there was another half-hearted attempt that became a "walled community" due to developer implosion in Yucca Valley. There are the "801" projects in 29 Palms that were by outside Military contractor projects (Texas contractor two decades ago) that had high density and close to a closed military community of residents with mostly walled duplexes.

Gated Communities don't fit the Morongo basin for many reasons. Yucca Valley rarely sees a tract housing project it doesn't like. Yucca Valley is way more than developer friendly and has tried it's best to foster a "gated community" in it's midst. By most all measures, this Desert Vista Village is failing and at the rate it's going, it'll take another thirty years for completion.

The Desert Vista Village is selling houses at nearly HALF the price that the Alta Mira Gated Community Housing project's minimum of \$260,000 offering. Desert Vista Village doesn't have the cacophony of Elementary school bells and students playing and provides about the same "vistas" and walls with a similar "card-activated electric gate". The only difference is Alta Mira tries to use the very Joshua Tree "cache" that is very much against gated communities and high density housing - Ironic ain't it?

This Desert Vista Village actually doesn't have any Desert Vistas but

that's the least of it's problems. This is a hundred and ten unit project that only has approximately 30 built homes (some vacant and some in foreclosure) and a clubhouse with pool. This project was started about 2006 and has had three developers. We know an unfortunate resident of the "gated community" who paid \$229,000 for their housing unit in 2010. It is now worth about \$140,000. It has an HOA monthly fee of \$200. This project has most all the same assets of the proposed AltaMira Gated Community Project and several more being closer to shopping and services. Like this one, Alta Mira's housing density doesn't give anybody within the project a real "view" or "vista" of any landscape outside the project. This project is five miles West of the proposed Alta Mira Project. This land was illegally cleared of 588 mature Joshua Trees in 1988 by Yucca Valley developer Ray White. He was lightly fined by the Courts (\$7.77 per Joshua Tree).



This Mesquite 55 project (circa 2004-2006) was a "walled community" (possibly gated, but first developer imploded and went bankrupt). The Town of Yucca Valley forgave the total destruction of 985 Joshua Trees on these fifty-five acres because the first developer went bankrupt even though the town's lawyer was recommending prosecution. It's had a history of flooding and sand leaving the premise and bothering the local neighborhood downstream. There has been a second phase of home building by another developer within the 'project' to bring the number up to about 25 homes. This project is five and a half miles West of the Alta Mira Gated

Community Housing project. This project has been a blight to the community for well over a decade.

