



Interoffice Memo

DATE: October 8, 2020

PHONE: (909) 387-4110

FROM: **TOM NIEVEZ**, CONTRACT PLANNER *TN*
Land Use Services Department

TO: **HONORABLE PLANNING COMMISSION**

SUBJECT: **PROJECT NUMBER: P201700742/PROJ-2020-00147; WHITEHAVEN ESTATES
(AGENDA ITEM #3)**

Since the distribution of the staff report, Staff has received additional comments regarding the above-referenced project.

The correspondences are attached for your consideration.

From: [Jonathan Weldy](#)
To: [Duron, Heidi - LUS](#)
Subject: Fwd: Whitehaven Estates
Date: Monday, October 5, 2020 4:07:53 PM

Regarding the email and attachments included below, will you please add this to the public record and make copies available to all commissioners.

Thank you!
Jonathan Weldy
909-380-9919

----- Forwarded message -----

From: **Andrea Mitchel** <andrea.mitchel@gmail.com>
Date: Mon, Oct 5, 2020 at 2:41 PM
Subject: Whitehaven Estates
To: <SBCPCStoffel@gmail.com>, Jonathan Weldy <sbcpcweldy@gmail.com>
Cc: Nieves, Tom <Tom.Nieves@lus.sbcounty.gov>

Hi Commissioners Stoffel and Weldy:

Commissioner Stoffel, I was told to reach out to you by Supervisor Rowe's office. Commission Weldy, I wanted to include you in on my email to the Third District. Tom, I wanted to include you in on this so it will be included in the information to the Planning Commission.

Commission Stoffel, it's my understanding that this item will go to the Board of Supervisors and since Supervisor Cook will be into the office for only a few days, it was recommended that I reach out to you.

As you both know, the Whitehaven Estates rezoning proposal will be brought before the Planning Commission meeting on Thursday.

This is at least the second time that this has been brought before the Planning Commission. I have been told that this is the third time, but I can't find any information on that. I've asked Tom Nieves if he has any additional information.

The current proposer, Bruno Mancinelli requested a rezoning of the property in 2008. It was denied by the Planning Commission in January of 2009. I've attached the documents that I've been provided by a leader in Oak Hills Property Owners Association.

I know that staff has recommended for approval and adoption of the zoning changes; however, I would like to point out that many of the items in the 2009 denial remain unchanged.

-Memo dated 1/29/2009, From Judy Tatman, Supervising Planner to Mindy Davis, Project Planner.

The General Plan Amendment is not supportable because of the proposed change to RS is not a logical extension of any RS in the immediate area. The currently

designated RC acts as a buffer between the Forest Service land to the west and RL to the east. In addition, a portion of the property is zone FW, which does not permit any residential uses and does not allow any density transfer unless:

"...it has been demonstrated in a detailed drainage report that land within the Floodway Land Use District should not be restricted by the limitations of the Floodway designation, the boundary between the Floodway and the adjacent land use district shall be interpreted to be consistent with such report." (Oak Hills Community Plan Floodway District & OH/LU-25)

Also, even though the proposed GPA does meet the minimum district size, the topography of the site does not support the RF designation.

In addition, the Tentative Tract map does not demonstrate compliance with the Fire Safety 1 Overlay by transfer of density and slope analysis. While Development Code 82.13.040(e) requires a PD when 25% or more of the site has a natural slope over 30%, and the project label states that there is a PRD associated with this project. the TT map does not demonstrate any of the PD or PRD requirements/qualifications, such as excellence of design, density transfers, amenities, etc.

In addition, the comments, on project number: P200700864 has numerous comments including the following:

By Staff:

- *Project feasibility due to slope topography on site*
- *Three (per Fire) points of access required*
- *Need input from EHS regarding feasibility of septic due to topography of site.*
- *Property served with natural gas*

EHS:

- *Project may not be supported by EHS with septic systems due to topography of site. Too restrictive.*

Land Dev:

- *Hydrology Study required*

I would like the Planning Commission and staff review the 2009 denial to ensure that all of the issues that were presented then have been mitigated before moving forward on the October, 2020 application.

I also request that staff ensure that any other applications which have come forward on the APN and been denied, be reviewed for mitigation before moving forward on the October, 2020 application.

It's my understanding that in 2009, there were concerns with water. In reviewing the Whitehaven Estates Staff Report for the October 8, 2020 hearing, page 201, it appears that there has been no mention of previous water issues and there is nothing addressing water in the report.

Unfortunately, these were the only two documents that have been found dating back to 2009.

Staff and the Planning Commission should provide previous denials and correspondence regarding the APN and Mr. Mancinelli's requests to the public and the current request should note how previous issues have been mitigated.

Thank you for your consideration in adhering to previous staff reports/recommendations and the voice of the residents of this area.

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Andrea Mitchel
Mobile: 213 700-8640
FAX: 866 591-0721
Oak Hills, CA

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INTEROFFICE MEMO



DATE: January 29, 2009

PHONE: 74180

FROM: JUDY TATMAN, Supervising Planner
Advance Planning Division
Land Use Services Department

MAIL CODE: 0182

TO: MINDY DAVIS, Project Planner
Current Planning Division

SUBJECT: WHITEHAVEN ESTATES (BRUNO MANCINELLI); P200700599/APN 0357-062-01

Advance Planning has reviewed the above project referral and has the following comments:

The General Plan Amendment is not supportable because the proposed change to RS is not a logical extension of any RS in the immediate area. The currently designated RC acts as a buffer between the Forest Service land to the west and RL to the east. In addition, a portion of the property is zoned FW, which does not permit any residential uses and does not allow any density transfer unless:

“...it has been demonstrated in a detailed drainage report that land within the Floodway Land Use District should not be restricted by the limitations of the Floodway designation, the boundary between the Floodway and the adjacent land use district shall be interpreted to be consistent with such report.” (*Oak Hills Community Plan, Floodway District & OH/LU-25*)

Also, even though the proposed GPA does meet the minimum district size, the topography of the site does not support the RS designation.

The project does not comply with the following Oak Hills Community Plan policies: LU-1, LU3, LU-4, LU-5, LU-7.

In addition, the Tentative Tract map does not demonstrate compliance with the Fire Safety 1 Overlay by transfer of density and slope analysis. While Development Code Section 82.13.040(e) requires a PD when 25% or more of the site has a natural slope over 30%, and the project label states there is a PRD associated with this project, the TT map does not demonstrate any of the PD or PRD requirements/qualifications, such as excellence of design, density transfers, amenities, etc.

4. APN: 0357-062-01
 APPLICANT: Bruno Mancinelli
 PROPOSAL: Pre-Application Development Review for a General Plan Land Use Zoning District Amendment from OH/RC (Oak Hills/Resource Conservation) to OH/RS (Oak Hills/Single Residential) and Tentative Tract 18533 to create 63 residential lots and one lettered lot on 160 acres.
 COMMUNITY: Oak Hills/1st Supervisorial District
 LOCATION: Braceo Street, west side; extending between Whitehaven Road and Chariton Road.
 PROJECT NO: P200700846
 STAFF: Tracy Creason
 REP(S): Charles Joseph Associates
 ACTION: Completed

	COMMENTS
Staff	<ul style="list-style-type: none"> Concern with project feasibility due to slope topography on site. Three (per Fire) points of access required. Concern that there are no existing paved roads between the project and freeway. Width to depth ratio on many lots do not allow for physical building PADS. Hillside grading standards need to be adhered to. Need input from EHS regarding feasibility of septic due to topography of site. Need better road alignment with existing Roads. Development Code requires a PD application due to 25% of site being at greater than a 30% slope. Need clarification whether project will be lot sales only. Concern that RS or RS-1 was not compatible zoning for area. Property to the north and south are currently zoned RL-2.5 Project in FS-1 Overlay District. Grading Plan required. Parcel currently numbered 64 would have to be a lettered lot. Property served with natural gas. Indicate on map Snowline Joint Unified School District. Indicate on map Hesperia Sphere of Influence. Concern with relocation of jet fuel line.
B & S	<ul style="list-style-type: none"> Identify on map if project will be lot sales only. Indicate on map where PADS will fit in with septic systems.
EHS	<ul style="list-style-type: none"> Project may not be supported by EHS with septic systems due to topography of site. Too restrictive.
LAFCO	<ul style="list-style-type: none"> Project is part of Oak Hills Community Plan. Will need a HOA for maintenance of lettered lot.
Surveyor	No comments at this time.
Land Dev	<ul style="list-style-type: none"> Detailed Drainage Study required due to 3 drainage easements on site. Hydrology Study required. Need grades for roads on all intersections of project - 6% max w/in 50' of intersections.
Traffic	<ul style="list-style-type: none"> Include in Condition # ____ \$10,000 current transportation fee plan per lot. We have no conditions, so there are no #s yet. With regional fee and Oak Hills fee, total would be about \$10K Concern with corner site distance. Concern regarding connecting site to freeway. Require Traffic Impact Study.
Fire	<ul style="list-style-type: none"> Project, as currently designed requires 3 points of access. Roads required at 26 feet, unobstructed. Stricter building requirements due to FS-1 overlay district. Roads at 14% maximum grade
Haz Mat	No comments at this time.

From: [saul opie](#)
To: [Planning Commission Comments](#)
Subject: Comments for Project P201700742/PROJ-2020-00147
Date: Wednesday, October 7, 2020 9:54:23 PM

I have the following issues with the project:

(1) The MND does not address any of the comments made by CDFW, see Exhibit G of the Planning Commission Staff Report for CDFW comments. The author says on Page 11 CDFW comments are addressed in the Conditions of Approval (Exhibit F) but I could not find any such conditions in Exhibit F that address the CDFW comments. This project should be denied for this reason alone. The current IS/MND in Section IV (p. 84 of the Staff Report) says "No Impact," so no mitigation measure is needed, yet the CDFW comments list several mitigation measures needed.

(2) Many people in this community purchased a house in this area because of the zoning of this lot as RC (one house per 40 acres). It is not fair to rezone the lot simply for the benefit of a few. Also this property is in a "very high" fire risk area, and is served by one paved road that already sees extreme usage during emergencies. Approval of this rezone will lead to a disaster at some point during one of the frequent wildfires in the area.

(3) If the rezoning is allowed, I do not agree that the project qualifies for a "Bonus Density" under 84.18.030 of the Development Code (see Page 9 of the Staff Report). The 39 acre open space lot is unbuildable since it is a drainage/floodway with extreme slopes. Therefore there are only $155-39=116$ acres to build on, at most this is "46" 2.5 acre lots as allowed by RL zoning. The applicant should not be able to build "54" lots on the 116 acres since he does not qualify for the "Bonus Density" since the preserved land (the 39 acres) has to be left preserved.

Thank you for your consideration of these comments,
Saul Opie