

Town of Yucca Valley
PLANNING COMMISSION STAFF REPORT

To: Honorable Chair and Planning Commissioners
From: Jared Jerome, Associate Planner

Date: March 3, 2021
Meeting Date: March 9, 2021

Subject: Native Plant Permit (NPP) 322-21, 7359 Hermosa Avenue, Yucca Valley CA.
APN: 0588-703-03; Destroy Seven (7) Mojave Yucca.

Recommendation:

That the Planning Commission finds the application for NPP 322-21 is exempt from the requirement to obtain a permit, based upon Section 9.07.130 (B)(2)(f) that the regulated desert native plants being transplanted are within 20' of the footprint of the building and based upon Section 9.07.130 (C)(1), that the regulated desert native plants being destroyed are located within the identified grading area; and finding that all necessary submittal materials have been submitted as indicated in the Application Table and as contained within the staff report.

Prior Review

There has been no prior review of this matter.

Executive Summary

Native plant permits are ministerial permits issues at the staff level. Native plant permit applications are being forwarded to the Planning Commission for review and action at this time.

Order of Procedure

- Request Staff Report
- Request Public Comment
- Council Discussion/Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question

Discussion

Applicant: Neil Rauschenberg
Address: 7359 Hermosa Avenue
APN: 0588-703-03
Zoning: Single-Family Residential (RS-2)
Parcel Size: 0.22 acres

Application has been filed with the Town to construct a single-family home. As part of that

process, an application for the removal of regulated native plants has been submitted. Only the native plant permit application is before the Commission; not the construction permits for the single-family residence.

The application is for the transplant of seven (7) groups of Mojave Yucca. These Mojave Yucca are located within 20' of the building footprint, and the regulations stipulate that removal does not require a permit in that location.

B.2.f. Any regulated desert native plant that is within the building footprint and within twenty feet (20') of the building footprint of an existing structure and for new infill residential development, as determined by the planning division.

C. 1. A regulated desert native plant permit application shall be submitted to the planning division at the time of filing a building or grading permit application for development of infill residential lots unless exempt.

Additionally, Section 9.07.130(C)(7) establishes that no undisturbed areas are required for infill lots of less than 2.49 acres, and this site satisfies that standard. Section 9.07.130 (C) (5) states:

“5. The property owner may attempt to retain as many regulated desert native plants in their native location as possible. The property owner may also attempt to transplant or relocate as many regulated desert native plants as possible on site. The property shall comply with the minimum standards specified in table 1 of this section.”

“TABLE 1

<i>Lot Size</i>	<i>Required Undisturbed Area</i>
<i>Up to 2.49 acres</i>	<i>No mandate, incentives only</i>
<i>2.5 to 4.99 acres</i>	<i>A minimum of 5% of the lot shall remain undisturbed</i>
<i>5+ acres</i>	<i>A minimum of 10% of the lot shall remain undisturbed”</i>

The table below identifies the application submittal requirements, as well as indicates if those submittal requirements have been satisfied by the applicant.

APPLICATION TABLE

APPLICATION REQUIREMENTS	INCLUDED YES/NO
1) The botanical and common name of the regulated desert native plant.	Yes
(2) A native plant survey showing the precise location of each regulated desert native plant.	Yes
(3) The trunk or stem diameter of each regulated desert native plant.	Yes

(4) The height of each regulated desert native plant.	Yes
(5) The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.	Yes
(6) The proposed placement or disposition of the regulated desert native plant, i.e., transplant on site, adopt off site, remove, etc.	Yes
(7) Additional information that may be required based upon the individual application.	NA
a. Printed photographs depicting the proposed native plant that is to be removed or transplanted. The photographs must clearly show the location, size of the subject plant, and its surroundings. At minimum, the surrounding area photographs shall include two (2) different views of the subject plant.	Yes
b. A plot plan is required in order to show location of regulated desert native plants proposed to be removed, transplanted, or retained in its native location	Yes

The plot plan and photos of the regulated native plans are attached to this staff report.

Infill residential parcels of 2.49 acres or less in size are not required to retain undisturbed areas as part of the development of the site.

The Development Code section cited above is ministerial.

- Staff-level decision; forwarded to Planning Commission at this time;
- Little or no personal/subjective judgment;
- Use of fixed standards or objective measurements;
- No public notice required by the Development Code;

The Development Code does not provide for discretion of this permit application. The Town

cannot tell the applicant to relocate the house on the site; cannot tell the applicant to reduce the size of the home; the Town cannot tell the applicant that they cannot build on the site.

The application is consistent with the standards established by the Code, and therefore must be approved by the Town.

Alternatives

Staff recommend no alternative actions. The application is consistent with the Town's adopted standards.

Fiscal Impact

NA

Attachments:

NPP 322-21

9.60 Permit Procedures